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

ROBERT FORNEY,	)	
Plaintiff	)	Judge Virginia M. Kendall
v.	)	
	)	No. 18-cv-3474
CITY OF CHICAGO, et al.	)	
	)	*Jury Demanded*
Defendants	)	

DEFENDANT KALLATT MOHAMMED'S UNOPPOSED MOTION FOR LEAVE TO FILE AN AMENDED ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Kallatt Mohammed ("Mohammed"), by and through one of his attorneys, Special Assistant Corporation Counsel Eric S. Palles of Mohan Groble Scolaro, P.C., and pursuant to Federal Rule of Civil Procedure 15, moves this Court for leave to file his Amended Answer to Plaintiff's Complaint. In support, Mohammed states as follows:

1. Plaintiff filed his Complaint on May 16, 2018, alleging that he suffered injuries and damages as a result of the Defendant Officers' and City of Chicago's acts and omissions. Dkt. 1.

2. On July 17, 2018, Defendant Mohammed filed his Answer and Affirmative Defenses to Plaintiff's Complaint. Dkt. 24. In response to certain of the allegations contained in the Complaint, Mohammed asserted his Fifth Amendment privilege against self-incrimination. Defendant Mohammed now seeks to amend his Answer, withdrawing his Fifth Amendment invocation.

3. Subsequent investigation of Plaintiff's allegations revealed information that resulted in the undersigned counsel's determination that the privilege could, and should, be

withdrawn. Specifically, Mohammed will deny certain allegations related to his involvement in the incidents described by Plaintiff in his Complaint.

4. Under Federal Rule of Civil Procedure 15, the Court should freely grant leave to amend "when justice so requires." While leave to amend is not as a matter of course, the permissive policy of the Rule is both explicit and consistent with the animating purpose to ensure that cases be decided on their merits. Accordingly, a motion for leave to amend should be granted "in the absence of undue delay, undue prejudice to the party opposing the motion, or futility of the amendment." *Eastern Natural Gas Corp. v. ALCOA*, 126 F.3d 996, 999 (7th Cir. 1997). The most significant factor is the potential prejudice to plaintiff if the amendment is allowed. *Am. Hardware Mfrs. Ass'n v. Reed Elsevier, Inc.*, No. 03 C 9241, 2006 U.S. Dist. LEXIS 49220, *6 (N.D. Ill., July 6, 2006). In the instant case, there is none.

5. Plaintiff will not be prejudiced if this Court grants Defendant Mohammed leave to file his Amended Answer.

6. Defense counsel has conferred with Plaintiff's counsel relative to this Motion. Plaintiff's counsel has no objection.

7. Defendant Mohammed is willing to surrender his Fifth Amendment privilege and will not be asserting his privilege at trial.

WHEREFORE, Defendant, Kallatt Mohammed, moves this Court for leave to file his Amended Answer to Plaintiff's Complaint (attached hereto as Exhibit1).

Respectfully submitted,

/s/ Eric S. Palles
Special Assistant Corporation Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2025, I caused the foregoing Motion to be served on all counsel of record using the CM/ECF system, which will send notification of such filing.

/s/Eric S. Palles
Special Assistant Corporation Counsel
One of the attorneys for Kallatt Mohammed