

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

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| BEN BAKER and CLARISSA GLENN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CITY OF CHICAGO, Former CHICAGO |) | Case No. 16 C 8940 |
| POLICE SERGEANT RONALD WATTS, |) | |
| OFFICER KALLATT MOHAMMED, |) | Judge Franklin U. Valderrama |
| SERGEANT ALVIN JONES, OFFICER |) | |
| ROBERT GONZALEZ, OFFICER |) | Magistrate Judge Sheila M. Finnegan |
| 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 CITY OF CHICAGO'S ANSWER TO PLAINTIFFS' SECOND AMENDED
COMPLAINT, AFFIRMATIVE DEFENSES, AND JURY DEMAND**

Defendant, City of Chicago ("City"), by its attorney, Terrence M. Burns of Burns Noland LLP, for its answer to plaintiff's second amended complaint ("SAC"), 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: The City denies on information and belief the allegations as phrased 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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 concerning Baker's residency. The City lacks knowledge or information sufficient to form a belief as to the individuals that plaintiff alleges to be part of the vague and undefined phrase "corrupt Chicago police officers," and it therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent that phrase is intended to refer to the Defendant Officers, the City admits that the Chicago Police Department ("CPD") received information alleging Defendant Ronald Watts was engaging in criminal misconduct regarding drug dealers at the Ida B. Wells housing complex, and that CPD's Internal Affairs Department ("IAD") participated with federal authorities in a federally-led investigation of those allegations. The City further admits Watts (in 2013) and Defendant Kallatt Mohammed (in 2012) pleaded guilty to and were convicted of federal crimes. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2.

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

ANSWER: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the vague and undefined term "officers," and it therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent that term is intended to refer to the named Defendant Officers, the City admits the CPD received information alleging Watts and Mohammed were 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. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations in this paragraph.

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: The City denies on information and belief the allegations as phrased in the first sentence of paragraph 4. The City admits police department reports reflect plaintiff Glenn was arrested on December 11, 2005, for possession of a controlled substance. The City admits on information and belief plaintiff Baker went to trial in Case Nos. 04 CR 19000 and 05 CR 8982, and that Baker was convicted in Case No. 05 CR 8982 and sentenced to 14 years in prison. The City admits on information and belief Baker pleaded guilty in Case No. 06 CR 810 and was sentenced to four years in prison based on that conviction. The City admits on information and belief Glenn also pleaded guilty in Case No. 06 CR 810 and was sentenced to one year of probation. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: Based on federal documents, the City admits that on November 21, 2011, Defendants Watts and Mohammed were caught in an undercover sting operation stealing government funds they believed to be drug proceeds. The City denies the remaining allegations in the first sentence of paragraph 5 that are inconsistent with the foregoing. The City admits on information and belief the allegations contained in the second sentence of 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: The City lacks knowledge or information sufficient to form a belief as to the individuals vaguely alleged to be part of Watts’ “police team members,” and it therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations are intended to refer to the named Defendant Officers, the City admits that CPD received information in 2004 alleging 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. The City further admits Mohammed was subsequently included as a target of the investigation. The City denies the remaining allegations in the first sentence of paragraph 6 inconsistent with the foregoing. The City admits plaintiffs’ SAC seeks damages, but it denies liability to plaintiffs for the claims asserted in the SAC and/or the damages alleged therein, and it denies any remaining allegation in this paragraph.

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: The City admits plaintiffs’ SAC includes claims that purport to be based on 42 U.S.C. §1983. The City denies liability to plaintiffs for any and all claims asserted in the SAC.

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. § 1367.

ANSWER: The City admits plaintiffs’ SAC purports to assert claims pursuant to federal statutes that seek to invoke the jurisdiction of this court. The City admits 28 U.S.C. §1367(a) provides for supplemental jurisdiction over certain claims, and that plaintiffs’ SAC includes “state law” claims that seek to invoke the supplemental jurisdiction of this court. The City denies liability to plaintiffs for any and all claims asserted in the SAC.

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: The City admits venue is proper in the United States District Court, Northern District of Illinois, for the claims asserted in plaintiffs' SAC. The City denies liability to plaintiffs for any and all claims in the SAC.

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: The City admits on information and belief Baker and Glenn lived in the Ida B. Wells housing complex in the 2004 – 2006 time frame. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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 City admits that at various times, Defendants Ronald Watts, Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Miguel Cabrales, Manuel Leano, Douglas Nichols, Brian Bolton, Kenneth Young, and Elsworth Smith were employed by the CPD as police officers. The City denies all of the individual defendants were employed by CPD or acted as CPD employees during the entire time period contemplated in the complaint. The remaining allegations in paragraph 11 assert legal conclusions to which no response is required. To the extent a further response is deemed necessary, the City lacks knowledge or information of the misconduct involving plaintiffs as alleged against the Defendant Officers in the complaint, but it denies the commission of the criminal acts alleged therein is conduct that is within the scope of a police officer's employment or under color of law. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations in paragraph 11.

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: The City admits that at certain times, Watts was a Chicago police officer assigned to the Second Police District, the boundaries of which included the Ida B. Wells housing complex. The City further admits Watts was one of the sergeants assigned to supervise tactical teams working out of the Second District. The City denies Watts was a Chicago police officer "at all relevant times" contemplated in the SAC. In further responding, the City admits that at various times, Defendants Nichols, Jones, Gonzalez, Mohammed, Leano, Bolton, Smith, and Young were assigned to tactical teams supervised by Watts. The City denies any remaining allegation contained in paragraph 12 inconsistent with the foregoing.

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

ANSWER: The City admits Mr. Cline served as Superintendent of Police from approximately November 2003 to April 2007. The City denies the remaining allegations contained 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: The City admits Ms. Kirby served as Assistant Deputy Superintendent of the CPD assigned to IAD from approximately July 2004 through March 2008. The City admits Ms. Rowan served as Assistant Deputy Superintendent of CPD assigned to IAD from October 2003 through July 2004. The City denies the remaining allegations contained 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: The City admits it 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. The City states that the allegations as to what it is “responsible for” consist of conclusions of law so vague that the City lacks knowledge or information sufficient to form a belief as to the truth of those allegations. The City further states that because plaintiffs do not identify the alleged “policies, practices, and customs” referred to in paragraph 15, the City is without knowledge or information sufficient to form a belief as to the truth of those allegations. To the extent plaintiffs refer to the “policies, practices, and customs” alleged elsewhere in the SAC that are or may be unlawful, the City denies those allegations. The City denies any remaining allegations 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: The City admits on information and belief Baker and Glenn lived in the Ida B. Wells housing complex in 2004. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 16.

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

ANSWER: The City admits that in the 2000s, the Ida B. Wells housing complex was patrolled by CPD police officers, including for a period of time 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: The City 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.

ANSWER: The City 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: The City 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: The City 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: The City admits the existence of a police department report dated June 17, 2004, which reflects that Baker was observed by CPD officers on that date appearing to stuff a large plastic bag containing suspect heroin into a mailbox in the lobby of the building at 527 E. Browning before fleeing the scene. The City therefore denies on information and belief the allegations as phrased in paragraph 22.

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

¹ Although they do not conform with pleading rules, to the extent that titles used throughout the SAC require an answer, the City denies all wrongful conduct alleged against it in these titles.

ANSWER: The City 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: Based on police department reports and court transcripts, the City admits that on July 11, 2004, Defendant Officers Young and Jones observed Baker on the second-floor landing of a stairwell in the building at 527 E. Browning, and that officers pursued Baker when he fled. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 24.

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

ANSWER: The City 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: The City 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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 as to what Watts or other unidentified officers were "aware" of. Based on police department reports, the City denies the remaining allegations in paragraph 27.

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

ANSWER: Based on police department reports, the City denies the allegations as phrased 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: Based on police department reports, the City admits Baker was arrested on July 11, 2004 and charged with possession of a controlled substance, but it denies he was “falsely” charged. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining 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: Based on police department reports, the City denies the allegations as phrased 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: The City denies knowledge or information of the alleged misconduct described in this paragraph, and it therefore denies the remaining allegations in paragraph 31, which are based on the premise the alleged misconduct took place.

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

ANSWER: The City denies knowledge or information of the alleged misconduct “described herein,” and it therefore denies the remaining allegations in paragraph 32, which are based on the premise the alleged misconduct took place.

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: Based on police department reports, the City denies the allegations as phrased 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: The City admits on information and belief Baker went to trial in October 2004 in Case No. 04 CR 19000.

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

ANSWER: Based on court transcripts, the City admits the allegations in paragraph 35.

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

ANSWER: The City 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: The City 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: The City objects to the improperly argumentative allegations contained in this paragraph, to which an answer cannot be meaningfully provided. To the extent an answer is deemed necessary, the City is without knowledge or information sufficient to form a belief as to the truth of the allegations as to what Defendant Young "realized" or "failed to realize."

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: The City objects to the improperly argumentative allegations contained in this paragraph. Subject to and without waiving this objection, the City responds: Based on court

transcripts, the City admits Judge Michael Toomin continued the trial in Case No. 04 CR 19000 after the State rested to allow Baker's defense counsel to present a written motion to suppress.

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

ANSWER: Based on court transcripts, the City admits Judge Toomin granted a motion to suppress in Case No. 04 CR 19000 on November 24, 2004.

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

ANSWER: Based on information and belief, the City admits the State's motion for nolle prosequi in Case No. 04 CR 19000 was granted on December 7, 2004. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City 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: The City 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: The City 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: The City objects to the vague and argumentative allegations in this paragraph. Subject to and without waiving its objections, the City states it is without knowledge or information sufficient to form a belief as to the truth of the allegations 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: Based on police department reports, the City admits Baker was arrested on March 23, 2005, at 527 E. Browning in the Ida B. Wells housing complex by Officers Nichols and Leano. The City denies any allegations in paragraph 46 inconsistent with the foregoing.

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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of paragraph 47. Based on police department reports, the City denies the allegations contained in the second sentence of 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: Based on police department reports, the City admits Baker was taken into custody and transported to the Second District police station on March 23, 2005. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49, including what Baker allegedly "saw" and "presumed."

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

ANSWER: Based on court transcripts, the City admits on information and belief Officers Jones and Watts arrived at the scene after Baker's arrest on March 23, 2005. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City 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: Based on police department reports, the City admits Baker was transported to the Second District police station. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining 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: Based on police department reports, the City denies the allegations as phrased 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: Based on police department reports, the City denies 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: Based on police department reports, the City admits Baker was charged with possession of a controlled substance (heroin) and possession of a controlled substance (cocaine). Based on police department reports, the City denies Baker was “falsely” charged.

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

ANSWER: The City admits on information and belief Officers Nichols, Gonzalez, Jones, and Watts testified on behalf of the State during the bench trial in Case No. 05 CR 8982.

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

ANSWER: Based on police department reports, the City denies the allegations contained in paragraph 57.

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

ANSWER: The City 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: The City 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: The City 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: The City 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: The City denies knowledge or information of the alleged misconduct “described herein,” and it therefore denies the remaining allegations in paragraph 62, which are based on the premise the alleged misconduct took place.

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: The City denies knowledge or information of the alleged misconduct “described herein,” and it therefore denies the remaining allegations in paragraph 63, which are based on the premise the alleged misconduct took place.

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: The City denies knowledge or information of the alleged misconduct described in this paragraph, and it therefore denies the remaining allegations in paragraph 64, which are based on the premise the alleged misconduct took place.

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: The City denies knowledge or information of the alleged misconduct described in this paragraph, and it therefore denies the remaining allegations in paragraph 65, which are based on the premise the alleged misconduct took place.

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: The City admits on information and belief that on June 9, 2006, Plaintiff Baker was found guilty in Case No. 05 CR 8982 of two counts of possession of a controlled substance with intent to deliver, and a third count of possession of a controlled substance. The City further admits on information and belief Baker was sentenced to 14 years’ imprisonment in Case

No. 05 CR 8982. The City denies knowledge or information of the “Defendant Officers’ misconduct” as alleged, and it therefore denies the remaining allegations in paragraph 66, which are based on the premise the alleged misconduct took place.

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: Based on police department reports, the City admits Baker was arrested in July 2004 and March 2005, and he was convicted in Case No. 05 CR 8982 in June 2006, but it denies those arrests and the 2006 conviction were “wrongful.” The City admits on information and belief Baker and Glenn made complaints about Watts and other officers in the time period between March 2005 and June 2006; the City further admits the existence of CR #309282 and CR #309359, and refers to those files for their content. The City denies any remaining allegations in paragraph 67 inconsistent with the foregoing.

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: The City admits Watts and Mohammed pleaded guilty to and were convicted of federal crimes. The City denies on information and belief the allegations in this paragraph suggesting “criminal conduct” by the other Defendant Officers. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City 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: The City admits on information and belief that on December 11, 2005, Baker was on bond and awaiting trial in Case No. 05 CR 8982. Based on police department reports, the City denies the charges arising from Baker's March 23, 2005 arrest were "false."

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: Based on police department reports, the City admits that on December 11, 2005, Plaintiffs were in a GMC Blazer that was pulled over by police and curbed in a parking lot behind 511 E. Browning in the Ida B. Wells complex, and that Watts and Jones were present at the scene.

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: Based on police department reports, the City admits Plaintiffs were told to exit the vehicle. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 72.

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

ANSWER: Based on police department reports and court transcripts, the City admits Plaintiffs' vehicle was searched. The City denies on information and belief the remaining allegations in paragraph 73.

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

ANSWER: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations contained in paragraph 74.

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

ANSWER: The City 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations as phrased 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations 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: Based on police department reports, the City admits Baker and Glenn were taken into custody on December 11, 2005. Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the remaining 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations as phrased 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations as phrased 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegation that Defendant Officers committed the alleged "misconduct," and it therefore denies the allegations as phrased 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: Based on police department reports and court transcripts, including Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations contained in paragraph 83 that Defendant Officers committed the alleged "misconduct" in connection with

Plaintiffs' December 2005 arrests. The City admits on information and belief Plaintiffs were charged with felony drug crimes.

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: Based on Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations in paragraph 84 that the evidence and/or police reports were fabricated or falsified. The City denies knowledge or information of the alleged misconduct "described herein," and it therefore denies the allegations in paragraph 84 that are based on the premise the alleged misconduct took place. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in this paragraph.

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: Based on Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegation in paragraph 85 that the evidence was fabricated, and it therefore denies the allegations contained in this paragraph, which are based on that premise.

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: Based on Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegations in paragraph 86 that the evidence and/or police reports were fabricated, and it therefore denies the allegations contained in this paragraph, which are based on that premise.

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: The City admits on information and belief Baker's trial in Case No. 05 CR 8982 proceeded before a trial in Case No. 06 CR 810. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City lacks knowledge or information sufficient to form a belief as to the vague term "substantive proceedings." The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations as phrased 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: The City admits on information and belief 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: Based on Plaintiffs' guilty pleas in Case No. 06 CR 810, the City denies the allegation in paragraph 90 that Plaintiffs were "completely innocent" and/or were "framed." The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph.

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: Based on police department reports, the City denies Baker's conviction in Case No. 05 CR 8982 was "wrongful." The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City admits on information and belief Judge Michael Toomin presided over Baker's bench trial in Case No. 05 CR 8982 and that Case No. 06 CR 810 was assigned to Judge Toomin. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining 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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations as phrased 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: The City 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: The City is without knowledge or information sufficient to form a belief as to the truth of the argumentative allegations as phrased 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: The City admits on information and belief Plaintiffs both pleaded guilty and were convicted of drug crimes in Case No. 06 CR 810, following a court hearing in which Judge Toomin explained the possible penalties Plaintiffs faced, and in which Judge Toomin found that Plaintiffs' guilty pleas were freely and voluntarily given and that a factual basis existed for the guilty pleas. Based on Plaintiffs' guilty pleas and Judge Toomin's finding that a factual basis existed for those pleas, the City denies the allegation that Defendant Officers committed the alleged "misconduct" in connection with Plaintiffs' December 2005 arrests and denies the

allegation that Plaintiffs were not guilty. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegation 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: Based on Plaintiffs' guilty pleas in Case No. 06 CR 810, which Judge Toomin found were freely and voluntarily given and for which a factual basis existed, the City denies the allegations as phrased 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: The City admits that a plea hearing in Case No. 06 CR 810 took place before Judge Toomin on September 18, 2006, and that a transcript of that hearing exists. The City refers to that transcript for its content and denies any allegation in paragraph 98 inconsistent therewith.

**Defendant Watts and His Crew Engaged in a Pattern of Misconduct for at Least a
Decade, All Facilitated by 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: The City lacks knowledge or information sufficient to form a belief as to the individuals "within CPD" to whom plaintiffs are referring, or those individuals alleged to be part of the argumentative, vague, and undefined term "Watts and his crew," and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations of this paragraph are intended to refer to the Defendant Officers, the City admits that 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 joint investigation of those allegations. The City further admits

Defendant Mohammed was subsequently included as a target of the investigation. The City denies any remaining allegations contained within paragraph 99 that are inconsistent with the foregoing.

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: The City lacks knowledge or information sufficient to form a belief as to the "government officials" to whom plaintiffs are referring, or those individuals alleged to be part of the argumentative, vague, and undefined term "Watts and his crew," and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations of this paragraph are intended to refer to the Defendant Officers, the City admits that 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 IAD participated with federal authorities in a federally-led joint investigation of those allegations. The City further admits Defendant Mohammed was subsequently included as a target of the investigation. The City denies the remaining allegations contained within paragraph 100 that are inconsistent with the foregoing.

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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term "Watts and his crew," and it 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 refer to the Defendant Officers, the City admits that CPD received information in 2004 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. The City admits Defendant Mohammed was subsequently included as a target of the

investigation. In further response, the City states the federal government determined it would be and was in charge of the joint investigation, and that the United States Attorney's Office would control and did control the results of everything that resulted from the investigation. The City denies any remaining allegations 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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the vague and undefined phrase “Watts and his team,” and it 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 refer to the Defendant Officers, the City admits that CPD received information in 2004 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. The City further admits Defendant Mohammed was subsequently included as a target of the investigation. The City denies any remaining allegations contained within paragraph 102 that are 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: The City admits the existence of an FBI 302 Report dated August 14, 2009, prepared by FBI Agent Patrick Smith, refers to that report for its content, and denies any allegations inconsistent therewith. The City admits the Report purports to reflect information obtained from Agent Smith's interview of Bernard Brown, a drug dealer, based on information allegedly provided to Brown by other drug dealers who worked in the Second District. The City is without knowledge

or information sufficient to form a belief as to the truthfulness or credibility of Mr. Brown, Mr. Brown's sources, or the information he provided to Agent Smith. The City is without knowledge or information sufficient to form a belief as to the as to the truth of the remaining 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: The City is without knowledge or information sufficient to form a belief as to the intended meaning of the vague phrase "extended beyond." To the extent it understands the phrase, the City admits on information and belief Defendant Mohammed was subsequently included as a target of the joint, federally-led investigation of Defendant Watts. The City denies on information and belief 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: The City admits that, on November 21, 2011, Defendant Watts was caught in an undercover sting operation stealing government funds he believed to be drug proceeds. The City further admits Watts pleaded guilty to and was convicted of a federal crime in 2013. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained in paragraph 105.

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

ANSWER: The City lacks knowledge or information sufficient to form a belief as to the "investigators" to whom plaintiffs are referring. To the extent the allegations of this paragraph are intended to refer to "investigators" involved in the federally-led investigation in which CPD's IAD participated, the City admits that, on November 21, 2011, Watts and Mohammed were caught

in an undercover sting operation stealing government funds they believed to be drug proceeds. The City further admits Watts (in 2013) and Mohammed (in 2012) each pleaded guilty to and was convicted of federal crimes. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained 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: Based on federal documents, the City admits that on November 21, 2011, Defendants Watts and Mohammed were caught in an undercover sting operation stealing government funds they believed to be drug proceeds from a cooperating witness working with the FBI. The City denies on information and belief the remaining allegations in paragraph 107.

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

ANSWER: The City admits 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: The City admits 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: The City admits the existence of the “Government’s Response to Defendant Ronald Watts’ Sentencing Memorandum,” Dkt. #84 in *United States v. Watts*, Case No. 12 CR 87-1 in the United States District Court, Northern District of Illinois, and that the first sentence of paragraph 110 accurately quotes language from that document. The City objects to plaintiffs’

mischaracterization of the Government's Response in the second sentence of paragraph 110. Answering further, the City denies the quotation in the second sentence of paragraph 110 fairly or accurately presents the language of the Government's Response; the actual language from the Government's Response is that Watts "recruited another CPD officer into his crimes, stealing drug money and extorting protection payments *from the drug dealers who terrorized the community* that he, the defendant, had sworn to protect." (Emphasis added).

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: The City denies the allegations as phrased in paragraph 111 and specifically denies that the extortion of bribes from drug dealers by Defendants Watts and Mohammed as alleged would have been "part of their duties with the CPD." Answering further, the City states that, if the alleged extortion of bribes is proven, that proof will establish the conduct was outside the scope of the duties of Watts and Mohammed and not subject to indemnification by the City.

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: The City admits that a sentencing hearing for Watts occurred, admits the existence of a transcript of that hearing, and states the allegations in paragraph 112 purport to quote only a portion of that hearing. The City refers to that transcript for its content and denies any allegations in paragraph 112 inconsistent therewith.

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

ANSWER: The City denies 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: The City admits former Police Superintendent Garry McCarthy was quoted in 2012 as stating, “That was a joint Chicago Police Department and FBI endeavor. At this point, there’s nobody involved except the two officers who were arrested.” The City denies on information and belief the remaining 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: The City denies the allegations as phrased in paragraph 115, and further states that the “code of silence” as alleged in the SAC 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: The City denies the allegations as phrased in paragraph 116, and further states that the “code of silence” as alleged in the SAC 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: The City admits on information and belief that the assertion set forth in paragraph 117 was made by one police officer, but it denies the accuracy of that statement, denies that it had any relation to this case, and states that a “code of silence” as described therein 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: The City denies the allegations as phrased in paragraph 118, and further states that the “code of silence” as alleged in the SAC is directly contrary to the rules, policies, and training of the CPD.

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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term “Watts and his crew,” and it therefore makes no further response to the allegations in this paragraph incorporating that term. The City denies on information and belief the remaining allegations in paragraph 119, and further states that the “code of silence” as alleged in the SAC is directly contrary to the rules, policies, and training of the CPD.

**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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term “Watts and his crew,” and it therefore makes no further response to the allegations in this paragraph incorporating that term. The City 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 Spaulding “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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 121 as to what Officer Echeverria believed. The City denies on information and belief the remaining 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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term "Watts and his crew," and it therefore makes no further response to the allegations in this paragraph incorporating that term. The City admits Echeverria and Spaulding participated in aspects of the joint federally-led investigation of Watts and Mohammed. The City denies any remaining allegations contained in paragraph 122 inconsistent with the foregoing.

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: The City denies on information and belief the allegations as phrased 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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term "Watts and his crew," and it therefore makes no further response to the allegations in this paragraph incorporating that term. The City admits Echeverria and Spaulding sued the City of Chicago and that the lawsuit eventually was settled. The City denies the settlement of that lawsuit is relevant to any issue in

plaintiff's SAC, and it denies any remaining allegations in paragraph 124 that are inconsistent with the foregoing.

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: The City admits Michael Spaargaren was a Chicago police officer in the mid-2000s, and that for a period of time one of his supervising sergeants was Defendant Watts. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained 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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 126.

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

ANSWER: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations contained 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: The City denies on information and belief the allegations contained 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: The City denies on information and belief the allegations contained 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: The City admits the Defendants Officers had been the subjects of complaints of alleged misconduct over the course of their careers. The City denies a complaint alleging misconduct that results in the opening of a Complaint Log or Complaint Register investigation establishes that the alleged misconduct occurred. The City denies the remaining allegations contained 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: The City lacks knowledge or information sufficient to form a belief as to the individuals alleged to be part of the argumentative, vague, and undefined term "Watts's crew," and it therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent any allegations remain, the City is without knowledge or information sufficient to form a belief as to the truth of those allegations.

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: The City denies the 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: The City denies the vague allegations contained in paragraph 133.

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

ANSWER: The City lacks knowledge or information sufficient to form a belief as to the “City officials” to whom plaintiffs are referring, or those individuals alleged to be part of the argumentative, vague, and undefined term “Watts and his crew,” and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations suggest or infer the City was obligated to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied. The City admits that CPD’s IAD participated with federal authorities in a federally-led investigation of those allegations, the federal government determined it would be and was in charge of the joint investigation, and that the United States Attorney’s Office would control and did control the results of everything that resulted from the investigation. The City denies any remaining allegations in paragraph 134 inconsistent with the foregoing.

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: The City lacks knowledge or information sufficient to form a belief as to the “City officials” to whom plaintiffs are referring, and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations of this paragraph are intended to refer to any named defendant, the City admits the purpose of the joint federally-led investigation was to investigate allegations that Watts, and later Mohammed, were involved in criminal activity. The City further states that the results of the criminal investigation could be and were used in subsequent disciplinary proceedings involving Watts and Mohammed. The City denies the remaining allegations contained in paragraph 135.

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: Paragraph 136 asserts legal conclusions to which no response is required. In the event a response is deemed necessary: to the extent the allegations suggest or infer the City was obligated to take actions that would have interfered with, obstructed, and/or exposed a pending confidential criminal investigation, those allegations are denied. The City denies the remaining allegations in paragraph 136 that are inconsistent with the foregoing.

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: The City lacks knowledge or information sufficient to form a belief as to the “City officials” to whom plaintiffs are referring, or those individuals alleged to be part of the argumentative, vague, and undefined term “Watts and his crew,” and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations of this paragraph are intended to refer to named defendant police officers, the City denies the allegations as phrased 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: The City lacks knowledge or information sufficient to form a belief as to the “City officials” to whom plaintiffs are referring, or those individuals alleged to be part of the argumentative, vague, and undefined term “Watts’s crew,” and it therefore makes no further response to the allegations in this paragraph incorporating those terms. To the extent the allegations suggest or infer the City was obligated to take actions that would have interfered with, obstructed, and/or exposed a pending confidential criminal investigation, those allegations are denied. To the extent the allegations are intended to refer to the Defendant Officers, the City is without knowledge or information sufficient to form a belief as to the truth of the allegation that they testified “falsely,” and it denies the remaining allegations as phrased in paragraph 138.

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: The City lacks knowledge or information sufficient to form a belief as to the "City officials" to whom plaintiffs are referring, and it therefore makes no further response to the allegations in this paragraph incorporating that term. To the extent the allegations suggest or infer the City was obligated to take actions that would have interfered with, obstructed, and/or exposed a pending confidential investigation, those allegations are denied. The City denies on information and belief the remaining allegations as phrased 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: The City 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: The City 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: The City admits on information and belief Judge Nicholas Ford entered a court order file-stamped January 14, 2015 in Case No. 05 CR 8982, which granted the State's motion to dismiss all charges against Baker and vacated Baker's conviction and sentence in that matter. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining 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: The City admits on information and belief a motion to vacate convictions was filed in Case No. 06 CR 810 in March 2016. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City admits on information and belief Judge LeRoy Martin entered a court order on March 23, 2016, in Case No. 06 CR 810, that vacated the convictions of Baker and Glenn. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City 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: The City admits on information and belief Baker was granted certificates of innocence in Case Nos. 05 CR 8982 and 06 CR 810.

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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 147. In further responding, the City denies liability to Baker for the claims and/or damages asserted in the SAC.

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: The City denies liability to Baker for any of the claims and/or damages asserted in the SAC. Based on police department reports, court documents, and Baker's guilty plea in Case No. 06 CR 810, the City denies that Baker's incarceration was "wrongful." The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 148.

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: The City is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 149. Further responding, the City denies liability to Plaintiffs for the claims and/or damages asserted in the SAC.

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: The City denies liability to Glenn for any of the claims and/or damages asserted in the SAC. Based on police department reports, court documents, and Glenn's guilty plea in Case No. 06 CR 810, the City denies her felony conviction was "wrongful." The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 150.

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 this paragraph refers to or relies on allegations made in the “foregoing” paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies the remaining allegations as phrased in paragraph 151.

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

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining 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: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining 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: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City admits that CPD received information alleging Defendants Watts and Mohammed were 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. The City denies the remaining allegations contained in paragraph 155.

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: The City 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: The City denies the allegations contained in paragraph 157.

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: The City denies on information and belief the allegations as phrased 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: The City denies on information and belief the allegations as phrased in paragraph 159.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, incorporating several legal theories and different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased within paragraph 160.

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 City denies 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 City denies 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 City denies 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 City denies 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: The City 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: The City 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: The City 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 City admits Terry Hillard served as Superintendent of Police for the CPD in September 1999. The City further admits then-Superintendent Hillard gave a speech on September 28, 1999 in which, upon information and belief, he discussed new training initiatives; refers to that speech for its content; and denies all allegations inconsistent therewith. The City denies Mr. Hillard's comments provide an "example" or acknowledgment of a constitutionally

deficient City policy or practice. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining 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 City admits in January 2000, Alderman William Beavers, then Chairman of the Committee on Police and Fire of the Chicago City Council, proposed a resolution that stated, in part, “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.” The City denies any remaining allegations contained within paragraph 169 that are inconsistent with the foregoing.

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 City objects to the allegations in this paragraph regarding the JCGC “findings” as vague and incomplete. Subject to and without waiving this objection, the City is without knowledge or information sufficient to form a belief as to the truth of the vague allegations contained in paragraph 170 concerning the JCGC and its purported “confirmation” of the findings of a resolution. The City is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations 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: The City 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 City denies 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 City denies on information and belief the vague 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: The City admits the existence of the CPD's 2005 Annual Report, refers to that Report for its content, and denies any allegations to the contrary. In further response, the City denies a complaint alleging misconduct by a police officer that results in the opening of a Complaint Log or Complaint Register investigation establishes the alleged misconduct occurred. The City states that mere reference to statistics of the number of complaints filed, without more, fails to establish municipal liability under §1983. *Strauss v. City of Chicago*, 760 F.2d 765, 768-69 (7th Cir.1985) ("People may file a complaint for many reasons, or for no reason at all"); *Bryant v. Whalen*, 759 F. Supp. 410, 423-24 (N.D. Ill. 1991).

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

ANSWER: The City admits the existence of the CPD's 2005 Annual Report, refers to that Report for its content, and denies any allegations to the contrary. In further response, the City denies a complaint alleging misconduct by a police officer that results in the opening of a Complaint Log or Complaint Register investigation establishes the alleged misconduct occurred. The City states that mere reference to statistics of the number of complaints filed, without more,

fails to establish municipal liability under §1983. *Strauss*, 760 F.2d at 768-69 (“People may file a complaint for many reasons, or for no reason at all”); *Bryant*, 759 F. Supp. at 423-24.

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: The City admits the existence of the CPD’s 2006 Annual Report, refers to that Report for its content, and denies any allegations to the contrary. In further response, the City denies a complaint alleging misconduct by a police officer that results in the opening of a Complaint Log or Complaint Register investigation establishes the alleged misconduct occurred. The City states that mere reference to statistics of the number of complaints filed, without more, fails to establish municipal liability under §1983. *Strauss*, 760 F.2d at 768-69 (“People may file a complaint for many reasons, or for no reason at all”); *Bryant*, 759 F. Supp. at 423-24.

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: The City admits the existence of the CPD’s 2006 Annual Report, refers to that Report for its content, and denies any allegations to the contrary. In further response: the City denies the allegations contained in the first sentence of paragraph 177, and it denies OPS is an “example” of “unconstitutionally lax oversight.” The City denies a complaint alleging misconduct by a police officer that results in the opening of a Complaint Log or Complaint Register investigation establishes the alleged misconduct occurred. The mere reference to statistics of the number of complaints filed, without more, fails to establish municipal liability under §1983. *Strauss*, 760 F.2d at 768-69 (“People may file a complaint for many reasons, or for no reason at all”); *Bryant*, 759 F. Supp. at 423-24.

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: The City denies the 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: The City admits former police officer Jerome Finnigan was convicted and sentenced on criminal charges in 2011, and it admits on information and belief 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. The City denies the allegations pertaining to Finnigan are evidence of any alleged widespread practice and denies the relevance of those allegations to the claims in plaintiff's SAC. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations 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: The City admits Jerome Finnigan and other members of the CPD's Special Operations Section were convicted of various criminal charges. The City denies any remaining allegations contained in paragraph 180 that are 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: The City lacks knowledge or information sufficient to form a belief as to identities of the individuals that plaintiff alleges to be part of Finnigan's "crew" or "Watts and his crew." To the extent there are any allegations that remain in paragraph 181, the City lacks knowledge or information sufficient to form a belief as to the truth of those allegations.

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: The City admits only that the Defendant Officers, as well as Finnigan, had been the subjects of complaints of alleged misconduct over the course of their careers. The City denies a complaint alleging misconduct that results in the opening of a Complaint Log or Complaint Register investigation establishes that the alleged misconduct occurred. The City denies any remaining allegations contained in paragraph 182.

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: The City admits Finnigan made a statement at his sentencing hearing and refers to the transcript of that statement for its content. The City is without knowledge or information sufficient to form a belief as to the truthfulness of Finnegan’s statement or the truthfulness, credibility, or motives of Finnegan in making the statement.

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: The City admits on information and belief Joseph Miedzianowski was convicted in 2001 on federal criminal charges including racketeering and conspiracy; refers to the court docket of that case for a description of the charges and their resolutions; and denies any allegations inconsistent therewith. The City denies the allegations pertaining to Miedzianowski are evidence of an alleged widespread practice and denies the relevance of those allegations to the claims in plaintiff’s SAC. The City 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: The City denies allegations as phrased 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: The City admits the jury entered a verdict against it in *Klipfel v. City of Chicago*, Case No. 94 C 6415; refers to the court docket of that case for its resolution; and denies any allegations inconsistent therewith. Further answering, the City denies the *Klipfel* verdict is applicable to the facts and circumstances alleged in the SAC. The City denies any remaining allegations in paragraph 186 inconsistent with the foregoing.

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: The City admits the jury entered a verdict against it in *Obrycka v. City of Chicago, et al.*, Case No. 07 C 2372, but states that the District Court in *Obrycka* subsequently noted the basis for the jury’s verdict was “unclear” and was “based on the unique facts of [that] case.” *Id.*, Mem. Op. & Order, Dkt. #712, at 10. Further answering, the City denies the *Obrycka* case is applicable to the facts and circumstances alleged in the SAC.

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: The City denies the 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: The City denies the allegations contained in paragraph 189.

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: The City admits that on December 9, 2015, Mayor Rahm Emanuel stated, in part, the following: “This problem is sometimes referred to as the Thin Blue Line. Other times it is referred to as the code of silence. It is the tendency to ignore, deny, or in some cases cover-up the bad actions of a colleague or colleagues.” The City denies that any “code of silence” within the CPD is pervasive, widespread, or a well-settled custom or practice to which the City’s final policymakers have been deliberately indifferent. Further responding, the City states any “code of silence” is directly contrary to the rules, policies, and training of the CPD.

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 City denies 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 City denies 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 City denies 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 City denies 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: The City denies the allegations contained in paragraph 195.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count I, and for its 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: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining allegations 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: The City denies on information and belief the allegations as phrased in paragraph 198.

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

ANSWER: The City denies on information and belief 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: The City denies on information and belief 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: The City denies on information and belief the allegations contained in paragraph 201.

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: The City denies on information and belief 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 City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, potentially incorporating several legal theories and different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased within paragraph 203.

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: The City denies the allegations as phrased 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies the remaining allegations in paragraph 205.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count II, and for its 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: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 City objects to this paragraph, which asserts legal conclusions to which no answer is required. Subject to and without waiving this objection, and to the extent an answer is deemed necessary, the City responds: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining allegations as phrased 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 City objects to this paragraph, which asserts legal conclusions to which no answer is required. Subject to and without waiving this objection, and to the extent an answer is deemed necessary, the City responds: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies knowledge or information of the misconduct alleged against the Defendant Officers in this paragraph, and it therefore denies on information and belief the remaining allegations as phrased 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 City objects to this paragraph, which asserts legal conclusions to which no answer is required. Subject to and without waiving this objection, and to the extent an answer is deemed necessary, the City responds: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies knowledge or information of the misconduct alleged against the Defendant Officers in this paragraph, and it therefore denies on information and belief the remaining allegations as phrased 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: The City denies knowledge or information of the misconduct "described in this Count" against the Defendant Officers, and it therefore denies on information and belief the allegations as phrased in paragraph 210.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, incorporating different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City lacks knowledge or information of the misconduct involving plaintiff as alleged against the Defendants in this Count, and it therefore denies on information and belief the allegations in this paragraph that are based on the premise the alleged misconduct occurred. The City is without knowledge or information sufficient to form a belief as to the truth of any remaining allegations contained within paragraph 211.

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: The City has denied knowledge or information of the misconduct "described in this Count" against the Defendant Officers, and it therefore denies on information and belief the allegations in paragraph 212.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count III, and for its 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: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies the remaining allegations as phrased 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining allegations as phrased in paragraph 215.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of state law in engaging in the actions alleged, on the basis that it is vague and confusing, potentially incorporating several legal theories and different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. To the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain

individual defendant officers as alleged in the FAC would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased in paragraph 216.

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: The City denies on information and belief the allegations as phrased 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: The City denies the allegations contained in paragraph 218.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count IV, and for its 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: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The

City denies knowledge or information of the conspiracy alleged in this count against the Defendant Officers, and it denies on information and belief the remaining allegations 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies knowledge or information of the conspiracy alleged in this count against the Defendant Officers, and it denies on information and belief the remaining allegations 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: The City denies knowledge or information of the conspiracy alleged in this count against the Defendant Officers. The City denies on information and belief the remaining allegations 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: The City denies knowledge or information of the conspiracy alleged in this count against the Defendant Officers. The City denies on information and belief the remaining allegations in paragraph 223.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, incorporating different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to

which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased in paragraph 224.

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: The City denies on information and belief the allegations as phrased 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: The City denies the allegations as phrased in paragraph 226.

WHEREFORE, Defendant, City of Chicago, denies that plaintiff is entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiff on Count V, and for its costs and such further relief as this Court deems just.

Count VI: Illinois Law – Malicious Prosecution

The City is not a party defendant from which plaintiffs seek relief in Count VI. The City therefore does not answer or respond to the allegations in this count except to the extent plaintiffs re-allege and incorporate these paragraphs in other counts against the City. In answering this Count, the City presumes all references to "Defendants" do not include the City.

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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: The City 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: The City denies the allegations as phrased in paragraph 229.

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

ANSWER: The City denies the allegations as phrased in paragraph 230.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, incorporating different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased in paragraph 231.

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: The City denies the allegations as phrased in paragraph 232.

Count VII: Illinois Law – Intentional Infliction of Emotional Distress

The City is not a party defendant from which plaintiffs seek relief in Count VII. The City therefore does not answer or respond to the allegations in this count except to the extent plaintiffs re-allege and incorporate these paragraphs in other counts against the City. In answering this Count, the City presumes all references to "Defendants" do not include the City.

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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: The City objects to this paragraph on the basis that it is vague and confusing, generally asserting "actions, omissions, and conduct" against "Defendant Officers" without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary: To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies on information and belief the remaining allegations as phrased in paragraph 234.

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

ANSWER: The City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of law in engaging in the actions alleged, on the basis that it is vague and confusing, incorporating different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent an answer is deemed necessary, the City denies the alleged commission of crimes by certain individual defendant officers as alleged in the complaint would be within the scope of a CPD police officer's employment. The City denies on information and belief the remaining allegations as phrased in paragraph 235.

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: The City denies the allegations as phrased in paragraph 236.

Count VIII: Illinois Law – Civil Conspiracy

The City is not a party defendant from which plaintiffs seek relief in Count VIII. The City therefore does not answer or respond to the allegations in this count except to the extent plaintiffs re-allege and incorporate these paragraphs in other counts against the City. In answering this Count, the City presumes all references to "Defendants" do not include the City.

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies knowledge or information of the conspiracy alleged in this count, and it denies the remaining allegations as phrased 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies knowledge or information of the conspiracy alleged in this count, and it denies the remaining allegations as phrased 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: The City denies the allegations as phrased 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: The City denies the allegations as phrased in paragraph 241.

Count IX: Illinois Law – Loss of Consortium

The City is not a party defendant from which plaintiffs seek relief in Count IX. The City therefore does not answer or respond to the allegations in this count except to the extent plaintiffs re-allege and incorporate these paragraphs in other counts against the City. In answering this Count, the City presumes all references to "Defendants" do not include the City.

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies the remaining allegations as phrased 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: The City denies the allegations as phrased 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: The City denies the allegations as phrased in paragraph 245.

Count X: Illinois Law – *Respondeat Superior*

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its answer and response to paragraph 246 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 City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of state law in engaging in the actions alleged, on the basis that it is vague and confusing, potentially incorporating several legal theories and different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent a further response is deemed necessary: The City denies the alleged commission of crimes by certain individual defendant officers as alleged in the SAC would be within the scope of a CPD police officer's employment. The City admits that at various times, Ronald Watts, Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Miguel Cabrales, Manuel Leano, Douglas Nichols, Brian Bolton, Kenneth Young, Elsworth Smith, Phil Cline, Debra Kirby, and Karen Rowan were employed by the CPD as police officers. The City denies all of the individual defendants were employed by CPD or acted as CPD employees during the entire time period contemplated in the SAC. To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies any remaining allegations in this paragraph inconsistent with the foregoing.

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

ANSWER: The City denies the allegations contained in paragraph 248.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count X, and for its costs and such further relief as this Court deems just.

Count XI: Illinois Law – Indemnification

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

ANSWER: The City adopts and restates its answers and responses to each preceding paragraph of the SAC as and for its 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 paragraph alleges legal conclusions to which no response is required. To the extent a response is deemed necessary, the City admits the existence of 745 ILCS 10/9-102; refers to it for its content; denies all allegations inconsistent therewith; denies any liability to plaintiffs pursuant to that statute; and denies any remaining allegations 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 City objects to this paragraph, which consists of the blanket assertion that each of the individual defendants was acting within the scope of his or her employment and under color of state law in engaging in the actions alleged, on the basis that it is vague and confusing, potentially incorporating several legal theories and different allegations of conduct against all of the defendants without asserting specific conduct against specific individuals. Further, this paragraph asserts legal conclusions to which no answer is required. Subject to and without waiving these objections, and to the extent a further response is deemed necessary: The City denies the alleged commission of crimes by certain individual defendant officers as alleged in the SAC would be within the scope of a CPD police officer's employment. The City admits that at various times, Defendant Officers Watts, Mohammed, Jones, Gonzalez, Cabrales, Leano, Nichols, Bolton, Young, and Smith were employed by the CPD as police officers. The City denies

all of the Defendant Officers were employed by CPD or acted as CPD employees during the entire time period contemplated in the SAC. To the extent this paragraph refers to or relies on allegations made in the preceding paragraphs, the City adopts and restates its prior answers and responses thereto. The City denies any remaining allegations in this paragraph inconsistent with the foregoing.

WHEREFORE, Defendant, City of Chicago, denies that plaintiffs are entitled to any judgment whatsoever as against it, and it requests that this Court enter judgment in its favor and against plaintiffs on Count XI, and for its costs and such further relief as this Court deems just.

AFFIRMATIVE DEFENSES

Defendant, City of Chicago, without prejudice to its denials and all other statements in its answer and elsewhere, for its affirmative defenses to plaintiffs' SAC, states:

1. To the extent individual employees of the City or its police department are not liable as alleged in the SAC, the City would not be liable. 745 ILCS 10/2-109.
2. The City is not liable for the claims alleged under state law because a public employee is not liable for his or her acts or omissions in the execution or enforcement of any law unless such acts or omissions constitute willful and wanton conduct. 745 ILCS 10/2-202.
3. Under the Illinois Tort Immunity Act, defendants are not liable under state law for any injury caused by the act or omission of another person. 745 ILCS 10/2-204.
4. Plaintiffs' claims are barred by the applicable statutes of limitations.
5. Plaintiffs' claims are barred by the doctrines of *res judicata*, judicial estoppel, and/or collateral estoppel.
6. The City of Chicago is immune from the imposition of punitive damages under both state and federal law. Punitive damages cannot be imposed against a municipality in a §1983 action. *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 271 (1981). Moreover, under Illinois

law, the City cannot be required to indemnify an employee for punitive damages, nor may it pay a judgment for punitive damages on behalf of an employee. 745 ILCS 10/2-102.

7. As to plaintiffs' state law claims, the City is not liable to pay attorney's fees as "the law in Illinois clearly is that absent a statute or contractual agreement 'attorney fees and the ordinary expenses and burdens of litigation are not allowable to the successful party.'" *See Kerns v. Engelke*, 76 Ill. 2d 154, 166 (1979).

8. To the extent any injuries or damages claimed by either plaintiff were proximately caused, in whole or in part, by negligent, willful, wanton and/or other wrongful conduct on the part of that plaintiff (including his/her criminal drug dealing and guilty plea), any verdict or judgment obtained by that plaintiff must be reduced by an amount commensurate with the degree of fault attributed to that plaintiff by the jury in this case.

9. To the extent either plaintiff failed to mitigate any of his/her claimed injuries or damages, including by his/her criminal misconduct and voluntary guilty plea, any verdict or judgment obtained by that plaintiff must be reduced by application of the principle that a plaintiff has a duty to mitigate his or her damages.

10. Any recovery of damages by plaintiffs against the City is barred by the doctrine of *in pari delicto*.

11. The City would be entitled to a set-off for any and all amounts plaintiff recovered for the same injuries and damages being claimed in this lawsuit, including but not limited to amounts received from the Illinois Court of Claims.

12. Plaintiff's SAC fails to state cognizable claims for relief against the City:

- a. Plaintiffs' fabrication of evidence claim in Count I is not actionable as a due process claim to the extent the evidence allegedly fabricated was not introduced against them at a trial and did not cause their convictions in Case No. 06 CR 0810;

- b. Even if otherwise actionable, plaintiffs' guilty pleas in Case No. 06 CR 0810 defeat their fabrication of evidence claims;
- c. Plaintiffs have not alleged a viable *Brady* claim in Count I;
- d. Count II should be dismissed to the extent it purports to attempt a claim for unlawful pretrial detention under the Fourteenth Amendment. *Lewis v. City of Chicago*, 914 F.3d 472, 476-78 (7th Cir. 2019) (Fourth Amendment, not Fourteenth Amendment, governs claims for wrongful pretrial detention);
- e. Count IV fails to state a viable claim. The failure to intervene theory asserted in Count IV invokes the concept of vicarious liability, and "§1983 supports only direct, and not vicarious, liability." *Mwangangi v. Nielsen*, 48 F.4th 816, 834-35 (7th Cir. 2022) (Easterbrook, J., concurring);
- f. Plaintiff's Fourth Amendment claim for detention without probable cause is time-barred; and
- g. Plaintiff's state law malicious prosecution and intentional infliction of emotional distress claims are time-barred.

To the extent plaintiffs' constitutional claims in the SAC fail to state actionable claims, their *Monell* claim against the City likewise fails to state an actionable claim. *City of Los Angeles v. Heller*, 475 U.S. 796, 799 (1986); *Durkin v. City of Chicago*, 341 F.3d 606, 615 (7th Cir. 2003) (Where a plaintiff cannot establish a constitutional violation, he has no claim against the municipality).

13. To the extent plaintiffs prove the allegations that assert criminal conduct against the individual Defendant Officers, such acts would be outside the scope of employment of a police officer and the City would not be liable for those acts as a matter of law.

JURY DEMAND

Defendant City of Chicago respectfully requests a trial by jury.

Dated: April 24, 2024

Respectfully submitted,

MARY B. RICHARDSON-LOWRY

Corporation Counsel of the City of Chicago

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CERTIFICATE OF SERVICE

I hereby certify that on **April 24, 2024**, I electronically filed **Defendant City of Chicago'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 counsel of record.

s/ Paul A. Michalik
