

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ILLINOIS

Friends of Bell Smith Springs and Regional Association of Concerned  
Environmentalists v. United States Forest Service and Dennis Wilson

Friends of Bell Smith Springs · No. 3:25-CV-01377-NJR · Decided May 15, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied Plaintiffs' motion to compel Defendants to file a new answer complying with Federal Rule of Civil Procedure 8(b), treating the motion as one to strike the existing amended answer. Although the court found that portions of the answer used impermissible response forms and deemed those allegations admitted, it declined to strike the answer and granted Defendants leave to file an amended answer by May 21, 2026.

CASE DETAILS

|                       |                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Illinois                                                                                                                                                             |
| WRITING FOR THE COURT | Nancy J. Rosenstengel                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Southern District of Illinois                                                                                                                                                             |
| DECIDED               | May 15, 2026                                                                                                                                                                                                                   |
| DOCKET                | 3:25-CV-01377-NJR                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Plaintiff organizations moved to compel defendants to file an answer complying with Federal Rule of Civil Procedure 8. The court construed the motion as seeking relief under Rule 12(f) to strike defendants' amended answer. |
| STANDARD OF REVIEW    | The court applied its discretion in determining whether to strike the amended answer and whether to deem allegations admitted under Rule 8(b).                                                                                 |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                        |
| PARTIES               | Friends of Bell Smith Springs, Regional Association of Concerned Environmentalists v. United States Forest Service, Dennis Wilson                                                                                              |

TOPICS

pleadings

motion to amend

civil procedure

administrative procedure act

## PRACTICE AREAS

civil procedure

administrative law

environmental law

## QUESTIONS PRESENTED

1. Whether portions of defendants' amended answer that did not expressly admit, deny, or assert insufficient knowledge violated Federal Rule of Civil Procedure 8(b).
2. Whether the amended answer should be stricken or defendants should be compelled to file a new answer under Federal Rule of Civil Procedure 12(f).
3. Whether allegations that defendants failed to deny or address through a permissible Rule 8(b) response should be deemed admitted.

## HOLDINGS

1. Rule 8(b) permits only an admission, a denial, or an assertion that the responding party lacks knowledge or information sufficient to form a belief about the truth of the allegation. Responses outside those forms do not comply with Rule 8(b).
2. The amended answer should not be stricken because, unlike defendants' original response, it was a clear attempt to comply with the Federal Rules of Civil Procedure and plaintiffs failed to show specific prejudice from the nonstandard responses.
3. Any allegation in the second amended complaint to which defendants responded with something other than a denial or an averment of insufficient knowledge or information is deemed admitted, subject to the exception that subject-matter-jurisdiction allegations cannot be waived.

## KEY QUOTATIONS

*“The only three permissible responses to allegations in a complaint . . . are an admission, a denial, or a claim that one lacks knowledge or information sufficient to form a belief about its truth”* (at 2)

*“Even though the Forest Service’s answer does not entirely comply with Rule 8(b), the Court is not persuaded that it should be stricken.”* (at 3)

## FACTUAL BACKGROUND

This Administrative Procedure Act action involved an amended answer filed by the United States Forest Service and District Ranger Dennis Wilson in response to plaintiffs' second amended complaint. Although the amended answer responded specifically to each allegation, at least 24 responses used forms such as characterizing allegations as legal conclusions or stating that no response was required. Plaintiffs claimed that these deviations from Rule 8(b) prejudiced their ability to prepare a summary-judgment motion, but identified no specific prejudice.

## PROCEDURAL HISTORY

The court had previously struck or rejected defendants' initial purported answer because it did not comply with Rule 8(b), and ordered defendants to file an amended answer. Defendants filed an amended answer to the second amended complaint, and plaintiffs challenged portions of that answer as using responses other than admissions, denials, or assertions of insufficient knowledge. The court denied the motion to strike, deemed the challenged allegations admitted, and granted defendants leave to file another amended answer by May 21, 2026.

## DISPOSITION

other

## CASES CITED

- Thompson v. Retirement Plan for Emps. of S.C. Johnson & Sons, Inc., Nos. 07-cv-1047, 08-cv-0245, 2008 WL 5377712, at \*2 (E.D. Wis. Dec. 22, 2008)
- Donnelly v. Frank Shirey Cadillac, Inc., No. 05 C 3520, 2005 WL 2445902, at \*1 (N.D. Ill. Sept. 29, 2005)
- Nw. Mut. Life Ins. Co. v. Przewozniak, 659 F. Supp. 3d 919, 929-31 (N.D. Ill. 2023)
- Brady for Smith v. SSC Westchester Operating Co., 553 F. Supp. 3d 667, 677 (N.D. Ill. 2021)
- Heller Fin., Inc. v. Midwhey Powder Co., 883 F.2d 1286, 1294 (7th Cir. 1989)
- Ins. Corp. of Ireland v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 702 (1982)

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