

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

J&J SPORTS PRODUCTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 7310
)	
RICARDO BLANCARTE, etc., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Ricardo Blancarte ("Blancarte") has filed his Answer to the Amended Complaint ("AC") filed against him both individually and (assertedly) d/b/a El Guanaco. This sua sponte memorandum order is triggered by some problematic aspects of that responsive pleading that require Blancarte's counsel to return to the drawing board.

First, Answer ¶1 impermissibly makes no response to the corresponding allegation by J&J Sports Productions, Inc. ("J&J")--see Fed. R. Civ. P. ("Rule") 8(b)(1)(B). That paragraph is stricken, albeit with leave to replead.

Next, Blancarte's counsel follows each of a substantial number of Rule 8(b)(5) disclaimers (Answer ¶¶3-7, 10-15, 20, 21 and 24-26) with the language "and therefore, denies the allegations." 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.

Finally, the Answer erroneously states that "no response is required" to allegations that Blancarte's counsel labels as "legal conclusions"--see App'x ¶2 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). That then calls for the striking of Answer ¶¶14, 16, 19 and 21, and this Court so orders. Moreover, the total disclaimers in Answer ¶¶14 and 21 and the total denial in Answer ¶16 are obviously inappropriate and must be recast.

Because the matters covered here pervade a good deal of the Answer, a fully self-contained Amended Answer is much to be preferred to a piecemeal amendment of the present Answer. Accordingly the Answer is stricken in its entirety, but leave is granted to file a full blown Amended Answer on or before August 16, 2010.

No charge is to be made to defendants by their counsel for the added work and expense incurred in correcting counsel's own errors. Defense counsel is ordered to apprise her clients to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



Milton I. Shadur
Senior United States District Judge

Date: August 2, 2010