

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

RAMONA CAL, etc., )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 07 C 3073  
 )  
 BECKHAM TRANSIT, et al., )  
 )  
 Defendants. )

MEMORANDUM ORDER

Beckham Transit ("Beckham") has filed its Answer to the Complaint brought against it and two codefendants by Ramona Cal, who sues on her own behalf and as next friend of minor child C.C. Because Beckham's responsive pleading does not conform to the applicable legal requirements in several respects, this Court sua sponte strikes the Answer in its entirety.

To begin with, Beckham's counsel must conform to this District Court's LR 10.1. There is of course a good reason for that requirement (it eliminates the need to flip back and forth between a complaint and its answer), but even were that not the case counsel would be obligated to comply with its terms.

Next, Beckham's counsel must read and comply with App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001) in replacing Answer ¶¶1-3, 7, 9, 10 and 47. Even apart from the teaching of App. ¶1, it is of course oxymoronic for a defendant to assert an inability to admit or deny a plaintiff's allegations and then to go on to deny them

anyway.

Finally, Beckham has included among its asserted affirmative defenses a challenge to this Court's subject matter jurisdiction. But at least in facial terms it appears that with federal-question jurisdiction having been asserted against codefendant Harvey School District under 42 U.S.C. §1983, supplemental jurisdiction exists as to Beckham under 28 U.S.C. §1367(a). Hence if Beckham does wish to challenge jurisdiction (the first subject that this Court must address in any action), its Amended Answer must flesh out its basis for that challenge.

Beckham is granted until July 6, 2007 to file a proper Amended Answer. No charge is to be made to Beckham by its counsel for the added work and expense incurred in doing so, for the errors identified here are counsel's and not the client's. Counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).



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Milton I. Shadur  
Senior United States District Judge

Date: June 25, 2007