

It does not rise to the pleading standard in Illinois. It does not give color to Defendant's claim and then assert new matters by which this right is defeated. *Worner Agency*, 121 Ill. App. 3d at 222. An affirmative defense must do more than offer evidence to refute properly pleaded facts in Defendant's counterclaim. *Pryweller*, 282 Ill. App. 3d at 907. There are no facts attached to Plaintiff's pleading that support Plaintiff's affirmative defense of "Fraud Upon Tribunal" and therefore this is not a valid affirmative defense.

22. Affirmative Defense VIII fails to reach the proper pleading standard in Illinois, and is wholly conclusory in nature. Plaintiff asserts, "No party shall ask for compensation for violating Illinois Supreme Court Rules." Plaintiff does not assert a cause of action here. She merely comes to a conclusion of fact, and then accuses Defendant of violating Supreme Court Rule 201(k) which is not cited at all in her affirmative defense. Furthermore, this is substantially the same as Plaintiff's previous "Affirmative Defense VIII" which was stricken on or about May 4, 2006.

23. Affirmative Defense IX comes to several conclusions of law and fact, with no supporting evidence. Plaintiff claims there was spoliation of evidence, yet she does not provide any substantive evidence to support this. She refers to "fraudulent statements" made by Defendant, yet does not describe what those were. She merely attempts to refute properly pled facts that were in Defendant's counterclaim, without supporting evidence, which is prohibited. *Pryweller*, 282 Ill. App. 3d at 907.

24. Affirmative Defense X does not plead a cause of action. It is entitled "Laches" yet it in no way pleads the elements of a cause of action for Laches. The affirmative defense is exactly the same, except for one additional paragraph, as Plaintiff's