

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

CORUS INTERNATIONAL TRADING	)	
LIMITED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09 C 7396
	)	
CAVERT WIRE COMPANY, INC.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Corus International Trading Limited ("Corus") and Cavert Wire Company, Inc. ("Cavert") have crossed swords in this commercial dispute about some 980 tons of steel wire rod sold by Corus to Cavert--most recently Cavert has filed its Amended Answer and Counterclaim to Corus' Complaint, triggering Corus' Answer and Affirmative Defenses to Cavert's Amended Counterclaim. This memorandum order is issued sua sponte to address just one facet of those most recent pleadings.

There is certainly no mystery about the parties' respective positions. Each has expanded on the skeletal requirements of notice pleading by providing a good deal of asserted factual material. In that regard, because Cavert went well beyond Corus' allegations in many of the paragraphs in its Amended Answer, it has begun each of the two counts of its Counterclaim by asserting:

Cavert incorporates the averments of its Answers above. And that has in turn led to Corus' response that the quoted

statement "is an incorporation paragraph and, therefore, no answer is required."

This Court might ordinarily agree with that criticism, but in this instance Cavert's meaning is plain. Accordingly the pleadings will be left as is, with Corus being viewed as having placed Cavert's Amended Counterclaim in issue through the allegations of its own Complaint.



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Milton I. Shadur  
Senior United States District Judge

Date: January 25, 2010