

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

ISAAC GAYDEN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09 C 7557
	)	
CHICAGO POLICE OFFICERS	)	
MARIANO (STAR #6691), et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

In response to this Court's brief August 31, 2010 memorandum order that identified two problematic aspects of the Answer to the First Amended Complaint brought by Isaac Gayden, defense counsel has promptly filed an Amended Answer. But this Court's review of that responsive pleading to confirm its compliance with the earlier memorandum order has spotted a problem that this Court frankly missed the first time around.

Answer ¶16 properly admits that on April 22, 2010 Circuit Court Judge Cannon found that there was no probable cause for Gayden's arrest. On what basis, then, can Amended Answer ¶¶27 and 32 (like the original Answer) refer to Gayden's "lawful arrest"? Because of the objective good faith obligation imposed by Fed. R. Civ. P. 11(b), defense counsel is ordered to file either a suitable explanation or a retraction of that characterization on or before September 15, 2010.



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Milton I. Shadur  
Senior United States District Judge

Date: September 7, 2010