

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

DIANNA CARLSON,)	
)	
Plaintiff,)	
)	
v.)	No. 12 C 6656
)	
)	
MAYFLOWER TOURS, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Mayflower Tours, Inc. ("Mayflower") has filed its Answer to the Complaint brought against it and two codefendants by Dianna Carlson ("Carlson"), who seeks to proceed under the Americans With Disability Act and with related state law claims. Although this Court knows Mayflower's counsel to be an experienced and respected practitioner, this time he has submitted a responsive pleading that is problematic in two respects.

First, an entire group of Mayflower's responses (Answer ¶¶1-3, 9, 14, 17, 27 and 28) are nonresponsive to the directive in Fed. R. Civ. P. ("Rule") 8(b)(1)(B) by stating that the corresponding allegations by Carlson "are a legal conclusion, to which no Answer is required." That is of course dead wrong--see App'x ¶2 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001).¹

¹ For example, jurisdiction is of course the ultimate legal conclusion, and every litigant is duty bound to confirm its existence or to identify its absence.

Second, nothing is added to a Rule 8(b)(5) disclaimer by a demand for "strict proof," whatever that may be. In that respect see App'x ¶1 to State Farm. Hence that locution is stricken from Answer ¶¶4, 5, 7, 8, 10 and 30.

Because the errors referred to here are so pervasive, the entire Answer will be stricken, but with leave of course granted to file a self-contained Amended Answer on or before October 29, 2012. No charge is to be made to Mayflower by its counsel for the added work and expense incurred in correcting counsel's errors. Counsel are ordered to apprise his client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



Milton I. Shadur
Senior United States District Judge

Date: October 18, 2012