

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

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS LOCAL NO. 701 PENSION)	
AND WELFARE FUNDS,)	
)	
Plaintiff,)	
)	
v.)	No. 08 C 7217
)	
UNION BANK OF CALIFORNIA, N.A.,)	
)	
Defendant.)	

MEMORANDUM ORDER

In this ERISA-based action brought by Trustees of the Automobile Mechanics Local No. 701 Pension and Welfare Funds ("Trustees") against Union Bank, N.A. f/k/a Union Bank of California, N.A. ("Union Bank"), Union Bank responded to Trustees' Complaint by filing not only an Answer but a four-count Counterclaim. In turn Trustees' counsel announced their intention to file a motion to dismiss the Counterclaim under Fed. R. Civ. P. ("Rule") 12(b)(6), and this Court accordingly established a schedule for the filing of that motion and supporting memorandum and for Union Bank's response. Trustees then sought (without objection) a brief extension of the filing dates, and this Court reset the due date of Trustees' motion to June 9 and of Union Bank's response to June 23.

On the appointed June 9 date Trustees indeed filed their Rule 12(b)(6) motion and supporting memorandum and also tendered a motion and supporting memorandum seeking to strike the numerous

affirmative defenses ("ADs") that Union Bank had appended to its Answer. Union Bank is of course entitled to respond to that motion as well, and accordingly June 23 is set as the due date for that response as well as the response to the Rule 12(b)(6) motion. Needless to say, Union Bank's responses may be filed either separately or as a combined document as its counsel may elect, but in either event this District Court's 15-page limitation on such memoranda is waived.



Milton I. Shadur
Senior United States District Judge

Date: June 12, 2009