

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

COACH, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 10 C 3108
)	
CITY OF CHICAGO, etc., et al.,)	
)	
Defendants.)	

MEMORANDUM

Jam Entertainment and Creative Services, LLC ("Jam") has filed its Answer to the First Amended Complaint ("FAC") brought against it and a number of codefendants by Coach, Inc. and Coach Services, Inc. (collectively "Coach," treated for convenience as a singular noun). This sua sponte memorandum has been triggered by Jam's nearly-all-pervasive use of the disclaimer made available by Fed. R. Civ. P. ("Rule") 8(b)(5) as an alternative to either admitting or denying a complaint's allegations.

First, however, one thing that the responsive pleading has highlighted is the inadequacy of the FAC to invoke the diversity branch of federal subject matter jurisdiction as an alternative to what appears to be plainly available federal-question jurisdiction. Under the circumstances this memorandum need not detail the several deficiencies in that respect--suffice it to say that the belt-and-suspenders approach employed by Coach in referring to diversity jurisdiction will simply be ignored unless and until the federal-question predicates for jurisdiction might

fall away.

That said, this Court must say that it is bemused by some of Jam's disclaimers. If it is truly unaware of Coach's products and presence in the marketplace to the extent stated in many of the disclaimers, it (or its counsel, or both) must live an extraordinarily hermit-like existence. That, however, will not be used as the basis for sending counsel back to the drawing board--hence this is captioned as a "memorandum" rather than a "memorandum order."

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: September 16, 2010