

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

ANTHONY MCDANIELS,)	
)	
Plaintiff,)	
v.)	Case No. 18-cv-05126
)	
)	
CITY OF CHICAGO, Former)	Hon. Mary M. Rowland
CHICAGO POLICE SERGEANT)	
RONALD WATTS, Former CHICAGO)	
POLICE OFFICER KALLATT)	
MOHAMMED, DOUGLAS NICHOLS,)	
JR., MANUEL LEANO, ELSWORTH)	
SMITH, JR., BRIAN BOLTON,)	
LAMONICA LEWIS, EDGAR)	
CARLOS, GABRIELLA SHEMASH,)	
JOHN GRIFFIN, PHILIP J. CLINE,)	
KAREN ROWAN, DEBRA KIRBY,)	
and other as-yet-unidentified officers)	
of the Chicago Police Department,)	
)	
Defendants.)	

DEFENDANT KALLATT MOHAMMED’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant Kallatt Mohammed (“Mohammed”), by and through his attorneys, Ravitz & Palles, P.C., respectfully submits his answer to Plaintiff Anthony McDaniels’ Complaint. In so answering, Mohammed states the following:

Introduction

1. Anthony McDaniels was convicted of an offense he did not commit and was sentenced to 12 years in prison.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

2. Mr. McDaniels was incarcerated for a crime that never happened: it was completely fabricated by Chicago police officers.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

3. Mr. McDaniels was arrested on November 21, 2008 by corrupt Chicago police officers. The officers routinely sought bribes, planted drugs and weapons, and accused citizens, including Mr. McDaniels, of possessing drugs and guns they did not possess.

ANSWER: Defendant Mohammed objects to the use of the term “corrupt” as argumentative, vague and undefined. Without waiver, Defendant Mohammed denies that he sought a bribe from or planted drugs or weapons upon Plaintiff. Upon advice of counsel, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the remaining subject matter of this paragraph.

4. The type of encounter these police officers had with Mr. McDaniels was unfortunately quite common: a false accusation, criminal proceedings, incarceration, and subsequent felony record.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

5. During his criminal proceedings, Mr. McDaniels’ attorney produced evidence that demonstrated concern about the credibility of the officers’ testimony. The court, however, found the testifying officers credible and convicted Mr. McDaniels at the bench trial.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

6. After being convicted, Mr. McDaniels was sent immediately to prison, where he spent most of the next decade.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

7. In 2012, Defendant Mohammed and his supervisor, Defendant Watts, were caught on tape engaging in the exact type of misconduct that Mr. McDaniels alleged against Defendant Mohammed.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

8. The federal government charged Watts and Mohammed criminally, and the disgraced officers pled guilty and served time in federal prison.

ANSWER: Defendant Mohammed admits that he pled guilty in 2012 to a violation of 18 USC § 641 and was sentenced to a term of imprisonment.

9. Over that time, evidence has come to light showing that Watts and his police team members, including Defendants Nichols, Jr., Leano, Smith, Jr., Bolton, and Lewis engaged in an ongoing pattern of criminal misconduct and that Chicago Police Department officials knew about that pattern dating at least as far back as 2004.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

10. For example, on or after November 16, 2017, following the decision of the Cook County State's Attorney Office (CCSAO) to vacate the convictions of 15 individuals, Defendants Nichols, Jr., Leano, Smith, Jr., Bolton, and Lewis, along with other members of Watts's crew, were placed on desk duty.

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

11. In addition, the CSSAO will no longer call Defendants Nichols, Jr., Leano, Bolton, Smith, and Lewis as witnesses "due to concerns about their credibility and alleged involvement in the misconduct of Sergeant Watts."

ANSWER: Defendant Mohammed is without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph.

12. Through this lawsuit, Mr. McDaniels seeks accountability and compensation for being deprived of his liberty as a result of Defendants' misconduct.

ANSWER: Defendant Mohammed objects to this paragraph on the grounds that it is argumentative and does not allege any fact, and Mohammed refers to this Complaint for the content of Plaintiff's purported allegations and claims. This paragraph therefore requires no response.

Jurisdiction and Venue

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

ANSWER: Defendant Mohammed admits that this action purports to be brought pursuant to 42 U.S.C. §1983 but denies the remainder of the allegations contained in this paragraph.

14. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1367.

ANSWER: Defendant Mohammed admits to the jurisdiction of this Court.

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

ANSWER: Defendant Mohammed admits that venue is proper.

The Parties

16. Mr. McDaniels is 50-years old.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

17. At all relevant times, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, and Officers Douglas Nichols, Jr., Manuel Leano, Elsworth Smith, Jr., Brian Bolton, Lamonica Lewis, Edgar Carlos, Gabriella Shemash, and John Griffin, were Chicago police officers employed by the City of Chicago and acting within the scope of their employment and under color of law. Collectively, these individual Defendants are referred to as "Defendant Officers."

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver, Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment.

Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

18. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team.

ANSWER: Defendant Mohammed admits the allegations contained in this paragraph.

19. At all relevant times, Defendants Mohammed, Nichols, Jr., Leano, Smith, Jr., Bolton, and Lewis worked on Watts' team.

ANSWER: Defendant Mohammed admits the allegations contained in this paragraph.

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

ANSWER: Upon information and belief, Defendant Mohammed admits the allegations contained in this paragraph.

21. At all relevant times, Defendants Karen Rowan and Debra Kirby were Assistant Deputy Superintendents of the Chicago Police Department, acting as the head of its Internal Affairs Division. Collectively, these Defendants, and Defendants Watts, Shemash, and Griffin are referred to as "Defendant Supervisory Officers."

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Upon information and belief, Defendant Mohammed admits the allegations contained in this paragraph.

Factual Background

23. On November 21, 2008, Mr. McDaniels exited 5613 S. Prairie Avenue in Chicago, alone.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

24. As he approached his 1999 Ford Taurus, Defendants Mohammed and Nichols approached him.

ANSWER: Defendant Mohammed denies the allegations contained this paragraph.

25. Mr. McDaniels knew Defendants Mohammed and Nichols as members of Defendant Watts's corrupt tactical team.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

26. Watts and his tactical team members were well-known to Mr. McDaniels and other residents in and around the southside housing projects. They maintained a visible presence, and they had a reputation in the community of harassing black men and women.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

27. In the years prior, Defendants Mohammed, Nichols, Watts, and others had all shaken down Mr. McDaniels and stolen money from him.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

Defendant Officers Fabricate a Gun Case

28. When Defendants Mohammed and Nichols approached Mr. McDaniels, the Officers immediately detained him.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

29. Mr. McDaniels was doing nothing illegal and the Officers had no warrant or probable cause.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

30. After Defendants Mohammed and Nichols detained Mr. McDaniels, they immediately shook him down, ordering Mr. McDaniels to give them any drugs or money in his possession.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

31. Mr. McDaniels had no drugs or other contraband on him or in his car.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

32. Mr. McDaniels told the officers he was not giving them anything.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

33. Defendant Mohammed then unlawfully searched Mr. McDaniels and stole \$638 from him.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

34. Defendants Mohammed and Nichols then unlawfully searched Mr. McDaniels's car, and Nichols falsely claimed he recovered a gun from Mr. McDaniels's car.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

35. Mr. McDaniels insisted there was no gun in his car, and he did not possess one.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

36. Defendant Mohammed then communicated to Mr. McDaniels that he would not be arrested or charged if he bribed them with money or drugs.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

37. Mr. McDaniels refused Defendants Mohammed's and Nichols' shakedown.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

38. In retaliation, Defendants Mohammed and Nichols arrested Mr. McDaniels and took him to Area Police Headquarters.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

39. The arrest was based on an illegal search made without cause, and the planting of a gun that was not in Mr. McDaniels's car or otherwise in his care, custody, or control.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

40. At the station, Defendants Mohammed and Nichols continued framing Mr. McDaniels with gun charges.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

41. Defendants Mohammed, Nichols, Leano, Smith, Bolton, Lewis, and Carlos worked together to create a false and fabricated police report about Mr. McDaniels's alleged possession of a gun and fabricated an inculpatory statement from McDaniels that he never made.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

42. Defendant Watts was the corrupt, direct supervisor of Defendants Mohammed, Nichols, Leano, Smith, Bolton, and Lewis during this incident.

ANSWER: Defendant Mohammed objects to the term "corrupt" as argumentative, vague and undefined. Without waiver, Defendant Mohammed admits that, at the time of the incident, Watts was his supervisor.

43. Defendants Shemash and Griffin approved the false arrest.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

44. As a result of that false arrest and subsequent wrongful prosecution, Mr. McDaniels spent years in jail awaiting trial proceedings.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

Mr. McDaniels is Prosecuted and Convicted

45. On the basis of false reports that the Defendant Officers prepared, Mr. McDaniels was prosecuted for gun crimes.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks

sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

46. Mr. McDaniels filed a pre-trial motion to suppress evidence and an evidentiary hearing was conducted.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

47. At the motion hearing, Defendants Leano and Nichols falsely testified that they observed Mr. McDaniels exit 5613 S. Prairie Avenue holding his waistband.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

48. Defendants Leano and Nichols then falsely testified that Mr. McDaniels yelled “go, go, go” as he jumped into the passenger seat of a car.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

49. Defendants Leano and Nichols then falsely testified that they followed the vehicle and then activated their emergency lights when the vehicle did not stop at a stop sign.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

50. Defendants Leano and Nichols then falsely testified that because the car did not stop for several blocks, they chased the vehicle.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

51. Defendants Leano and Nichols then falsely testified that while the car was in motion, Mr. McDaniels jumped out of the vehicle.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

52. Defendant Leano and Nichols then falsely testified that Defendant Leano got out of his car and engaged in a foot chase, during which time a gun ejected from Mr. McDaniels waistband.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

53. Defendant Leano falsely testified that he recovered the gun Mr. McDaniels dropped, and Defendant Nichols falsely testified that he apprehended Mr. McDaniels.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

54. Defendants Leano and Nichols falsely testified that Defendants Mohammed, Smith, and Lewis recovered the car Mr. McDaniels jumped out of, which was then abandoned, at 5620 S. King Drive, and that Defendant Mohammed drove it to the police station.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

55. Defendant Mohammed did not recover a car at 5620 S. King Drive, and he did not drive it to the police station.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

56. Rather, Antonio Riles, a tow truck driver, towed the vehicle in question to the impound lot from 5613 S. Prairie, not 5620 S. King Drive nor the police station.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

57. Defendant Leano was not even present at the arrest.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

58. Defendants Smith, Bolton, Lewis, and Carlos—who are listed as assisting arresting officers on the police reports—were not present for the arrest.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

59. Mr. McDaniels lost the suppression hearing.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

60. Mr. McDaniels's case later proceeded to a bench trial.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

61. At the bench trial, Defendants Leano and Nichols gave substantially the same false testimony.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

62. Antonio Riles, the tow truck driver, again testified that he towed the vehicle from 5613 S. Prairie Avenue to the impound lot.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

63. Defendant Mohammed falsely testified that he recovered the vehicle at 5620 S. King Drive and drove it to the police station.

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

64. Defendants Leano and Nichols also falsely testified that Mr. McDaniels made an inculpatory statement after being read his Miranda warnings at the police station, claiming that Mr. McDaniels told them he bought the gun on the street for protection and just wanted to get the gun out of his car.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

65. No officer ever read Mr. McDaniels any Miranda warnings and Mr. McDaniels never made that or any other inculpatory statement.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

66. As a result of Defendants' misconduct, Mr. McDaniels was convicted and sentenced to 12 years in prison.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

67. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. McDaniels's arrest.

ANSWER: Defendant Mohammed denies that he engaged in misconduct or failed to disclose material information within his knowledge.

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

ANSWER: Defendant Mohammed denies he engaged in misconduct or failed to disclose material information within his knowledge.

69. If the prosecutors had known that Defendant Officers fabricated evidence, lied under oath, and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. McDaniels, and his unlawful deprivation of liberty would not have been continued.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

70. Given that the entirety of the State's case against Mr. McDaniels rested on Defendant Officers' fabrication of evidence and the credibility of Defendant Officers, the exculpatory evidence described in the preceding paragraphs would have been material to Mr. McDaniels defense of his criminal charges.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

71. It was no secret within CPD that Watts and his crew engaged in the type of misconduct of which Mr. McDaniels accused them.

ANSWER: Defendant Mohammed objects to the terms “no secret” and “type of misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

72. Government officials, including those with the City of Chicago, knew about Watts and his crew’s alleged misconduct as early as 1999.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “crew” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

74. Because IAD was kept abreast of the FBI investigation, by 2004, City officials—including but not limited to the head of IAD and CPD Superintendent Philip J. Cline—were aware of credible allegations that Watts and his team were extorting and soliciting bribes from drug dealers.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

76. Targets of the FBI investigation extended beyond Watts to members of Watts’s tactical team, such as Defendants Mohammed, Nichols, Lewis, and Smith.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Watts and Mohammed Are Charged With Federal Crimes

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

ANSWER: Defendant Mohammed denies the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed admits that in 2012, he was criminally charged for violations of 18 U.S.C. §§ 641 and 642.

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

ANSWER: Defendant Mohammed admits that he pled guilty in 2012 to a violation of 18 USC §641 and was sentenced to a term of imprisonment. Defendant Mohammed lacks

sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

86. Notwithstanding the evidence that investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.” As described in more detail below, that statement was not true.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

The City’s “Code of Silence”

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

ANSWER: Defendant Mohammed objects to the term “crew” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

90. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. McDaniels information that Watts and his team members were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. McDaniels, he would have used it to impeach the officers’ accounts, which would have changed the outcome of the criminal proceedings instituted against him.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the terms “crew” and “misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed objects to the term “crew” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “crew” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “crew” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

CPD Officer Michael Spaargaren’s Life Is Threatened

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

Citizen Complaints Go Nowhere

102. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated dozens of citizen complaints concerning violations of their civil rights over the years, beginning well before the misconduct Defendants committed against Mr. McDaniels, and yet the City did nothing to stop the misconduct.

ANSWER: Defendant Mohammed objects to the term "criminal misconduct" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed objects to the term "criminal misconduct" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

106. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers. Nevertheless, the City completely abdicated this responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

ANSWER: Defendant Mohammed objects to the terms "misconduct" and "crew" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the allegations contained in this paragraph as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

108. Instead, City officials let officers on Watts's crew continue to pursue criminal charges against citizens like Mr. McDaniels and to testify falsely against citizens like Mr. McDaniels.

ANSWER: Defendant Mohammed objects to the term "crew" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

109. Even worse, City officials withheld information they had about the officers' pattern of transgressions, information that citizens like Mr. McDaniels could have used to impeach the corrupt officers and defend against the bogus criminal charges placed upon them.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

Mr. McDaniels's Exoneration

110. After Defendant Watts and his crew's corruption came to light, in March 2017, Mr. McDaniels filed a post-conviction petition alleging his innocence and the pattern of misconduct of the Defendant Officers.

ANSWER: Defendant Mohammed objects to the terms "corruption" and "crew" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

111. Months later, fifteen other similarly-situated men filed a Consolidated Petition for Post-Conviction Relief ("Consolidated Petition") seeking to vacate 18 drug convictions.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

112. On November 16, 2017, upon the State's motion, Judge LeRoy K. Martin, Jr. vacated all of the 18 drug convictions, and the State nolle prossed all charges related to the convictions.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

113. In commenting on the extraordinary decision to agree to vacate all of the drug convictions, head of Cook County State's Attorney's Office's Conviction Integrity Unit Mark Rotert stated that "In these cases, we concluded, unfortunately, that police were not being truthful and we couldn't have confidence in the integrity of their reports and their testimony."

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

114. Immediately thereafter, the CCSAO indicated it would no longer call certain member of Watts's crew, including Defendants Nichols, Leano, Bolton, and Lewis, as witnesses in any pending or future matters because of their credibility concerns and alleged involvement in misconduct.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

115. In addition, shortly after, Superintendent Johnson placed Defendants Nichols, Leano, Smith, Bolton, and Lewis, along with other members of Watts's crew, on desk duty.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

116. On June 25, 2018, again upon the State's motion, a Cook County judge vacated the conviction of Mr. McDaniels. The CCSAO immediately nolle prossed all charges related to the convictions.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

Mr. McDaniels's Damages

117. Mr. McDaniels lost nearly a decade of his life and was subjected to police harassment and unfair criminal proceedings before he was finally exonerated.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

118. The emotional pain and suffering caused by being wrongfully incarcerated has been significant. Mr. McDaniels was deprived of the everyday pleasures of basic human life; his freedom was taken from him.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

119. As a result of the foregoing, Mr. McDaniels has suffered emotional damages, all proximately caused by Defendants' misconduct.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

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

ANSWER: With regard to the “manner described more fully above,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. To the extent that such allegations purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: With regard to the “manner described more fully above,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

123. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Karen Rowan, Debra Kirby, and other as-yet-unidentified CPD supervisors, had knowledge of a

pattern of misconduct by Watts and his team. These Defendant Supervisory Officers knew of a substantial risk that Watts and his team would violate the rights of Mr. McDaniels and other Chicago residents, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

ANSWER: Defendant Mohammed objects to the terms “pattern of misconduct” and “abuses” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “pattern of misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

126. Defendants’ misconduct directly resulted in the unjust criminal conviction of Plaintiff, thereby denying his constitutional right to due process and a fair trial guaranteed by the Fourteenth Amendment. Absent this misconduct, the prosecution of Plaintiff could not and would not have been pursued.

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations against other defendants contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, with regard to the “misconduct described in this Count,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution.

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

ANSWER: Defendant Mohammed objects to the term “under color of law” as vague, undefined and appears to state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

130. At all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago maintained a system that violated the due process

rights of criminal defendants like Mr. McDaniels by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

134. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking

authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

ANSWER: With regard to the “misconduct described in this Complaint,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the terms "abuse citizens with impunity" and "turned a blind eye" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. The remainder of this paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

147. Finnigan and his crew engaged in their misconduct at about the same time that Mr. McDaniels was targeted by Defendant Watts and his crew.

ANSWER: Defendant Mohammed objects to the term "crew" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

152. The same constitutionally-defective oversight system in place during the time periods at issue in the *Klipfel* case and in the *Obrycka* case were also in place in 2008, when Mr. McDaniels suffered the abuse described above.

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

153. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case were also in place in 2008, when Mr. McDaniels suffered the abuse describe above.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

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

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

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

ANSWER: With regard to the “manner described more fully above,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

162. In doing so, Defendants caused Plaintiff to be unreasonably seized without probable cause and deprived of his liberty, in violation of Plaintiff’s rights secured by the Fourth and Fourteenth Amendments.

ANSWER: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

163. The false judicial proceedings against Plaintiff were instituted and continued maliciously, resulting in injury.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

164. Defendants deprived Plaintiff of fair state criminal proceedings, including the chance to defend himself during those proceedings, resulting in a deprivation of liberty.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

165. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiff was deliberately and intentionally framed for a crime of which he was totally innocent, through Defendants' fabrication and suppression of evidence.

ANSWER: To the extent that such allegations purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the terms "misconduct" and "clear innocence" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver, Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, to the extent that the allegations in

this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver, Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

177. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed objects to the term “under color of law” on the ground that it is vague, undefined and appears to state a legal conclusion. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, to the extent that the allegations in

this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Count V: Illinois Law – Malicious Prosecution

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed objects to the term "under color of law" on the ground

that it is vague, undefined and appears to state a legal conclusion. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

190. The actions, omissions, and conduct of Defendant Officers, as set forth above, were extreme and outrageous. These actions were rooted in an abuse of power and authority and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff, as is more fully alleged above.

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver,

Defendant Mohammed admits that he was employed by the City of Chicago as a police officer at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Count VII: Illinois Law – Civil Conspiracy

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

ANSWER: Defendant Mohammed repeats and incorporates his answers and objections to the preceding paragraphs as and for his answer to this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: To the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Count VIII: Illinois Law – *Respondeat Superior*

Count VIII is not directed against Defendant Mohammed and he therefore makes no answer to this count.

Count IX: Illinois Law – Indemnification

Count IX is not directed against Defendant Mohammed and he therefore makes no answer to this count.

RULE 12(b) DEFENSE

Plaintiff fails to state a claim in Count II of the Complaint, the subject of which was contained in a virtually identical Count II of *Baker et al v. City of Chicago, et al.*, 16 C 8940 (2020 WL 5110377) and which was dismissed on August 31, 2020 by U.S. District Court Judge Andrea Wood. Plaintiff is improperly pleading a federal malicious prosecution claim, which is plainly barred where there is an adequate state law remedy. *Id.* at *6 (citing *Newsome v. McCabe*, 256 F.3d 747 (7th Cir. 2001) and subsequent cases adopting *Newsome*). As Plaintiff already has a state malicious prosecution claim pending, Count II should be dismissed.

AFFIRMATIVE DEFENSES

1. To the extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed is entitled to qualified immunity. He is a government official who performed discretionary functions. At the time of the incident referenced in Plaintiff's Complaint, Defendant Mohammed was an on-duty member of the Chicago Police Department who was executing and enforcing the law. At all times relevant to Plaintiff's Complaint, a reasonable police officer objectively viewing the facts and circumstances that confronted Defendant Mohammed could have believed his actions to be lawful, in light of clearly established law and the information the officers possessed at the time.

2. To the extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed is not liable for his individual participation in the arrest because, as a public employee, his actions were discretionary and he is immune from liability. 745 ILCS 10/2-201. As a result, the City of Chicago is also not liable to Plaintiff. 745 ILCS 10/2-109.

3. A public employee is not liable for his act or omission in the execution of any law unless such act or omission constitutes willful or wanton misconduct. 745 ILCS 10/2-202. To the

extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed was acting in the execution and enforcement of the law at the time of any interactions with Plaintiff and Defendant Mohammed's individual acts were neither willful nor wanton. As a result, Defendant Mohammed is not liable to Plaintiff. 745 ILCS 10/2-109.

4. To the extent Plaintiff failed to mitigate any of his claimed damages, any verdict or judgment obtained by Plaintiff must be reduced by application of the principle that Plaintiff had a duty to mitigate his damages, commensurate with the degree of failure to mitigate attributed to Plaintiff.

5. Under the Tort Immunity Act, to the extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed is not liable for any injury allegedly caused by the instituting or prosecuting of any judicial or administrative proceeding when done within the scope of his employment, unless such action was done maliciously and without probable cause. 745 ILCS 10/2-208.

6. Under the Tort Immunity Act, Defendant Mohammed is not liable for any injury caused by the action or omission of another public employee. 745 ILCS 10/2-204.

7. To the extent Plaintiff seeks to impose liability based on testimony given by Defendant Mohammed, if any was in fact given by Mohammed, the officer is absolutely immune from liability. *Rehberg v. Paulk*, 132 S. Ct. 1497 (2012).

8. Plaintiff's claims in the Complaint are barred by the doctrines of *res judicata* and collateral estoppel.

WHEREFORE, Defendant, Kallatt Mohammed, denies that Plaintiff Anthony McDaniels is entitled to the relief requested in the Complaint, or to any relief whatsoever, against Mohammed and demands: 1) entry of a judgment dismissing Plaintiff's Complaint in its entirety as to

Defendant Mohammed; 2) for an award of the costs incurred in defending this action; and 3) for such other relief as the Court deems appropriate.

JURY DEMAND

Defendant, Kallatt Mohammed, hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Eric S. Palles #2136473
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CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2021, I caused the foregoing Defendant Kallat Mohammed's Answer to Plaintiff's Complaint to be served on all counsel of record using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Eric S. Palles
One of the attorneys for Kallat Mohammed