

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

ROBERT G. BABULA,)
)
 Plaintiff,)
)
 v.) No. 08 C 4018
)
 HARWOOD HEIGHTS POLICE OFFICERS)
 ROBERT McNALLY, et al., etc.,)
)
 Defendants.)

MEMORANDUM ORDER

This Court has just received the "Judge's Copy" of the Complaint brought by Robert Babula ("Babula") against five police officers--three from Harwood Heights and two from Norridge. This memorandum order is issued sua sponte to send Babula's counsel back to the drawing board to cure a flaw that otherwise would surely be the subject of a motion or motions by defense counsel, at the cost of some delay in moving forward with the case.

It is possible that Babula's counsel has used a 42 U.S.C. §1983 complaint from some other case, seeking to adapt it to the present pleading (else how to explain the final paragraph in which the demand for a jury trial speaks of plaintiff as "Luther V. Butler"?). But whether or not that is so, the Complaint is clearly problematic in its collective use of the term "DEFENDANT OFFICERS" throughout. That usage is of course permissible in such paragraphs as Complaint ¶¶1 and 2, where that type collective treatment poses no problems. But where individual conduct is at issue, the collective usage employed throughout the

Complaint can make it particularly difficult for the individual defendants to respond effectively.

Accordingly this Court orders Babula's counsel to take a hard look at the Complaint's allegations and to sharpen up the separate identification of the targeted defendants wherever feasible, to facilitate the preparation of a responsive pleading or pleadings. In the meantime this Court is issuing its customary initial scheduling order, but it is setting a slightly longer timetable than usual to allow for the possible amendment of the Complaint.



Milton I. Shadur
Senior United States District Judge

Date: July 21, 2008