

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ben Baker and Clarissa Glenn,)	
)	Case No. 16 CV 8940
Plaintiffs)	
v.)	Hon. Franklin Valderrama
)	
City of Chicago, et al.,)	
)	
Defendants)	

**PLAINTIFFS' RESPONSES TO DEFENDANT KALLATT
MOHAMMED'S STATEMENT OF MATERIAL FACTS**

PARTIES

1. Plaintiffs Ben Baker and Clarissa Glenn are residents of Chicago, Illinois. At the time of the events giving rise to this suit, they lived together in the Ida B. Wells housing complex in Chicago. Second Amended Complaint ("SAC"), ECF No. 238, ¶ 10.

RESPONSE: Admit.

2. At all times relevant, Defendants Ronald Watts, Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Douglas Nichols, Jr., Manuel S. Leano, Brian Bolton, and Elsworth J. Smith, Jr. were Chicago police officers employed by the Chicago Police Department. SAC, ¶ 11.

RESPONSE: Admit.

3. Defendant City of Chicago ("City") is a municipal corporation of the State of Illinois. SAC, ¶ 15.

RESPONSE: Admit.

JURISDICTION AND VENUE

4. This court has original jurisdiction over Plaintiffs' federal claims (see 28 U.S.C.

§§ 1331, 1343), and supplemental jurisdiction over their state law claims (see 28 U.S.C. § 1367).

RESPONSE: Admit.

5. Venue in this judicial district is proper. See 28 U.S.C. § 1391(b).

RESPONSE: Admit.

BACKGROUND

6. The allegations against Mohammed stem from two arrests, detentions and prosecutions related to the possession of illegal narcotics, one of Baker on March 23, 2005, and one of Baker and Glenn on December 11, 2005. SAC, ¶¶ 46-66, 70-98.

RESPONSE: Admit that the Second Amended Complaint raises claims stemming from two arrests. As noted below, Baker and Glenn are not pursuing claims against Mohammed stemming from the March 2005 arrest.

March 23, 2005

7. On March 23, 2005, Baker was taken into custody by Nichols and Leano in the stairwell at 527 E. Browning. SAC, ¶ 48. Mohammed was not on duty on the day of that arrest. Attendance & Assignment Record, March 23, 2005 (“KM Ex.1”); Ben Baker Deposition, August 10, 2023 (“KM Ex. 2”) at 173:4-18.

RESPONSE: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph because KM Exhibit 2 is the deposition of Alvin Jones, not Ben Baker. KM Exhibit 4 is the deposition of Ben Baker.

Subject to those objections, Plaintiffs dispute that the cited materials support that Mohammed was not on duty on the day of March 23, 2005. In fact, KM Exhibit 1 shows that Mohammed was present for duty on that date and worked from 15:00 to 23:30. Additionally, Baker’s testimony does not demonstrate that Mohammed was not on duty on March 23, 2005. Baker testified that Mohammed was not involved in the arrest, not that he was not working:

Q. Mohammed was not involved in the March 2005 case, right?

A. Other than the report, helping with the report.

Q. I'm sorry. March of 2005. That's the Nichols arrest.

A. Yes.

Q. Mohammed was not involved in that, was he?

A. No, he wasn't typing that day. That was Gonzalez.

Q. Okay. Fine. He comes into the picture, so to speak, with you when you observe him after the December 11th, 2005 arrest typing reports in the station; is that fair?

A. Yes.

(KM Ex. 4, 173:4-18).

8. Accordingly, after consultation between counsel, the parties agree that Mohammed is entitled to summary judgment regarding claims arising from Baker's March 23, 2005 arrest and prosecution.

RESPONSE: Plaintiffs object to this paragraph because it violates Local Rule 56.1 by failing to cite any source in the record to support it. But Plaintiffs agree that they are not pursuing claims against Mohammed stemming from the March 23, 2005 arrest.

December 11, 2005

9. On December 11, 2005, Baker and Glenn were travelling in a vehicle near 511 E. Browning when they were pulled over by Chicago police officers before they were detained by Jones and Watts. SAC, ¶¶ 72-78. Watts and Jones searched the vehicle, claimed to have found drugs and took Baker and Glenn into custody. *Id.*

RESPONSE: Plaintiffs dispute that is a complete representation of the record cited. For completeness, neither Baker or Glenn had drugs or anything illegal on them or in their vehicle. SAC, ¶¶74-76; Ex. 1 (Dep. of Baker) Aug. 9, 2023 at 271:6-271:23; Ex. 2 (Dep. of C. Glenn) Aug. 26, 2021 at 282:6-282:20. Additionally, Plaintiffs dispute that they were even pulled over. Ex. 2 (Dep. of Glenn) Aug. 26, 2021 at 278:17-279:5; Ex. 1, (Dep. of Baker) Aug. 9, 2023 at 256:11-256:21. After Watts and Jones searched the vehicle and found nothing illegal, Watts pulled a plastic bundle that appeared to contain narcotics out of his sleeve, falsely claiming that he found the narcotics in the vehicle. Ex. 1 (Dep. of Baker) Aug. 9, 2023 at 271:1-271:5; Ex. 2 (Dep. of Glenn) Aug. 26, 2021 at 278:17-279:5. Plaintiffs otherwise admit the remainder of this paragraph.

10. Watts and Jones were the only police officers present when the drugs were recovered and Baker and Glenn were taken into custody. Alvin Jones Deposition, ("KM Ex.3") at 118:25-119:10. Deposition of Ronald Watts, October 7, 2022 ("KM Ex.4") at 191:18-20.

RESPONSE: Plaintiffs object that the cited material does not support the factual assertions

contained in this paragraph and on the ground that these facts are not undisputed. First, KM Exhibit 3 is the deposition of Ronald Watts, not Alvin Jones. And KM Exhibit 4 is the deposition of Ben Baker, not Watts. Second, at his October 7, 2022 deposition, Watts testified that although he thought Mohammed arrived later, he was not certain:

Q. Was Mohammed there at the 511? The one where you stopped Clarissa Glenn and Ben Baker at 511, was he there?

A. Not at the time we stopped them, no.

Q. Okay. He arrived later?

A. He arrived later, yes, I think he did come later. I'm not -- I'm pretty sure he came later. And -- and Al and Mohammed were partners on that day for -- I think it may have been a three-man car.

(KM Ex. 3, 191:14-25).

Defendant Jones told the Civilian Office of Police Accountability (“COPA”) that other officers were involved in the traffic stop and that “Mohammed was there” for the arrest. Ex. 3 (COPA Interview of Alvin Jones) Jan. 25, 2019, at 79:7-80:5, 83:23-24. And the reports documenting the arrests state that Mohammed was present and observe Glenn hand Baker a bag of narcotics. Ex. 4 (Baker Arrest Report); Ex. 5 (Vice Case Report).

11. Mohammed, in particular, was not present for the stop, the search or the recovery of drugs. Jones Deposition, (“KM Ex.3”) 118:25-119:10; 119:24-120:1; Baker Deposition, (“KM Ex. 2”) at 173:19-22.

RESPONSE: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph because KM Exhibit 3 is the deposition of Watts, not Jones, and KM Exhibit 2 is the deposition of Jones, not Baker.

Subject to that objection, Plaintiffs dispute that anyone recovered drugs from them or their vehicle. Ex. 2, (Dep. of Glenn) at 278:17-282:20, 286:1-289:16 (Glenn testified that she and Baker did not have drugs in the vehicle, and after a lengthy search of their car, Watts pulled drugs from his sleeve while claiming he found them in their vehicle). Additionally, the reports documenting the arrests state that Mohammed was present and observe Glenn hand Baker a bag of narcotics. Ex. 4 (Baker Arrest Report); Ex. 5 (Vice Case Report).

12. Baker and Glenn both testified that they first encountered Mohammed after their arrest after they arrived at the police station. Baker Deposition, (“KM Ex. 2”) at 173:4-18; Clarissa Glenn Deposition, September 20, 2023 (“KM Ex. 5”). at p. 248:16-23. Glenn testified that Mohammed asked what she and Ben were doing there and Ben answered, “Your boy, your

boy Watts” or “ask your boy Watts.” Mohammed sat down at a desk and began typing a report.

Id. at 257:14-24.

RESPONSE: Plaintiffs dispute that the cited material supports the assertion that Baker first encountered Mohammed at the police station on December 11, 2005 because Watts and Jones have testified that Mohammed came to the scene. (KM Ex. 4, 173:4-18). Plaintiffs admit that Glenn testified to the quoted statements in the above paragraph. Whether Mohammed typed out the reports is disputed. There is record support for that proposition, but it is not undisputed because Jones claims that he prepared the reports. (KM Ex. 3 at 120:6-14).

13. According to Glenn, she observed Watts pass the report around the room for officers to do a part in typing and then returning it to Mohammed, telling him things to put in and scolding Mohammed for taking too long to complete. Glenn Deposition, (“KM Ex.5”) at p. 258:8-21. Baker also observed several officers telling Mohammed what to put in the report. Baker Deposition (“KM Ex.2”) at 181:1-182:5. Although neither Baker nor Glenn heard the subject matter of these conversations, they inferred that Mohammed was working on their report. Baker Deposition (“KM Ex.2”) at 181:9-22, Glenn Deposition (“KM Ex.5”) at 258:22—259:2.

RESPONSE: Plaintiffs object to this paragraph because it violates Local Rule 56.1 by containing multiple, distinct assertions for the reasons previously outlined in Plaintiffs’ responses. *See Malec v. Sanford*, 191 F.R.D. 581, 583 (N.D. Ill. 2000); *see also, Wilcox v. Allstate Corp.*, No. 11 C 814, 2012 WL 6569729, at *4 (N.D. Ill. Dec. 17, 2012) (citing N.D. Ill. R. 56.1(a)).

Subject to this objection, Plaintiffs dispute that Glenn did not hear what Defendants were telling Mohammed or saying amongst each other. (KM Ex. 5, at 258:4-259:4) (Glenn testified that she didn’t recall what she heard Watts tell Mohammed to put in the report, not that she could not hear the officers). Plaintiffs otherwise admit the remainder of this paragraph.

14. In fact, Jones completed the reports related to the Baker and Glenn arrests. Jones Deposition, (“KM Ex. 3”). at 120:6-14; Watts Deposition (“KM Ex.4”) at 241:12-21.

RESPONSE: Dispute. Although there is evidence that Jones completed the arrest report and vice case report for the Baker and Glenn arrests on December 11, 2005, there is also evidence, particularly in the form of Baker and Glenn’s testimony, that Mohammed

completed the reports. (KM Ex. 2, at 181:9-22); (KM Ex. 5, at 258:22-259:2).

15. Jones entered Mohammed's name in Box 46 as a co-arresting officer because he and Mohammed were assigned as partners on December 11, 2005. Jones Deposition ("KM Ex.3") at 126:7-9. Jones also signed Mohammed's name to the report. *Id.* at 142:15-19.

RESPONSE: Plaintiffs object that the cited material does not support that the reason Jones entered Mohammed's name in Box 46 was because they were assigned as partners on December 11, 2005. Specifically, Jones testified that Mohammed was his partner and that wrote Mohammed's name in the box, but not that he did so *because* Mohammed was his partner. Specifically, the testimony was:

Q. You wrote down Mohammad's name, right?

A. He was the second -- he was my partner at the time, I put him in Box 2, yes.

(KM Ex. 2, at 126:7-9). In addition, as noted in response to Paragraph 10, above, Watts testified that he believes that him, Jones, and Mohammed were assigned to a three-man car together. Jones did not sign Watts' name to the report, undercutting the claim that he signed Mohammed's name merely because they were partners. Plaintiffs admit the last sentence of this paragraph.

16. According to Jones, placing Mohammed's signature on the report merely signified that Mohammed "had some knowledge and the knowledge he had is what I relayed to him." Jones Deposition ("KM Ex. 3") at 143:19-20. Watts confirmed that this was standard protocol. Watts Deposition ("KM Ex.4") at 192:2 -94:1.

RESPONSE: Plaintiffs admit that Mohammed has accurately quoted Jones's testimony in the first sentence. Plaintiffs object that the cited materials do not support that Watts confirmed this was "standard protocol." Rather, Watts testified,

...when you generate the report, the practice is you put your partner down. If you're talking about practices and what's done, that's what's done. That's the second man on the car, or even a third man on the car if he placed it there. I mean, I don't know why you wouldn't, but that's why it's there. (KM Ex. 3, 192:2-7).

And in this incident, it's accurate, because when you go back to Box -- I think that's Box -- it's above that -- 12, and Elsworth, he stated, Mohammed and Jones because those were his partners. So, I don't know. You know, when you say his practice, I don't know if it was his practice, but that's the way he generated the report, and it was acceptable. (KM Ex. 3, at 193:16-22).

17. On December 11, 2005, contemporaneous to the Baker-Glenn arrest, Mohammed was the second arresting officer with Ellsworth Smith of the arrests of Willie Robinson, Lewis Moore, Larry Pulley, Michael Henderson and Lawrence Little taking place at 574 E. Browning. (“KM Ex.6”)

RESPONSE: Admit that the vice case report for this “contemporaneous arrest” lists Mohammed as the second arresting officer.

18. These arrestees were in the Second District police station at the same time as Baker and Glenn. (“KM Ex.4”) at 249:18-250:6; Baker Deposition (“KM Ex.2”) at 22:5-21.

RESPONSE: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph because KM Exhibit 2 is the deposition of Alvin Jones, not Baker. And KM Exhibit 4 is not the deposition of Glenn, but the deposition of Baker.

Plaintiffs further object that this statement is immaterial to the issues at summary judgment and thus violates Local Rule 56.1. The 56.1(a) statement should be limited to *material* facts, that is, facts pertinent to the resolution of the issues identified in the summary judgment motion. *Malec v. Sanford*, 191 F.R.D. 581, 583 (N.D. Ill. 2000). For summary judgment purposes, only facts that are outcome-determinative under the substantive law are “material.” *Alber v. Illinois Dep’t of Mental Health & Developmental Disabilities*, 816 F. Supp. 1298 (N.D. Ill. 1993). Whether the arrestees from 574 E. Browning were at the police station while Baker and Glenn were there has no bearing on their §1983 claims.

Subject to those objections, Plaintiffs admit only that they saw other arrestees from Ida B. Wells Housing at the Second District police station while there on December 11, 2005. (KM Ex. 5, at 249:18-250:6) (KM Ex. 4, at 22:5-24). The cited material does not support the proposition that Plaintiffs saw all of the individual listed in paragraph 17.

19. Contemporaneous records reflect that Mohammed submitted certain inventory reports in connection with the arrests of the individuals at 574 E. Browning. (“KM Ex.7”)

RESPONSE: Plaintiffs object that the cited material does not support that Mohammed submitted inventory in connection with the arrests of individuals at 574 E. Browning because there is no indication in the cited source that these inventoried items were connected to the 574 E. Browning arrests from December 11, 2005. Plaintiffs further object that the cited record is inadmissible hearsay that Defendant attempts to use to prove the truth of the matter asserted.

20. Mohammed was not present when Glenn claims Jones and Watts confronted her about complaints she made about officers to the City. Glenn Deposition (“KM Ex. 5”) at

93:11- 94:7; Glenn Deposition, August 26, 2001 (“KM Ex. 8”) at 53:6-54:4).

RESPONSE: Admit.

21. On December 11, 2005, Jones authored and signed a complaint for preliminary examination in connection with Glenn’s arrest. (“KM Ex. 9”).

RESPONSE: Admit.

22. On December 29, 2005, Jones testified about the circumstances of the arrest before a Cook County grand jury. (“KM Ex.10”) Mohammed’s name was never mentioned. The grand jury indicted plaintiffs on January 6, 2006. (“KM Ex.11”).

RESPONSE: Plaintiffs object to this paragraph because it violates Local Rule 56.1 by containing multiple, distinct assertions for the reasons previously outlined in Plaintiffs’ responses. See *Malec v. Sanford*, 191 F.R.D. 581, 583 (N.D. Ill. 2000); see also, *Wilcox v. Allstate Corp.*, No. 11 C 814, 2012 WL 6569729, at *4 (N.D. Ill. Dec. 17, 2012) (citing N.D. Ill. R. 56.1(a)).

Plaintiffs admit that Jones testified before a Cook County grand jury about the arrest but deny that he talked about the “circumstances” of the arrest. Jones provided a fabricated version of the arrest. For example, Jones testified that upon approaching Baker’s vehicle, officers observed Glenn handing Baker a bag of narcotics while they were both in their vehicle. (KM Ex. 10 at 4:3-8). On the other hand, Glenn testified that she and Baker did not have drugs in the vehicle, and after a lengthy search of their car, Watts pulled drugs from his sleeve while claiming he found them in their vehicle. Ex. 2, (Dep. of Glenn) at 278:17-282:20, 286:1-289:16. Plaintiffs admit the last two sentences of this paragraph.

23. On September 18, 2006, Plaintiffs pleaded guilty. (“KM Ex. 12”).

RESPONSE: Admit.

24. Mohammed did not author or sign any reports, sign the criminal complaint, recover or handle the drugs, or testify in any related judicial proceeding arising from Plaintiffs’ December 11, 2005 arrests. Jones Deposition, (“KM Ex. 3”). at 120:6-14; Watts Deposition (“KM Ex.4”) at 241:12-21; KM Ex.9; KM Ex. 10; KM Ex. 12.

RESPONSE: Plaintiffs object to this paragraph because it violates Local Rule 56.1 by containing multiple, distinct assertions for the reasons previously outlined in Plaintiffs’ responses. See *Malec v. Sanford*, 191 F.R.D. 581, 583 (N.D. Ill. 2000); see also, *Wilcox v. Allstate Corp.*, No. 11 C 814, 2012 WL 6569729, at *4 (N.D. Ill. Dec. 17, 2012) (citing N.D.

Ill. R. 56.1(a)). Plaintiffs further object that the cited material does not support certain factual assertions contained in this paragraph because KM Exhibit 3 is the deposition of Watts, not Jones. And KM Exhibit 4 is not the deposition of Watts, but the deposition of Baker.

Subject to that objection, Plaintiffs deny that any of the cited materials establish that Mohammed did not handle drugs used in Baker and Glenn's false arrest. Plaintiffs further dispute the statement that Mohammed did not "author or sign any reports," and that he did not "testify in any related judicial proceedings arising from" the December 11, 2005 arrests. Mohammed authorized Jones to sign his name to the Vice Case Report, which is no different than Mohammed physically writing in his own name. Ex. 6 (Dep. of Alvin Jones) July 19, 2023 at 140:7-140:15, 143:21-144:1. And Baker and Glenn testified that Mohammed typed up the reports. (KM Ex. 5 at 258:22-259:2); (KM Exhibit 4 at 180:21-181:22, 294:10-295:3). In addition, Glenn has testified that Mohammed testified at a proceeding to impound the car that they were driving that day. Ex. 7, (Dep. of Glenn--CONFIDENTIAL) Sept. 20, 2023, 282:16-285:21. Mohammed does not deny doing so, and instead merely does not recall either way. Ex. 8 (Dep. of Mohammed) Nov. 15, 2023 at 44:10-45:3. COPA determined that Mohammed likely did in fact testify at that proceeding. Ex. 9 (Log #1087742 COPA Report) at 9 and n. 34 (stating that Mohammed was paid for testifying in court on the day that Glenn's car was impounded).

Respectfully submitted,

/s/ Gianna Gizzi

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