

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

Renota Foster,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 7041
)	
Northwestern Medical)	
Faculty Foundation,)	
)	
Defendant.)	

MEMORANDUM ORDER

Northwestern Medical Faculty Foundation ("Foundation") has filed its Answer to the multicount Complaint brought against it by its ex-employee Renota Foster. This memorandum order is issued sua sponte because of one problematic aspect of that responsive pleading.

In every paragraph of the Answer in which Foundation properly reiterates the language of the Fed.R.Civ.P. 8(b)(5) disclaimer as the basis for a deemed denial of the corresponding allegations of the Complaint (Answer ¶¶ 3,5, 13, 15, 17, 22, 29, 31, 33 and 41), it inexplicably follows that disclaimer by asserting "and, therefore, denies same." 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 all of those paragraphs of the Answer are stricken.

This is, regrettably, far from the first time that this

Court has encountered the same pleading glitch, which could and should have been avoided with a moment's thought. In this instance Foundation's counsel is a lawyer from one of Chicago's largest firms--a firm with a massive amount of federal litigation practice. It is respectfully suggested that some in-house training or the circulation of an in-house communication to other litigators might be in order to avoid any repetition of the practice.

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: January 15, 2010