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

BEN BAKER and CLARISSA GLENN, Plaintiffs, v. CITY OF CHICAGO, Former CHICAGO POLICE SERGEANT RONALD WATTS, 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., OFFICER ELSWORTH J. SMITH, JR., PHILIP J. CLINE, KAREN ROWAN, DEBRA KIRBY, and as-yet-unidentified officers of the Chicago Police Department., Defendants.	)	Case No. 16 C 8940 Judge Franklin U. Valderrama Magistrate Judge Sheila M. Finnegan (This case is part of *In re: Watts Coordinated Pretrial Proceedings*, Master Docket Case No. 19 C 1717)

PLAINTIFFS' RESPONSE TO DEFENDANT CITY OF CHICAGO'S LOCAL RULE 56.1(a)(2) STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT[1]

Plaintiffs, Ben Baker and Clarissa Glenn, by their attorneys, submit the following responses to Defendant City of Chicago statement of undisputed material facts, pursuant to L.R. 56.1(a)(2), in support of its Motion for Summary Judgment:

PARTIES

1. Plaintiffs Ben Baker and Clarissa Glenn resided in the City of Chicago. (Dkt. 238, Second Amended Complaint ("SAC") at ¶10). Undisputed.

[1] Any statements or admissions contained herein are solely for purposes of adjudicating the motions for summary judgment.

Response: Undisputed.

2. On March 23, 2005 and December 11, 2005, Sgt. Ronald Watts and Officers Kallatt Mohammed, Alvin Jones, Robert Gonzalez, Douglas Nichols, Jr. Manuel S. Leano, Brian Bolton, and Elsworth Smith, Jr. ("Defendant Police Officers") were members of the Chicago Police Department ("CPD") assigned to a tactical team in the Second District. (Dkt. 238, SAC at ¶11-12).

Response: Undisputed.

3. Defendant City of Chicago is an Illinois municipal corporation. (Dkt. 238, SAC at ¶15).

Response: Undisputed.

JURISDICTION AND VENUE

4. Plaintiffs have brought this action pursuant to 42 U.S.C. § 1983, this Court has jurisdiction over plaintiffs' claims pursuant to 28 U.S.C. §§ 1331 and 1367, and venue is proper in the United States District Court, Northern District of Illinois pursuant to 28 U.S.C. § 1391(b). (Dkt. 238, SAC at ¶7-9).

Response: Undisputed.

FACTS

5. The underlying facts concerning the March 23, 2005 arrest of Baker and the December 11, 2005 arrests of Baker and Glenn, Baker's June 2006 bench trial where he was convicted by Judge Michael Toomin relative to his March 23, 2005 arrest, Baker and Glenn's September 18, 2006 pleas of guilty in connection with their December 11, 2005 arrest, and Plaintiffs' post-conviction proceedings, are contained within the Defendant Police Officers' Rule 56.1(a)(2) Statement of Facts, which the City adopts but will not repeat herein.

Response: Plaintiffs object to this paragraph as it improperly cites to another Rule 56.1 statement rather than the record, in violation of Rule 56.1 ("Each Local Rule 56.1 statement of material fact or response must cite to the evidentiary record and cannot cite to briefs filed by the parties or to other Local Rule 56.1 statements or responses.") *See also Rivera v. Guevara,* 319 F. Supp. 3d 1004, 1019 (N.D. Ill. 2018) ("Local Rule 56.1 requires citations to the record evidence rather than cross reference to a reference to a citation; using a cross-reference saves counsel time but offloads on the court the burden of identifying what is factually disputed and whether the dispute is material."). To the extent that the Court overrules Plaintiffs' objection based on the City's cross-referencing the Defendant Officers' summary judgment materials, Plaintiffs further object because, as set forth in their response to the Defendant Officers' Statement of Facts and in their own Statement of Additional Material Facts, the Defendant Officers' recitation of the facts is inaccurate and incomplete.

THE JOINT FBI/IAD CRIMINAL INVESTIGATION

6. On or about September 17, 2004, Calvin Holliday of the CPD's Internal Affairs Division ("IAD"), Confidential Investigations Section ("CIS"), initiated Complaint Register #300778 and Confidential Number 259476. (Ex. 1, BAKER GLENN 18627; Ex. 2, Holliday deposition at 64). According to a September 17, 2004 memorandum sent to the Commanding Officer of CIS, Lt. Juan Rivera, Holliday was made aware by CPD Sgt. Henry Harris (who at that time was assigned to Chicago's HIDTA - High Intensity Drug Trafficking Areas), of allegations that unknown Public Housing Unit officers were taking money from drug dealers to allow the drug dealers to sell their product. (Ex. 1, BAKER GLENN 18627; Ex. 2, Holliday deposition at 65-67).

Response: Undisputed.

7. Holliday, Lt. Rivera, and IAD Sgt. Kenneth Bigg met with a confidential informant ("CI"), who indicated officers approached him and requested payment to allow him to continue selling drugs in the area. *Id*. The CI said this conduct was ongoing and many larger drug dealers were paying tax money to the officers. *Id*. Subsequent memos indicate this CI was Willie Gaddy. (Ex. 3, BAKER GLENN 10947-48).

Response: Disputed. Plaintiffs further object to the use of the term "indicated" in the phrase "indicated officers approached him" because CSOF Ex. 1 establishes that the CI stated this information to Holliday, Lt. Rivera, and IAD Sgt. Kenneth Bigg without any equivocation. The reliance on CSOF Ex. 3 is furthermore objected to because while CSOF Ex.1 references "officers," whereas CSOF Ex. 3 only specifically references "Watts." Furthermore, objected to because this paragraph leaves out critical information regarding the fact that *one of the officers* shot at the CI. CSOF Ex. 3. Otherwise, undisputed as to the fact that many larger drug dealers were paying tax money to the officers.

8. IAD brought Gaddy's accusation to the United States Attorney's Office ("USAO"), Federal Bureau of Investigation ("FBI"), and other federal agencies during a meeting on September 20, 2004. (Ex. 4, FBI 331; Ex. 5, ATF Management Log at ATF-Baker 38.2; Ex. 6, BAKER GLENN 18628; Ex. 2, Holliday deposition at 68-70).

Response: Disputed. Undisputed that Holliday testified but disputed as to the incompleteness of the testimony. Plaintiffs also object on the ground that the citations do not support the proposition they are cited for. Specifically, CSOF Exs. 2, 4, 5, and 6 do not indicate that "IAD brought Gaddy's accusation" anywhere. Furthermore, object as to the grounds that CSOF Exs. 4 and 5 are partially redacted which makes any proper and fulsome response to them incomplete. Furthermore, objection to the reliance on Holliday's testimony to substantiate what IAD communicated at meeting when, as CSOF Ex. 2 indicates, Holliday testified that he did not know whether he attended the September 20, 2004 meeting or not, and he does not know who in fact attended this meeting.

9. According to ATF's Management Log, the following individuals were present at the September 20, 2024 meeting: Holliday, Lt. Rivera, Sgt. Bigg, Sgt. Harris, AUSA Mark Prosperi, AUSA Gayle Littleton, AUSA David Hoffman, FBI Agent Daria Ringo, FBI Agent Jim McNally, DEA Agent Scott Masumoto, ATF Agent Susan Bray, and ATF Agent Billy Warren. (Ex. 5 at ATF-Baker 38.2). Per Holliday's September 21, 2004 memo, "It was determined this would be a federally prosecuted investigation. The Cooperating Individual is to be prosecuted in federal court and the United States Attorney's office believe they should be in control of everything that results from his cooperation." (Ex. 6).

Response: Disputed. CSOF Ex. 6 lacks foundation and is inadmissible hearsay, and Plaintiffs further object to the portion of that exhibit referenced above as hearsay within

hearsay under Rule 805. *See also Gomez v. Rihani*, 2024 WL 3925402, at *4 (N.D. Ill. Aug. 23, 2024) ("The hearsay exception as applied to police reports generally applies only to an officer's factual findings and firsthand impressions, not statements provided to an officer by a third-party.") Otherwise, undisputed that the meeting occurred.

10. Lt. Rivera testified that the federal authorities at the September 20, 2004 meeting stated this would be a federal investigation prosecuted in federal Court and that they would be in control of the information. (Ex. 7, Rivera Confidential dep at 60). Specifically, Rivera testified "it was the AUSA who made [that] decision." (Ex. 8, Rivera dep at 83).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Plaintiffs object on the ground that Lt. Rivera's testimony does not reference a "September 20, 2004 meeting" in either CSOF Ex. 7 or 8 as produced. Disputed that the testimony in CSOF Ex. 8 states that the AUSA stated that it "would be a federal investigation" or that the AUSA "would be in control of the information," as indicated in the paragraph.

11. An FBI report states that "On 09/21/2004, FBI Chicago received information of an ongoing joint investigation conducted by [IAD, DEA and ATF]. The investigation involved alleged criminal activity of … Watts." (Ex. 4, FBI 331). FBI 331 states that:

> **An ATF source alleged that, in the past, Watts attempted to extort him for bribe payments. Making these bribe payments to Watts would permit source to continue his drug trafficking activity in the Ida B. Wells housing project. ATF source also stated that Watts was currently receiving payments from other individuals involved in drug trafficking in the Ida B. Wells housing project. *Id.***

Response: Undisputed, except for the clarification that the cited excerpt of "Ida B. Wells housing project" should be cited as "Ida B. Wells housing development."

12. The "Investigative Strategy" reflected by FBI 331 states that:

> **FBI Chicago will supervise ATF source in conducting consensually monitored telephone recordings. Information gathered during these conversations will be used to corroborate Watt's (sic) involvement in receiving payments in exchange for allowing drug trafficking activity in the Ida B. Wells housing project. *Id.***

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Otherwise, undisputed that the exhibit contains this information. Disputed as to this being the extent of the "investigative strategy." Specifically, from 2004 through January 2006, and again from January 2007 through February 2012, the FBI investigated allegations that Watts was extorting drug dealers. The investigation was inactive for about a year between January 2006 and January 2007. Ex. 1 (FBI group exhibit). The FBI investigation investigated criminal misconduct, but did not investigate administrative allegations—i.e., whether members of the Watts team had broken the Department's rules and needed to be disciplined or fired. Ex. 2 (Danik Report) at 11-12; Ex. 3 (MOU) ¶ 23.

13. FBI Special Agent Matthew Kern interviewed the CI (Gaddy) at 219 S. Dearborn on September 21, 2004 and wrote an FBI 302 report regarding his interview of Gaddy. (Ex. 9, FBI 325-26).

Response: Undisputed, except for the clarification that the informant referred to in this excerpt is redacted and nowhere indicates in this exhibit that the informant was named Gaddy.

14. Among other things, FBI 325-26 states that the informant "is a member of the Gangster Disciplines," has never been employed, and has relied upon selling drugs as his only means of financial support. *Id*. SA Kern's report states that the informant was "operating as a cooperating witness of the ATF in an on-going collaborative investigation along with [IAD and DEA]." SA Kern's 302 report further states that:

> **Watts gets IBW drug dealers to pay him to 'work' (sell drugs) in the housing project. If the payments are made to Watts, he will in turn allow the drug dealers to continue to sell drugs. The amount that each drug dealer pays Watts is determined by Watts. *Id.***

The CI identified Wilbert Moore and other drug dealers who paid Watts to allow them to sell drugs. *Id*.

Response: Undisputed, except for the clarification that the report does not indicate that the "CI identified 'Wilbert Moore.'" Instead, CSOF Ex. 9 indicates that the informant identified someone named "Moore." If "Moore's" first name is part of CSOF Ex. 9, it is redacted. The City's paragraph lacks foundation to determine and verify who the redacted names are in the FBI reports.

15. SA Kern drafted a report dated September 27, 2004, wherein he requested approval to open an investigation of Watts following a meeting with an AUSA. (Group Ex. 10, consisting of two versions of the 9/27/04 report with different redactions, at FBI 323). SA Kern's September 27, 2004 report refers to an "ongoing" joint investigation involving IAD, DEA and ATF involving alleged criminal activity of Watts, and that "information regarding this allegation was offered and continues to be provided by an ATF source." *Id*. This report states that:

> **Information collected that relates to drug violations will be investigated by DEA. Information collected that relates to gun violations will be investigated by ATF. Information collected that relates to police corruption will be investigated by CPD-IAD and FBI. *Id*.**

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Otherwise, undisputed.

16. Among other things, SA Kern's September 27, 2004 report also states that AUSA Littleton "has related that the above described matter has prosecutorial potential if further evidence of criminal activity is uncovered." *Id*. at BAKER GLENN 2107. According to the report, AUSA Littleton would seek prosecution under 18 U.S.C. Sec. 872. *Id*.

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Otherwise, undisputed, except for the clarification that the report indicates that "AUSA Littleton would *likely* seek prosecution under 18 U.S.C. Sec 872" (emphasis included) not that the AUSA "would seek prosecution under 18 U.S.C. Sec 872."

17. An "Investigative Strategy" is also detailed in SA Kern's September 27, 2004 report as follows:

> **Initial course of investigative action will include a thorough review of CPD-IAD, DEA and ATF investigative files related to Watts. Additionally, agents will conduct financial and property record searches of the captioned officer and associates, as well as review telephone records of Watts. Furthermore, agents will**

> **supervise source in conducting consensual telephone recordings. Information gathered during these conversations will be used to corroborate Watt's (sic) involvement in receiving payments in exchange for the allowance of continued drug trafficking activity in the Ida B. Wells housing project. *Id.* at FBI 324.**

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Otherwise, undisputed, except for the clarification that the report indicates that "agents will conduct financial and property record searches of the captioned officer and associates, as well as review telephone records of *Wells,*" (emphasis included) not "review telephone records of Watts."

18. SA Kern wrote a report concerning the Joint FBI/IAD Investigation on October 18, 2004. (Ex. 11, FBI 328-29). SA Kern's October 18, 2004 report states in part that:

> **CPD officers working on the above captioned case escorted [redacted source] to a meeting with Wilbur Moore (aka "Big Shorty") at the Ida B. Wells housing project. [Source] told CPD officers that he and Moore were supposed to meet to talk about drug dealing. Moore did not show up for the meeting. It was later learned that Moore was not in town. *Id.***

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Otherwise, undisputed.

19. Agent Kern's October 18, 2004 report also states that AUSA Littleton:

> **notified reporting agent that CPD officers involved in the [Watts case] were going to attempt another meeting between [Source] and Moore during the week of October 18, 2004. The intention of this meeting will be to deal drugs. If this drug deal takes place, CPD plans to arrest [Source] and Moore, separate them, then proposition Moore to cooperate with the government. This cooperation will include Moore's assistance in the investigation of CPD Sergeant Ronald Watts. *Id.***

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Otherwise, undisputed.

20. According to a later FBI memo, SA Kern determined the original 2004 source (Gaddy) provided inconsistent statements "regarding the manner of the extortion which prevented using" him. (Ex. 12, FBI 450-55, at 451).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). This Ex. 12 lacks foundation and is inadmissible hearsay. Def. City Ex. 12 is an FBI memo written by SA Smith, not SA Kern. It reflects Smith's summary of Kern's opinion that the source - who is redacted in this memo - provided inconsistent statements "regarding the manner of the extortion which prevented using" him "for future attempts." This constitutes hearsay within hearsay under Rule 805. *Jordan v. Binns*, 712 F.3d 1123, 1132-33 (7th Circ. 2013) ("[U]nder FRE 805, each layer of hearsay must be admissible on an independent basis). Smith's memo does not state that the inconsistent statements prevented using the source – only that it prevented using him generally, nor does it indicate that all the information derived from the source was inconsistent, only that certain "inconsistent statements" prevented using this person as a source in the future.

21. Holliday also testified that the CIs who had come forward while he was working on the investigation "didn't want to give it up. They said they would cooperate and they – at later times, they still did not cooperate with me." (Ex. 2 at 68).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs further object that this exhibit lacks foundation and is inadmissible hearsay. Plaintiffs further object that this quote is taken out of context on multiple levels - first, as Holliday does not identify multiple "CIs" but instead is asked about and references a single individual. Second, he concedes that his opinion is one of conjecture when he references other hypothetical "so-called witnesses" and states "they probably did have knowledge, but they didn't want to give it up." He does not testify to any specific CI who refused to give any specific information or cooperate in any specific way. CSOF Ex. 2.

22. In addition to Gaddy, a second drug dealer named Wilbert "Big Shorty" Moore cooperated relative to the Joint FBI/IAD Investigation, among other things. (Ex. 13, BAKER GLENN 004151-59).

Response: Undisputed, subject to the clarification that CSOF Ex. 13 indicates that the interview was related to an investigation labeled "Gangster Disciples-Ida Wells Housing Projects."

23. On April 7, 2005, ATF Special Agent Susan Bray conducted an interview of Moore at the CPD's Homan Square facility, which interview included members of the DEA and CPD. *Id*. According to Moore, he was a member of the Gangster Disciples, and had been selling heroin and cocaine on a daily basis at Ida B. Wells for 15 to 20 years. *Id*. at BAKER GLENN 004152. Moore provided information about his own drug dealing as well as the drug dealing of others, including Ben Baker. Per paragraph 41 of Agent Bray's report, Moore stated that "Ben" was selling in the "527 building." *Id*. at BAKER GLENN 4156.

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs object further that this exhibit lacks foundation and is inadmissible hearsay. The City's reliance on CSOF 13 for what Moore may or may not have said constitutes hearsay within hearsay under Rule 805. *Jordan v. Binns*, 712 F.3d 1123, 1132-33 (7th Circ. 2013) ("[U]nder FRE 805, each layer of hearsay must be admissible on an independent basis). Disputed as to the representation that Agent Bray's report specifically references Ben Baker. Otherwise, undisputed that Bray interviewed Moore.

24. Baker admits he was a drug dealer and sold heroin and cocaine. (Ex. 14, Baker dep at 114-17, 144-45, 149-53, 183-84, and 207-08). A prior operation, known as Sin City, indicated that Baker was a "building manager" at the 527 E. Browning building relative to the narcotics trade. (Ex. 15, CITY-BG-028602).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Undisputed that the report contains this information, but disputed that Ben Baker was a "building manager" at the 527 E. Browning building relative to the narcotics trade. Baker denies selling narcotics from January 2005 to March 2005. Ex. 4 (Dep. of Ben Baker) Aug. 9, 2023, at 216:4-15. Furthermore, when Baker was not present in the 527 ext., for instance when he was incarcerated, drug sales continued. Ex. 4 (Dep. of Ben Baker) Aug. 9, 2023, at 207:19-20 (Baker stating that even when he was in jail, cocaine called "knockout" was still being sold out of the Complex). Plaintiffs further object that CSOF Ex. 394-15, ("Operation Sin City Report") is inadmissible hearsay. Even if CSOF Ex. 394-15 was not inadmissible hearsay and lacking foundation, the purported fact that Ben Baker was a "building manager" is not undisputed. Indeed, the lead prosecutor who oversaw Operation Sin City has admitted that the investigation did not lead to sufficient evidence to prosecute Ben Baker for drug crimes, thus calling into question the idea that a picture from that investigation showing Ben Baker with the word "Building Manager" establishes an undisputed fact that Baker was in fact a manager for a drug operation. Ex.

5 (Dep. of Kevin Hughes), June 3, 2024, at 20:8-22 (stating that Baker was never prosecuted as a result of the sin city investigation). Similarly, an investigative summary of Operation Sin City extensively discusses the investigation into drug dealing at the 527 E. Browning Building starting in early February 2005 and continuing through July 2005. Ex. 6 (Sin City Summary) COPA-WATTS-003505-COPA-WATTS-003518. Mr. Baker's name does not appear once in that summary. *Id*. Indeed, the report lists "(8) identified subjects" of the Sin City Operation at the 527 E. Browning building, and Ben Baker is not among them. *Id*. at COPA-WATTS003514.

25. Paragraphs 53-58 of SA Bray's report refer to Moore's statements as to Watts and his alleged conduct in taking payments from drug dealers, including himself. (Ex. 13). According to Moore, Officer Al Jones was said to work on Watts's team, and also allegedly took payments. *Id*. Also according to Moore, Watts, Jones, and Kenny "never let the white officers know what was going on." *Id*. at ¶53. Moore said he would pay Watts when Watts caught him or one of his workers with a firearm or narcotics. *Id*. at ¶54.

Response: Undisputed that Watts and Jones took payments and Moore told Bray this. Undisputed that the report contains this information, but disputed as to the fact that the "white officers" did not "know what was going on" with Watts' team. Among other evidence, the two white (as well as two others) officers on Watts' team (Defendants Nichols, Bolton, Gonzalez, and Leano)[2] have all been relieved of their police powers by the City of Chicago. On December 12, 2022, COPA recommended that Defendants Gonzalez, Nichols, and Bolton all be separated from the Chicago Police Department because each "became aware that Sgt. Ronald Watts and/or Chicago Police Department members under Sgt. Watts' supervision arrested [certain individuals] without justification." Defendants Leano and Gonzalez also were found to have "knowingly made a false written [police] report," in furtherance of the attempts to falsely arrest certain individuals. Furthermore, as Plaintiff Baker's testimony explains, Defendant Nichols planted drugs on him. Ex. 4 at 226:20-227:15.

26. On May 3, 2005, FBI SA Kern met with Moore, along with IAD Agent Holliday, and DEA/HIDTA Agent Justin Williams. (Ex. 5 at ATF-Baker 41.2). A later FBI memorandum stated in part as follows:

> **During his debriefing, Moore implicated Sergeant Ronald Watts in an extortion scheme in Ida B. Wells. Moore was**

[2] Defendant Gonzalez and Defendant Leano may or may not have been included in the "white officers" referenced in this report, but Plaintiff includes them here given the COPA findings.

> **released back into the Wells under a cooperation agreement with ATF. (Ex. 16, FBI 405).**

Response: Disputed. Plaintiffs object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). The entry documenting this meeting on CSOF Ex. 5 states that this meeting's agenda was about "targets relating to Williams case and Sgt. Watts and P.O. Jones" and not simply Watts as this paragraph suggests.

27. Moore was murdered on January 19, 2006 by members of the Hobos street gang. *U.S. v. Brown,* 973 F.3d 667 (7th Cir. 2020). Following a trial in the United States District Court for the Northern District of Illinois, several Hobos street gang members, including Arnold Council and Paris Poe, were convicted for their role in Moore's death. *Id.* According to the Seventh Circuit:

> **Moore dealt drugs in the Ida B. Wells housing projects. In 2004, he started cooperating with the Chicago Police Department (CPD). Information he provided led to the search of an apartment from which Council supplied crack cocaine. During the search, CPD officers seized cocaine, crack cocaine, heroin, cannabis, and firearms from the apartment. Council figured out that Moore was the informant. In January 2006 Council and Poe, with Bush's assistance, killed Moore. Bush spotted Moore's car parked outside of a barbershop and made a phone call. Council and Poe quickly arrived on the scene. As Moore left the barbershop, Poe fired at him from Council's car. Moore attempted to flee, but he tripped in a nearby vacant lot, allowing Council and Poe to catch up to him. Poe immediately shot him in the face. *Id*. at 679-80.**

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 253). Plaintiffs further object on the ground that it is not proper to cite a court opinion to establish the underlying facts that a party is trying to prove. *Smart Marketing v. Publications*, 2014 WL 625321, at *4 (N.D.Ill. Feb. 18, 2014) ("The Seventh Circuit's opinion is not evidence that is admissible at trial.").

28. In addition to Gaddy and Moore, Baker alleged that Watts and members of his team committed acts of misconduct. (Ex. 3, BAKER GLENN 010947-48). Baker made these

allegations to law enforcement after he was arrested on March 23, 2005. (Ex. 17, 3/23/05 arrest report).

Response: Disputed as to the mischaracterization that CSOF Ex. 3 indicates anywhere that Baker made any allegations against Gaddy and Moore, to the extent the City's statement is meant to say that Baker complained about Gaddy or Moore (as opposed to saying that Gaddy, Moore, and Baker all complained about the Watts team). Furthermore, Plaintiffs clarify that CSOF Ex. 3 makes clear that Baker's allegations were more than simply "acts of misconduct." In fact, CSOF Ex. 3 indicates that Baker told multiple high-ranking members of the Chicago Police Department that Defendant Watts extorted money from him, framed him by putting a case on him, extorted other people in Ida B. Wells, and attempted to murder Mr. Gaddy. Finally, Plaintiffs clarify that Baker did not make these statements to law enforcement on March 23, 2005 as this statement could be interpreted to say. Plaintiffs, furthermore, object to the extent that Defendants seek to improperly admit this testimony as propensity evidence in violation of FRE 404(a). Otherwise, undisputed that Baker alleged that Watts and members of his team committed acts of misconduct.

29. After his March 23, 2005 arrest, Baker was interviewed in May 2005 at 26th and California by former ASA David Navarro of the Public Integrity Unit of the Cook County State's Attorney's Office ("CCSAO"), IAD Agent Holliday, and others, in the presence of his criminal defense attorney Matthew Mahoney and Glenn. (Ex. 3, Holliday 6/28/05 Report).

Response: Undisputed, with the clarification that the "others" present for this interview were CPD sergeants Broderdorf and Bigg. It is further noted that although the memorandum states that the meeting took place in May 2005, the memorandum is dated June 28, 2005.

30. ASA Navarro testified that Baker told him that he was a drug dealer at the May 2005 meeting. (Ex. 18, Navarro dep at 286). ASA Navarro testified that while he could not recall the specific words Baker used, Baker told Navarro, in sum, that although he was a drug dealer, he was not carrying drugs at that particular time. (*Id*. at 304).

Response: Disputed as to the phrasing "told him he was a drug dealer at the May 2005 meeting" in that this mischaracterizes Navarro's testimony, and the cited material does not support certain factual assertions contained in this paragraph. Navarro did not testify that Baker told him in May of 2005 that Baker was currently dealing drugs. Furthermore, Plaintiffs note that Navarro testified that he found Plaintiffs credible during the above

described interview. Ex. 7 (Navarro Dep) at 99:25-100:14. Plaintiffs, furthermore, object to the extent that Defendants seek to improperly admit this testimony as propensity evidence in violation of FRE 404(a). Plaintiffs further object to this paragraph as immaterial, argumentative, and inflammatory in violation of Local Rule 56.1(b)(3)(C). *See De v. City of Chicago*, 912 F. Supp. 2d 709, 712, 714 (N.D. Ill. 2012).

31. Baker has admitted that he "informed IAD and Assistant State's Attorney David Navarro that (1) Sgt. Watts had requested money from him in exchange for allowing him to stay in business; (2) Baker had refused; and (3) Sgt. Watts had then fabricated a case against him as a result of the refusal." (Ex. 19, Amended First Successive Petition for Post-Conviction Relief of Ben Baker, at ¶17).

Response: Undisputed, with the clarification that CSOF Ex. 19 is Baker's Motion for Leave to File First Successive Amended Petition for Post-Conviction Relief and Motion to Recharacterize his Motion for Relief from Judgment filed February 26, 2014 as a Petition for Post-Conviction Relief, which includes his Proposed Amended First Successive Petition for Post-Conviction Relief attached as Exhibit A. The Exhibit A proposed petition includes a paragraph 17 that cites "A report dated June 28, 2005, detailed IAD's meeting with Ben Baker the previous month, during which Baker informed IAD and Assistant State's Attorney David Navarro" in which Baker admitted the above. Plaintiffs, furthermore, object to the extent that Defendants seek to improperly admit this testimony as propensity evidence in violation of FRE 404(a).

32. IAD Agent Holliday reported that while Baker indicated he would cooperate in the investigation of Watts, as of the date of Holliday's June 28, 2005 memo, Holliday had not heard anything back from Baker or his attorney regarding any cooperation. (Ex. 3, Holliday 6/28/05 Report).

Response: Plaintiffs admit that Exhibit 3 contains the assertions made in this paragraph.

33. On July 27, 2005, the Illinois State Police responded to IAD Agent Holliday's request for a Suspicious Activity Report (a FinCEN report), from Empress Casino. (Ex. 20, BAKER GLENN 010911-35). A December 6, 2005 FinCEN report run by the FBI reflected that Watts had purchased $10,100 in chips from Empress Casino in 1999. (Ex. 21, FBI 337).

Response: Undisputed with the clarification that CSOF Ex. 20 is a report documenting an "active criminal investigation" in which the "primary suspect" is Defendant Watts.

34. On or about September 28, 2005, Baker's attorney in *People v. Baker*, 05 CR 8982 (Mahoney), informed Judge Toomin that he wanted to subpoena IAD, which "ASA Navarro knows of." (Ex. 22, BAKER GLENN 010666-74 at 10668, Judge Toomin's 9/28/05 half sheet). Judge Toomin entered an order directing IAD to deliver to Judge Toomin for an *in-camera* inspection its files and information on Police Officers Watts, Jones, Gonzalez, and Nichols. (Ex. 23, Judge Toomin's order). Thereafter, Baker's attorney issued a subpoena to IAD for records, notes, and all other information pertaining to Watts, Jones, Gonzalez, and Nichols "per the attached Court Order." (Ex. 24, subpoena).

Response: Disputed that the entry "says ASA Navarro knows of this" is predicate to the entry "[defendant] att[orne]y wants to subpoena IAD records" in that they appear to be written at two different times with different writing instruments. It is furthermore unclear if they are written by the same person. This exhibit lacks foundation and is inadmissible hearsay, and Plaintiffs further object to the portion of that exhibit referenced above as hearsay within hearsay under Rule 805. *Jordan v. Binns*, 712 F.3d 1123, 1132-33 (7th Circ. 2013) ("[U]nder FRE 805, each layer of hearsay must be admissible on an independent basis.). It is further clarified that in CSOF Ex. 23, Judge Toomin entered an order directing IAD to deliver its "entire files, notes, complaints and any and all other information" on the above enumerated officers. It is likewise clarified that in CSOF Ex. 24, Baker's attorney issued a subpoena to "Deborah Kirby, Assistant Deputy Superintendent, Keeper of Records for the Internal Affairs Division" for "Any and all records, notes, complaints, memorandums and any and all other information pertaining to" the above enumerated officers. Otherwise, undisputed that Mahoney wanted to review these documents, and that Judge Toomin entered such an order.

35. IAD later provided responsive documents to Judge Toomin for *in camera* inspection, and Judge Toomin released documents to the CCSAO and Baker's criminal defense attorney after ASA Navarro told Judge Toomin it was okay to release the records to the parties. (Ex. 22, at BAKER GLENN 010672, Judge Toomin's April 24, 2006 half sheet entry). Among other things, the information produced to Judge Toomin, the CCSAO, and Mahoney included: Moore's allegations as summarized in SA Bray's April 7, 2005

report (Ex. 13, BAKER GLENN 004151-59); the allegations contained in IAD Agent Holliday's September 17, 2004 (Ex. 1, BAKER GLENN 18627) and September 21, 2004 memoranda (Ex. 6, BAKER GLENN 18628); the allegations contained in a March 9, 2005 IAD report that Watts had been accused of taking money from drug dealers in exchange for allowing them to remain in business and of arresting those drug dealers who refused to pay (Ex. 25, BAKER GLENN 000187-189); and the allegations made by Baker, Gaddy, and Moore contained in IAD Agent Holliday's June 28, 2005 memorandum (Ex. 3, Holliday 6/28/05 Memorandum). (Ex. 26 at ¶5-15 Mahoney affidavit with attachments).

Response: Disputed that Mahoney received the records. Mahoney testified that he "got nothing, except an RD, a Records Division Report, from the Chicago Police Department, where Watts had been caught with a large amount of cash" that was related to "some sort of domestic incident with a girlfriend or a wife. And that was the extent of any usable information I got from -- pursuant to my subpoena." Ex. 8 (Mahoney Dep) at 53:9-16.

36. The CCSAO chose to continue with its prosecution of Baker instead of filing any charges against Watts or members of his team. (Ex. 18, Navarro dep at 311-12; Ex. 30, Certified Statement of Conviction, at CITY-BG-030872).

Response: Disputed to the fact that the cited testimony in CSOF Ex. 18 does not support the factual assertions contained in this paragraph in that it does not offer any testimony about CCSAO's decision making regarding Baker. It furthermore does not establish any decision making on the part of CCSAO regarding "Watts or members of his team." Instead Navarro is asked whether his "investigation then closed without any charges being brought against Ronald Watts based on these allegations, correct?" to which Navarro answered "Subsequently, yes." Further, even if the cited record shows that the CCSAO chose to prosecute Baker while simultaneously choosing not prosecute Watts and his team, the events surrounding Baker's arrest and subsequent conviction are clearly in dispute as shown by Defendants' own Statement of Facts and Plaintiffs' response to those Statements of Fact. Finally, to the extent that Navarro represents the decision making of the entire CCSAO, it should be noted that he found Plaintiffs to be credible when interviewing them about the allegations referred to CSOF Ex. 18. Ex. 7 (Navarro Dep) at 99:25-100:14.

37. On December 11, 2005, Baker and Glenn were arrested for PCS. (Ex. 27, 12/11/05 Baker arrest report; Ex. 28, 12/11/05 Glenn arrest report).

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. While Glenn's arrest report indicates that she was arrested for PCS, Baker's uses different terminology indicating he was arrested for "POSSESS 15<100." Otherwise, undisputed that the arrest reports indicate that Plaintiffs were arrested on December 11, 2005.

38. An FBI memorandum dated February 10, 2006 states, in part, that an investigation was initiated in September 2004 when the FBI received information of an ongoing joint investigation conducted by IAD, DEA and ATF involving alleged criminal activity by Watts. (Ex. 29, FBI 339-40). The February 10, 2006 FBI memo states that "During the course of the investigation, allegations against Watts were never able to be substantiated or collaborated (sic)." *Id*. The memo states that on January 20, 2006, ASA Navarro of the CCSAO related that "his office had been investigating [Watts]." *Id*.

Response: Disputed to the extent that the City seeks to use the cited quotes to prove the truth of the matter assert as to the cited materials' suggestion that "allegations against Watts were never able to be substantiated or collaborated (sic)," as hearsay and because Watts was eventually federally charged and convicted. Otherwise, undisputed except for the clarification that the cited CSOF Ex. 29 states that Navarro "contacted the reporting [FBI] Agent to advise that [Wilbert] Moore had been murdered . . . [and] Moore's name surfaced during the course of the Watts investigation."

39. According to the February 10, 2006 FBI memo, on January 20, 2006, the investigative status was presented to AUSA Gayle Littleton, who "advised that she would decline prosecution because of parallel State prosecution and because the case lacked federal prosecutive merit." *Id*.

Response: Disputed as to the cited materials' suggestion that "the case lacked federal prosecutive merit," as Watts was eventually federally charged and convicted. Ex. 9, PL JOINT 068062 (COPA Report); Ex. 10 (J. Rivera Dep.), Sept. 6, 2023 at 69:4-69:20; see id. at 57:20-58:11; Ex. 11 (Skahill Dep.) at 102:6-103:11 (agreeing that Watts and Mohammed were "taking money and selling drugs")); Ex. 1 at FBI 450, 882, 911, 920, 984, 1128, 1197). Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12

(Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

40. IAD Agent Holliday testified that the CIs who had come forward during his involvement on the investigation (which ended in late 2005 or early 2006 when he received a new assignment),

> **. . . were all drug dealers, they were all current drug dealers, and they – they had something to say, and they probably did have knowledge, but they didn't want to give it up. They said they would cooperate and they – at later times, they still did not cooperate with me. (Ex. 2, Holliday dep at 68).**

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs further object that this quote is taken out of context on multiple levels - first, as Holliday does not identify multiple "CIs" but instead is asked about and references a single individual. Second, he concedes that his opinion is one of conjecture when he references other hypothetical "so-called witnesses" and states "they probably did have knowledge, but they didn't want to give it up." He does not testify to any specific CI who refused to give any specific information or cooperate in any specific way. Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16

(Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

Finally, Plaintiffs object to the extent that this statement is redundant in that the same statement is made, in essence, in CSOF 21.

41. On May 23, 2006, Baker's bench trial in *People v. Baker*, 05 CR 8982 commenced before Judge Toomin, and Baker was convicted on June 9, 2006. (Ex. 30, Certified Statement of Conviction, at CITY-BG-030872). Baker's attorney acknowledged that Judge Toomin had released the IAD materials to him prior to the beginning of the trial, but he chose not to use the information contained in those documents in Baker's trial. (Ex. 26, Mahoney affidavit, at ¶¶15-16).

Response: Disputed in part. Specifically, Plaintiffs dispute the second sentence. Mahoney testified that he "got nothing, except an RD, a Records Division Report, from the Chicago Police Department, where Watts had been caught with a large amount of cash" that was related to "some sort of domestic incident with a girlfriend or a wife.· And that was the extent of any usable information I got from -- pursuant to my subpoena." Ex. 8 (Mahoney Dep) at 53:9-16.

42. On September 18, 2006, at a hearing before Judge Toomin, Baker and Glenn pled guilty to possession of a controlled substance in connection with their December 11, 2005 arrests. (Ex. 31, 9/18/06 hearing).

Response: Plaintiffs admit to the assertions made in this paragraph. Plaintiffs dispute that they were guilty as evidenced by the fact that their convictions were vacated on March 23, 2016 and each received Certificates of Innocence Ex. 17 (Baker COIs); Ex. 18 (Glenn COI).

43. In October 2005, Clarissa Glenn initiated CR #309282 regarding an incident on August 20, 2005, in which she alleged two male black casually dressed officers entered and searched her residence without a warrant or permission. (Ex. 32, at CITY-BG-012905). Glenn also alleged that on October 23, 2005 an officer gave her a threatening message of bodily harm or arrest for no reason. *Id*. Lt. Kenneth Mann, having been assigned to investigate these complaints, requested the CRs be classified as unfounded due to lack of

cooperation when Glenn failed to contact him in November 2005. (*Id.*, at CITY-BG-012904).

Response: Plaintiffs object because Defendants' citation to the record is incomplete. On September 5, 2006, CR #309282 was "reopened and assigned to Confidential Investigations Section, Unit 121, effective 05 September 2006." (*Id*. at CITY-BG-12917). On June 10, 2010, IAD Sergeant Phyllis Muzupappa submitted a memorandum to IAD Chief Juan Rivera explaining that IAD Sergeant Thomas Chester had incorporated the contents of CR #309282 into CL # 101594. (*Id*. at CITY-BG-12912). Further, while CR #309382 indicates that Glenn alleged that "Ronald Watts" may have been the officer who "threatened her with bodily harm and arrest for no reason." (*Id*. at CITY-BG-12905), the inclusion of a handwritten letter from Glenn (CITY-BG-12918-19) indicates that Glenn specified that the two offers she was complaining about were Defendant Watts and Jones. Glenn's letter further explains that she was in fact physically assaulted by Defendant Jones, that she refrained from following up on her complaint because the officers were threatening her and had arrested her, and that she moved residences following the incidents complained of. (*Id*. at CITY-BG-12918).

44. Glenn later wrote to IAD in or about August 2006 after Baker's conviction and acknowledged her previous lack of cooperation with investigators because, she asserted, her fear of officers Watts and Jones. (*Id*., CITY-BG-012918-19). In a memo dated September 5, 2006, the Assistant Deputy Superintendent ("ADS") of IAD, Debra Kirby, directed that CR #309282 be reopened and assigned to CIS to be investigated with the ongoing criminal investigation. (*Id*., CITY-BG-012917). IAD CIS Sgt. Joseph Barnes was assigned to the case. (*Id.*, at CITY-BG-012927).

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph regarding the CR being "reopened and assigned to CIS to be investigated with the ongoing criminal investigation." CSOF Ex. 32 (CITY-BG-012917) indicates that the CR was reopened and assigned to the Confidential Investigations Section, but it fails to establish that this CL was being "investigated with the ongoing criminal investigation." Furthermore, Glenn has testified that she reached back out to IAD. Otherwise, undisputed that Glenn was fearful of Watts and Jones. Ex. 19 (Glenn Dep.), September 20, 2023, at 110:23-111:21.

45. According to an FBI memo:

> **In November of 2006, new allegations against Watts were brought to the Chicago FBI by CPD IAD Sergeant Joe Barnes. Sergeant Barnes had been contacted by a complainant that**

> **detailed specific information regarding drug-related law enforcement corruption involving Watts. Specifically, the complainant made an introduction to a second complainant that had recently been extorted by Watts. On two occasions within the last two months, the second complainant had been robbed of $830.00 and $4,255.00, respectively, by Watts. (Ex. 33, at FBI 347-48).**

Response: Plaintiffs object to the characterization of these types of allegations as "new" as IAD was well aware of these allegations by November of 2006. See e.g., CSOF 1, 3-5, 9, 12, 13. Otherwise, undisputed.

46. In November 2006, FBI SA Kern and Sgt. Barnes interviewed Glenn. Among other things, Glenn stated that her husband Ben Baker, although on probation, was selling heroin and cocaine at the Ida B. Wells. (Ex. 34, FBI 263-65). Glenn said the first time she came into contact with Watts was in the Summer 2004, when Watts came to her apartment and asked for Baker. *Id*. at 263. Watts allegedly said: "I heard that you were the only ones over here eating," which meant making a profit from the drug trade. *Id*. Glenn said Baker was arrested in March 2005 in a stairwell at IBW, claimed he didn't possess the drugs, but admitted he had a large quantity of money. *Id*. Glenn made other allegations of misconduct, including that Watts wanted a payment from Baker to allow him to continue to sell drugs. *Id*. at 264.

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs object to this paragraph as a violation of Local Rule 56.1 because it groups multiple distinct statements into one paragraph and because the statements are immaterial. Plaintiffs also object as to the grounds that COSF Ex. 34 is partially redacted. This cited portion lacks foundation and is inadmissible hearsay in that it fails to establish Glenn told the investigators any of this information. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph as to the mischaracterization that Glenn told FBI SA Kern and Sgt. Barnes that her husband Baker was selling heroin and cocaine in 2006. Specifically, Glenn testified that she did not believe that Baker was a drug dealer. Ex. 20 (Glenn Dep.), Aug. 26, 2021, at 201:21-202:22. Plaintiffs further object that the cited material does not support the factual assertions contained in this paragraph as the report does not indicate Glenn told investigators she understood Watts to be stating that Baker made a profit from the drug trade. Plaintiffs also object that the cited material does not support the factual assertions

contained in this paragraph as to Glenn telling SA Kern and Sgt. Barnes that Baker was arrested in a stairwell or that he admitted he had a large quantity of money.

47. SA Kern authored an FBI memorandum dated January 18, 2007. (Ex. 35, FBI 343-45). SA Kern's memorandum requested that the FBI investigation into Watts and others be reopened based on the information provided by IAD. *Id*. The memo requested "SAC authority to re-open a public corruption investigation that was closed in February, 2006." *Id*. at 343.

Response: Undisputed.

48. SA Kern's January 18, 2007, memo also stated that on December 20, 2006 an AUSA was advised of the new information recently developed and the AUSA "advised that this case was prosecutable if additional evidence could be developed." *Id*. Thus, the federal investigation was reopened by the FBI and AUSA Littleton. *Id*. As for the Initial Investigative Strategy, the January 18, 2007, memo stated it will "be to use available resources to identify all Police Officers involved in the alleged corrupt activities." *Id*. The memo also notes that the CPD "has access to an apartment unit on the 23rd floor of an apartment building directly adjacent to Ida B. Wells. This unit will be utilized to facilitate and coordinate surveillance activities at Ida B. Wells." *Id*.

Response: Undisputed. Plaintiffs further clarify that the memorandum at CSOF Ex. 35 does not specifically indicate that "the federal investigation was reopened by the FBI and AUSA Littleton."

49. The Joint FBI/IAD Investigation continued in 2007, developing and utilizing confidential informants Jamar "Tweek" Lewis, Art Kirksey, and others. (Ex. 36, FBI 250-52).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph in that the memorandum fails to reflect that Jamar Lewis and Art Kirskey

(or any others) were developed or utilized as confidential informants. The memorandum reflects an interview conducted by CPD IAD Sergeant Joe Barnes. The memorandum states that both Jamar Lewis and Arthur Kirksey have been approached by Defendants Watts and Mohammed for money from their drug sales with the understanding that Watts and Mohammed would continue to allow them to sell drugs at Ida B. Wells in exchange for said money. Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient.

50. Glenn also continued to provide information. *Id*. On or about September 27, 2007, Glenn stated she was in contact with Lewis and Kirksey. *Id*. Lewis and Kirksey had taken over management of the drug trade at 527 E. Browning from Baker. *Id*. Per Glenn, both Lewis and Kirksey had been approached by Mohammed who was seeking a bribe payment. *Id*.

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs object that the City lacks the proper foundation to determine and verify the redacted names of the individuals listed in the FBI reports. Further, Plaintiffs object that the City incorrectly relies on a redacted name that is not "Clarissa Glenn" and incorrectly attributes assertions to her. Glenn's name is not redacted in this report. There is no basis to assume that the redacted name is this report is also hers. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph in that the memorandum fails to reflect that "Glenn also continued to provide information." Plaintiffs dispute the assertion that Glenn told investigators that "Lewis and Kirksey had taken over management of the drug trade at 527 E. Browning from Baker." Instead, CSOF Ex. 36 states that Glenn told investigators that Lewis and Kirksey both "worked out of the 527 building and have several low level dealers working for them."

51. On or about November 1, 2007, SA Smith interviewed Glenn, who had once again contacted Lewis. (Id., at FBI 250). Lewis told Glenn he had learned that Kirksey had been paying Mohammed approximately $1,000 every two weeks without Lewis's knowledge. *Id*. According to SA Smith's report, Glenn said Lewis told her that:

> **[Kirksey] has been territorial since he discovered that Benjamin Baker was the individual requesting Art and Tweek's help. Tweek believed Art was concerned Benjamin Baker would use his cooperation to get out of jail early. [Glenn] explained that Benjamin Baker ran the drug line that Tweek and Art run prior to his incarceration [Glenn] believed that Art was concerned**

Benjamin Baker would take over Art's "line" if he was released from jail. *Id.*

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Subject to that objection, disputed that it is a complete representation of the record cited. Plaintiffs object to this paragraph because the statements are immaterial. Plaintiffs also object as to the grounds that CSOF Ex. 34 is partially redacted. Plaintiffs further object that the City incorrectly relies on a redacted name that is not Clarissa Glenn and incorrectly attributes assertions to her. Glenn's name is not redacted in this report. There is no basis to assume that the redacted name is this report is also hers. This cited portion lacks foundation and is inadmissible hearsay within hearsay. Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient.

52. The Joint FBI/IAD Investigation conducted operations that led to Mohammed accepting money from drug dealers to allow them to continue selling drugs on several occasions during the period of December 2007 to June 2008. (Ex. 37, City's Second Amended Answer to Clarissa Glenn's Interrogatories at pages 26-32). The Joint FBI/IAD Investigation continued with other sophisticated investigative techniques until 2011 to develop evidence against Watts or others, including a scenario set up at a "stash house" where thousands of dollars of FBI money was placed to find out if Watts or others would steal the money, Title IIIs and consensual overhears, pen registers, use of confidential human sources, covert surveillance, a "money rip" scenario in March 2010, and other operations. *Id*. at 28-44.

Response: Disputed. Plaintiffs object to this paragraph as a violation of Local Rule 56.1 because it groups multiple distinct statements into one paragraph and because the statements are immaterial. Further, Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Nothing about the City's

investigation was sophisticated. Defendant's cited discovery answer includes a timeline of dates and descriptions related to Defendants and the ongoing investigation of Defendants, but fails to demonstrate that IAD took any steps, sophisticated or otherwise, to actually deter Defendants' widespread misconduct. Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7. Undisputed that Defendants provide examples which establish that Defendant possessed incontrovertible evidence of the Individual Defendants' misconduct over the course of several years. Further, undisputed that the statement includes "Joint FBI/IAD Investigation conducted operations that led to Mohammed accepting money from drug dealers to allow them to continue selling drugs on several occasions during the period of December 2007 to June 2008."

53. On or about July 13, 2011, FBI SA Michael Ponicki, who had been assigned to the case in 2010, wrote a memo stating, in part, that the USAO supports an extortion charge against Mohammed, but "elected to delay filing the complaint until further evidence could be obtained implicating Watts." (Ex. 38, FBI 909-11).

Response: Undisputed, with the clarification that CSOF Ex. 38 indicates that investigators were attempting to obtain evidence that Defendant Watts "and members of his Chicago Police Department (CPD) tactical team, have engaged in systematic corruption through extortion of drug dealers in the CPD, Second District . . . [Defendant Watts] and his team are also alleged to have committed theft, possession and distribution of drugs for money, 'planting' drugs on individuals and paying informants with drugs." CSOF Ex. 38 further establishes that investigators "believed that team members may have obtained a considerable amount of money over the period of time Watts and his tactical team have been alleged to be involved in the 'practice' of extorting drug dealers in the CPD, 2nd District."

54. As for the March 31, 2010 money rip scenario, SA Ponicki's July 13, 2011 memo states that:

> **A successful consensual recording of the events was gathered by the CHS, but due to unforeseen circumstances, the surveillance team lost sight of the CHS and Watts. The surveillance team was then unable to corroborate that the payment to Watts had actually taken place." *Id.***

SA Ponicki stated that he initially wanted to attempt another scenario, but due to the difficulty surveilling the CHS, and controlling the scenario, he and AUSA Shakeshaft decided "to file extortion charges on Mohammed and attempt to obtain his cooperation, against Watts." *Id*.

Response: Disputed. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph in that the Exhibit makes no reference to a "March 31, 2010 money rip scenario." Otherwise, undisputed.

55. The July 13, 2011 SA Ponicki memo further states that on April 14, 2011, SA Ponicki and Sgt. Boehmer met with the DEA to attempt to develop new information on Watts and his team's alleged illegal activities. *Id*. The new FBI case agent assigned after SA Ponicki was Special Agent Craig Henderson. *Id*.

Response: Undisputed.

56. On November 21, 2011, the Joint FBI/IAD Investigation attempted another scenario to develop sufficient evidence for the USAO to approve charges against Watts and any other involved members. (Ex. 39, BAKER GLENN 002245-54; see also Ex. 40, FBI 14-16). This scenario was successful and led to the criminal charges against Watts and Mohammed for theft of Government funds from an individual they believed to be a drug courier. (Ex. 41, BAKER GLENN 001295-1319).

Response: Undisputed.

57. The Joint FBI/IAD Investigation attempted additional operational scenarios in January and February 2012 targeting Watts, Mohammed, and any other involved police officers. (See e.g. Group Ex. 42, FBI 964-66, 984-85, 1000-09, 1010-12, 1158-61, 1035-

36, 1038-41, 1030-32, 1075-84,1085-89). A report of FBI SA Raymond Hart discussed a scenario to take place the week of January 5, 2012. (*Id.*, at FBI 984-85).

Response: Disputed. Plaintiffs object as to the grounds that CSOF Ex. 42 is partially redacted, thus obfuscating large swathes of information that could be relevant to this response. Plaintiff further objects the characterization of "attempted" operational scenarios, as it remains unclear how an operational scenario can be attempted. Otherwise, undisputed.

58. Additional FBI documents reflect further operational scenarios in January 2012: "This will be a covert operation in which an UCE, with money provided by the FBI, will be detained by CPD officers Ronald Watts, Kallatt Mohammed, and others yet unknown, and it is anticipated that the CHS's money will be stolen by the officers" (*Id.*, at FBI 1000); "On 1/18/2012, Squad WC-2 will conduct another investigative operation … targeting CPD officers Watts, Mohammed, Jones and others yet unknown…." (*Id.*, at FBI 1010-12); "On 2/2/12, a third investigative operation will be attempted which will be similar to the 1/18/2012 scenario." (*Id.*, at FBI 1078).

Response: Disputed. Plaintiffs object as to the grounds that CSOF Ex. 42 is partially redacted, thus obfuscating large swathes of information that could be relevant to this response. Plaintiff further objects the characterization of an "attempted" operational scenarios, as it remains unclear how an operational scenario can be attempted. Otherwise, undisputed.

59. On February 6, 2012, Watts and Mohammed were charged in federal court with theft of Government funds. (Ex. 41, BAKER GLENN 001295-1319). On February 8, 2012, Mohammed was relieved of his police powers. (Ex. 43, CITY-BG-000213). On February 12, 2012, Watts and Mohammed were arrested. (Ex. 44, CITY-BG-000216-220, 276-280). On February 13, 2012, Watts was relieved of his police powers. (Ex. 45, CITY-BG-000273-274). Watts and Mohammed resigned from CPD as a result of the Joint FBI/IAD Investigation. (Ex. 46, CITY-BG-000259, 299).

Response: Plaintiffs object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Plaintiffs object that CSOF Ex 46. does not support the proposition that Watts and Mohammed resigned for any other reason than they had been federally charged and convicted for their crimes. Otherwise, undisputed.

60. On February 13, 2012, the USAO issued a press release regarding the arrests of Watts and Mohammed stating, in part, that "the police department's Internal Affairs Division participated in the investigation." (Ex. 47, BAKER GLENN 002259-61, at 2259). The arrests and charges against Watts and Mohammed were announced by U.S. Attorney Patrick Fitzgerald, FBI Special Agent in Charge Robert Grant, and Superintendent Garry McCarthy. *Id*.

Response: Undisputed.

61. After the arrests of Watts and Mohammed, the FBI interviewed multiple officers and other individuals in early 2012, including but not limited to Mohammed, Alvin Jones, Brian Bolton, and Lamonica Lewis. (Group Ex. 48, FBI 290-91, 295-313). On or about May 3, 2012, during Mohammed's proffer with the USAO, Mohammed stated that other than himself, he did not know of any other officers who were engaging in criminal activity with Watts. (Ex. 49, FBI 267-76, at 275-76).

Response: Disputed. Plaintiffs object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Plaintiffs object as to the grounds that CSOF Ex. 48 is partially redacted. Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

Furthermore, numerous Defendants (including Jones, Nichols, Bolton, Gonzalez, and Leano) were relieved of their police powers or found to have acted dishonestly. On January 30, 2019, COPA recommended that Defendants Jones be separated from the Chicago Police Department after its investigation revealed that Defendants Mohammed, Jones, and Smith were involved in a series of arrests at 574 E. 36th Street at virtually the same time they were also purportedly arresting Baker and Glenn at 511 E. Browning Avenue. Ex. 9 at 31.

On December 30, 2022, COPA recommended that Defendants Smith Gonzalez, Nichols, Leano, and Bolton all be separated from the Chicago Police Department because each "became aware that Sgt. Ronald Watts and/or Chicago Police Department members under Sgt. Watts' supervision arrested [certain individuals] without justification." Ex. 21 at 4-13. Defendants Jones, Smith, Leano and Gonzalez also were found to have "knowingly made a false written [police] report," in furtherance of the attempts to falsely arrest certain individuals. *Id.*

COPA also concluded, by a preponderance of the evidence, that Officer Kenneth Young (along with Defendant Jones) made false statements in their reports and testimony regarding the 2004 arrest of Baker. Ex. 26 at COPA-WATTS 59424.

Furthermore, as Plaintiff Baker's testimony explains, Defendant Nichols planted drugs on him. Ex. 4 (Baker Dep), Aug. 9, 2023 at 226:20-227:15. Likewise, Multiple members of Watts Team were aware of the Watts Team's widespread misconduct but refused to come forward and report it. Ex. 1 (FBI Documents) (Lewis testifying to hearing rumors of Watts stealing money) at FB1 295-296, Ex. 22, (Dep. of Matthew Cadman), Sept. 22, 2021, at 88:12-90:13 (Cadman testifying to Watts trying to take recovered drugs), Ex. 23, (Dep. of Michael Spaagaren (Baker) Dep.), March 7, 2022, at 100:17-101:5 (Spaargaren testifying that people Watts team arrested would loudly proclaim their innocence); 109:25:-110:9 (Cadman confiding to other officers that he wanted to leave the Watts team because he thought if he stayed he would go to jail), Ex. 24 (Dep. of Alvin Jones)

Feb. 26, 2020 at 34:3-38:21 (Jones testifying to Watts' Team practice of routinely falsifying police reports).

Multiple members of Watts Team were aware of the Watts Team's widespread misconduct but refused to come forward and report it. Ex. 1 (FBI Documents) (Lewis testifying to hearing rumors of Watts stealing money) at FB1 295-296, Ex. 22, (Dep. of Matthew Cadman), Sept. 22, 2021, at 88:12-90:13 (Cadman testifying to Watts trying to take recovered drugs), Ex. 23, (Dep. of Michael Spaagaren (Baker) Dep.), March 7, 2022, at 100:17-101:5 (Spaargaren testifying that people Watts team arrested would loudly proclaim their innocence); 109:25:-110:9 (Cadman confiding to other officers that he wanted to leave the Watts team because he thought if he stayed he would go to jail), Ex. 24 (Dep. of Alvin Jones) Feb. 26, 2020 at 34:3-38:21 (Jones testifying to Watts' Team practice of routinely falsifying police reports).

Otherwise, undisputed.

62. At or near the conclusion of the Joint FBI/IAD Investigation, former IAD Chief Juan Rivera inquired of the FBI if there was evidence that any other officers on Watts's tactical team were involved in improper conduct that would warrant an indictment or disciplinary charges, and he was told there was not. (Ex. 7, Rivera Confidential dep at 57-60; Ex. 8, Rivera dep at 51-54, 69-70).

Response: Disputed. Former IAD head Juan Rivera testified that he "believed" IAD asked the FBI if their investigation ever looked at other officers on Defendant Watts' tactical team, but he knew that "the two main officers were Watts and Mohammed." CSOF Ex. 8 at 51:14-18. Rivera also clarified that the FBI told him that the FBI had not developed sufficient evidence to charge other members of the Watts team, not that they had been generally exonerated or had not committed misconduct that would warrant "disciplinary charges" by CPD. Ex. 25 (Rivera Confidential Dep.), Sep. 6, 2023, at 61:17-62:19.

Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Furthermore, numerous Defendants (including Jones, Nichols, Bolton, Gonzalez, and Leano) were relieved of their police powers or found to have acted dishonestly. On January 30, 2019, COPA recommended that Defendants Jones be separated from the Chicago Police Department after its investigation revealed that Defendants Mohammed,

Jones, and Smith were involved in a series of arrests at 574 E. 36th Street at virtually the same time they were also purportedly arresting Baker and Glenn at 511 E. Browning Avenue. Ex. 9 at 31.

On December 30, 2022, COPA recommended that Defendants Smith Gonzalez, Nichols, Leano, and Bolton all be separated from the Chicago Police Department because each "became aware that Sgt. Ronald Watts and/or Chicago Police Department members under Sgt. Watts' supervision arrested [certain individuals] without justification." Ex. 21 at 4-13. Defendants Jones, Smith, Leano and Gonzalez also were found to have "knowingly made a false written [police] report," in furtherance of the attempts to falsely arrest certain individuals. *Id.*

COPA also concluded, by a preponderance of the evidence, that Officer Kenneth Young (along with Defendant Jones) made false statements in their reports and testimony regarding the 2004 arrest of Baker. Ex. 26 at COPA-WATTS 59424.

Furthermore, as Plaintiff Baker's testimony explains, Defendant Nichols planted drugs on him. Ex. 4 (Baker Dep), Aug. 9, 2023 at 226:20-227:15. Likewise, Multiple members of Watts Team were aware of the Watts Team's widespread misconduct but refused to come forward and report it. Ex. 1 (FBI Documents) (Lewis testifying to hearing rumors of Watts stealing money) at FB1 295-296, Ex. 22, (Dep. of Matthew Cadman), Sept. 22, 2021, at 88:12-90:13 (Cadman testifying to Watts trying to take recovered drugs), Ex. 23, (Dep. of Michael Spaagaren (Baker) Dep.), March 7, 2022, at 100:17-101:5 (Spaargaren testifying that people Watts team arrested would loudly proclaim their innocence); 109:25:-110:9 (Cadman confiding to other officers that he wanted to leave the Watts team because he thought if he stayed he would go to jail), Ex. 24 (Dep. of Alvin Jones) Feb. 26, 2020 at 34:3-38:21 (Jones testifying to Watts' Team practice of routinely falsifying police reports).

Furthermore, as Plaintiff Baker's testimony explains, Defendant Nichols planted drugs on him. Ex. 4 (Baker Dep) Aug. 9, 2023 at (226:20-227:15).

63. At or near the conclusion of the Joint FBI/IAD Investigation, former Superintendent Garry McCarthy inquired of the USAO and the FBI if there was evidence that any other officers on Watts's tactical team were involved in improper conduct that would warrant an indictment or disciplinary charges, and he was told there was not. (Ex. 50, excerpts of deposition of McCarthy at 82-83).

Response: Disputed. Former Superintendent Garry McCarthy testified that he may "have said something to Bob Grant. I don't recall. But I -- I do know this very specifically. I asked Bob Grant, is there anything else to this? And he said, absolutely not. It's just these two officers." CSOF Ex. 50 at 82. He later testified that while the FBI was looking at federal charges, that "doesn't mean that we weren't going to pursue administrative

charges if there was something there for that." CSOF Ex. 50 at 83. The cited testimony in CSOF Ex. 50 says that the McCarthy was told that sufficient evidence to charge other members of the Watts team was not developed, not that there was a basis to believe other officers had been generally exonerated or had not done things that would warrant administrative action by CPD.

64. Several years after the conclusion of the Joint FBI/IAD Investigation, former Superintendent Eddie Johnson inquired of the USAO and the FBI if there was evidence that any other officers on Watts's tactical team were involved in improper conduct that would warrant an indictment or disciplinary charges, and he was told there was not. (Ex. 51, excerpts of depositions of Johnson at 38-43).

Response: Disputed. Former Superintendent Eddie Johnson testified, in summary form, that he asked the FBI and USAO if there was any reason he should have a concern about any criminal activity or any evidence that might come forward later that would suggest the other officers on Watts's tactical team shouldn't be on the street, so that he could relieve them of the their police powers. Johnson explained that he failed to articulate to the FBI or USAO what reasons or bases he would need to hear to relieve them of police powers. CSOF Ex. 51. The cited testimony says that the FBI and USAO told him they had not developed sufficient evidence to charge other members of the Watts team, not that there was a basis to believe other officers had been generally exonerated or had not done things that would warrant administrative action by CPD.

65. The FBI's September 25, 2014 memorandum closing the Joint FBI/IAD Investigation confirmed that Watts and Mohammed were the only two officers that the evidence established had committed crimes. (Ex. 52, FBI 1279-81). SA Henderson's 2014 closing report stated in part:

> **This investigation was opened based upon witness information that ... Watts and members of his tactical team had been stealing both drugs and drug proceeds from drug dealers and couriers around the former Ida B. Wells public housing project. Through investigation and CHS information, it was learned that Watts and CPD police officer Kallatt Mohammed were the officers stealing drugs and drug proceeds from drug dealers and drug couriers . . . In summary, sufficient personnel and financial resources were expended on the investigation. All investigative methods/techniques that were initiated during the investigation have been completed. Furthermore, all leads that have been set have been completed. All logical and reasonable investigation**

was completed, and all evidence obtained during the investigation has been returned or destroyed in accordance with evidence policy. *Id.*

Response: Disputed in part. The September 25, 2014 FBI memorandum indicates that the investigation was based on "information that Chicago Police Department (CPD) Sergeant Ronald Watts and members of his tactical team had been stealing both drugs and drug proceeds from drug dealers and couriers around the former Ida B. Wells public housing project" but it does not state that there was a basis to believe other officers had been generally exonerated or had not done things that would warrant administrative action by CPD.

Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph, and it is disputed that the FBI investigation "confirmed" that there was no wrongdoing by other officers. To the contrary, a number of FBI documents refer to alleged wrongdoing by other officers. For more than eight years prior to Watts and Mohammed's arrest, the FBI investigated allegations that Watts and his Team, including Jones, were extorting protection money from drug dealers and falsifying arrests, reports, and giving false testimony to further their corrupt enterprise. PSOF 99. *See* CSOF 1, 5, 89, 12-13.

Furthermore, numerous Defendants (including Jones, Nichols, Bolton, Gonzalez, and Leano) were relieved of their police powers or found to have acted dishonestly. On January 30, 2019, COPA recommended that Defendants Jones be separated from the Chicago Police Department after its investigation revealed that Defendants Mohammed, Jones, and Smith were involved in a series of arrests at 574 E. 36th Street at virtually the same time they were also purportedly arresting Baker and Glenn at 511 E. Browning Avenue. Ex. 9 at 31.

On December 30, 2022, COPA recommended that Defendants Smith Gonzalez, Nichols, Leano, and Bolton all be separated from the Chicago Police Department because each "became aware that Sgt. Ronald Watts and/or Chicago Police Department members under Sgt. Watts' supervision arrested [certain individuals] without justification." Ex. 21 at 4-13. Defendants Jones, Smith, Leano and Gonzalez also were found to have "knowingly made a false written [police] report," in furtherance of the attempts to falsely arrest certain individuals. *Id.*

COPA also concluded, by a preponderance of the evidence, that Officer Kenneth Young (along with Defendant Jones) made false statements in their reports and testimony regarding the 2004 arrest of Baker. Ex. 26 at COPA-WATTS 59424.

Furthermore, as Plaintiff Baker's testimony explains, Defendant Nichols planted drugs on him. Ex. 4 (Baker Dep), Aug. 9, 2023 at 226:20-227:15. Likewise, Multiple members of Watts Team were aware of the Watts Team's widespread misconduct but refused to come forward and report it. Ex. 1 (FBI Documents) (Lewis testifying to hearing rumors of Watts stealing money) at FB1 295-296, Ex. 22, (Dep. of Matthew Cadman), Sept. 22, 2021, at 88:12-90:13 (Cadman testifying to Watts trying to take recovered drugs), Ex. 23,

(Dep. of Michael Spaagaren (Baker) Dep.), March 7, 2022, at 100:17-101:5 (Spaargaren testifying that people Watts team arrested would loudly proclaim their innocence); 109:25:-110:9 (Cadman confiding to other officers that he wanted to leave the Watts team because he thought if he stayed he would go to jail), Ex. 24 (Dep. of Alvin Jones) Feb. 26, 2020 at 34:3-38:21 (Jones testifying to Watts' Team practice of routinely falsifying police reports).

66. SA Henderson submitted a Declaration averring that "During my review of the items of electronic material collected by the FBI in its investigation of Mr. Watts and Mr. Mohammed, I did not perceive anything that indicated that the subjects of the investigation were engaged in falsification of criminal charges against any individual." (Ex. 53, Henderson Declaration at para. 14).

Response: Admitted that SA Henderson submitted an affidavit with that language, but disputed that the assertion was accurate because multiple recordings do contain references to engaging in the falsification of charges. Ex. 27 (Dep. of Danik) at 332:23-333:3.

67. During the Joint FBI/IAD Investigation, a CI named Daniel Hopkins claimed during a March 2009 interview that Watts and his tactical team falsely arrested him for a narcotics case in May 2008, which resulted in a two-year sentence. (Ex. 54, FBI 44-48 at 45).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph to the extent that it does not indicate that Danile Hopkins told anyone that the case Defendant Watts falsely put on him resulted in a two-year sentence. 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims.

68. At Watts's sentencing hearing on October 9, 2013, the Government, relying on Hopkins's claim, told Judge Sharon Johnson Coleman that:

> **[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, who was a homeless unemployed alcoholic, felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn't commit. So all of these factors and criminal conduct in which the defendant has engaged is very serious and warrants a serious sentence. (Ex. 55, Sentencing Hearing at BAKER GLENN 001350).**

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims. Furthermore, the cited transcript does not prove that the government was "relying on Hopkin's claim" as the sole source of the information presented to the court. Otherwise, undisputed, with the clarification that, according to CSOF Ex. 55, the "Court [took] consideration [of] the fact that not only is Mr. Hopkins a convicted felon and served penitentiary time, but he does have severe alcohol and drug problems. . . [and further that] Mr. Hopkins is a questionable individual at best, and he has every reason to lie about his action towards Mr. Watts as he was getting payment from law enforcement for his participation in this matter."

69. Discovery in this case has demonstrated that Hopkins' claim that he was falsely arrested for a narcotics case by Watts and/or his team is, itself, false. (Ex. 56, Supplement to Report of Michael Brown at 5-6).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Also disputed to the extent that this paragraph relies on the City's expert's opinion for the truth of the matter asserted, when that report is hearsay. Fed. R. Evid. 801(c). 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). Plaintiffs furthermore object to any reliance on this report in this case as this report was never properly disclosed or authenticated in the Baker/Glenn case. Instead, CSOF 56 was disclosed in a different case altogether – *Gipson v. Chicago*, 18-cv-5120 (N.D. Ill) – and done so after the Baker/Glenn discovery deadlines. See *Scott v. Edinburg*, 346 F.3d 752, 759 (7th Cir. 2003)(Introduction of expert report into the record without any supporting affidavit verifying its authenticity is inadmissible and cannot be considered for purposes of summary judgment.); *LaFlamboy v. Landek*, 587 F. Supp. 2d 914, 942 (N.D. Ill. 2008)(Unauthenticated expert reports are inadmissible hearsay at summary judgment); *Bordelon v. Chicago Sch. Reform Bd. of Trustees*, 233 F.3d 524 (7th Cir. 2000) (Summary judgment opponent was not entitled to consideration of late-filed expert's affidavit in support of response, especially where no explanation was offered as to why affidavit could not have been submitted sooner). Finally, whether Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims.

70. Hopkins was not arrested by the Watts tactical team in May 2008. (Ex. 57, Hopkins' rap sheet). Hopkins was never arrested by the Watts team for a narcotics offense. *Id*.

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). The assertion that Hopkins was never arrested by Defendants lacks foundation and is inadmissible hearsay. *See Gomez v. Rihani*, 2024 WL 3925402, at *4 (N.D. Ill. Aug. 23, 2024) ("The hearsay exception as applied to police reports generally applies only to an officer's factual findings and firsthand impressions, not statements provided to an officer by a third-party."). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims.

71. The only arrest potentially corresponding to the May 2008 time frame claimed in Hopkins's interview with the FBI is a June 2, 2008 arrest for Criminal Trespass to Property by Watts's team; there is no mention of illegal drugs in that arrest report and Hopkins only received a two-day sentence. (*Id*. see also Ex. 58, Hopkins' June 2, 2008 arrest report).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393).). The assertion that Hopkins was never arrested by Defendants lacks foundation and is inadmissible hearsay. *See Gomez v. Rihani*, 2024 WL 3925402, at *4 (N.D. Ill. Aug. 23, 2024) ("The hearsay exception as applied to police reports generally applies only to an

officer's factual findings and firsthand impressions, not statements provided to an officer by a third-party."). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims.

72. Hopkins was arrested on June 21, 2008 for Possession of a Controlled Substance and received a two-year sentence for his conviction related to that arrest. (Group Ex. 59, Hopkins June 21, 2008 arrest report and case report). Hopkins's June 21, 2008 arrest was made by an Officer Lee and other officers from Beat 266D, which is not Watts's team; Watts's team is Beat 264. (*Id*.; see also Ex. 58). The Attendance & Assignment sheet for the Second District on June 21, 2008 shows that Watts and his tactical team members Bolton, Gonzalez, Jones, Leano, Mohammed, Nichols, Smith, Jr., Young, and Lewis, were not working on June 21, 2008. (Ex. 60, DO-JOINT 029350-53).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393).). The assertion that Hopkins was never arrested by Defendants lacks foundation and is inadmissible hearsay. *See Gomez v. Rihani*, 2024 WL 3925402, at *4 (N.D. Ill. Aug. 23, 2024) ("The hearsay exception as applied to police reports generally applies only to an officer's factual findings and firsthand impressions, not statements provided to an officer by a third-party."). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

73. On September 18, 2014, Baker filed a motion for leave to file his first successive amended petition for post-conviction relief and his amended first successive petition for post-conviction relief. (Ex. 19). Baker alleged "that newly discovered evidence in the form of Sgt. Watts' Conviction on federal corruption charges, shows that Ben Baker is actually innocent of the charges." (*Id.*, at DO-JOINT 053004).

Response: Plaintiffs admit that the document contains the cited material that that newly discovered evidence, in the form of Sgt. Watts' Conviction on federal corruption charges, shows that Baker is actually innocent of the charges and was the basis to for Baker's motion for leave to file his petition. Disputed, however, and objected to on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). 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).

74. Baker also alleged that the officers who arrested him "were corrupt and that they placed a false case on him because he refused to pay Watts $1,000." *Id*. Baker asserted that "there is manifest cause for Baker's failure to bring his claim in his initial post-conviction petition filed in 2009. At the time of his first, *pro se* petition, Ronald Watts had not yet been indicted (much less convicted) on federal charges stemming from corrupt conduct." (*Id*. at DO-JOINT 053005). Baker cited the Government's reliance at sentencing on Hopkins's claim that he was falsely arrested by Watts and/or his team. (*Id*. at DO-JOINT 053033).

Response: Plaintiffs admit that the document contains the cited material and that Baker alleged that the officers who arrested Baker were corrupt and that they placed a false case on him because he refused to pay Watts $1,000." Disputed and objected to on the ground that this statement is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims.

75. Baker's lawyers later filed a Petition for Appointment of Special Master "to investigate the propriety of convictions obtained due to arrests by Sergeant Ronald Watts, or officers working under his supervision." (Ex. 61, Petition for Appt. of Special Master). At page 1 of their filing, Baker's lawyers quoted the Government's incorrect statement at the sentencing hearing that:

> **[Watts put] a false case on the confidential source that was involved in our investigation. Had him arrested on drug charges. And the source, who was a homeless unemployed alcoholic, felt he had no chance of successfully fighting that case so he pled guilty to a crime he didn't commit. *Id.* at 1.**

Plaintiffs continue to include this false claim in their SAC. (Dkt. 238, SAC at ¶112).

Response: Disputed. Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Also disputed to the extent that this paragraph relies on the City's expert's opinion for the truth of the matter asserted, when that report is hearsay. Fed. R. Evid. 801(c). 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 Hopkins was falsely arrested has no bearing on Plaintiffs' §1983 claims. Disputed that Plaintiffs knowingly included any false claim in their SAC or that the City has provided admissible evidence proving that Watts did not frame Hopkins.

76. The Circuit Court granted Baker's petitions for post-conviction relief and vacated his convictions, and his cases were dismissed. (Group Ex. 62, Orders Vacating Convictions). Glenn's case was also vacated and dismissed. *Id*.

Response: Undisputed.

77. Plaintiffs contend the City should have moved to discipline Watts, Mohammed, or other members of the team before their 2005 arrests. (Dkt. 238, SAC at ¶133-138). Former Chief of IAD Barbara West testified that the CPD should not have moved administratively against the targets of the investigation during the pendency of the criminal case. (Ex. 63, West dep at 113-116). Chief West testified that during the Joint FBI/IAD Investigation, Title III wiretaps were applied for and approved by the federal courts, grand jury subpoenas were issued, FBI confidential sources were utilized, surveillance was conducted, and other confidential investigatory techniques were utilized, the fruits of which would not have been available in any administrative proceeding until the completion of the criminal investigation, if at all. *Id*.

Response: Disputed. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

The Exhibit establishes the underlying fundamental problem with the City's investigation of Defendants widespread misconduct. West testified that if IAD were to move administratively against these officers it would "change[] their ability to move around." Ex. 63 at 113:22-114:3. Put another way, if IAD had done anything to these officers, they would not have been able to go to Ida B. Wells Public Housing day after day and frame innocent citizens by fabricating evidence and planting drugs on them, they would not have been able to take bribes from people, and they would not have been able to sell drugs while on duty for the Chicago Police Department.

Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any

investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

78. Chief West testified that the CPD would have compromised the criminal investigation and potentially violated federal law had the CPD moved administratively against Watts, Mohammed, or other members of the tactical team because doing so would have necessarily disclosed the existence of the Joint FBI/IAD Investigation to the subjects. *Id*. According to Chief West, moving administratively or relieving Watts or members of his team's police powers "would have compromised the investigation and obstructed the furtherance of the investigation." *Id*. at 117.

Response: Disputed. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

The Exhibit establishes the underlying fundamental problem with the City's investigation of Defendants widespread misconduct. West testified that if IAD were to move administratively against these officers it would "change[] their ability to move around." CSOF Ex. 63 at 113:22-114:3. Put another way, if IAD had done anything to these officers, they would not have been able to go to Ida B. Wells Public Housing day after day and frame innocent citizens by fabricating evidence and planting drugs on them, they would not have been able to take bribes from people, and they would not have been able to sell drugs while on duty for the Chicago Police Department.

Plaintiffs further object that the cited material does not support that West testified that **"**CPD would have compromised the criminal investigation and potentially violated federal law." The City's own expert admitted that this would not have happened. See Ex. 15 (Brown Dep) Nov. 1, 2023, at 99:21-101:14; Ex. 2 (Danik Report) at 6 ("there was no reasonable basis for [the] belief [that anyone at CPD would be federally charged with obstruction of justice]"). Plaintiffs further object that City puts forth this paragraph to

support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

79. Plaintiffs disclosed two experts, Dr. Jon Shane and Jeffrey Danik, who provided reports and deposition testimony regarding, inter alia, CPD's supervision and discipline. Shane's report that included the following:

- A discussion of the "Metcalfe report," which arose from congressional hearings in 1972;
- A discussion of a 1997 report from the Commission on Police Integrity ("CPI");
- A discussion of the 2017 Department of Justice ("DOJ") report;
- A block quotation taken from two pages of the 2016 Police Accountability Task Force ("PATF") report that mentions allegations against miscellaneous officers who were indicted over the years, including Jerome Finnigan and Corey Flagg;
- A discussion regarding the rate at which complaints of police officer misconduct are sustained;
- An opinion that CPD failed to supervise officers through the internal affairs process and suggested that CPD's failure to properly conduct investigations "would be expected to cause officers involved in narcotics enforcement, like the Defendants in this case, to engage in corruption and extortion and to fabricate and suppress evidence";
- An opinion that CPD should have taken supervisory measures to stop the criminal misconduct at issue here, including moving administratively against Watts, Mohammed, or other officers on the tactical team. (Group Ex. 64, Shane Report excerpt, at 11, 28-52, 72-77, 85, 97).

Danik's report criticized the joint FBI/IAD investigation while suggesting additional investigatory steps that could have been taken or should have been done sooner. (Group

Ex. 64, Danik Report excerpt, at 2-3). Shane admitted at deposition he does not know anything about Finnigan's or Flagg's cases and did not review the reasonableness of the IAD investigation of Finnigan or Flagg that led to their indictments and convictions. (Ex. 65, Shane Dep., at 260-61). Shane and Danik admitted at deposition that had the CPD moved administratively against Watts, Mohammed, or other officers on the tactical team before Plaintiffs' arrests or trial that Watts may never have been arrested. (Ex. 66, Shane dep in Waddy at 101-120; Ex. 67, Danik dep at 278, 30-31, 45, 181, 256-57).

Response: Disputed. Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Plaintiffs further object that City puts forth this paragraph to support the contention that its investigation into the Individual Defendants' misconduct was anything but deficient. It is undisputed that the City was not powerless to take action against Watts or Mohammed because doing so would have compromised the FBI investigation. Most of the complaints against Watts and his team were not referred to the FBI, but instead investigated by IAD on its own and with no FBI involvement. Ex. 12 (Shane Waddy Report) at 36-37; Ex. 13 (Data from Shane Waddy Report). Those investigations were woefully inadequate and incomplete, and CPD closed some of those complaints without conducting any investigation. Ex. 12 at 42, 44 n.63; Ex. 14 (Shane Baker Report) at 59, 66-71, 86. The City's own FBI expert, Michael Brown, admits that the City could have taken action against Watts and his team, and the City's own police practices expert, Jeffrey Noble, has previously acknowledged that it is improper and unprecedented to leave corrupt officers on the street for the sake of pursuing criminal charges. Ex. 15 (Brown Dep.) May 29, 2024, at 13:18-14:4; Ex. 16 (Noble Transcript from *Curtin v. Cnty. Of Orange*), 2017.08.02 at 47:23-48:7, 48:9-49:5; 80:3-20, 52:17-53:7.

Finally, the Shane and Danik reports encompass more than 250 pages, thus the City's recitation above by no measure captures the scope of what each expert opines upon.

80. During the relevant time frame, it was the policy of the City of Chicago that all members of the Chicago Police Department adhere to the Rules and Regulations of the

Chicago Police Department. (Ex. 68, Rules and Regulations at CITY-BG-059172). The Chicago Police Department Rules and Regulations adopted the Law Enforcement Code of Ethics "as a general standard of conduct for all sworn members of the Department." *Id*.

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

In essence, the City's policy for its officers to follow the rules is largely performative. The City's own investigative task force has noted that while officers have a duty to report misconduct, routinely failed to do so. Ex. 31, (PATF Report) at 73. Meanwhile, the DOJ Report further explained that these City's deficient disciplinary system causes its officers to believe there is not much to lose if they lie to cover up misconduct. Ex. 32, (DOJ Report) at 8-9.

81. The Law Enforcement Code of Ethics requires police officers to comport themselves in relevant part as follows:

> **As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all men to liberty, equality and justice.**
>
> ***
>
> **Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department.**
>
> ***
>
> **I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions….I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.**
>
> **I recognize the badge of my office as a symbol of public faith, and accept it as a public trust to be held so long as I am true to the ethics of the**

> **police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement. (*Id.*)**

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Undisputed that such language is included.

82. The Rules of Conduct contained in the Rules and Regulations set forth the following prohibited acts, among others:

> **Rule 1: Violation of any law or ordinance.**
>
> **Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.**
>
> **Rule 8: Disrespect to or maltreatment of any person while on or off duty.**
>
> **Rule 14: Mandates officer truthfulness by prohibiting members from making a false report, either written or oral.**
>
> **Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.**
>
> **Rule 22: Failure to report to the Department any violation of Rule and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department. (*Id.* at CITY-BG-059179-82).**

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Undisputed that the language is included.

83. As of January 15, 1993, General Order 93-3 went into effect. (Ex. 69, G.O. 93-3: Complaint at Disciplinary Procedures at CITY-BG-059013).

Response: Undisputed.

84. G.O. 93-3 provides that the "Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department." (*Id.*). In addition,

> **[t]he Superintendent of Police will review recommendations for disciplinary action including those of a Complaint Review Panel and will take such action as he deems appropriate. Nothing in this order diminishes the authority of the Superintendent of**

> **Police to order suspensions, to separate provisional employees or probationary employees, or to file charges with the Police Board at his own discretion without regard to recommendations made by a Complaint Review Panel or subordinates. (*Id.* at CITY-BG-059021).**

Response: Undisputed as to the inclusion of this language in G.O. 93-3.

85. G.O. 93-3 also "defines the responsibilities of Department members when allegations of misconduct come to their attention," and mandates that "Members who have knowledge of circumstances relating to a complaint will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the investigation. (*Id*. at CITY-BG-059017).

Response: Undisputed as to the inclusion of this language in G.O. 93-3.

86. G.O. 93-3 further provides that "When misconduct is observed or a complaint relative to misconduct is received by a non-supervisory member, such member will immediately notify a supervisory member and prepare a written report to the commanding officer containing the information received, observations made, and any action taken." (*Id*. at CITY-BG-059017-18).

Response: Undisputed as to the inclusion of this language in G.O. 93-3.

87. G.O. 93-3 states that investigations undertaken into all alleged or suspected violations of Department Rules and Regulations or directives by members (sworn and civilian) of the Chicago Department are processed in accordance with the provisions of G.O. 93-3. (*Id.* at CITY-BG-059013).

Response: Undisputed as to the inclusion of this language in G.O. 93-3.

88. Following the investigation, an allegation will be classified as either (1) "Unfounded" (allegation is false or not factual), (2) "Exonerated" (incident occurred but was lawful and proper), (3) "Not Sustained" (insufficient evidence either to prove or

disprove the allegation), or (4) "Sustained" (allegation is supported by sufficient evidence to justify disciplinary action). (*Id.* at CITY-BG-059024).

Response: Assuming the City's paragraphs is referring to CR investigations, undisputed that those are the potential outcomes that the City provides for.

89. CRs go through the Command Channel Review process. (*Id.* at CITY-BG-059035-36). Among other things, Command Channel Review is a means by which supervisors are informed of the nature of allegations against their subordinates. (*Id.*).

Response: Disputed. The City has admitted that it routinely does not inform the supervisors of officers who had sustained disciplinary complaints against them whether the complaints against them had been sustained or not. Similarly if multiple misconduct investigations are open simultaneously against a CPD employee and assigned to different investigators, there is no specific mechanism for those investigators to be made aware of the existence of those other investigations. This is further disputed because, as explained above, as the City has admitted that it routinely does not inform anyone, even supervisors or investigators, about the existence of ongoing officer investigations or the outcomes of completed investigations. Ex. 28 (Dep. of Timothy Moore), at 124:14-125:18; Ex. 14 (Shane Report) at 77; Ex. 29 (Dep. of Calvin Holiday), Nov. 14, 2022, at 50:3-53:4.; Ex. 12 (Shane Waddy Report) at 23 n.34.

90. During fact discovery, Plaintiffs issued a Rule 30(b)(6) notice of deposition on a variety of topics regarding the City's policies and practices. (Ex. 70, Plaintiffs' Rule 30(b)(6) Notice at 3). Relevant to this motion, paragraph 13 of plaintiff's notice stated, in part, as follows:

> **The City's (a) written and unwritten policies, practices, and customs and (b) training in effect from 1999-2011, relating to each of the following:**
>
> > **a. Preparation and approval of arrest reports and related reports (such as vice case reports and inventory sheets), including but not limited to the role of each officer who is listed on such a report, as well as who is supposed to sign such reports, and the use of quotation marks on reports.**

> **b. The use in official reports of abbreviations such as R/O and A/O instead of listing participating officers by name.**
> **c. Completion of the "Complaint for Preliminary Examination," including but not limited to the role of each officer whose signature appears on the Complaint.**
> **f. Responsibilities of tactical teams operating in the Second District and/or the Ida B. Wells housing development.**
> **g. Responsibilities of sergeants overseeing tactical teams operating in the Second District and/or the Ida B. Wells housing development.**
> **j. The collection, inventory, and testing of suspected narcotics.**
> **k. The collection and inventory of money from individuals who are arrested or detained. *Id.***

Response: Object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393). Plaintiffs further clarify that CSOF Ex. 70 contains requests for the City's (a) written and unwritten policies, practices, and customs and (b) training in effect from 1999-2011, relating to several additional topics from the cited subsection, including the following:

> l. Reverse sting operations, including any materials used in reverse stings, such as reverse sting kits.
>
> m. Premises checks in the Second District.
>
> n. Merit promotions.
>
> o. The use of confidential sources, confidential informants, and concerned citizens in connection with drug arrests.
>
> p. The code of silence, including the City's position as to whether a code of silence existed during any part of the years 1999-2011, and any efforts to address the code of silence.
>
> q. The supervision of tactical teams and tactical team officers.
>
> r. Systems such as early warning systems in place to monitor officers for potentially wrongful behavior.
>
> s. Joint investigations with outside entities such as the Cook County State's Attorney's Office and/or federal government agencies.

91. The City produced Lt. Michael Fitzgerald as its representative to discuss these topics (subject to a few exceptions) at a deposition in compliance with Rule 30(b)(6). Plaintiffs took Lt. Fitzgerld's deposition on March 6, 2024 and he answered all of Plaintiffs' questions as reflected in his 223 page transcript. (See Ex. 71, Lt. Fitzgerald's deposition transcript).

Response: Undisputed.

92. Among other things, Lt. Fitzgerald testified that CPD training and policy of all police officers was that police reports are to be accurate (*Id.*, at 123-25, 130-31). Lt. Fitzgerald testified that police officers were trained that if they created a false report or lied that led to a false arrest, that they are likely going to be caught and may go to prison themselves. (*Id*. at 162). Lt. Fitzgerald testified that CPD officers are trained not to frame people, and if they do, they may go to prison (*Id*. at 161).

Response: Disputed. When asked "did you ever think it was your job as the sergeant of a tactical team to tell your team members not to frame people?" Lt. Fitzgerald answered that "I think everyone on this department knows, like, the liability that rests with that. You know what I mean? When we were in the academy, I mean, we -- we were instructed, you know, like, hey, this is what this is. And one of the things that they told us was you guys are never any closer to the penitentiary than you are today, you know, because at the end of the day, you know, as a law enforcement officer, if I break the law, I'm the most valuable commodity that any state's attorney or, you know, United States Attorney's ever going to come across because, you know, you're -- you're gold to them, right? You know, we sat through training seminars where they brought up the Austin -- you know, Austin Seven, right? And so, you know, where they showed us, hey, this is what these guys did, and this is the amount of time they all got. So if you want to go do dumb stuff, be prepared, you know, to ride the pine with them. The department also put out e-learning videos with Xavier Castro. And Xavier Castro was an officer who falsified an arrest report. I think he said he arrested a guy who was on an ankle monitor, right? And the ankle monitor proved that he wasn't where he said he was, and ultimately he went to prison. And so everyone's aware of the risks if they're going to lie and they're going to do nefarious things. You know what I mean? That there's -- there's an inherent risk an more than likely, you're going to get found out, and you're probably going to go to prison, you know, and no one's going to have, you know, any -- any hard feelings about sending you there."

93. Lt. Fitzgerald testified that when officers in the department were disciplined or stripped of their police powers, supervisors would notify their team members that discipline had been imposed and remind their subordinates to obey the rules and the law or that would happen to you. (*Id*. at 162).

Response: Disputed. Lt. Fitzgerald's testimony was that "there were times when things happened" where "you would have to sit down with everyone and say as a reminder . . . this is what can happen to you if you do this, so think about the things you do before you do them." He gave no testimony regarding how often this happened and no testimony regarding whether this was routine or a practice, as opposed to something that happened once or twice in his experience. He said that in his experience it would happen "sometimes" if something major and public happened. Ex. xx (Dep. of Michael Fitzgerald), 03/06/24, at 162:10-163:17.

This is further disputed because, as explained above, as the City has admitted that it routinely does not inform anyone, even supervisors or investigators, about the existence of ongoing officer investigations or the outcomes of completed investigations. Ex. 28 (Dep. of Timothy Moore), at 124:14-125:18; Ex. 14 (Shane Report) at 77; Ex. 29 (Dep. of Calvin Holiday), Nov. 14, 2022, at 50:3-53:4.; Ex. 12 (Shane Waddy Report) at 23 n.34.

94. Lt. Fitzgerald further testified that tactical team supervisors at the CPD would "guide" and "instruct" officers under their command to follow the rules and the law and to help them not make "dumb mistakes." (*Id*. at 163). And tactical team supervisors would make sure that nobody was being framed by their teams. (*Id*.).

Response: Disputed. Lt. Fitzgerald's full testimony is that "Sometimes, yeah. I mean -- so it's, like, you know, when we had the issue with the officers, I believe they were in the 23rd District, that were picking up young ladies who were overserved, you know, and then, you know, having sexual relations with them while they were on duty, you know, in the squad car or whatever – whatever came out of it, and they all got arrested, you know. And it's like, anyone who thinks that this is a good idea, here are the poster children for why it's not, you know. So when things did come up, yeah, we would talk to our people and remind them. And, again, like, as a supervisor, you may be older than some of the people that you're supervising, but on some levels, like, you're still -- you're still acting as almost like parent, you know, for some of them, you know, and you're -- you're guiding them and you're instructing them, and you know, you're supposed to be there to, essentially, on that level, like, protect them from -- from making dumb mistakes, you know." Ex. 71 at 162:24-163:17. Plaintiffs further object that the cited material does not support that Lt. Fitzgerald testified that tactical team supervisors would make sure that nobody was being framed by their teams.

95. The City produced the CPD's Basic Recruit Training Program Curriculum 1996 in this litigation. (Ex. 72, CITY-BG-058557-058604). All of the individual defendant police officers in this case completed their Basic Recruit Training. (Group Ex. 73, excerpts of the defendant officers' depositions and answers to interrogatories). All CPD recruits received hundreds of hours of contact between instructor and trainee, ranging from lecture to discussion periods, and involving practical exercises. (Ex. 72 at CITY-BG-058557). Among other courses, all CPD recruits, were taught the following: Duties and functions of IAD (*Id.*, at CITY-BG-058567); The City of Chicago Municipal Code (*Id.*, at CITY-BG-058572); Legal requirements to arrest, search, seize, and stop (*Id.*, at CITY-BG-058573); Civil Rights & Civil Liability (*Id.*, at CITY-BG-058573); Police Morality (*Id.*, at CITY-BG-058576); Disciplinary Procedures/Rules & Regulations (*Id.*, at CITY-BG-058584); Department procedures for handling evidence and recovered property (*Id.*, at CITY-BG-058588).

Response: Plaintiffs object that the cited material does not support the factual assertions contained in this paragraph. Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

96. One of the manners in which the CPD supervises and disciplines its police officers is through Summary Punishment Action Requests, or SPARs. (Ex. 69, Addendum 7 to G.O. 93-3: Summary Punishment at CITY-BG-059063-70). SPARs are disciplinary actions that do not require a CR and do not involve a citizen complaint. *Id*. SPARs are violations of CPD policies that are identified by supervisors, and it is the supervisors who determine disciplinary actions resulting from sustained SPARs up to a three-day

suspension. *Id*. Supervisors issued on average over 4,000 SPARs every year at the CPD from 2001 through 2005. (Group Ex. 74, Excerpts of CPD's annual reports, at CITY-BG-059402, 59452, 59505, 59557, 59611).

Response: Plaintiffs 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).

Plaintiffs further dispute that the data referenced in this paragraph resulted in any effective deterrence whatsoever. As Plaintiffs expert Shane has pointed out, the City's failure to identify and analyze trends of misconduct was a systemic failure and an abrogation of responsibility. Ex. 14 (Shane Report) at 117 ("Empirical analysis of personnel allegation data provides feedback and evidence for police administrators regarding whether the internal investigation process works to promote fairness and equity for both citizens and the accused officers. In the absence of such evidence, police administrators do not have a mechanism to determine whether an internal investigation's outcome is reliable. The failure to collect, analyze and act on the available personnel allegation data in the Chicago Police Department is tantamount to managerial indifference, including an abrogation of the Superintendent's responsibility to direct the organization.")..

CPD ANNUAL REPORTS

97. The CPD received the following numbers of calls for service in the following years: 2001 – 5,144,617; 2002 – 4,937,360; 2003 – 5,054,817; 2004 -5,271,469; 2005 – 4,979,621. (Group Ex. 74, Excerpts of CPD Annual Reports, at CITY-BG-059608). The CPD made the following numbers of arrests in the following years: 2001 - 233,455; 2002 - 237,706; 2003 - 238,961; 2004 - 244,193; and 2005 - 238,636. (Id., at CITY-BG-059383, 59436, 59488, 59540, 59592). The CPD made the following numbers of narcotics arrests in the following years: 2001 - 57,958; 2002 - 54,205; 2003 - 55,795; 2004 - 59,051; and 2005 - 58,098. *Id.*

Response: Plaintiffs object on the ground that this is immaterial, as this fact is not cited anywhere in the City's memorandum in support of summary judgment (Dkt. 393).

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). Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

Otherwise, undisputed.

98. The Chicago Police Department has imposed disciplinary actions to correct employee behavior, including sustaining cases between 2001 and 2005, by issuing 1,193 reprimands; 2,736 suspensions; and conducting investigations that resulted in over 546 employees being separated or resigning. (*Id*., at CITY-BG-059402, 59452, 59505, 59557, 59611).

Response: Disputed. Plaintiffs object that the cited material does not support the paragraph. 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). Plaintiffs further object to this paragraph because it violates Local Rule 56.1 by containing multiple, discrete assertions. "[T]he numbered paragraphs should be short; they should contain only one or two individual allegations, thereby allowing easy response." *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)). It is "inappropriate to confuse the issues by alleging multiple facts in a single paragraph in hopes of one's opponent missing one." *Malec,* 191 F.R.D. at 583.

This is further disputed given that CPD officials have acknowledged that there was no "backstop" in the system to find problems with sergeants engaged in criminal behavior, such as Defendant Watts. Ex. 30 (Dep. of Kenneth Mann), Dec. 17, 2020, at 41:18-42:4, 52:18-53:6, 77:8-12. Likewise, Plaintiffs' experts review of the discovery in this case led

him to conclude that the Superintendent failed to direct any supervisory officers to take any corrective action related to Watts' Team or that the Superintendent held any commanding officers responsible for their subordinates' repeated adverse behavior.". Ex. 14 (Shane Report) at 116.

Respectfully submitted,

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