

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DIANITA WOODS,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 5201
)	
SOUTHWEST AIRLINES,)	
)	
Defendant.)	

MEMORANDUM ORDER

Southwest Airlines Co. ("Southwest") has filed its Answer to the employment discrimination Complaint brought against it by its ex-employee Dianita Woods ("Woods"). This memorandum order is issued sua sponte to correct two problematic--though concededly minor--aspects of that responsive pleading.

For one thing, Answer ¶¶6 and 18 spoil otherwise immaculate disclaimers proffered pursuant to Fed. R. Civ. P. ("Rule") 8(b)(5) by going on to say "and, therefore, denies same." That is of course oxymoronic--how can a party that asserts (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in accordance with Rule 11(b)? Accordingly the quoted phrase is stricken from each of those paragraphs of the Answer.

Secondly, two paragraphs of that responsive pleading--Answer ¶¶9 and 10--follow direct responses to Woods' corresponding allegations with a statement that "Southwest denies the remaining allegations in Paragraph --." But such denials make it unclear

whether Southwest is or is not challenging Woods' allegations that she satisfied the administrative prerequisites to bringing this action, as Southwest appears to acknowledge by its earlier admissions in those same paragraphs. Hence unless Southwest files an amendment to its Answer on or before December 24, 2008 clarifying its position on that score, the earlier-quoted statement will be stricken from each paragraph.



Milton I. Shadur
Senior United States District Judge

Date: December 15, 2008