

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

F.B.N. SHIPPING SOLUTIONS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 11 C 2932
)	
PNC FINANCIAL SERVICES GROUP,)	
INC., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

PNC Financial Services Group, Inc. ("Financial Services") and PNC Bank, NA ("Bank") have filed responsive pleadings to the Complaint brought against them by F.B.N. Shipping Solutions, Inc. ("FBN")--on Financial Services' part a Fed. R. Civ. P. ("Rule") 12(b)(6) motion to dismiss, and on Bank's part an Answer and Affirmative Defenses to the Complaint's first two counts, coupled with a Rule 12(b)(6) motion to dismiss Counts III and IV. This memorandum order is issued sua sponte in anticipation of the June 23 presentment date set for the Rule 12(b)(6) motions (that date had been set earlier by this Court for a status hearing in the case).

As for Financial Services, its invocation of Rule 12(b)(6) is puzzling because it says it is based on FBN's having erroneously named Financial Services as a defendant (an assertion inconsistent with the requirement that FBN's allegations must be accepted as true for Rule 12(b)(6) purposes). This Court is not of course in a position to make a judgment on that score, but it

would seem eminently sensible for counsel for the parties to confer in the interim period before the presentment date to see whether they can arrive at common ground on that factual issue.

As for Bank, its Rule 12(b)(6) motion appears to present a straightforward legal question. This Court will await the presentment date to determine whether any dispute exists on the subject and, if need be, will then set a schedule for the completion of briefing.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: June 16, 2011