

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

RNS SERVICING, LLC, and Illinois Limited  
Liability Company,

Plaintiff,

v.

SPIRIT CONSTRUCTION SERVICES, INC.,  
a Delaware Corporation, STEVEN VAN DEN  
HEUVEL, a citizen of the State of Wisconsin,  
and SHARAD TAK, a Citizen of the State of  
Florida,

Defendants.

Case No. 17-cv-108

Judge Edmond E. Chang

**PLAINTIFF RNS SERVICING, LLC'S CONTESTED MOTION TO SET A BRIEFING  
SCHEDULE ON ITS MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE  
DEFENSES BASED ON THE STATUTE OF LIMITATIONS [ECF 76]**

Plaintiff, RNS Servicing, LLC ("RNS Servicing"), by and through its undersigned attorneys, hereby submits its contested motion to set motion to set a briefing schedule on its motion to strike defendants' affirmative defenses based on the statute of limitations [ECF 76]. In support, RNS Servicing states as follows:

1. On March 18, 2019, Defendants filed their 3-page Combined Motion [Dkt. 64]; 13-page Rule 56.1 Statement of Facts [ECF 65]; 3-page Affidavit in support of their Combined Motion [ECF 66] with more than 300 pages of exhibits [ECF 66-1 – 66-12]; and their 20-page Memorandum in support of their Combined Motion [ECF 67].

2. In response, on May 7, 2019, Plaintiff filed RNS Servicing's Motion to Strike Defendants' Affirmative Defenses Based on the Statute of Limitations and, alternatively, Its Memorandum of Law In Opposition To Defendants' Motion For Summary Judgment [ECF 76].



3. Plaintiff's motion to strike portion of ECF 76 is essentially a cross-motion for summary judgment on the statute of limitations issues in this case.

4. On May 8, 2019, counsel for each of the Defendants informed counsel for RNS Servicing that Defendants contest the filing of Plaintiff's motion to strike portion of ECF 76.

5. Plaintiff submits that Defendants arguments in opposition to Plaintiff's motion to strike are no different than the arguments Defendants would make in their forthcoming Reply in Support of their Joint Motion for Summary Judgment.

6. Therefore, to avoid appearances in court to set a briefing schedule on Plaintiff's motion to strike—again, essentially a cross-motion for summary judgment on the statute of limitations issues in this case—Plaintiff proposes the following briefing schedule on Plaintiff's motion to strike portion of ECF 76 could be set electronically through an ECF order.

a. Defendants Response filed as part of its Reply in support of summary judgment already due on May 31, 2019.

b. Plaintiffs' Reply due two weeks later on June 14, 2019.

7. On May 8, 2019, counsel for each of the Defendants stated in email correspondence that Defendants oppose the filing of Plaintiff's motion to strike portion of ECF 76 and also oppose this motion to set a briefing schedule.

Dated: May 8, 2019

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Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/ Brian C. Langs



**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Brian C. Langs