

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

STEVENSON CRANE SERVICE, INC.,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 10 C 3261
)	
CHRISTINE PITTS,)	
)	
Defendant.)	

MEMORANDUM

This Court has received the courtesy copy of the Answer just filed by Christine Pitts ("Pitts") in response to the Complaint brought against her by Stevenson Crane Service, Inc. and Donna Stevenson (collectively "Stevensons"). This sua sponte memorandum addresses only a single aspect of that responsive pleading, and no inference should be drawn from that limited focus as to the propriety or adequacy of the Answer in any other respect.

In light of the nature of Stevensons' allegations against Pitts, it is unsurprising that her response is chock-full of invocations of her Fifth Amendment right to remain silent. That being so, both Pitts and Stevensons should be aware that such invocation, although creating no substantive detriment in any criminal proceedings, has important potential effects on the pursuit of this litigation. Under Baxter v. Palmigiano, 425 U.S. 308 (1976) a negative inference may be drawn against Pitts by reason of her Fifth Amendment assertions--see, in addition to

Baxter itself, such cases as Evans v. City of Chicago, 513 F.3d 735, 740-41 (7th Cir. 2008).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large, prominent initial "M".

Milton I. Shadur
Senior United States District Judge

Date: July 8, 2010