

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

JESSICA RIZZO, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 06 C 6476  
 )  
 KENNETH MATTLOB, et al., )  
 )  
 Defendants. )

MEMORANDUM ORDER

Chicago Police Officer Kenneth Mattlob ("Mattlob") has filed his Answer to the 42 U.S.C. §1983 action filed against him and the City of Chicago ("City") by Jessica Rizzo. This memorandum order is issued sua sponte to send Mattlob's counsel back to the drawing board to cure a flaw in that responsive pleading.

Instead of actually responding to Complaint ¶¶15 through 18, as is required by the first sentence of Fed. R. Civ. P. 8(b), Mattlob's counsel has stated as to each paragraph:

Defendant Mattlob makes no answer to the allegations contained in paragraph -- as the allegations only pertain to defendant, City of Chicago.

It may well be true that those Complaint paragraphs are advanced to provide a predicate for a Monell claim against City, but the allegations themselves speak in terms of City's police officers such as Mattlob.<sup>1</sup> Accordingly Answer ¶¶15 through 18 are

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<sup>1</sup> Indeed, Mattlob's counsel appears to recognize that much, for answers rather than disclaimers of the need to answer have been provided to Complaint ¶¶29 and 31, even though the counts involved (Counts IV and V) specifically target City rather than Mattlob.

stricken, but with leave granted to file proper responses to the corresponding allegations of the Complaint on or before July 23, 2007, failing which those Complaint allegations will be deemed to have been admitted.



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Milton I. Shadur  
Senior United States District Judge

Date: July 13, 2007