

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

SUYAPA LELLO, ELLIA JUAREZ PEREZ	)	
MARIA DE LOS ANGELES RODRIGUEZ,	)	
and BONFILIA VAZQUEZ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 10 C 3597
	)	
ALEJANDRA ALVARADO and GERARDO	)	
ALVARADO, individually and GERALEX,	)	
INC. d/b/a GERALEX CLEANING SERVICES,	)	
and GERALEX ASSOCIATES,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Defense counsel in this action have filed a motion, scheduled for presentment on December 15, that (1) seeks to vacate what counsel terms a November 24 default judgment (it is not -- a default order was entered then, but no judgment was sought or obtained) and (2) seeks leave to file an Answer and an Affirmative Defense ("AD"). Because the proposed Answer repeatedly violates the pleading standards applicable to defendants, the latter motion would routinely be denied at the presentment date. But this memorandum order is issued instead, in anticipation of that date, because the proposed AD raises a potentially dispositive issue.

In that respect, defense counsel has asserted the applicability of the Fair Labor Standards Act (the asserted violation of which is the gravamen of the federal claims advanced in the Second Amended Complaint) on the ground that the corporate

employer is assertedly not an "enterprise" to which that statute applies. This court accordingly orders counsel for the parties to confer in advance of the December 15 date so that Plaintiffs' counsel can determine whether that assertion is accurate. If it is, this Court would anticipate dismissal of this action without prejudice, so that plaintiffs would remain able to advance their state law claims in a state court of competent jurisdiction.



---

Milton I. Shadur  
Senior United States District Judge

Date: November 30, 2010