

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

ROBERTO FLORES-BAHENA,)	
)	
Plaintiff,)	
)	
v.)	No. 11 C 2671
)	
OFFICER HOVEL, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Assistant State's Attorney Michael Sorich has just filed an Answer and Affirmative Defenses on behalf of Officer Ruiz, one among the numerous defendants in this 42 U.S.C. §1983 ("Section 1983") Complaint brought against them by Roberto Flores-Bahena ("Flores-Bahena"). Because that responsive pleading violates attorney Sorich's obligations under Fed. R. Civ. P. ("Rule") 11(b), it is stricken in its entirety.

On July 26, 2011 this Court issued a brief memorandum opinion and order ("Opinion") that identified "some problematic aspects" of the responsive pleading that attorney Sorich had then filed on behalf of the other defendants targeted by Flores-Bahena. Yet despite the Opinion's identification of some specific shortfalls in that earlier pleading, attorney Sorich has blithely repeated them verbatim in his current effort.

Opinion at 1 was euphemistically generous in stating that some of what was said in that earlier responsive pleading "plainly appear[s] to flout the requirements of Rule 11(b)." But

what Sorich has thoughtlessly retendered negates any such hedge as to his current violation of that Rule. Accordingly attorney Sorich is ordered, in accordance with Rule 12(c)(1), to respond on or before September 6, 2011 as to why an appropriate fine should not be imposed on him personally.

As stated earlier, the current pleading on Ruiz' behalf is stricken in its entirety, but leave is granted to file an Amended Answer (but without the reassertion of the unsound Affirmative Defense) on or before that same September 6 date. And because the Opinion did not seek to be exhaustive in its identification of the problems with the across-the-board denials of allegations in Flores-Bahena's Complaint as to which defendants' personal knowledge is questionable, attorney Sorich should take a hard look at that subject in the new pleading.¹



Milton I. Shadur
Senior United States District Judge

Date: August 22, 2011

¹ Indeed, it would serve the interests of justice better if Sorich also took a careful fresh look at the earlier pleading that was dealt with in the Opinion, perhaps filing a single Amended Answer as to all defendants to facilitate the orderly presentation of the parties' respective positions.