

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

ANDREW GOESEL, et al., etc.,)	
)	
Plaintiffs,)	
)	
v.)	No. 09 C 4595
)	
BOLEY INTERNATIONAL (H.K.) LTD.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Boley Corporation ("Boley U.S.") has filed its Answer to the Complaint brought against it and three other corporate defendants. This brief memorandum order is issued because of a single--but almost all-pervasive--troublesome aspect of that responsive pleading.

Many of the Answer's paragraphs (Answer ¶¶1-3, 6-13, 15-23, 25-34, 37, 71 and 74) set out disclaimers that conform to the representation prescribed by Fed. R. Civ. P. ("Rule") 8(b)(5) as the predicate for a defendant's attaining the benefit of a deemed (not an actual) denial. But then having done so, Boley U.S.'s counsel go on to say in each of those instances "and therefore said allegations are denied." 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.



Milton I. Shadur
Senior United States District Judge

Date: August 7, 2009