

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

LYNN T. AUSTRHEIM,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 428
)	
ALEXIAN BROTHERS BEHAVIORAL)	
HEALTH HOSPITAL, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Defendants Alexian Brothers Behavioral Health Hospital and Mark Frey have filed their Answer and Affirmative Defenses ("ADs") to the employment discrimination Complaint brought against them by Lynn Austrheim ("Austrheim"). This memorandum order is issued sua sponte to address two problematic aspects of that responsive pleading.

To begin with, each of Answer ¶¶8, 13.2, 13.3, 13.5, 13.6 and 13.7 invariably follow a properly articulated invocation of the disclaimer permitted by Fed. R. Civ. P. 8(b)(5) by a denial of the allegations that are the subject of those disclaimers. 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 purported denials are stricken.

As for the ADs, AD 2 seems on its face to add nothing to AD 1. If defense counsel views matters differently, AD 2 must be

fleshed out to identify any claimed defects in the assertion of Austrheim's claims. Absent such a filing on or before March 5, 2010, AD 2 will be stricken as well.

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: February 22, 2010