

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

BEN BAKER and CLARISSA GLENN,)
)
Plaintiffs,)
)
v.) Case No. 16 C 8940
)
CITY OF CHICAGO, Former CHICAGO) Judge Franklin U. Valderrama
POLICE SERGEANT RONALD WATTS,)
OFFICER KALLATT MOHAMMED,) Magistrate Judge Sheila M. Finnegan
SERGEANT ALVIN JONES, OFFICER)
ROBERT GONZALEZ, OFFICER)
CABRALES, OFFICER DOUGLAS)
NICHOLS, JR., OFFICER MANUEL S.)
LEANO, OFFICER BRIAN BOLTON,)
OFFICER KENNETH YOUNG, JR.,)
OFFICER ELSWORTH J. SMITH, JR.,)
PHILIP J. CLINE, KAREN ROWAN,) (This case is part of <i>In re: Watts</i>
DEBRA KIRBY, and as-yet-unidentified) <i>Coordinated Pretrial Proceedings</i> , Master
officers of the Chicago Police Department,) Docket Case No. 19 C 1717)
)
Defendants.)

**DEFENDANT PHILIP CLINE'S ANSWER TO PLAINTIFFS'
SECOND AMENDED COMPLAINT**

Defendant, Philip Cline, by his attorney, Terrence M. Burns of Reiter Burns LLP, for his answer to Plaintiffs' Second Amended Complaint, states:

Introduction

1. Ben Baker spent almost 10 years incarcerated for two alleged crimes that he did not commit. In fact, the crimes never happened; they were completely fabricated by Chicago police officers.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1.

2. At the time of Mr. Baker's wrongful convictions, he lived with his family in a Chicago public housing complex that was heavily policed by corrupt Chicago police officers.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the vague and undefined phrase “corrupt Chicago police officers,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2.

3. The officers sought bribes, planted drugs, and accused residents like Mr. Baker of possessing drugs they did not possess.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals alleged to be the “officers” referenced in this paragraph, and he therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3.

4. On three occasions, the officers framed Mr. Baker for drug crimes he did not commit, subjecting him to criminal proceedings and harsh penalties. The officers even involved Mr. Baker’s partner, Clarissa Glenn, into one of these cases, claiming that she possessed drugs along with Mr. Baker. Always adamant of his innocence, Mr. Baker forced the state to go to trial in the first two of these cases. But Mr. Baker soon learned that when it boiled down to his word against those of the officers, he lost. The criminal court simply would not believe his account of the officers’ corruption. Altogether, Mr. Baker was sentenced to 18 years in prison and Ms. Glenn was sentenced to a year of probation as a result of the officers’ misconduct.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4.

5. By the time Mr. Baker had served nearly 10 years, Defendants Ronald Watts and Kallatt Mohammed had been caught on tape engaging in the exact same type of misconduct that Mr. Baker had alleged against them. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

ANSWER: This Defendant admits on information and belief Defendants Watts and Mohammed were arrested, prosecuted, and convicted for criminal acts. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 5.

6. Over that time, evidence has come to light showing that Watts and his police team members engaged in an ongoing pattern of criminal misconduct against public housing residents and that CPD officials knew about the pattern dating as far back as 2004. Through this lawsuit, Mr. Baker and Ms. Glenn seek accountability and compensation for losing a decade of his life due to Defendants' misconduct and the losses they suffered as a result of Defendants' misconduct.

ANSWER: This Defendant admits plaintiffs' complaint seeks damages, but he denies liability to plaintiffs for any of the claims and/or damages asserted in the complaint. In further response: To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits the Chicago Police Department ("CPD") received information in 2004 alleging Defendant Watts was engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD's Internal Affairs Division ("IAD") participated with federal authorities in a federally-led joint investigation of those allegations. This Defendant admits on information and belief Defendant Mohammed was subsequently included as a target of the investigation. This Defendant denies on information and belief any remaining allegations contained in paragraph 6 inconsistent with the foregoing.

Jurisdiction and Venue

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

ANSWER: This Defendant admits plaintiffs' complaint includes claims that purport to be based on 42 U.S.C. §1983. This Defendant denies liability to plaintiffs for any and all claims asserted in the complaint.

8. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1337.

ANSWER: This Defendant admits plaintiffs' complaint purports to assert claims pursuant to federal statutes that seek to invoke the jurisdiction of this court. This Defendant admits 28 U.S.C. §1337(a) provides for supplemental jurisdiction over certain claims, and that plaintiffs'

complaint includes “state law” claims that seek to invoke the supplemental jurisdiction of this court. This Defendant denies liability to plaintiffs for any and all claims asserted in the complaint.

9. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

ANSWER: This Defendant admits venue is proper in the United States District Court, Northern District of Illinois, for the claims asserted in plaintiffs’ complaint. This Defendant denies liability to plaintiffs for any and all claims asserted in the complaint.

The Parties

10. Mr. Baker is currently 48-years old. He currently lives with his partner, Clarissa Glenn, in Chicago, Illinois. Mr. Baker and Ms. Glenn live together in Chicago, Illinois. At the time of the events giving rise to this suit, they lived together with their three sons in the Ida B. Wells housing complex in Chicago, Illinois. They were married in 2006.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10.

11. At all relevant times, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Robert Gonzalez, Officer Cabrales, Officer Douglas Nichols, Jr., Officer Manuel S. Leano, Officer Brian Bolton, Officer Kenneth Young, Jr., and Officer Elsworth J. Smith, Jr., and were Chicago police officers employed by the City of Chicago and acting within the scope of their employment and under color of law. Collectively, these individual Defendants are referred to as “Defendant Officers.”

ANSWER: The allegations contained in paragraph 11 consist of legal conclusions to which no answer is required. To the extent an answer is deemed necessary, this Defendant denies that criminal misconduct such as that alleged in plaintiffs’ complaint is the type of conduct that is within the reasonably anticipated job duties of a CPD police officer or would further a legitimate law enforcement purpose. This Defendant admits on information and belief Ronald Watts, Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Officer Cabrales, Douglas Nichols, Manuel Leano, Brian Bolton, Kenneth Young, and Elsworth Smith were employed as police officers by CPD at some of the time periods contemplated in the complaint.

12. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex. Some of the Defendant Officers, including Defendants Nichols, Jones, Gonzalez, Mohammed, Leano, Bolton, Smith, and Young, worked on Watts's tactical team.

ANSWER: This Defendant admits on information and belief Defendant Watts previously was a Chicago police officer with the rank of sergeant, who was assigned at some period of time as one of the supervisors of tactical teams that worked out of the Second District. This Defendant further admits on information and belief that the Ida B. Wells housing complex was within the boundaries of the Second District. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 12.

13. At all relevant times, Defendant Philip J. Cline was the Superintendent of the Chicago Police Department.

ANSWER: This Defendant admits he served as Superintendent of Police from approximately November 2003 to April 2007. This Defendant denies any remaining allegations in paragraph 13 inconsistent with the foregoing.

14. At all relevant times, Defendants Karen Rowan and Debra Kirby were Assistant Deputy Superintendents of the Chicago Police Department, acting as the head of CPD's Internal Affairs Department. Collectively, these defendants, and Defendant Cline are referred to as "Defendant Supervisory Officers."

ANSWER: This Defendant admits on information and belief Debra Kirby served as Assistant Deputy Superintendent of the CPD assigned to IAD from approximately July 2004 through March 2008. This Defendant admits on information and belief Karen Rowan served as Assistant Deputy Superintendent of CPD assigned to IAD from October 2003 through July 2004. This Defendant denies any remaining allegations in paragraph 14 inconsistent with the foregoing.

15. The Defendant City of Chicago is a municipal corporation under the laws of the State of Illinois. The City operates the Chicago Police Department ("CPD"). The City is responsible for the policies, practices, and customs of the City and the CPD.

ANSWER: This Defendant admits on information and belief the City of Chicago is a municipal corporation duly incorporated under the laws of the State of Illinois, and that the CPD is an administrative department of the City. This Defendant makes no response to the vague legal conclusions asserted in paragraph 15 as to what the City “is responsible for.” This Defendant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 15.

Factual Background

16. In June 2004, Ben Baker and Clarissa Glenn and their three children lived together in Chicago’s Ida B. Wells housing complex.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16.

17. At the time, the complex was actively patrolled by a tactical team of CPD officers led by Defendant Watts.

ANSWER: This Defendant admits on information and belief that during portions of the 2000s, the Ida B. Wells housing complex was patrolled by CPD police officers, including a tactical team for which Defendant Watts was a supervising sergeant.

18. Watts and his tactical team members were well-known to the residents of Ida B. Wells. They maintained a visible presence and they had a reputation among residents of harassing young black men.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18.

Mr. Baker Refuses to Pay a Bribe to Defendant Watts¹

19. In June 2004, Mr. Baker was told that Defendant Watts planned to attribute drugs supposedly found in a mailbox at the housing complex to Mr. Baker.

¹ Although they do not conform with pleading rules, to the extent that titles used throughout the Second Amended Complaint require an answer, Mr. Cline denies all wrongful conduct alleged against him in these titles.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19.

20. Defendant Watts told Mr. Baker that if he gave Watts a \$1,000 bribe, Mr. Baker would still have to “fight the case” but that Watts would ensure that Mr. Baker would “beat it.”

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20.

21. At the time, Mr. Baker had not been arrested or charged with any case relating to drugs found in a mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21.

22. Moreover, Mr. Baker had no knowledge of or involvement with any drugs supposedly found in a mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22.

23. Mr. Baker refused to pay Defendant Watts a bribe.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23.

The Defendants Fabricate a Drug Case to Punish Mr. Baker for Refusing to Pay a Bribe

24. On or about July 11, 2004, one or more of the Defendant Officers, including Watts, Mohammed, Jones and an Unknown Chicago Police Officer stormed Mr. Baker’s home with their guns drawn while Mr. Baker was home.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24.

25. One or more of the Defendant Officers put Mr. Baker in handcuffs.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25.

26. Defendant Watts told Mr. Baker words to the effect that “if we don’t find nothing [in the house] you’re going [to jail] for what was in the mailbox.”

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26.

27. At the time, Defendant Watts and the other Defendant Officers were aware that Mr. Baker never had any drugs in any mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27.

28. The Defendant Officers proceeded to illegally search Mr. Baker’s house, but they found no drugs.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28.

29. The Defendant Officers arrested Mr. Baker and took him to jail anyway. The Defendant Officers caused Mr. Baker to be falsely charged with drugs in a mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29.

30. The Defendant Officers, including Defendants Watts, Young, Jones, Mohammed, worked together to create police reports that were false and fabricated about Mr. Baker’s alleged possession of controlled substances.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30.

31. The Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports relating to the July 2004 arrest.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31, which are based on the premise the alleged misconduct occurred.

32. The Defendant Officers never disclosed to the prosecutors any of their misconduct described herein.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32, which are based on the premise the alleged misconduct occurred.

33. As a result of that false arrest and wrongful prosecution, Mr. Baker spent four-and-a-half months awaiting trial in Cook County Jail.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33.

Mr. Baker's Trial on the Mailbox Case

34. Mr. Baker went to trial on the mailbox case in late 2004.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34.

35. At the trial, the State called Defendants Jones and Young to testify against Mr. Baker.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35.

36. During his testimony, Defendant Jones lied under oath about Mr. Baker supposedly having possessed drugs in a mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36.

37. During his testimony, Defendant Young lied under oath about Mr. Baker supposedly having possessed drugs in a mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37.

38. In Defendant Young's zeal to fabricate a story about Mr. Baker, he failed to realize that the account he spun, if credited, meant that he conducted an unlawful search of Mr. Baker's mailbox.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38.

39. After Defendant Young's testimony, the presiding judge, Judge Michael Toomin, took unusual step of pausing the trial so that Mr. Baker's attorney could file a motion to suppress evidence.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39.

40. Subsequently, Mr. Baker's attorney filed a motion to suppress, which Judge Toomin granted.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40.

41. As a result, the State dismissed the case and Mr. Baker was released from county jail.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41.

42. Approximately one week later, Mr. Baker encountered Defendant Jones (who was often seen with and drove around with Defendant Watts) just outside the Wells housing complex.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42.

43. Mr. Baker complained to Defendant Jones about the false charges that Watts, Jones, Young, and the other Defendant Officers had placed on him, Defendant Jones replied that Mr. Baker beat the case because Young "fucked up his testimony," or words to that effect.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43.

44. Defendant Jones promised that next time they would make charges against Mr. Baker "stick."

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44.

45. The Defendant Officers made good on their promise.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45.

Defendants' March 23, 2005 False Arrest of Mr. Baker

46. On or about March 23, 2005, Mr. Baker was again arrested at the Wells complex by Defendants Watts and members of his tactical team.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46.

47. At the time of the arrest, Mr. Baker was leaving the housing complex to get his mother a birthday gift. He was not committing any crime, he was not in possession of any drugs, and there was no probable cause to arrest him for anything.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47.

48. Nevertheless, Defendants Nichols and Leano proceeded to take Mr. Baker into custody, placing him in the back of Leano's police car.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48.

49. While Mr. Baker was in the back of Leano's car, Mr. Baker saw Nichols make a phone call, presumably to Watts.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49.

50. Within minutes, Defendants Watts and Jones arrived in their own police car.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50.

51. Upon their arrival, Jones said to Mr. Baker words to the effect of, "I told you we were going to get you." Mr. Baker also saw Watts talking to Nichols.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51.

52. Defendants Leano and Nichols took Mr. Baker to the police station at 51st Street.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52.

53. Thereafter, Watts, Jones, Leano, Nichols, Gonzalez, Bolton, Smith, and Cabrales worked together to create police reports that were false and contained fabricated statements about Mr. Baker's alleged possession of controlled substances.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53.

54. In reality, Mr. Baker did not possess any drugs. The drugs that the officers claim Mr. Baker possessed had been planted by the Defendant Officers.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54.

55. The Defendant Officers subsequently caused Mr. Baker to be falsely charged with possession of heroin and cocaine with the intent to deliver.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55.

56. Defendants Nichols, Gonzalez, Jones, and Watts subsequently testified against Mr. Baker.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56.

57. The Defendant Officers committed this misconduct in retaliation for Mr. Baker's earlier refusal to pay Defendant Watts a \$1,000 bribe.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57.

58. During his testimony, Defendant Nichols lied under oath.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58.

59. During his testimony, Defendant Gonzalez lied under oath.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59.

60. During his testimony, Defendant Jones lied under oath.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60.

61. During his testimony, Defendant Watts lied under oath.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61.

62. The Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports relating to the March 23, 2005 arrest. The Defendant Officers never disclosed to the prosecutors any of their misconduct described herein.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62, which are based on the premise the alleged misconduct occurred.

63. If the prosecutors had known that the Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Baker, and his unlawful deprivation of liberty on false charges would not have been continued.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant

therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63, which are based on the premise the alleged misconduct occurred.

64. Given that the entirety of the State's case against Mr. Baker rested on the Defendant Officers' fabrication of evidence—the planted drugs—and the lies of the Defendants, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Baker's defense of his criminal charges.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 64, which are based on the premise the alleged misconduct occurred.

65. Mr. Baker would not have been convicted if it were not for the Defendant Officers' fabrication of evidence and withholding of exculpatory evidence.

ANSWER: This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint. This Defendant therefore is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65, which are based on the premise the alleged misconduct occurred.

66. As a result of Defendant Officers' misconduct, Mr. Baker was wrongfully convicted on June 9, 2006 of two counts of possession of controlled substances and ultimately sentenced to 14 years' imprisonment on each count.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66.

The Defendants Threaten Mr. Baker and Ms. Glenn for Trying to Expose Their Corruption

67. After Mr. Baker's wrongful arrests in summer 2004 and March 2005, but prior to Mr. Baker's June 2006 wrongful conviction, Mr. Baker and Ms. Glenn took several steps to attempt to expose the misconduct and corruption of the Defendant Officers, including making complaints directly to the CPD.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67.

68. Defendants Watts, Jones, Mohammed, and the other Defendant Officers learned about Mr. Baker's and Ms. Glenn's attempt to expose their criminal conduct.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68.

69. Soon after, some of the Defendant Officers, including Defendants Jones, Mohammed, and Watts confronted Ms. Glenn about the fact that she had complained about them to the City, calling her a "bitch," telling her that she would wind up in the penitentiary with her husband, and warning her in a threatening manner to "be careful."

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69.

**Defendants Pin Yet Another False Case on Mr. Baker in Retaliation,
This Time Also Involving Ms. Glenn**

70. On or about December 11, 2005, Mr. Baker was on bond awaiting trial on the false charges arising from his March 23, 2005 arrest.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70.

71. That day, Defendants Watts and Jones approached Mr. Baker and Ms. Glenn while they were pulling their truck into a parking lot near the Wells housing complex.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71.

72. Defendants Watts and Jones ordered Mr. Baker and Ms. Glenn out of the truck and told them put their hands on the truck.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 72.

73. Without permission or any legal justification, Defendants Watts and Jones searched the truck.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73.

74. Neither Mr. Baker nor Ms. Glenn had anything illegal in the truck.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74.

75. Neither Mr. Baker nor Ms. Glenn had anything illegal on their persons.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75.

76. Neither Mr. Baker nor Ms. Glenn had any drugs.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 76.

77. After Defendants Watts and Jones searched the truck and found nothing illegal, Defendant Watts pulled a plastic bundle that appeared to contain narcotics out of his sleeve, falsely claiming that he found the narcotics in the truck.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 77.

78. Defendants Watts and Jones then took Mr. Baker and Ms. Glenn into custody, despite the fact that there was no probable cause to believe that either one of them had committed a crime.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78.

79. The Defendant Officers, including Defendants Watts, Jones, Mohammed, Leano, Smith, and Gonzalez, worked together to create false police reports about the arrest to make it appear that Mr. Baker and Ms. Glenn had committed crimes, when, in fact, they had not.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79.

80. One or more of the Defendant Officers also unlawfully impounded the truck and falsely claimed that they found drugs inside of it.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80.

81. All of these facts were fabricated by the Defendant Officers in order to falsely arrest Mr. Baker and Ms. Glenn and cause their wrongful prosecutions.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81.

82. The Defendant Officers committed this misconduct in retaliation for Mr. Baker's and Ms. Glenn's speaking out about the Defendant Officers' corruption, and in retaliation for Mr. Baker's earlier refusal to pay Defendant Watts a \$1,000 bribe.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 82.

83. As a result of Defendants' misconduct in connection with the December 2005 arrest, Mr. Baker and Ms. Glenn were both charged with serious felony drug crimes.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83.

84. The Defendant Officers never disclosed to the prosecutors the fact that they had fabricated evidence and falsified police reports relating to the December 2005 arrest of Mr. Baker and Ms. Glenn. The Defendant Officers never disclosed to the prosecutors any of their misconduct described herein.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84.

85. Given that the entirety of the State's case against Mr. Baker and Ms. Glenn rested on the Defendant Officers' fabrication of evidence—the planted drugs—the exculpatory evidence described in the preceding paragraphs would have been material to Mr. Baker and Ms. Glenn's defense of their criminal charges.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85.

86. If the prosecutors had known that the Defendant Officers fabricated evidence and committed the other misconduct described here, they would not have pursued the prosecution of Mr. Baker, and his unlawful deprivation of liberty would not have been continued.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86.

Mr. Baker and Ms. Glenn Pleaded Guilty to the Charges on the December 2005 Case so That Their Young Children Would Have a Parent to Raise Them

87. The State elected to proceed first on the March 2005 drug case against Mr. Baker.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87.

88. During the pendency of the March 2005 case, no substantive proceedings were held for either Mr. Baker or Ms. Glenn on the case arising from the December 2005 arrest.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88.

89. In June 2006, Mr. Baker was found guilty on the March 2005 case, and, in July 2006, he was sentenced to 14 years in prison.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 89.

90. Mr. Baker and Ms. Glenn were initially adamant about fighting the December 2005 case; they both were completely innocent and they knew they had been framed.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 90.

91. However, after Mr. Baker was wrongfully convicted on the March 2005 case, they became fearful of going to trial on the December 2005 case.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 91.

92. The same officers who testified against Mr. Baker in the March 2005 case would testify against both of them in the December 2005 case. Moreover, the same judge who presided over Mr. Baker's March 2005 case would preside over the December 2005 case and would almost certainly credit the officers' account over the accounts of Mr. Baker and Ms. Glenn.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 92.

93. Mr. Baker and Ms. Glenn knew that if Ms. Glenn was convicted on even one of the charges against her, she faced a four-year minimum prison sentence.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93.

94. If Ms. Glenn went to prison for four years, their children would be left with no parents to raise them, a possible outcome that neither Mr. Baker nor Ms. Glenn could bear.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94.

95. Thus, when the State's Attorney's Office offered to reduce Ms. Glenn's charges and recommend one year of probation for her and a four-year sentence for Mr. Baker in exchange for guilty pleas by both, they had no real choice but to accept.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95.

96. Mr. Baker and Ms. Glenn proceeded to plead guilty, not because they were actually guilty, but to protect their children and prevent their family from being completely destroyed as a result of the Defendant Officers' misconduct.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 96.

97. Mr. Baker and Ms. Glenn would not have been convicted if it were not for the Defendant Officers' fabrication of evidence and withholding of exculpatory evidence.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 97.

98. During the plea hearing, the trial judge—Judge Michael Toomin—acknowledged that Mr. Baker and Ms. Glenn alleged that they were the victims of misconduct by the Defendant Officers. Judge Toomin indicated that he did not believe their stories, but that if evidence came to light in the future to support their claims, then the convictions could not stand.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 98.

Defendant Watts and His Crew Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City's Code of Silence

99. It was no secret within CPD that Watts and his crew engaged in type of misconduct of which Mr. Baker and Ms. Glenn accused them.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits on information and belief the CPD received information alleging Defendant Watts was engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD’s IAD participated with federal authorities in a federally-led investigation of those allegations. This Defendant further admits on information and belief Defendant Mohammed was subsequently included as a target of the investigation. This Defendant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 99.

100. Government officials, including those with the City of Chicago, had knowledge of Watts’s and his crew’s alleged misconduct as early as 1999.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. This Defendant likewise lacks knowledge or information as to the unnamed and unidentified “Government officials” vaguely referenced in this paragraph. To the extent directed against him, this Defendant denies the allegations contained in paragraph 100.

101. By 2004, an FBI investigation of Watts and his crew was well underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Department (IAD).

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term "Watts and his crew," and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits on information and belief the CPD received information in 2004 alleging Defendant Watts was engaging in criminal misconduct against drug dealers at the Ida B. Wells housing complex, and that CPD's IAD participated with federal authorities in a federally-led investigation of those allegations. This Defendant further admits on information and belief Defendant Mohammed was subsequently included as a target of the investigation. This Defendant denies any remaining allegations contained in paragraph 101 inconsistent with the foregoing.

102. Because IAD was kept abreast of the FBI investigation, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the vague and undefined term "Watts and his team," and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits on information and belief the CPD received information in 2004 alleging Defendant Watts was engaging in criminal misconduct against drug dealers at the Ida B. Wells housing complex, and that CPD's IAD participated with federal authorities in a federally-led investigation of those allegations. This Defendant further admits on information and belief Defendant Mohammed was subsequently included as a target of the investigation. This Defendant

is without knowledge or information sufficient to form a belief as to the truth of the argumentative allegations in paragraph 102 as to what other unidentified “City officials” were aware of. This Defendant denies any remaining allegations in paragraph 102 inconsistent with the foregoing.

103. According to another source who was interviewed, Watts used a drug dealer named “Big Shorty” to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts’s protection. According to the source, Watts also used drug dealers as phony informants to obtain illegitimate search warrants and Watts also offered to let arrestees go if they provided him with weapons.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 103.

104. Targets of the FBI investigation extended beyond Watts to members of Watts’s tactical team, such as Defendants Bolton, Gonzalez, Jones, Nichols, Mohammed, Smith, and Leano.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the intended meaning of the vague phrase “extended beyond.” To the extent he understands the phrase, this Defendant admits on information and belief Defendant Mohammed was subsequently included as a target of the federally-led joint investigation of Watts. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations as phrased in paragraph 104.

105. By 2010, the FBI investigation generated evidence to show that Watts engaged in systemic extortion of drug dealers, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the vague allegations as phrased in paragraph 105. To the extent he can respond, this Defendant admits on information and belief investigators attempted to develop evidence over the course of the joint investigation to prove Defendant Watts was involved in criminal activities.

106. Investigators also determined that Watts and his subordinates had engaged in these activities for the prior ten years.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations as phrased in paragraph 106.

Watts and Mohammed Are Charged With Federal Crimes

107. In 2012, after nearly a decade of engaging in criminal misconduct, Defendants Watts and Mohammed were caught red-handed, shaking down a person they thought was a drug courier, but was actually an agent for the FBI.

ANSWER: This Defendant admits on information and belief Defendants Watts and Mohammed were arrested by authorities following the federally-led joint investigation. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 107.

108. The United States government subsequently charged Watts and Mohammed with federal crimes.

ANSWER: This Defendant admits on information and belief the allegations contained in paragraph 108.

109. Watts and Mohammed each pled guilty to federal criminal charges and were sentenced to terms of imprisonment. *See United States v. Watts*, No. 12-CR-87-1 (N.D. Ill.); *United States v. Mohammed*, No. 12-CR-87-2 (N.D. Ill.).

ANSWER: This Defendant admits on information and belief the allegations contained in paragraph 109.

110. In its sentencing memorandum in the Watts case, the Government explained that “[f]or years,” “the defendant [Watts] used his badge and his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny.” His crimes included “stealing drug money and extorting protection payments” from the individuals he was sworn to protect and serve.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110.

111. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars of bribes from individuals at the Wells public housing complex on numerous occasions as part of their duties with the Chicago Police Department.

ANSWER: This Defendant denies the alleged extortion of bribes from individuals by Defendants Watts and Mohammed would constitute “part of their duties with the CPD.” This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 111.

112. During the sentencing hearing, the Government urged Judge Sharon Johnson Coleman to “consider the other criminal conduct that the defendant [Watts] engaged in in the course of his career as a police officer,” specifically noting that during the federal investigation Watts “did other things such as putting a false case on the confidential source that was involved in our investigation. Had him arrested on drug charges. And the source ... felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn’t commit.” The federal prosecutor wondered aloud “how many times [Watts] might have done something similar when the government was not involved.”

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 112.

113. Following the federal indictments of Watts and Mohammed, City officials made efforts to downplay magnitude of Watts’s criminal enterprise.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 113.

114. Notwithstanding the evidence that investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “there is nobody involved other than the two officers who were arrested.”

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 114.

The City’s “Code of Silence”

115. While the federal government was investigating Watts and his crew, a “code of silence” existed within the Chicago Police Department.

ANSWER: This Defendant denies on information and belief that a “code of silence” as described herein was a pervasive or widespread practice within the CPD, and he further states such a “code of silence” is directly contrary to the rules, policies, and training of the CPD.

116. Under this code, police officers are expected to conceal each other’s misconduct, in contravention of their sworn duties, and penalties for breaking the code of silence within the CPD are severe.

ANSWER: This Defendant denies the allegations contained in paragraph 116, and further states that a “code of silence” as described is directly contrary to the rules, policies, and training of the CPD.

117. As one CPD officer has explained, “[The Chicago Police Academy told officers] over and over again we do not break the code of silence. Blue is Blue. You stick together. If something occurs on the street that you don’t think is proper, you go with the flow. And after that situation, if you have an issue with that officer or what happened, you can confront them. If you don’t feel comfortable working with them anymore, you can go to the watch commander and request a new partner. But you never break the code of silence.”

ANSWER: This Defendant lacks knowledge or information concerning the alleged statement contained in paragraph 117, but he denies on information and belief that the quotation accurately reflects a widespread or pervasive CPD practice. In further response, a “code of silence” as described is directly contrary to the rules, policies, and training of the CPD.

118. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. Baker and Ms. Glenn information that Watts and his teammates were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Baker and Ms. Glenn, they would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against them.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 118 concerning the Defendant Officers’ alleged actions, but states that a “code of silence” as described herein is directly contrary to the rules, policies, and training of the CPD. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 118.

119. Also, consistent with this “code of silence,” the few people who stood up to Watts and his crew and/or attempted to report his misconduct were either ignored or punished, and Watts and his crew continued to engage in misconduct with impunity.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no answer or response to the allegations in this paragraph incorporating that term. This Defendant denies on information and belief any remaining allegations contained in paragraph 119.

Careers of CPD Officers Daniel Echeverria and Shannon Spaulding Are Nearly Ruined

120. For example, in 2006, two Chicago police officers, Daniel Echeverria and Shannon Spaulding learned credible information from arrestees that Watts and his crew were engaged in illegal drug activity.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. In further response, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the vague allegations in paragraph 120 as to what Daniel Echeverria and Shannon Spalding “learned” in 2006 from arrestees and whether that information was “credible.”

121. Officer Echeverria took the allegation seriously and he reported it to a CPD supervisor. The supervisor made clear that he was not interested in learning about the allegation, and he directed Echeverria not to document the allegations.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 121.

122. Echeverria and Spaulding subsequently reported the allegations about Watts and his crew to the FBI. Soon thereafter, Spaulding and Echeverria began cooperating with the FBI, actively assisting the FBI’s investigation of Watts and his crew.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 122.

123. When their cooperation became known to officers within their CPD chain of command, Spaulding and Echeverria were labeled “rats” within the Department, their lives were threatened, and they endured all manner of professional retaliation by members of the CPD.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 123. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 123.

124. Spaulding and Echeverria subsequently sued the City for the retaliation they suffered for blowing the whistle on Watts and his crew. On the eve of trial in that case, the City settled for \$2 million.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 124.

CPD Officer Michael Spaargaren’s Life is Threatened

125. Sometime in the mid-2000s, a CPD officer named Michael Spaargaren was assigned to work with Watts in public housing.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 125.

126. Spaargaren observed Watts did not inventory drugs and money that the officers seized during arrests, and Spaargaren confronted Watts about the misconduct.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 126.

127. In response, Watts threatened to put a false case against Spaargaren and made veiled threats to kill him.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127.

128. A CPD Lieutenant in the chain of command subsequently warned Spaargaren to keep his mouth shut, or his life would be in danger.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 128.

129. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than to continue to work under Watts.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 129.

Citizen Complaints Go Nowhere

130. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated dozens of citizen complaints concerning violations of their civil rights over the years, beginning well before the misconduct Defendants committed against Mr. Baker and Ms. Glenn.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning the disciplinary histories of the Defendant Officers. This Defendant lacks knowledge or information of the claimed misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint, and he therefore is without knowledge of information sufficient to form a belief as to the truth of the allegations contained in this paragraph that are based on the premise the alleged misconduct occurred. This Defendant denies the remaining allegations as phrased in paragraph 130.

131. On information and belief, not a single one of these complaints resulted in any discipline against any member of Watts's crew.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the vague allegations (“these complaints”) contained in paragraph 131.

132. On information and belief, complaints that the City bothered to investigate largely boiled down to a he-said-she-said between the officer and the citizen, and to the City’s policy to resolve those disputes in the officers’ favor, no matter how many citizens come forward with the same type of complaint.

ANSWER: This Defendant denies on information and belief the argumentative allegations as phrased in paragraph 132.

The City Turns a Blind Eye to the Clear Pattern of Alleged Misconduct that Emerged from Watts and His Crew

133. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by the Defendant Officers, on information and belief, City never undertook its own investigation of the clear pattern that emerged.

ANSWER: This Defendant denies on information and belief the allegations as phrased in paragraph 133.

134. Instead, City officials deferred to the FBI’s criminal investigation Watts and his crew.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits that CPD’s IAD participated with federal authorities in a federally-led investigation of allegations that Watts, and later Mohammed, were engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex.

135. As City officials were aware, however, the purpose of the FBI investigation was to investigate and prosecute criminal activity, not to impose discipline and control of the City’s Police Department.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 135 as to what unidentified “City officials” were aware of. To the extent this paragraph is applicable to him, this Defendant admits the purpose of the federally-led joint investigation was to investigate allegations that Watts, and later Mohammed, were involved in criminal activity and to develop evidence, if possible, to support criminal charges. This Defendant further states that the results of the criminal investigation could and would be used in subsequent disciplinary proceedings involving Watts and Mohammed.

136. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers. Nevertheless, the City completely abdicated this responsibility.

ANSWER: This paragraph asserts a legal conclusion to which no response is required. In the event a response is deemed necessary, and to the extent the first sentence of this paragraph alleges or infers the City was required to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied. This Defendant denies the remaining allegations contained in paragraph 136.

137. During the FBI investigation, which spanned at least eight years, City officials had reason to believe that Watts and his crew were committing ongoing criminal activity on the streets—extorting drug dealers and framing citizens of crimes they did not commit—yet City officials took no steps to prevent abuses from occurring.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts and his crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent those allegations are intended to reference and include Defendants Watts and Mohammed, this Defendant denies the allegations in paragraph 137.

138. Instead, City officials let officers on Watts’s crew continue to institute criminal charges against citizens like Mr. Baker, and to testify falsely against citizens like Mr. Baker.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the argumentative, vague, and undefined term “Watts’s crew,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. This Defendant likewise is without knowledge or information sufficient to form a belief as to the truth of the allegations directed against unnamed and unidentified “City officials.” To the extent the allegations of this paragraph are directed against him, this Defendant denies those allegations, which are based upon the premise that the alleged misconduct involving plaintiffs occurred and that he had knowledge of it. Further responding, to the extent this paragraph suggests CPD was required to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied.

139. Even worse, the City officials withheld information they had about the officers’ pattern of misdeeds, information that citizens like Mr. Baker and Ms. Glenn could have used to impeach the corrupt officers and defend against the bogus criminal charges placed upon them.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph to the extent directed against unnamed and unidentified “City officials” or to the extent they incorporate the vague phrase “pattern of misdeeds.” To the extent a further response is deemed necessary, and the term “pattern of misdeeds” is intended to refer to the allegations of misconduct that were the subjects of the joint federally-led investigation referenced above, this Defendant admits the CPD received information alleging Defendant Watts may be engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD’s IAD participated with federal authorities in a federally-led investigation of those allegations. This Defendant further admits Defendant Mohammed was subsequently included as a target of the investigation. To the extent this paragraph infers the City, the CPD, and/or this Defendant was required to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations

are denied. This Defendant is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 139.

Mr. Baker's and Ms. Glenn's Exonerations

140. When Watts and Mohammed were finally publicly exposed as criminals, Mr. Baker was determined to get back into court.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 140.

141. After retaining counsel and obtaining documents from the FBI through the Freedom of Information Act, Mr. Baker filed a post-conviction petition with the evidence to finally convince the court and prosecutors to believe what he had been saying all along: that Watts and his teammates were crooked cops who framed him.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 141.

142. Within weeks of receiving Mr. Baker's petition, on January 14, 2016, the Cook County State's Attorney dismissed all charges in the March 2005 case. Mr. Baker was released from the Illinois Department of Corrections that same day.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 142.

143. Mr. Baker then filed another post-conviction petition seeking to overturn his guilty plea in the December 2005 case. Ms. Glenn also joined this petition to overturn her guilty plea on the same case.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 143.

144. Just six days after filing, on March 23, 2016, the Circuit Court of Cook County vacated both convictions in that case and the Cook County State's Attorney's Office dismissed all charges against both Mr. Baker and Ms. Glenn.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 144.

145. During the course of these post-conviction proceedings, the Chief of the Criminal Prosecutions Bureau of the Cook County State's Attorney's Office called Defendant Watts a "dirty police officer."

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 145.

146. Mr. Baker subsequently received certificates of innocence for both of his convictions.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 146.

The Damages Suffered by Mr. Baker and Ms. Glenn

147. Mr. Baker lost nearly a decade of his life before he was finally exonerated.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 147.

148. The emotional pain and suffering caused by losing nearly ten years has been enormous. During his wrongful incarceration, Mr. Baker was stripped of the various pleasures of basic human experience, from the simplest to the most important, which all free people enjoy as a matter of right. He missed out on the ability to share holidays, births, funerals, and other life events with loved ones, the opportunity to raise his children and spend time with his grandchildren, and the fundamental freedom to live one's life as an autonomous human being.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 148. This Defendant denies liability to plaintiffs for the claims and/or damages asserted in the complaint.

149. For nearly a decade, Ms. Glenn was separated from Mr. Baker, her husband and life partner. During this time, she suffered the loss of his companionship, love, and support, and struggled to raise their children on her own.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 149. This Defendant denies liability to plaintiffs for the claims and/or damages asserted in the complaint.

150. In addition, Ms. Glenn suffered the consequences of having a wrongful felony conviction on her record, which created barriers to housing and employment opportunities that continue to this day.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 150. This Defendant denies liability to plaintiffs for the claims and/or damages asserted in the complaint.

151. As a result of the foregoing, Mr. Baker and Ms. Glenn have suffered tremendous damage, including physical sickness and injury and emotional damages, all proximately caused by Defendants' misconduct.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 151, and he denies liability to plaintiffs for the claims and/or damages asserted in the complaint.

Count I: 42 U.S.C. § 1983 – Due Process

152. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 152 as though fully set forth herein.

153. In the manner described more fully above, the Defendant Officers, while acting as investigators, individually, jointly, and in conspiracy with each other, deprived Plaintiffs of their constitutional right to due process and a fair trial.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 153.

154. In the manner described more fully above, the Defendant Officers deliberately withheld exculpatory evidence from Plaintiffs and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting the criminal prosecutions of Plaintiffs.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 154.

155. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet- unidentified CPD supervisors, had knowledge of a pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Plaintiffs and other residents of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals plaintiffs allege to be part of the vague and undefined term “Watts and his team,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations of this paragraph are intended to reference the Defendant Officers, this Defendant admits the CPD received information alleging Defendant Watts was engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD’s IAD participated with federal authorities in a joint federally-led investigation of those allegations. This Defendant further admits on information and belief Defendant Mohammed was subsequently included as a target of that investigation. To the extent this paragraph infers any Defendant was required to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied. This Defendant denies the remaining allegations in paragraph 155 to the extent directed against him.

156. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of the Defendant Supervisory Officers, or were proximately caused when the Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates’ misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiffs’ constitutional rights.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 156.

157. In addition, the Defendant Supervisory Officers themselves concealed exculpatory evidence from Plaintiffs, specifically information about Watts’s and his team’s pattern of misconduct. In this way, the Defendant Supervisory Officers violated Plaintiffs’ due process rights to a fair trial deliberately and with reckless disregard to Plaintiffs’ rights.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to the individuals that plaintiffs allege to be part of the vague and undefined term “Watts and his team,” and he therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent those allegations are intended to reference the named Defendant Officers, this Defendant admits the CPD received information alleging Defendant Watts was engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD’s IAD participated with federal authorities in a joint federally-led investigation of those allegations. This Defendant further admits Defendant Mohammed was subsequently included as a target of the investigation. To the extent this paragraph infers any Defendant was required to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied. To the extent the remaining allegations are directed against him, this Defendant denies those allegations and specifically denies liability to plaintiffs for the claims and/or damages asserted in the complaint.

158. The Defendants’ misconduct directly resulted in the unjust criminal convictions of Plaintiffs, thereby denying their constitutional rights to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiffs could not and would not have been pursued.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 158.

159. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs’ clear innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 159.

160. The Defendants’ actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper “actions” attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 160. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

161. The City of Chicago is also directly liable for the injuries described in this Count because the City and CPD maintained official policies and customs that were the moving force behind the violation of Plaintiffs’ rights and also because the actions of the final policymaking officials for Defendant City of Chicago and the CPD were moving force behind the violation of Plaintiffs’ rights.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 161.

162. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process rights of criminal defendants like Mr. Baker and Ms. Glenn by concealing exculpatory evidence of officers’ patterns of misconduct.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 162.

163. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Plaintiffs, were routinely deprived of exculpatory evidence, were subjected to criminal proceedings based on false evidence, and were deprived of liberty without probable cause, such that individuals were routinely implicated in crimes to which they had no connection and for which there was scant evidence to suggest that they were involved.

ANSWER: The allegations of this paragraph are not directed against this Defendant.

To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 163.

164. As a matter of both policy and practice, the Defendant City directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise, control, and discipline its police officers, such that its failure to do so manifests deliberate indifference. The Defendant City's actions lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, directly encourages further abuses such as those that affected Plaintiffs.

ANSWER: The allegations of this paragraph are not directed against this Defendant.

To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 164.

165. The above-described widespread practices, which were so well-settled as to constitute the *de facto* policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because the Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. The Defendant City and the Department also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 165.

166. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of the Defendant City of Chicago in that the constitutional violations committed against Plaintiffs were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 166.

167. Indeed, municipal policymakers have long been aware of the Defendant City's policy and practice of failing to properly train, monitor, investigate, and discipline misconduct by its police officers, but have failed to take action to remedy the problem.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 167.

168. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, Superintendent Terry Hillard noted the need for better in-service training on the use of force, early detection of potential problem officers, and officer accountability for the use of force.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 168.

169. Likewise, in June 2000, the Chairman of the Committee on Police and Fire of the Chicago City Council submitted an official resolution recognizing that “[Chicago] police officers who do not carry out their responsibilities in a professional manner have ample reason to believe that they will not be held accountable, even in instances of egregious misconduct.”

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169.

170. In 2001, the Justice Coalition of Greater Chicago (“JCGC”), a coalition of more than a hundred community groups, confirmed the findings of that resolution, concluding that the Chicago Police Department lacked many of the basic tools necessary to identify, monitor, punish and prevent police misconduct. The JCGC findings were presented to Mayor Daley, Superintendent Hillard, and the Chicago Police Board.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 170.

171. Despite the municipal policymakers’ knowledge of the City’s failed policies and practices to adequately train, supervise, investigate, discipline, and control its police officers, nothing was done to remedy these problems.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 171.

172. As a result, the CPD has continued to respond to complaint of police misconduct inadequately and with undue delay, and to recommend discipline in a disproportionately small number of cases.

ANSWER: The allegations of this paragraph are not directed against this Defendant.

To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 172.

173. Indeed, by its own admissions, over 99% of the time when a citizen complains that his or her civil rights were violated by police officers, the City sides with the police officer and concludes that no violation occurred.

ANSWER: The allegations of this paragraph are not directed against this Defendant.

To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 173.

174. For example, in 2005, at least 1,592 complaints of civil rights violations were lodged against Chicago police officers with the Internal Affairs Division. A total of five were sustained, and that total may include cases arising in previous years.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 174.

175. In other words, IAD sustained only 0.314% of the complaints that its police officers had committed civil rights violations in 2005.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 175.

176. In 2006, the number of civil rights complaints was 1,492. Twelve were sustained. Based on those numbers, IAD sustained only 0.8% of the civil rights complaints against Chicago police officers in 2006.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 176.

177. The same unconstitutionally lax oversight is evidence across the multiple entities that have been responsible for investigating police misconduct. In 2006, for example, the Office of Professional Standards (“OPS”), which investigates complaints of excessive force, sustained only 57 out of 2,391 complaints of excessive force by police officers, or 2%.

ANSWER: This Defendant denies on information and belief the vague, argumentative allegations as phrased in the first sentence of paragraph 177. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of paragraph 177.

178. Notably, Defendants Watts and Mohammed are not the first Chicago police officers who were allowed to abuse citizens with impunity over a period of years while the City turned a blind eye.

ANSWER: This Defendant denies on information and belief the argumentative allegations as phrased in paragraph 178.

179. For instance, in 2011, Chicago police officer Jerome Finnigan was convicted and sentenced on federal criminal charges, including a charge of attempting to hire someone to kill a police officer who Finnigan believed would be a witness against him on his own corruption charges in state court.

ANSWER: This Defendant admits on information and belief former police officer Jerome Finnigan was convicted and sentenced on criminal charges, and that one of the charges against Finnigan was based on his alleged attempt to hire someone to kill a police officer whom Finnigan understood might be a potential witness against him in criminal proceedings. This Defendant denies any remaining allegations contained in paragraph 179.

180. Finnigan was part of a group of officers in the Defendant City's Special Operations Section who carried out robberies, home invasions, unlawful searches and seizures, and other crimes.

ANSWER: This Defendant admits Finnigan and other members of the CPD's Special Operations Section were convicted of various criminal charges. This Defendant denies any remaining allegations contained in paragraph 180 inconsistent with the foregoing.

181. Finnigan and his crew engaged in their misconduct at around the same time that Mr. Baker and Ms. Glenn were targeted by Defendant Watts and his crew.

ANSWER: This Defendant lacks knowledge or information sufficient to form a belief as to identities of the individuals plaintiffs allege to be part of Finnigan's "crew" or "Watts and his

crew.” This Defendant lacks knowledge or information as to whether plaintiffs were “targeted” by Defendant Watts as alleged in the complaint. This Defendant denies any remaining allegations contained in paragraph 181.

182. Finnigan, like the Defendant Officers in this case, had accumulated dozens of complaints over the years, which the Defendant City routinely deemed unfounded or not sustained.

ANSWER: This Defendant admits on information and belief Finnigan and some of the Defendant Officers had been the subjects of complaints of alleged misconduct over the course of their careers. This Defendant is without knowledge or information sufficient to form a belief as to the disciplinary histories of the Defendant Officers. This Defendant denies any remaining allegations contained in paragraph 182 inconsistent with the foregoing.

183. At his sentencing hearing in 2011, Finnigan stated, “You know, my bosses knew what I was doing out there, and it went on and on. And this wasn’t the exception to the rule. This was the rule.”

ANSWER: This Defendant denies knowledge or information of the truth or credibility of any statement made by Finnigan at his criminal sentencing.

184. Likewise, in 2001, Chicago police officer Joseph Miedzianowski was convicted on federal criminal charges, including racketeering and drug conspiracy. The jury found that Miedzianowski’s engaged in corruption for much of his 22-year police career, using his street informants to shake down drug dealers and sell drugs.

ANSWER: This Defendant admits on information and belief Joseph Miedzianowski was convicted on federal criminal charges. This Defendant denies that the allegations contained in this paragraph provide an example of the City “turning a blind eye” to police officer misconduct. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 184.

185. Miedzianowski, like the Defendant Officers in this case, had accumulated dozens of complaints over the years, which the Defendant City routinely deemed unfounded or not sustained.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 185.

186. In the case of *Klipfel v. Bentsen*, No. 94-cv-6415 (N.D. Ill.), a federal jury found that as of 1994 the CPD maintained a code of silence that facilitated misconduct committed by Miedzianowski.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 186.

187. Likewise, in the case of *Obrycka v. City of Chicago et al.*, No. 07-cv-2372 (N.D. Ill.) (the Abbate case), a federal jury found that as of February 2007 “the City [of Chicago] had a widespread custom and/or practice of failing to investigate and/or discipline its officers and/or code of silence.”

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 187.

188. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case were also in place in 2004 through 2006, when Mr. Baker suffered the abuse described above.

ANSWER: This Defendant denies knowledge of a “constitutionally-defective oversight system” as alleged in this paragraph. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 188.

189. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case were also in place in 2004 through 2006, when Mr. Baker and Ms. Glenn suffered the abuse described above.

ANSWER: This Defendant denies a “code of silence” was a pervasive or widespread CPD policy or practice during the time he served as a police officer, and he further responds that a “code of silence” as described in the complaint was directly contrary to the rules, policies, and training of the CPD. This Defendant denies any remaining allegations contained in paragraph 189 inconsistent with the foregoing.

190. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continues to this day. In December 2015, Mayor Rahm Emanuel acknowledged that a “code of silence” exists within

the Chicago Police Department that encourages cover-ups of police misconduct, and that the City's attempts to deal with police abuse and corruption have never been adequate.

ANSWER: This Defendant denies on information and belief the allegations as phrased in the first sentence of paragraph 190, and states that a "code of silence" as described in the complaint is directly contrary to the rules, policies, and training of the CPD. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 190.

191. The policies, practices, and customs set forth above were the moving force behind the numerous constitutional violations in this case and directly and proximately caused Plaintiffs to suffer the grievous and permanent injuries and damages set forth above.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 191.

192. The Defendant City's investigation of complaints is characterized by unreasonably long delays, despite the relative straight-forward nature of many misconduct claims.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 192.

193. Although the Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, it has not enacted any substantive measures to address that deficiency.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 193.

194. Instead, the Defendant City continues to inadequately investigate citizen complaints. It has also failed to modify its officer training programs to reduce misconduct against Chicago residents or to implement a system to identify and track repeat offenders, districts, or units.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant denies on information and belief the allegations contained in paragraph 194.

195. Plaintiffs' injuries were caused by officers, agents, and employees of the Defendant City of Chicago and the Chicago Police Department, including but not limited to the individually named Defendants, who acted pursuant to the policies, practices, and customs set forth above in engaging in the misconduct described in this Count.

ANSWER: This Defendant denies the allegations as phrased in paragraph 195.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count I, and for his costs and such further relief as this Court deems just.

**Count II: 42 U.S.C. § 1983 – Malicious Prosecution and
Unlawful Pretrial Detention – Fourth and Fourteenth Amendments**

196. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 196 as though fully set forth herein.

197. In the manner described more fully above, Defendants, while acting as investigators, individually, jointly, and in conspiracy with each other, accused Plaintiffs of criminal activity and exerted influence to initiate, continue, and perpetuate judicial proceedings against Plaintiffs without any probable cause for doing so and in spite of the fact that they knew Plaintiffs were innocent.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 197.

198. In doing so, Defendants caused Plaintiffs to be unreasonably seized without probable cause and deprived of their liberty, in violation of Plaintiffs' rights secured by the Fourth and Fourteenth Amendments.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 198.

199. The false judicial proceedings against Plaintiffs were instituted and continued maliciously, resulting in injuries.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 199.

200. Defendants deprived Plaintiffs of fair state criminal proceedings, including the chance to defend themselves during those proceedings, resulting in a deprivation of liberty.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 200.

201. In addition, Defendants subject Plaintiffs to arbitrary governmental action that shocks the conscience in that Plaintiffs were deliberately and intentionally framed for crimes of which they were totally innocent. This was accomplished through Defendants' fabrication and suppression of evidence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 210.

202. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and with total disregard of the truth and of Plaintiffs' clear innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 202.

203. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper "actions" attributed to him in the complaint, which is the underlying premise of the allegations in paragraph

203. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

204. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 204.

205. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for the Defendant City of Chicago, in the manner described more fully above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 205.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count II, and for his costs and such further relief as this Court deems just.

Count III: 42 U.S.C. § 1983 – First Amendment

206. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 206 as though fully set forth herein.

207. In the manner described more fully above, Defendant Officers violated Plaintiffs' rights as secured by the First Amendment of the U.S. Constitution. Plaintiffs' complaints about the Defendant Officers' misconduct constituted protected speech and expression under the First Amendment. Plaintiffs' complaints were also protected under the Petition Clause of the First Amendment: Mr. Baker and Ms. Glenn were petitioning the government for redress of grievances.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 207.

208. In the manner described more fully above, Defendant Officers' actions caused Plaintiffs to suffer injuries that would chill a person of ordinary firmness from continuing to engage in protected activity.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 208.

209. Plaintiffs' protected First Amendment activity was at least a motivating factor in Defendant Officers' decision to take retaliatory action. The Defendant Officers would not have pinned a second false drug case on Mr. Baker and one on Ms. Glenn in the absence of their protected First Amendment activity.

ANSWER: The allegations of this paragraph are not directed against this Defendant. To the extent a response is deemed necessary: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 209.

210. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs' clear innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 210.

211. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper "actions" attributed to him in the complaint, which is the underlying premise of the allegations in paragraph

211. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

212. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 212.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count III, and for his costs and such further relief as this Court deems just.

Count IV: 42 U.S.C. § 1983 – Failure to Intervene

213. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 213 as though fully set forth herein.

214. In the manner described more fully above, during the constitutional violations described herein, the Defendants stood by without intervening to prevent the violation of Plaintiffs' constitutional rights, even though they had the opportunity to do so.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 214.

215. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs' innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 215.

216. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper “actions” attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 216. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

217. As a result of Defendants’ misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 217.

218. Defendants’ misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for the Defendant City of Chicago, in the manner described more fully above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 218.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count IV, and for his costs and such further relief as this Court deems just.

Count V: 42 U.S.C. § 1983 – Conspiracy to Deprive Constitutional Rights

219. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 219 as though fully set forth herein.

220. Prior to Plaintiffs’ convictions, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame

Plaintiffs for crimes they did not commit and thereby to deprive them of their constitutional rights, all as described above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 220.

221. In so doing, these co-conspirators conspired to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability by depriving Plaintiffs of their rights.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 221.

222. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 222.

223. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs' innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 223.

224. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper "actions" attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 224. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

225. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 225.

226. Defendants' misconduct described in this Count was undertaken pursuant to the policies, practices, and customs of Defendant City of Chicago, and by Defendants who were final policymakers for the Defendant City of Chicago, in the manner described more fully above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 226.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count V, and for his costs and such further relief as this Court deems just.

Count VI: Illinois Law – Malicious Prosecution

227. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 227 as though fully set forth herein.

228. In the manner described more fully above, Defendants accused Plaintiffs of criminal activity and exerted influence to initiate, continue and perpetuate judicial proceedings against Plaintiffs without any probable cause for doing so.

ANSWER: This Defendant denies the allegations as phrased in paragraph 228.

229. In so doing, these Defendants caused Plaintiffs to be subjected improperly to judicial proceedings for which there was no probable cause. These judicial proceedings were instituted and continued maliciously, resulting in injury.

ANSWER: This Defendant denies the allegations as phrased in paragraph 229.

230. Plaintiffs' criminal prosecutions were terminated in their favor, in a manner indicative of innocence.

ANSWER: This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 230.

231. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper "actions" attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 231. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

232. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 232.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count VI, and for his costs and such further relief as this Court deems just.

Count VII: Illinois Law – Intentional Infliction of Emotional Distress

233. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 233 as though fully set forth herein.

234. The actions, omissions, and conduct of the Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and

were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiffs, as is more fully alleged above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 234.

235. The Defendants' actions were taken under color of law and within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event a response is deemed necessary, and to the extent this paragraph is directed against him, this Defendant denies the alleged misconduct and improper "actions" attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 235. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

236. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 236.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count VII, and for his costs and such further relief as this Court deems just.

Count VIII: Illinois Law – Civil Conspiracy

237. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 237 as though fully set forth herein.

238. As described more fully in the preceding paragraphs, the Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiffs for crimes they did not commit and conspired by concerted action to accomplish an unlawful purpose by an unlawful means. In addition, these co-conspirators agreed among themselves to protect one another from liability for depriving Plaintiffs of their rights.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 238.

239. In furtherance of their conspiracy, each of these co-conspirators committed overt acts and were otherwise willful participants in joint activity.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 239.

240. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs' innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 240.

241. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 241.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count VIII, and for his costs and such further relief as this Court deems just.

Count IX: Illinois Law – Loss of Consortium

242. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 242 as though fully set forth herein.

243. In the manner described more fully above, the Defendants tortuously caused each of the Plaintiffs to be deprived of the services, society, support, felicity, and companionship of one another, all without justification.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 243.

244. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with reckless and deliberate indifference to the rights of others, and in total disregard of the truth and of Plaintiffs' innocence.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 244.

245. As a result of Defendants' misconduct described in this Count, Plaintiffs suffered loss of liberty, great mental anguish, humiliation, degradation, physical and emotional pain and suffering, and other grievous and continuing injuries and damages as set forth above.

ANSWER: To the extent directed against him, this Defendant denies the allegations contained in paragraph 245.

WHEREFORE, Defendant, Philip Cline, denies that plaintiffs are entitled to any judgment whatsoever as against him, and he requests that this Court enter judgment in his favor and against plaintiffs on Count IX, and for his costs and such further relief as this Court deems just.

Count X: Illinois Law – *Respondeat Superior*

Count X is not asserted against and seeks no relief from this Defendant. This Defendant therefore does not answer or respond to the allegations in this count except to the extent plaintiffs incorporate these paragraphs into other counts of the complaint.

246. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 194 as though fully set forth herein.

247. While committing the misconduct alleged in the preceding paragraphs, Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event an answer is deemed necessary, this Defendant denies that criminal misconduct such as that alleged in plaintiffs' complaint against certain Defendant Officers is the type of conduct that is within the reasonably anticipated job duties of a CPD police officer or would further a legitimate law enforcement purpose. To the extent this paragraph is directed against him, this Defendant denies the alleged misconduct attributed to him in the complaint, which is the underlying premise of the allegations in paragraph 247. This Defendant denies committing any tort against plaintiffs. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

248. Defendant City of Chicago is liable as principal for all torts committed by their agents.

ANSWER: This Defendant makes no answer to the legal conclusions contained in this paragraph. In further responding, this Defendant denies committing any tort against plaintiffs. This Defendant denies on information and belief the remaining allegations in paragraph 248.

Count XI: Illinois Law – Indemnification

Count XI is not asserted against and seeks no relief from this Defendant. This Defendant therefore does not answer or respond to the allegations in this count except to the extent plaintiffs incorporate these paragraphs into previous counts of the complaint.

249. Each preceding paragraph of this Complaint is incorporated as if restated fully herein.

ANSWER: This Defendant adopts and restates his answers and responses to each preceding paragraph of the complaint as and for his answer and response to paragraph 249 as though fully set forth herein.

250. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment.

ANSWER: This Defendant makes no answer to the legal conclusions contained in this paragraph. In further responding, this Defendant denies committing any tort against plaintiffs. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 250.

251. Defendant Officers were employees, members, and agents of the City of Chicago, acting at all relevant times within the scope of their employment in committing the misconduct described herein.

ANSWER: The allegations in this paragraph consist of legal conclusions to which no answer is required. In the event an answer is deemed necessary, this Defendant denies that criminal misconduct such as that alleged in plaintiffs' complaint against certain Defendant Officers is the type of conduct that is within the reasonably anticipated job duties of a CPD police officer or would further a legitimate law enforcement purpose. To the extent this paragraph is directed against him, this Defendant denies the alleged misconduct attributed to him in the complaint, and he denies committing any tort against plaintiffs. This Defendant otherwise admits that his actions when he served as the Superintendent of Police were performed within the scope of his employment.

AFFIRMATIVE DEFENSES

Defendant, Philip Cline, through counsel, without prejudice to his denials and all other statements in his answer and elsewhere, for his affirmative defenses to plaintiffs' second amended complaint, states:

1. At all times relevant to the allegations in the complaint, Mr. Cline was a public official exercising discretion in the course of his duties, and he is entitled to qualified immunity.

2. Mr. Cline is entitled to qualified immunity for his conduct because it was not clearly established that his actions violated plaintiffs' constitutional rights.

3. Plaintiffs' claims are barred by the applicable statutes of limitations.

4. Plaintiffs' claims are barred by the doctrines of *res judicata* and collateral estoppel.

5. An award of punitive damages would deprive Mr. Cline of due process of law in violation of the United States Constitution where liability for punitive damages has not been proven beyond a reasonable doubt or at least by clear and convincing evidence, or where the award of punitive damages is disproportionate to actual damages.

6. Mr. Cline is not liable for any of plaintiffs' claims because a public employee acting within the scope of his employment is not liable for an injury caused by the act or omission of another person. 745 ILCS 10/2-202.

7. To the extent either plaintiff failed to mitigate his or her claimed injuries or damages, any verdict or judgment obtained by that plaintiff must be reduced by application of the principle that a plaintiff has a duty to mitigate those damages.

8. To the extent any injuries or damages claimed by a plaintiff was proximately caused, in whole or in part, by negligent, willful, wanton and/or other wrongful conduct on the part of that plaintiff as reflected in the public record, including but not limited to, police reports and court records, any verdict or judgment obtained by that plaintiff must be reduced by an amount commensurate with the degree of fault attributed to plaintiff by the jury in this case.

9. Any recovery of damages by either plaintiff against Mr. Cline is barred by the doctrine of *in pari delicto*.

10. Mr. Cline would be entitled to a set-off for any and all amounts plaintiffs recover for the same injuries and damages being claimed in this lawsuit, including but not limited to amounts received from the Illinois Court of Claims.

11. Plaintiffs' second amended complaint fails to state cognizable claims for relief against Mr. Cline:

- a. Certain of plaintiffs' fabrication of evidence claims in Count I are not actionable as a due process claim because the evidence allegedly fabricated was not introduced against them at trial and did not cause their convictions;
- b. Even if otherwise actionable, plaintiffs' guilty pleas defeats their fabrication of evidence claim;
- c. Plaintiffs have not alleged a viable *Brady* claim in Count I;
- d. To the extent Count II asserts Fourteenth Amendment due process claims based on any pre-trial deprivation of liberty or attempts federal malicious prosecution claims, those claims are not actionable as a matter of law;
- e. Plaintiffs' failure to intervene claim in Count III has no basis in the Constitution, and the "Supreme Court has held many times that §1983 supports only direct, and not vicarious, liability." *Mwangangi v. Nielsen*, 48 F.4th 816, 834-35 (7th Cir. 2022) (Easterbrook, J., concurring);
- f. Plaintiffs' derivative failure to intervene and conspiracy claims are not actionable;
- g. Plaintiffs' Fourth Amendment claims for detention without probable cause are time-barred; and
- h. Plaintiffs' state law malicious prosecution and intentional infliction of emotional distress claims are time-barred.

In addition to the foregoing, Mr. Cline had no personal involvement in the alleged unconstitutional conduct or alleged malicious prosecution underlying plaintiffs' claims.

JURY DEMAND

Defendant Philip Cline respectfully requests a trial by jury.

Dated: July 7, 2023

Respectfully submitted,

By: *s/ Terrence M. Burns*
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CERTIFICATE OF SERVICE

I hereby certify that on **July 7, 2023**, I electronically filed the foregoing **Defendant Philip Cline's Answer to Plaintiffs' Second Amended Complaint** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record via the Court's CM/ECF system.

s/ Terrence M. Burns
