

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

MICHAEL JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 11 C 185
	)	
GRAYBAR ELECTRIC COMPANY, INC.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Graybar Electric Company, Inc. ("Graybar") has filed its Answer and Affirmative Defenses to the Complaint brought against it by its ex-employee Michael Johnson. This memorandum order is issued sua sponte to require Graybar's counsel to correct one aspect of that pleading.

Answer ¶¶10 and 13 fail to follow the plain roadmap marked out by Fed. R. Civ. P. ("Rule") 8(b)(5)--see App'x ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Moreover, those same paragraphs impermissibly go on to deny the allegations that are the subject of Graybar's imperfect disclaimers. That is of course oxymoronic--how can a party that asserts (presumably in good faith) that it lacks even enough information to form a belief as to the truth of an allegation then proceed to deny it in accordance with Rule 11(b)?

Accordingly Answer ¶¶10 and 13 are stricken. Leave is granted to file properly amended Answer ¶¶10 and 13 (not a full

Amended Answer) on or before March 28, 2011.

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

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Milton I. Shadur  
Senior United States District Judge

Date: March 15, 2011