

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

In re: WATTS COORDINATED  
PRETRIAL PROCEEDINGS

)  
)  
) Master Docket Case No. 19-cv-1717  
)  
) Judge Valderrama  
)  
) Magistrate Judge Finnegan  
)  
) JURY DEMANDED  
)  
)

**This Document Relates to *Henry Thomas v. City of Chicago, et al.*, 18 C 5131**

**DEFENDANT KALLATT MOHAMMED’S ANSWER  
TO PLAINTIFF’S AMENDED COMPLAINT, DEFENSES AND JURY DEMAND**

Defendant Kallatt Mohammed (“Mohammed”), by and through his attorneys, Daley Mohan Groble, P.C., respectfully submits the following answer to the amended complaint filed by Plaintiff, Leonard Gipson, as well as his defenses and jury demand, and states as follows:

**Introduction**

1. Henry Thomas was sentenced to eight years in prison for two separate drug crimes he did not commit. In fact, the crimes never even happened; they were completely fabricated by Chicago police officers.

**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.

2. Mr. Thomas was arrested on February 5, 2003 and December 4, 2006.

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

3. At the time of his wrongful arrests, he lived in the seven-story Ida B. Wells building at 527 E. Browning Avenue, a public housing complex that was heavily policed by corrupt Chicago police officers.

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

4. A tainted crew of officers who once ruled virtually unchecked at the Ida B. Wells building sought bribes, planted drugs, and accused residents like Mr. Thomas of possessing drugs they did not possess.

**ANSWER:** Defendant Mohammed objects to the terms “tainted crew” and “ruled virtually unchecked” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

5. These corrupt officers victimized Mr. Thomas on two occasions in the month prior to his second wrongful arrest. Defendant Watts’ crew stopped, harassed, and arrested Mr. Thomas for trespass at the 527 E. Browning building.

**ANSWER:** Defendant Mohammed objects to the terms “corrupt,” “victimized” and “Watts’ crew” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

6. The type of encounters these corrupt officers had with Mr. Thomas was unfortunately quite common, and the consequences were dire: false arrests, criminal proceedings, incarcerations, and a subsequent felony record.

**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.

7. Although Mr. Thomas maintained his innocence, he faced substantial prison time if convicted of the false drug charges. The state offered him a plea agreement and, mindful that a trial would turn on his words versus the officers', he accepted the plea.

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

8. After Mr. Thomas had already completed his sentences, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Thomas had alleged against them.

**ANSWER:** Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, 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.

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

**ANSWER:** Defendant Mohammed objects to the term “disgraced” as argumentative. Without waiver, Defendant Mohammed admits that he was charged with a crime by the federal government, pled guilty and served time in federal prison.

10. Evidence has now come to light showing that Watts and his police team members engaged in an ongoing pattern of criminal misconduct against public housing residents and visitors and that the Chicago Police Department officials knew about that pattern dating at least as far back as 2004.

**ANSWER:** Defendant Mohammed objects to the term “criminal misconduct” as argumentative, vague and undefined. Without waiver, upon the advice of counsel, 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.

11. The scope of this misconduct cannot be overstated.

**ANSWER:** Defendant Mohammed objects to this paragraph on the grounds that it is argumentative and does not allege any fact. Paragraph 11 therefore requires no response.

12. For example, the Chief Justice of Illinois’ Court of Claims has written that “many individuals were wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago,” explaining that “Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie ‘Training Day.’”

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

13. The Court of Claims Chief Justice explained that “[o]n many occasions when these residents [of public housing] refused to pay the extortion demands the Watts crew would fabricate drug charges against them.”

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

14. The Illinois Appellate Court, too, has weighed in on the scope of the scandal, repeatedly calling Watts and his team “corrupt police officers” and “criminals” and chastising the City’s police disciplinary oversight body for doing “nothing to slow down the criminals” from their rampant misconduct and perjury.

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

15. 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—including Mr. Thomas—Defendants Jones, along with other members of Watts’s crew, were placed on desk duty.

**ANSWER: Defendant Mohammed objects to the term “Watts’s 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.**

16. In addition, the CSSAO will no longer call Defendants Jones as a witness “due to concerns about [his] credibility and alleged involvement in the misconduct of Sergeant Watts.”

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

17. Through this lawsuit, Mr. Thomas 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 he refers to this Complaint for the content of Plaintiff’s purported allegations and claims. Paragraph 17 therefore requires no response.**

#### **Jurisdiction and Venue**

18. 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.

19. 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.

20. 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**

21. Mr. Thomas is 38-years old. He currently lives in Chicago, Illinois. At the time of the events giving rise to this suit, Mr. Thomas lived in the Ida B. Wells housing complex in Chicago, Illinois.

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

22. At all relevant times, former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Kenneth Young, Jr., Officer Calvin Ridgell, Jr., Officer Gerome Summers, Jr., Officer Ronald Heard, and Officer Daryl Akins 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 improperly 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 First Amended 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.

23. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex. Some of the Defendant Officers, including Defendants Mohammed and Jones, worked on Watts's tactical team.

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

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

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

25. At all relevant times, Defendants Karen Rowan and Debra Kirby were Assistant Deputy Superintendents of the Chicago Police Division, acting as the head of CPD's Internal Affairs Division. Collectively, these defendants, along with Defendant Cline 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.

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

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

#### **Factual Background**

27. During the 2000s, Mr. Thomas lived in the Chicago Housing Authority's Ida B. Wells housing complex.

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

28. During the times complained of, the complex was actively patrolled by a tactical team of CPD officers, led by Defendant Watts.

**ANSWER:** Defendant Mohammed objects to the terms "actively patrolled" and "led by" as undefined and vague. Without waiver, Defendant Mohammed admits that at

times he worked as a Chicago police officer at the Ida B. Wells complex as part of a unit under the command of Defendant Watts.

29. Watts and his tactical team members were well known to Mr. Thomas and the residents of Ida B. Wells.

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

30. Watts and his tactical team members maintained a visible presence in Ida B. Wells.

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

31. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

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

32. The Watts team's pattern of harassment continued with Mr. Thomas.

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

**Mr. Thomas is Framed on February 5, 2003**

33. On February 5, 2003, Mr. Thomas was in the lobby of 527 E. Browning Avenue, also known as the Ida B. Wells public housing unit. He was on crutches because he had recently been in a car accident.



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

34. While Mr. Thomas was in the lobby, several officers working for Watts, including Defendant Jones and others, entered the lobby.

**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.

35. As Mr. Thomas began to hobble out the back exit of the lobby, Jones grabbed him, brought him back inside, and handcuffed him.

**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.

36. The officer searched Mr. Thomas but found nothing. Jones then punched Mr. Thomas in the stomach and accused him of yelling for others to hide drugs, which he had not done.

**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.

37. A few moments later while Mr. Thomas was still cuffed, Defendant Watts came down into the lobby from the stairs. Jones told Watts that Mr. Thomas had yelled for others to clean up. Watts responded by saying that he was going to falsely arrest Mr. Thomas for any drugs that Watts and his crew recovered.

**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.

38. Mr. Thomas was arrested, and he was brought to the Chicago Police Department on 51st and Wentworth along with others who were arrested at the same time. They were chained to a bench at the station. While they were chained to the bench, Watts sat at a table across from them and took a large bag of cocaine out of his pocket. He poured the cocaine on the table and separated it into several smaller piles. First, Watts said that each person who had been arrested would be charged with felonies. Then, he turned to another officer and told that officer to claim that all of the drugs were Mr. Thomas's, in retaliation for Mr. Thomas allegedly telling others to hide drugs.

**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.

39. On the basis of the false reports and evidence prepared by the Defendant Officers, Mr. Thomas was prosecuted for a crime he did not commit.

**ANSWER:** Defendant Mohammed objects to the term "false reports and evidence" 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

40. Even though Mr. Thomas continued to assert his innocence, he was aware that a trial could result in a significant prison sentence, and that the outcome of the trial would depend on whether the fact-finder believed him or the Defendant Officers.

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

41. Mr. Thomas therefore accepted a plea deal that resulted in a sentence of four years of incarceration.

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

42. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified a police report related to Mr. Thomas's arrest.

**ANSWER:** Defendant Mohammed objects to the terms "fabricated evidence" and "falsified a police report" 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

**ANSWER:** Defendant Mohammed objects to the term "misconduct" 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. Defendant Mohammed lacks

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

44. 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. Thomas, and his unlawful deprivation of liberty would not have been continued.

**ANSWER:** Defendant Mohammed objects to the terms “fabricated evidence” and “misconduct” as argumentative, vague and undefined, and further objects to this paragraph as improperly calling for a legal conclusion. 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 remaining 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.

45. Given that the entirety of the State’s case against Mr. Thomas 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. Thomas’s defense of his criminal charges.

**ANSWER:** Defendant Mohammed objects to the terms “fabrication of evidence” and “exculpatory evidence” as argumentative, vague and undefined, and further objects to this paragraph as improperly calling for a legal conclusion. 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 remaining 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.

**Mr. Thomas is Framed on December 4, 2006**

46. On December 4, 2006, Mr. Thomas had just returned from grocery shopping and was approaching the 527 E. Browning building. Mr. Thomas was staying with his girlfriend who lived on the 6th floor of the building at the time.

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

47. Defendant Watts was standing in front of the building with a ski mask on. When Watts saw Mr. Thomas, he pulled out a gun, pointed it at Mr. Thomas, and ordered him to enter the building.

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

48. Defendant Watts held Mr. Thomas at gunpoint as they entered the building.

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

49. Once they were in the building, Watts took off his mask.

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

50. Several other Defendant Officers brought other people into the lobby of the building.

**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.**

51. Defendant Officers searched Mr. Thomas and the others. The officers did not find anything: No one had drugs or anything illegal in their possession.

**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.

52. Mr. Thomas and the others were taken to the police station.

**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.

53. At the station, Mr. Thomas and the others were handcuffed to a bench together for several hours.

**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.

54. Defendant Watts then returned and pulled several bags of drugs out of his pocket and put them on the table.

**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.

55. Defendant Watts told Mr. Thomas that he was going to be charged with possession of the heroin and cocaine.

**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.

56. Mr. Thomas begged Defendant Watts not to frame him, and eventually, Watts said he would split the drugs among the others who were arrested as well.

**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.

57. Mr. Thomas was charged with possession of cocaine.

**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.

**Mr. Thomas is Prosecuted, Convicted, and Sentenced on the December 4, 2006 Arrest**

58. The Defendant officers prepared false and fabricated police reports related to this arrest.

**ANSWER:** Defendant Mohammed objects to the term “false and fabricated reports” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

59. On the basis of the false reports, Mr. Thomas was prosecuted for a drug crime.

**ANSWER:** Defendant Mohammed objects to the term “false reports” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

60. Even though Mr. Thomas was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Thomas accepted a plea deal.

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

61. Mr. Thomas was sentenced to four years in prison.

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

62. Defendant Officers never disclosed to the prosecutors that they had fabricated evidence and falsified police reports related to Mr. Thomas’s arrest.



**ANSWER:** Defendant Mohammed objects to the terms “fabricated evidence” and “falsified police reports” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

63. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Thomas, and his unlawful deprivation of liberty would not have been continued.

**ANSWER:** Defendant Mohammed objects to the terms “fabricated evidence” and “misconduct” as argumentative, vague and undefined, and further objects to this paragraph as improperly calling for a legal conclusion. 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 remaining 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.

64. Given that the entirety of the State’s case against Mr. Thomas 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. Thomas’s defense of his criminal charges.

**ANSWER:** Defendant Mohammed objects to the terms “fabrication of evidence” and “exculpatory evidence” as argumentative, vague and undefined, and further objects to this paragraph as improperly calling for a legal conclusion. 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 remaining 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.

**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**

65. In 2003 and 2006, when Mr. Thomas was arrested and charged, it was no secret within CPD that Watts and his crew engaged in the type of misconduct of which Mr. Thomas accused them.

**ANSWER:** Defendant Mohammed objects to the terms “crew,” “no secret” and “type of misconduct” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

66. Government officials, including those with the City of Chicago, had knowledge of Watts's and his crew's misconduct as early as 1999.

**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.

67. By 2004, an FBI investigation of Watts and his crew was well underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs 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.

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

**ANSWER:** 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.

69. 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.

70. Targets of the FBI investigation extended beyond Watts to members of Watts’s 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.

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

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

72. 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**

73. 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 was actually an agent for the FBI.

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

74. 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.

75. 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 U.S.C. §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.

76. 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.**

77. 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 Chicago Police Department.

**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.**

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

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

79. 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.**

80. Notwithstanding the evidence that investigators had amassed over the years pointing to a wide, decade long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, “There is nobody involved other than the two officers who were arrested.”

**ANSWER: 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"**

81. While the federal government was investigating Watts and his crew, a "code of silence" existed within the Chicago 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.**

82. 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.**

83. 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.**

84. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Thomas evidence that Watts and his teammates were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. Thomas, he would have used it to impeach the officers' accounts of his arrest, which would have changed the outcome of the criminal proceedings instituted against him.

**ANSWER: Defendant Mohammed objects to this paragraph as improperly calling for a legal conclusion. 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.**

85. 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 “misconduct” and “with impunity” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

**ANSWER:** Defendant Mohammed objects to the terms “crew” and “illegal drug activity” 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.

87. 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.

88. 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.

89. 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.

90. 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 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**

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

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

92. 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.

93. 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.

94. 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.

95. 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**

96. 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. Thomas.

**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.

97. On information and belief, not a single one of these complaints resulted in any discipline against any member of Watts's 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.

98. 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 is to resolve those disputes in the officers' favor, no matter how many citizens come 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.

99. The Illinois Appellate Court recently criticized the City for its utter failure to address the Watts team misconduct.

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

100. In multiple instances, the City actually assigned Watts to investigate complaints made against him or members of the team he supervised.

**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 Misconduct that Emerged from Watts and His Crew**

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

**ANSWER:** Defendant Mohammed objects to the term “criminal misconduct” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

103. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers. Nevertheless, the City completely abdicated this responsibility.

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

104. 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 such abuses from occurring.

**ANSWER:** Defendant Mohammed objects to the terms “crew” and “abuses” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

105. Instead, City officials let officers on Watts’s crew continue to institute criminal charges against citizens like Mr. Thomas.

**ANSWER:** Defendant Mohammed objects to the term “Watts’s crew” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

106. Even worse, City officials withheld information they had about the Defendant Officers’ pattern of misdeeds, information that citizens like Mr. Thomas could have used to impeach the corrupt officers and defend against the bogus criminal charges placed upon him.

**ANSWER:** Defendant Mohammed objects to the terms “transgressions,” “corrupt” and “bogus” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

**Mr. Thomas' Damages**

107. Mr. Thomas lost years of his life and was subjected to police harassment and unfair criminal proceedings before he was finally exonerated.

**ANSWER:** Defendant Mohammed objects to the terms “police harassment” and “unfair criminal proceedings” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

108. The emotional pain and suffering caused by being wrongfully incarcerated has been significant. Mr. Thomas was deprived of the everyday pleasures of basic human life; his freedom was taken from him. Since then, Mr. Thomas has had to live with a felony record he did not deserve.

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

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

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

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

110. 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.

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

**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. 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.

112. In the manner described more fully above, the Defendant Officers deliberately withheld exculpatory evidence from Plaintiff, from Plaintiff’s public defender, and from state prosecutors, among others, as well as knowingly fabricated false evidence, thereby misleading and misdirecting Plaintiff’s public defender and the state prosecutors.

**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. 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.

113. 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. Thomas and other residents of the Ida B. Wells complex, and they deliberately chose a course of action that allowed those abuses to continue, thereby condoning those abuses.

**ANSWER:** Defendant Mohammed objects to the term “abuses” as argumentative, vague and undefined. Without waiver, 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. 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.

114. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of the Defendant Supervisory Officers, or were proximately caused when the Defendant Supervisory Officers were deliberately and 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 terms “misconduct” and “turning 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

115. In addition, the Defendant Supervisory Officers themselves concealed exculpatory evidence from Mr. Thomas, specifically information about Watts’s and his team’s pattern of misconduct. In this way, the Defendant Supervisory Officers violated Mr. Thomas’s due process right deliberately and with reckless disregard to Mr. Thomas’s constitutional rights.

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

116. The Defendants’ misconduct directly resulted in the unjust criminal convictions of Plaintiff, thereby denying him his constitutional right to due process 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 this paragraph as improperly calling for a legal conclusion, and further objects to the term “misconduct” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.**

117. 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, 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.**

118. 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" as vague, undefined and appears to improperly state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. 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.**

119. The City of Chicago is 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 the 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.**

120. 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. Thomas by concealing exculpatory evidence of the Defendant Officers' patterns of misconduct.

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

121. 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 Plaintiff, 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 like Mr. Thomas 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.**

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

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

123. 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 City exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because the Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious.

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

124. The Defendant City and the Department also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

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

125. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of the Defendant City of Chicago in that the constitutional violations committed against 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:** Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

**ANSWER:** Defendant Mohammed objects to the terms “abuse citizens with impunity” and “turned a blind eye” as argumentative, vague and undefined. Without waiving, 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.

134. For example, in 2005, at least 1,592 complaints of civil rights violations were lodged against Chicago police officers with the Internal Affairs Division. A total of five were sustained, and that total may include cases arising in previous years.

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

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

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

136. In 2006, the number of civil rights complaints was 1,492. Twelve were sustained. Based on those numbers, IAD sustained only 0.8% of the civil rights complaints against Chicago police officers in 2006.

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

137. The same unconstitutionally lax oversight is evident across the multiple entities that have been responsible for investigating police misconduct. In 2006, for example, the Office of Professional Standards (“OPS”), which investigates complaints of excessive force, sustained only 57 out of 2,391 complaints of excessive force by police officers, or 2%.

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

138. Notably, Defendants Watts and his 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, and further objects as this paragraph is duplicative of Paragraph 133 above. 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.

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

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

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

**ANSWER:** 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.

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

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

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

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

143. Finnigan and his crew engaged in their misconduct at around the same time that Mr. Thomas was target [*sic*] by Defendant Watts and his crew.

**ANSWER:** Defendant Mohammed objects to the terms "misconduct" and "crew" 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

**ANSWER:** 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.

145. 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.**

146. 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.**

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

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

148. 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 2003, when Mr. Thomas suffered the abuse described above.

**ANSWER: Defendant Mohammed objects to the term “abuse” as argumentative, vague and undefined. Without waiving, with regard to the “abuse described 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. The remainder of this paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.**

149. 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 2003, when Mr. Thomas suffered the abuse described above.

**ANSWER: Defendant Mohammed objects to the term “abuse” as argumentative, vague and undefined. Without waiving, with regard to the “abuse described 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. The remainder of this paragraph seeks no relief against Defendant Mohammed and therefore he makes no answer thereto.

150. 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.

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

**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.

152. The Defendant City’s investigation of complaints is characterized by unreasonably long delays, despite the relative straight-forward nature of many misconduct claims.

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

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

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



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

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

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

**ANSWER:** 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.

**Count II: 42 U.S.C. § 1983 – Due Process –  
Malicious Prosecution and Unlawful Pretrial Detention**

156. 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.

157. In the manner described more fully above, Defendants, 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. 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.

158. 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:** 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.

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

**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.

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

**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.**

161. 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: 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.**

162. 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, 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 allegations contained in this paragraph.**

163. 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.**

164. 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, 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.**

165. 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, 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.**

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

166. 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.**

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

**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. 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.

168. 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 terms “misconduct” and “innocence” 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

169. 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” as vague, undefined and appears to improperly state a legal conclusion. Without waiver,

**Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. 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.**

170. 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, 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.**

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

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

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

172. 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.

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

**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.

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

**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.

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

**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.**

176. 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 terms "misconduct" and "innocence" 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. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.**

177. 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" as vague, undefined and appears to improperly state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. 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.**

178. 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, 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.

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

**ANSWER:** Defendant Mohammed objects to the term “misconduct” 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. 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**

180. 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.

181. 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:** 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.

182. 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:** 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.

183. 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" as vague, undefined and appears to improperly state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. 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.

184. 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, 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.

**Count VI: Illinois Law – Intentional Infliction of Emotional Distress**

185. 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.

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

**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.

187. 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” as vague, undefined and appears to improperly state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. 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.**

188. 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, 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.**

**Count VII: Illinois Law – Civil Conspiracy**

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. As described more fully in the preceding paragraphs, the Defendants, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame Plaintiff for crimes 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: With regard to "as described more fully in the preceding paragraphs," 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. 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.

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

**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.

192. 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, 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.

193. 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, 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.

**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 First Amended 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 V), Count II should be dismissed.

**AFFIRMATIVE DEFENSES**

1. To the extent Defendant Mohammed was in fact involved in Plaintiff's arrests at issue, Defendant Mohammed is entitled to qualified immunity. He is a government official who performed discretionary functions. At the time of the incidents referenced in Plaintiff's First Amended 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 First

Amended 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 arrests at issue, Defendant Mohammed is not liable for his individual participation in the arrests 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 arrests 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 arrests 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 First Amended Complaint are barred by the doctrines of *res judicata* and collateral estoppel.

**WHEREFORE**, Defendant, Kallatt Mohammed, denies that Plaintiff Henry Thomas is entitled to the relief requested in the First Amended Complaint, or to any relief whatsoever, against Mohammed and demands: 1) entry of a judgment dismissing Plaintiff's First Amended 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 KALLATT MOHAMMED'S ANSWER TO PLAINTIFF HENRY THOMAS'S AMENDED 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/ Kathryn M. Doi  
Special Assistant Corporation Counsel  
One of the attorneys for Kallatt Mohammed