

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

DREW W. PETERSON,)	
)	
Plaintiff,)	Case No. 09 C 06746
)	
v.)	Hon. Judge Ronald A. Guzmán
)	
JPMORGAN CHASE BANK, N.A.,)	Hon. Magistrate Judge Nan R. Nolan
)	
Defendant.)	

**JPMORGAN CHASE BANK N.A.'S MOTION TO HAVE
JUDGMENT AGAINST PLAINTIFF DREW W. PETERSON SET
FORTH ON A SEPARATE DOCUMENT AND ENTERED**

Defendant JPMorgan Chase Bank, N.A. ("Chase"), pursuant to Federal Rule of Civil Procedure 58(d), respectfully moves this Court to direct the Clerk to set forth as a separate document a judgment in Chase's favor and against Plaintiff Drew W. Peterson ("Peterson") and to enter that judgment. In support of its Motion, Chase states as follows:

1. On May 10, 2010, Chase moved to dismiss Peterson's First Amended Complaint under Rule 12(b)(6). (Docket Nos. 87-89.)

2. On September 8, 2010, the Court entered a minute order granting Chase's motion to dismiss Peterson's First Amended Complaint. That minute order provided, in relevant part:

Plaintiff's amended complaint does not cure the defects noted by the Court in its April 29, 2010 Memorandum Opinion and Order dismissing plaintiff's initial complaint. Therefore, the Court grants defendant's motion to dismiss the amended complaint [doc. no. 87] and terminates this case. Civil case terminated.

(Docket No. 115.)

3. Under Rule 58(a)(1), every judgment must be set forth on a separate document. *See Fed. R. Civ. P. 58(a)(1); see also Otis v. City of Chicago*, 29 F.3d 1159, 1163 (7th Cir. 1994)

("[E]very case must end with a formal judgment on a separate . . . self-contained document, saying who has won and what relief has been awarded. . .").

4. However, as of the filing of this Motion, the Clerk has not entered a judgment in Chase's favor and against Peterson.

5. Rule 58(d) permits a party to request that a judgment be set forth on a separate document as required under Rule 58(a)(1). *See* Fed. R. Civ. P. 58(d). Accordingly, Chase has prepared a proposed judgment to be entered in this case, granting judgment in Chase's favor and awarding Chase its costs. (Exhibit A.)

WHEREFORE, Defendant JPMorgan Chase Bank, N.A. respectfully requests that this Court enter an order directing the Clerk (i) to set forth in a separate document a judgment in favor of Chase and against Peterson and awarding Chase its costs in substantially the same form as the proposed judgment attached as Exhibit A; (ii) to enter that judgment; and (iii) for such further and different relief as this Court deems necessary and just.

Date: September 14, 2010

Respectfully submitted,

JPMORGAN CHASE BANK, N.A.

By: /s/Michael G. Salemi
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on September 14, 2010, a true and correct copy of the foregoing document was filed electronically using the Court's Electronic Case Filing System. A Notice of Electronic Filing will be sent by electronic mail to all counsel of record by operation of the Court's Electronic Filing System.

By: /s/Michael G. Salemi