

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

BERNINA OF AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	10 c 4917
)	
IMAGELINE, INC., ISLANDVIEW)	
TECHNOLOGIES, LLC, ISLANDVIEW)	
DESIGNS, LLC, AND GEORGE)	
P. RIDDICK, III,)	
)	
Defendants.)	

MEMORANDUM ORDER

During the course of the November 16 status hearing in this action, the discussion of other issues led this Court to neglect mentioning an aspect of the recently filed Answer and Counterclaims of the corporate defendants that this Court had planned to call to the attention of their counsel. That omission related to the affirmative defenses ("ADs") that were included in that responsive pleading.

To begin with, AD 1 is impermissibly inconsistent with the allegations in the Complaint -- see App'x ¶ 5 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). AD 1 is accordingly stricken.

Next it will not do for counsel simply to state ADs 2 through 4 in conclusory fashion, thus leaving unanswered some questions that may have the potential for narrowing (or perhaps even eliminating) the claims against those defendants. Instead defense counsel are ordered to present those asserted defenses,

on or before December 9, 2010, by way of a motion supported by appropriate authority, failing those ADs will be deemed forfeited.

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

Dated: November 18, 2010