

Exhibit B

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-01717
)
) Judge Andrea R. Wood
)
) Magistrate Judge Sheila M. Finnegan
)
)

THIS DOCUMENT RELATES TO CASE NO. 18 CV 5131

**ANSWERS TO DEFENDANT GEROME SUMMERS' INTERROGATORIES
TO PLAINTIFF HENRY THOMAS
IN CASE NO. 18 CV 5131**

Plaintiff Henry Thomas responds to Defendant Gerome Summers' Interrogatories to Plaintiff as follows:

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

1. Identify by name and address all health care professionals and/or facilities where you sought and/or received medical treatment for any physical and/or emotional injuries you claim in this case. Include dates for all visits.

ANSWER: Plaintiff objects to this interrogatory to the extent that it prematurely seeks expert discovery; Plaintiff will disclose non-privileged expert information as required by Rule 26 and on the schedule established by the Court.

Subject to these objections, Plaintiff states that he has not seen a medical

professional, and he has not received medical treatment for mental and physical injuries he suffers.

2. Prior and /or subsequent to February 5, 2003, had you ever had an examination and/or or visited a healthcare professional for any medical and/or mental health care condition? If so, identify by name and address all health care professionals and/or facilities where you sought and/or received a medical examination or treatment for this condition.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and to the extent that it seeks irrelevant information, is an invasion of privacy. Plaintiff further objects to the interrogatory to the extent that it seeks protected health information. Plaintiff objects to this interrogatory to the extent that it prematurely seeks expert discovery; Plaintiff will disclose non-privileged expert information as required by Rule 26 and on the schedule established by the Court.

3. Describe the amount of cocaine in weight (measured in grams) and by packaging (zip-lock bag, cigarette-pack cellophane, aluminum foil, glass or plastic vials, etc.) that constituted your usage of cocaine or any other controlled substance at any time during the past twenty years.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

4. From whom would you purchase and/or otherwise obtain cocaine and/or any other controlled substance prior and subsequent to your February 5,

2003 arrest?

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

5. Have you ever traded personal services in exchange for narcotics? If yes, please describe each instance in which you performed a service in exchange for narcotics, by stating what services you provided, when you provided such services, to whom did you provide such services, and how much narcotics you received as part of the exchange.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information. Plaintiff further objects to this Interrogatory on the basis that it is harassing, vague, and ambiguous with respect to the phrases "traded personal services" and "performed a service in exchange for narcotics."

6. Have you ever sold narcotics in return for monetary compensation? If yes, please describe each instance in which you sold narcotics by describing when you sold the narcotics, where you sold the narcotics, who did you sell the narcotics for, and how much monetary compensation you received in exchange for selling narcotics.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

7. Have you ever sold cocaine or received cocaine or any other controlled substance in return as compensation? If yes, please describe each

instance in which you sold cocaine by describing when you sold the cocaine, where you sold the cocaine, who did you sell the cocaine for, and the amount of cocaine or other controlled substance that you received in exchange for selling cocaine or another controlled substance.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

8. Did you ever engage in thefts and/or any other dishonest or deceitful acts? If yes, identify with specificity the dishonest or deceitful acts you engaged in.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

9. Have you been arrested or convicted of any crimes outside of Chicago Illinois? If yes, identify with specificity.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information. Subject to these objections, and without waiving Plaintiff's objections to this interrogatory, Plaintiff answers no to this interrogatory.

10. Did you ever have contact, communicate with, any of the plaintiffs in the coordinated cases while you were at Ida B. Wells or any other location? If so, please describe your interactions with those plaintiffs and whether or not you ever used, provided, or received narcotics or other contraband from those plaintiffs?

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information, in particular with the

request that Plaintiff state whether he “ever used, provided, or received narcotics or other contraband from those plaintiffs.” Plaintiff further objects to the extent that this request seeks information protected by the attorney-client privilege or as work product. Subject to these objections, and without waiving Plaintiff’s objections to this interrogatory, Plaintiff answers that he knows or knew most of the plaintiffs to some degree or another. Ida B. Wells public housing was a relatively large community located on a relatively small amount of real estate. As such, Plaintiff was familiar, at least in passing or as a neighbor, with most, if not all, of the other plaintiffs in the coordinated cases. It would not be possible to describe all or the interactions that Plaintiff has had with all of the plaintiffs over the years.

11. Did your public defender explain to why she recommended you plead guilty to a crime when you told her you were innocent?

ANSWER: Plaintiff objects that this interrogatory seeks information that is protected by the attorney-client privilege. Subject to and without waiving Plaintiff’s objections to this interrogatory, Plaintiff states that the answer to this interrogatory is yes.

12. Did you possess and/or use cocaine the prior to your arrest on February 5, 2003? If so, please state where you received and/or used the cocaine, the identity of any person that you received the cocaine from or the identity of any person who was present when you used the cocaine, and the amount of cocaine that you used.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information. Plaintiff interprets this interrogatory to ask whether he possessed and/or used cocaine while he was being arrested. Subject to his objections, and based on his interpretation of the interrogatory as stated above, Plaintiff states that he did not possess and was not using cocaine prior to when Sergeant Watts framed him.

13. Did you use cocaine or any other controlled substance during 2003? If so, please identity all days when the cocaine or other controlled substance was used, identity of any person that was present when you used the cocaine or controlled substance, and the amount of cocaine or controlled substance that you used.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

14. Please account for your whereabouts, including who you were with and where you were in the 24 hours before your February 5, 2003 arrest.

ANSWER: Plaintiff objects to the request that he “account for his whereabouts” for 24 hours before he was framed as overly broad and seeking irrelevant information. Subject to those objections, Plaintiff states that he was at his father’s house, on 51st and Racine the day before his February 5, 2003 arrest. On the day of his arrest, he left his father’s house and went to visit a friend, Nicole Fields, who lived at Ida B. Wells in the 511 E. Browning building. Subsequent to leaving her apartment, Plaintiff saw some friends he knew in and near the 527

building, so he stopped there to talk to them. That was when Plaintiff was arrested.

15. Have you ever been a part of a street gang? If so, please provide the following information:

- A. Which gang did you belong to?
- B. When did you join?
- C. List all of the ranks that you held and when you held each such rank?
- D. Did you ever participate in selling narcotics or narcotics trafficking as part of gang activity? If yes, please describe your role in the selling of narcotics or narcotics trafficking.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

17. With respect to Defendants Jones, Young, Ridgell, Summers, Heard, and Akins, please state with specificity the wrongful action of each defendant related to your February 5, 2003 arrest and the facts upon which you base the allegations.

ANSWER: Plaintiff objects to this Interrogatory as a premature contention interrogatory, as discovery is at an early stage and Defendants have not yet been deposed, and so Plaintiff does not yet have complete information about Defendants' specific actions that gave rise to the claims in Plaintiff's complaint. Subject to these objections, Plaintiff responds by reference to his Complaint and the documents that have been produced in the case to date. Specifically, Plaintiff refers

to the police reports, which indicate that these Defendants were present for and attested to the fabricated facts underlying Plaintiff's false arrest. *See* PL JOINT 026970-026972. In short, each Defendant participated in framing Plaintiff for a crime he did commit. Investigation continues.

18. Identify the specific dates and time frame of pre-trial detention that resulted from your arrest on February 5, 2003 [sic] along with the specific dates and time frame of any further detention subsequent to your guilty plea on September 8, 2003.

ANSWER: Plaintiff objects because the information responsive to this request is more readily accessible to Defendants than to Plaintiff. Subject to this objection, Plaintiff was arrested and bonded out within 24 hours and believes he was placed on house arrest from February 5, 2003 through September 8, 2003. He was then subsequently sentenced to two years in IDOC prison. Investigation continues.

19. Identify by CB number all of your arrests made by any current or former members of the Chicago Police Department that you maintain were unlawful.

ANSWER: Plaintiff objects because the information responsive to this request is more readily accessible to Defendants than to Plaintiff. Subject to this objection, Plaintiff states that was framed in three separate cases: one in 2000, one in 2003, and one in 2007. Investigation continues.

20. Separate and apart from your February 5, 2003 arrest and

subsequent incarceration, did any other of your other arrests or incarcerations cause you emotional pain or suffering?

ANSWER: Plaintiff objects that this interrogatory is compound and includes multiple questions and subparts that are properly set forth in multiple interrogatories. Plaintiff objects to the extent that this interrogatory calls for medical diagnoses and opinions that he is not qualified to offer or information protected from disclosure by the attorney-client privilege or work product doctrine. Plaintiff objects to this interrogatory to the extent that it prematurely seeks expert discovery; Plaintiff will disclose non-privileged expert information as required by Rule 26 and on the schedule established by the Court.

Subject to these objections, as explained above, Plaintiff states that was framed in three separate cases: one in 2000, one in 2003, and one in 2007. In each instance, Plaintiff experienced emotional pain or suffering following each wrongful arrest and conviction. Investigation continues.

21. Were you truthful when you pled guilty in your criminal court proceedings on September 8, 2003?

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is vague, in that Defendants have not identified any specific statement or statements. Subject to these and the general objections, and without waiving Plaintiff's objections to this interrogatory, Plaintiff states that he pled guilty after being framed because he understood that the police officers would be believed and he

would not, and that he would likely be sentenced to a significant prison sentence absent a guilty plea.

22. Have you committed any unlawful acts prior and subsequent to February 5, 2003 that did not result in arrest? If so, describe all unlawful acts and the location and dates of occurrence.

ANSWER: Plaintiff objects to this Interrogatory on the basis that it is harassing, overly broad, and seeks irrelevant information.

23. Please identify any and all statements you have made about the events giving rise to your complaint by providing the date of such statement, the purpose of the statement, the identity of all individuals present for the statement, the location where the statement was made, and whether the statement was in any way recorded.

ANSWER: Plaintiff objects to this interrogatory on the basis that it is overly broad, and unduly burdensome in requiring he identify every single statement made about the events giving rise to his complaint, and that it seeks privileged information to the extent it requests work product or information protected by the attorney-client or other privileges, such as conversations that Plaintiff had with his attorneys or with mental health practitioners. Plaintiff further objects that the phrase “the purpose of the statement” is vague and ambiguous. Plaintiff further objects because he could not possibly recall all statements that he has made about the events that gave rise to the complaint, which took place many years ago.

Subject to these objections, and without waiving Plaintiff's objections to this interrogatory, over the years, Plaintiff has made statements to various people about the facts giving rise to his Complaint. Plaintiff presently recalls that, in addition to statements he made to his attorneys, he made statements to various family members on various occasions. He furthermore made statements to fellow Plaintiff/victims, including Ben Baker, Clarissa Glenn, and Jamar Lewis. He furthermore made statements to friends Patrick Frazier and Linda Owens. The general topic of the statements was to explain that Plaintiff was framed.

24. Have you ever communicated with (either directly, a third party or through a legal representative) any federal investigator or prosecutor regarding alleged corruption and/or alleged misconduct by Chicago Police Officers? If so, please state the approximate date(s) of the communication; the subject of the communication; provide a substantive summary of the statements made in connection with the communication; identify all persons present and/or privy to the communication; and whether the communication was recorded in any way, and, if so, how.

ANSWER: Plaintiff objects to this interrogatory on the basis that it is overly broad, and unduly burdensome in requiring he identify every single statement made about the events giving rise to his complaint, and that it seeks privileged information to the extent it requests information about conversations that Plaintiff had with his attorneys or with mental health practitioners. Plaintiff further objects that it is overly burdensome, and disproportionate to the needs of

the case, and that the qualifier, “the subject of the communication,” is vague and ambiguous, as is the request to identify “all persons ... privy to the communication.” Plaintiff also objects to the extent that this interrogatory seeks information that is protected by the attorney-client privilege. Plaintiff further objects because he could not possibly recall all statements that he has made about the events that gave rise to the complaint, which took place many years ago.

Subject to these and the general objections, and without waiving Plaintiff's objections to this interrogatory, Plaintiff answers that he has spoken to federal investigators and/or prosecutors regarding alleged corruption and/or alleged misconduct by Chicago Police Officers. Specifically, Plaintiff spoke to investigators and/or attorneys with the United States Department of Justice on or around February 1, 2018. The subject matter of the discussion related to Plaintiff's allegations that corrupt officers from the Chicago Police Department framed him and others for crimes they did not commit. Plaintiff, Plaintiff's attorneys, and representatives from the Department of Justice and Federal Bureau of Investigation were present at the meeting. To Plaintiff's knowledge, the meeting was not recorded.

25. Identify with specificity all damages you are claiming in your lawsuit.

ANSWER: Plaintiff objects to the extent that this interrogatory calls for medical diagnoses and opinions that he is not qualified to offer. Plaintiff also objects to this interrogatory to the extent that it prematurely seeks expert discovery; Plaintiff will disclose non-privileged expert information as required by Rule 26 and

on the schedule established by the Court.

Plaintiff cannot presently quantify the extent of or provide a calculation of the total losses relating to all of his injuries in this case. Plaintiff intends to ask the jury to calculate his total losses, likely with the assistance of expert witnesses.

Subject to these and the general objections, and without waiving Plaintiff's objections to this interrogatory, as explained above, Plaintiff states that defendants framed him in two separate cases where he was convicted and has since been exonerated. In each instance, Plaintiff was deprived of the opportunity to interact with his loved ones; to be present for holidays, births, deaths and other life events; to pursue his passions and interests; to engage in meaningful labor and develop a career; to obtain an education; and to live freely, as an autonomous being.

Instead, during this time period, Plaintiff endured intermittent imprisonment in harsh, dangerous, and isolating conditions. He was intimidated and threatened in prison. The deprivation of Plaintiff's liberty was made more traumatic by Plaintiff's knowledge that he was innocent. Plaintiff has had, and continues to have, difficulty trusting people. He is anxious and feels worried when he is in large groups of people. Today, Plaintiff prefers to be alone, which is a significant departure from his social, jovial personality before his wrongful imprisonment. Plaintiff also continues to experience depression, trouble sleeping, and anxiety. In addition, he now has difficulty building and maintaining relationships with people. Plaintiff further states that the stress and trauma of his wrongful imprisonment has had, and will continue to have, emotional and physical

manifestations well into the future. Plaintiff's investigation into this matter continues and he reserves the right to supplement or modify this answer as new information comes to light.

Respectfully Submitted,

By: /s/Sean Starr
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he served the foregoing document upon all parties of record by electronic mail on April 24, 2019.

/s/ Sean Starr
One of Plaintiff's attorneys

VERIFICATION

I, Henry Thomas, verify under penalty of perjury that I have reviewed the attached Responses to Gerome Summers's Interrogatories, and I certify that the answers are true and correct to the best of my knowledge, information, and memory.

Date: 3-9-2020


Henry Thomas