

3. Plaintiff re-pleaded, and in turn, Defendant filed an Answer and Counterclaim for Damages and Injunctive Relief against Plaintiff.

4. On or about March 13, 2006, Plaintiff filed a Reply to Defendant's Answer, a Motion to Strike Defendant's Affirmative Defenses, and her Answer and Affirmative Defenses to Defendant's Counterclaim. (A copy of original is attached as Exhibit A).

5. On or about March 27, 2006, Defendants filed a motion to strike all of Plaintiff's affirmative defenses.

6. On or about May 4, 2006, this court struck all eighteen (18) of Plaintiff's affirmative defenses, and ordered her to re-plead.

7. On or about May 22, 2006, Plaintiff re-pleaded her affirmative defenses. (Copy of affirmative defenses attached as Exhibit B).

8. Defendant seeks to strike all of Plaintiff's Re-Pleaded Affirmative Defenses to Defendant's counterclaim because they fail to meet the requisite pleading standard. Specifically, as fully set forth herein, Plaintiff's Affirmative Defenses are insufficient as a matter of law and substantially the same as those affirmative defenses previously stricken by this Court.

LEGAL STANDARD

9. When asserting an affirmative defense, the test is whether the defense gives color to the opposing party's claim and then asserts new matters by which the apparent right is defeated. *Worner Agency v. Doyle*, 121 Ill. App. 3d 219, 222, 459 N.E.2d 633 (4th Dist. 1984). An affirmative defense must do more than offer evidence to