

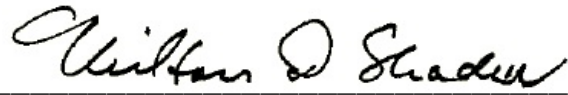
Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)" on a blackboard 100 times (plainly counsel has not yet done that reading, although State Farm and the need to read it occupies the opening spot in this Court's website).

In any case, Funes' counsel is expressly referred to State Farm App. ¶1 and is ordered to correct all of the responses that do not conform to the disclaimer discussed there--a disclaimer that is clearly marked out in Fed. R. Civ. P. ("Rule") 8(b)'s second sentence. And while counsel is doing so, he must also omit the oxymoronic phrase "and therefore denies the same": How can a party that must assert (presumably in good faith) that he lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in the same objective good faith that is required by Rule 11(b)?

Enough is enough--this Court will not require a total refiling of the Amended Answer and ADs.¹ Instead it will be sufficient for Funes to file an appropriate amendment to the Amended Answer on or before February 12, 2008, failing which all of the corresponding allegations in Martinez' SAC will be deemed

¹ This should not be misunderstood as a determination, or even a suggestion, that all of the ADs are themselves appropriate or in proper form. That issue will be left to Martinez' counsel.

to have been admitted.²



Milton I. Shadur
Senior United States District Judge

Date: February 1, 2008

² What was said by this Court, and was adhered to by Funes' counsel, regarding no charge being made for the initial refiling (together with a notification to Funes in that regard) will apply once again.