

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 accordance with this Court's June 29, 2009 oral directive, Union Bank, N.A. f/k/a Union Bank of California, N.A. ("Union Bank") has filed its Answer and Amended Affirmative Defenses ("ADs") to this ERISA-based action brought against it by Trustees of the Automobile Mechanics Local No. 701 Pension and Welfare Funds ("Trustees"). This memorandum order is issued in connection with that filing.

As this Court had directed, all ten of Union Bank's current ADs target Trustees in their collective capacity. Each is fleshed out so that the reader is not left to guess what Union Bank means by simply parroting one of the grounds listed in Fed. R. Civ. P. ("Rule") 8(c), thus serving the goal of notice pleading that applies in the federal system to plaintiffs and defendants alike. And given the provision of Rule 7(a) that makes an answer (including ADs) the end of the pleading line unless the court orders otherwise, this Court finds that nothing

more is needed to put the case at issue.<sup>1</sup>

Finally, because the current filing supplants the ADs that were part of Union Bank's earlier Answer, Trustees' motion to strike those earlier ADs is rendered moot. That motion is therefore denied on that ground.



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Milton I. Shadur  
Senior United States District Judge

Date: July 20, 2009

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<sup>1</sup> This is not intended to preclude Trustees from challenging any of the ADs as legally or factually insufficient.