

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

LEENA V. TRIPATHI,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 7339
)	
LINCOLN NATIONAL CORPORATION,)	
)	
Defendant.)	

MEMORANDUM ORDER

Lincoln National Corporation ("Lincoln National") has filed its Answer and Defenses ("ADs") to the Amended Complaint of Employment Discrimination ("AC") brought against it by pro se plaintiff Leena Tripathi ("Tripathi"). This sua sponte memorandum order has been triggered by a few problematic aspects of that responsive pleading.

For example, Answer ¶8 follows an appropriate disclaimer that tracks Fed. R. Civ. P. ("Rule") 8(b)(5) with the language "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 the quoted phrase is stricken.

As for the asserted ADs, it appears that some do not pay full heed to the underlying concept of Rule 8(c) and the caselaw applying it (see also App'x ¶5 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)). But this Court

will not take action in that respect on its own, leaving it to
Tripathi to address what she may view as any questionable ADs.

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: March 30, 2010