

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

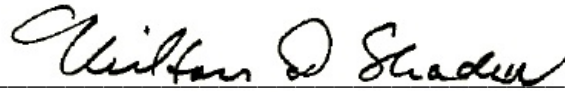
MICHAEL CISNEROS,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 5938
)	
HOME DEPOT USA, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Home Depot USA, Inc. ("Home Depot") has just removed this action from the Circuit Court of Cook County to this District Court, basing removal on the diversity-of-citizenship fount of federal jurisdiction. This Court is contemporaneously issuing its customary initial scheduling order, but this brief memorandum order is also being issued sua sponte to address one problematic aspect of Home Depot's Answer to the personal injury complaint brought against it by Michael Cisneros.

No fault is to be ascribed to Home Depot's counsel for the form of its Answer, which may well be in conformity with state court pleading practice. But with the lawsuit now being lodged in this federal court, one aspect of the Answer calls for amendment. Answer ¶¶2 and 5 contain a form of disclaimer that is insufficient under Fed. R. Civ. P. 8(b)(5)--see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Accordingly Home Depot's counsel is ordered to file a brief amendment to the Answer (not a fully self-contained amended

Answer) curing that deficiency on or before October 29, 2008.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large initial "M".

Milton I. Shadur
Senior United States District Judge

Date: October 20, 2008