

"Twombly-Iqbal and Affirmative Defenses in the Third Circuit," American Bar Association, October 2011

October 26, 2011

There is a split of authority on whether the heightened pleading standards articulated in *Twombly* and *Iqbal* apply to affirmative defenses. In two recent decisions, district courts in New Jersey and Pennsylvania have declined to extend the reach of *Twombly* and *Iqbal* to affirmative defenses pled pursuant to Federal Rule of Civil Procedure 8(c).