

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

STEVE PATNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10 C 5781
	)	
ASSOCIATED BANC-CORP.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

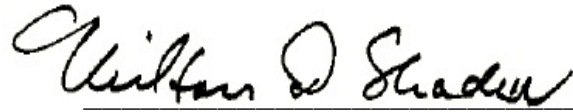
Immediately after issuance of this Court's October 29, 2010 memorandum order ("Order"), Associated Banc-Corp. ("Associated") filed an Amended Answer and Affirmative Defenses ("AD") to the Complaint brought against it by its ex-employee Steve Patner. Although Associated's counsel has cured virtually all of the flaws identified in the Order,<sup>1</sup> the handling of the ADs still leaves something to be desired:

1. AD ¶20, the essential equivalent of a Fed.R.Civ.P. ("Rule") 12(b)(6) motion, cannot be advanced in the objective and subjective good faith required of every party and every party's lawyer by Rule 11(b). That AD cannot be proffered without contradicting the Complaint's allegations (an impermissible stance for an AD). It is stricken.
2. Nothing in the Complaint even hints at an age

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<sup>1</sup> This Court expresses no view as to the substance of Associated's response -- only technical matters have been addressed in the Order and here.

discrimination claim, so that AD ¶21 impermissibly raises a strawman. It too is stricken.

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

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Milton I. Shadur  
Senior United States District Judge

Date: November 17, 2010