

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

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Master Docket Case No. 19-cv-1717
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In re: WATTS COORDINATED) Judge Valderrama
PRETRIAL PROCEEDINGS)
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Magistrate Judge Finnegan
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JURY DEMANDED
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This Document Relates to *Shaun James v. City of Chicago, et al.*, 18 C 5123

**DEFENDANT KALLATT MOHAMMED'S ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Defendant Kallatt Mohammed ("Mohammed"), by and through his attorneys, Daley Mohan Groble, P.C., respectfully submits his answer to Plaintiff Shaun James' First Amended Complaint, and states as follows:

Introduction

1. Since January 2016, the Circuit Court of Cook County, Illinois has overturned 110 wrongful convictions tied to former Chicago Police Sergeant Ronald Watts and his corrupt team of officers in what Illinois courts have called one of the most staggering cases of police corruption in the history of Chicago.

ANSWER:

2. Plaintiff Shaun James was a victim of Sgt. Watts's criminal misconduct on more than one occasion.

ANSWER:

3. Mr. James was framed in 2004 and again in 2007 for crimes he did not commit.

ANSWER:

4. In fact, the crimes never happened; they were completely fabricated by a group of corrupt Chicago police officers who framed Mr. James.

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.

5. This group of officers, a tactical team led by former Sgt. Watts, engaged in a pattern of robbery, extortion, excessive force, planting of evidence, and fabrication of false charges that spanned several years, and mirrored Mr. James's experience.

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

6. Guilty of nothing other than being in the wrong place at the wrong time, Mr. James became a target of Defendant Watts when he could not identify individuals sought by Watts and, alternatively, would not pay for his freedom.

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

7. In line with a proven pattern of retaliation and extortion, Watts and his fellow officers planted and brought drug charges against Mr. James.

ANSWER: Defendant Mohammed objects to the term "pattern of retaliation and extortion" 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.

8. While in custody on one of the wrongful arrests, the officers robbed Mr. James and threatened to bring similar charges against the mother of his child.

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.

9. On another occasion, Watts told Mr. James that he knew he was on parole and demanded Mr. James provide him with money or information to avoid a return trip to prison.

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

10. Faced with staking his freedom on the credibility of his word against those of the officers ready to testify against him, Mr. James accepted plea agreements stemming from both false arrests.

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

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, upon information and belief, Defendant Mohammed denies the allegations contained in this paragraph.

12. 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.

13. Since then, evidence has come to light showing that Defendant Watts and his crew engaged in a pattern of criminal misconduct against public housing residents and visitors and that Chicago Police Department officials have long known about that pattern.

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.

14. The scope of this misconduct cannot be overstated.

ANSWER: Defendant Mohammed objects to the term “misconduct” as vague, argumentative, and prejudicial. Without waiver, this paragraph contains no factual allegations and, consequently, Defendant Mohammed makes no answer thereto.

15. For example, the Chief Justice of Illinois’ Court of Claims has written that “many individuals were wrongfully convicted,” 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.

16. The Court of Claims Chief Justice explained that “[o]n many occasions when these residents [of public housing] refused to pay the extortive 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.

17. 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.

18. On or around November 16, 2017, the Cook County State’s Attorney Office (CCSAO) successfully moved to vacate the convictions of 15 individuals framed by the Watts outfit.

ANSWER: Defendant Mohammed objects to the terms “outfit,” and “framed” 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.

19. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City allowed to flourish for more than a decade unabated, fifteen (15) members of the Watts crew were placed on desk duty.

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

20. Since then, the CCSAO has successfully moved to vacate many more convictions.

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

21. As of the filing of this complaint, over 100 convictions have been vacated as a result of the Watts team’s misconduct.

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

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

22. In recognition of the scope of their misconduct, the CSSAO will no longer call many of Watts's team – including Defendants in this case – as witnesses “due to concerns about [their] credibility and alleged involvement in the misconduct of Sergeant Watts.”

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.

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

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

Jurisdiction and Venue

24. 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.

25. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to 28 U.S.C. § 1337.

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

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

ANSWER: Defendant Mohammed admits that venue is proper.

The Parties

27. Shaun James is a 40-year-old man who currently lives in Riverdale, Illinois.

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

28. At all relevant times to this complaint, Defendants Ronald Watts, Kallatt Mohammed, Alvin Jones, Kenneth Young, Robert Gonzalez, Elsworth J. Smith, Jr., Lamonica Lewis, Douglas Nichols, Manuel Leano, and Brian Bolton were Chicago police officers employed by the City of Chicago and acting within the scope of their employment and under the color of law. Collectively, these individual Defendants are referred to as the “Defendant Officers.”

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

29. At all relevant times to this complaint, Defendant Watts was a leader of the Second District Tactical Team that worked at the Ida B. Wells housing complex. The Defendant Officers worked on Watts’s tactical team.

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

30. 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.

31. At all relevant times, Defendants Karen Rowan and Debra Kirby were Assistant Deputy Superintendents of the Chicago Police Department, acting as the head of CPD’s Internal Affairs Department. Collectively, these defendants and 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.**

32. 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.**

33. Mr. James brings this complaint against Defendants Watts, Mohammed, Jones, Young, and Gonzalez, along with Defendants City of Chicago, Karen Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department regarding his 2004 wrongful arrest and false conviction.

ANSWER: **This paragraph contains no factual allegations that require a response.**

34. Mr. James brings this complaint against Defendants Watts, Jones, Smith, Lewis, Nichols, Leano, and Bolton, along with Defendants City of Chicago, Karen Rowan, Debra Kirby, and other as-yet-unidentified officers of the Chicago Police Department regarding his 2007 wrongful arrest and false conviction.

ANSWER: **This paragraph contains no factual allegations that require a response.**

Factual Background

35. Prior to April of 2004, Shaun James, like many who frequented the Ida B. Wells housing complex, was well aware of Defendant Watts’s penchant for corruption and abuse. In fact, Watts and his team had previously shaken down James personally.

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

36. At the time, Ida B. Wells was actively patrolled by Defendant Watts and the Watts Team.

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.**

37. Watts and his team members were well known to the residents of Ida B. Wells and those who frequented the complex.

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

38. They maintained a visible presence and 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.**

39. The Watts team's pattern of harassment continued with Mr. James.

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.**

40. Defendant Watts threatened Mr. James prior to April 3, 2004. When Mr. James refused to provide Watts with information about drugs and guns, Watts told Mr. James he was going to arrest him and, in fact, did arrest Mr. James on April 3, 2004, and again on August 18, 2007.

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

Mr. James is Framed on April 3, 2004

41. On April 3, 2004, Shaun James was spending time near 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.**

42. While there, the Defendant Officers arrived in roughly seven police cars. Many people ran away.

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.

43. Mr. James did not run. He had no reason to do so. He was doing nothing illegal and had no drugs or other contraband on him.

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

44. After chasing the men who ran, the Watts Team came back and detained Mr. James.

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.

45. Members of the Watts Team demanded that Mr. James tell them who ran, and who in the building was selling drugs at that time. Mr. James repeatedly told them he did not know.

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.

46. Unwilling to accept Mr. James's answer, Watts demanded that James pay him off to avoid arrest. James refused to do so, because he had done nothing wrong.

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.

47. Eventually, James gave in to Watts's demand for money in an attempt to avoid arrest.

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

48. Watts, however, told James that he had not given him enough money.

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

49. When James refused to give Watts the information he demand, Watts and Jones made clear that he was going to be framed for drug crimes he did not commit.

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

50. Watts also threatened to frame Crystal Looney, the mother of Mr. James's child, if James would not give Watts the information he was demanding.

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

51. Mr. James refused to give Watts the information he was after and told Watts to put the case on him and leave his girlfriend out of it.

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

52. In addition to Defendant Watts, Defendants Mohammed, Jones, Young, and Gonzalez participated in framing Mr. James for this arrest.

ANSWER: Defendant Mohammed objects to the term "framing" 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.

Mr. James Prosecution on the 2004 Arrest

53. Following his arrest, Mr. James was unable to afford his bond. On April 29, 2004, Mr. James was officially charged.

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

54. Facing the daunting proposition of wagering his freedom on the credibility of his word against that of the Defendant Officers, who were fully prepared to contradict Mr. James with their coordinated and untruthful accounts, Mr. James pled guilty to a Class 4 felony and received probation. Probation carried with it strict conditions that interfered with Mr. James's liberty, including curfew, frequent check-ins with a probation officer, drug tests, and searches of his residence.

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

Mr. James is Framed on August 18, 2007

55. On August 18, 2007, Mr. James was visiting a woman he knew who lived in the Ida B. Wells public 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.

56. After leaving the woman's apartment, Mr. James took the stairs down from the 5th floor and encountered Defendant Nichols as he made it to the first floor of 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.

57. Defendant Nichols detained Mr. James and searched him but did not find anything illegal on him.

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

58. Defendant Nichols asked Mr. James about someone who had previously run up the stairs in 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.**

59. Mr. James told Defendant Nichols he did not have the information Defendant Nichols was asking about.

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

60. Defendant Nichols grabbed Mr. James and brought him towards the exit of 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.**

61. As Defendant Nichols and Mr. James approached the exit, Defendants Watts and Jones 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.**

62. Defendant Watts asked Defendant Nichols what he was doing with Mr. James.

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

63. Defendant Nichols told Defendant Watts that Mr. James was refusing to give him information.

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

64. Defendant Watts then took Mr. James off to the side.

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

65. Defendant Watts searched Mr. James a second time, but again found nothing illegal on him.

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

66. Defendant Watts told Mr. James he knew he was on parole and that Mr. James needed to either pay Defendant Watts money or give him information about the drug trade at Ida B. Wells and if he refused, Defendant Watts was going to make certain Mr. James went back to prison.

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

67. Mr. James understood that this meant Defendant Watts was going to frame him.

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

68. Mr. James told Defendant Watts he could not pay him and did not have any of the information Defendant Watts was inquiring about.

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

69. Defendant Watts then arrested Mr. James.

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

70. In addition to Defendant Watts, Jones, and Nichols, Defendants Bolton, Leano, Smith, and Lewis participated in framing Mr. James for this arrest.

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

Mr. James's Prosecution on the 2007 Arrest

71. Following his arrest, Mr. James was unable to afford his bond.

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

72. Initially, Mr. James tried to fight his case.

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

73. And while Mr. James eventually took a plea, he made it clear from the beginning that he was innocent.

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

74. Mr. James pled not guilty on October 4, 2007 and filed a motion to quash the arrest..

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

75. At the motion to quash hearing on August 22, 2008, Mr. James told the court that these Defendants were “dirty cops” who had framed him because he refused to either pay them or give them information.

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

76. However, once more facing the daunting proposition of wagering his freedom on the credibility of his word against that of the Defendant Officers, Mr. James pled guilty to a Class X felony and received six years in IDOC.

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

Defendant Watts and His Team Engaged in a Pattern of Misconduct for at Least a Decade, All Facilitated by the City’s Code of Silence

77. It was no secret within CPD that Watts and his team engaged in the type of misconduct that they directed at Mr. James.

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

78. Government officials, including those with the City of Chicago, had knowledge of Watts’s and his team’s alleged misconduct as early as 1999.

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

79. By 2004, top ranking CPD officials, including Defendants Cline and Kirby, were on notice of credible allegations of serious misconduct by the officers, coming from multiple sources.

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

80. As years passed, high ranking CPD officials became aware of even more credible evidence of corruption and misconduct by Watts and his tactical team.

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

81. In the months and years following Mr. James’s arrests, the CPD continued to learn information demonstrating the officers’ clear ongoing pattern of misconduct.

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

82. Despite this growing mountain of evidence, CPD officials allowed the officers to continue to engage in their pattern of misconduct for years. CPD officials allowed the officers to remain on the street and never took any disciplinary action whatsoever.

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

Watts and Mohammed Are Charged with Federal Crimes

83. Finally, 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.

84. 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.

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

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

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

86. 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.

87. The government revealed that, for years, Defendants Watts and Mohammed extorted tens of thousands of dollars in bribes from individuals at the 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.

88. 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.

89. 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.

90. 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”

91. Mr. James’s unjust arrests were made possible by a “code of silence” that has existed for years 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.

92. 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.

93. 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.

94. Pursuant to this “code of silence,” each of the Defendant Officers concealed from Mr. James information that Watts and his teammates were in fact engaged in a wide-ranging pattern of misconduct. Had this information been disclosed to Mr. James, he would have been able to use it to impeach the officers’ accounts, 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.

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

ANSWER: Defendant Mohammed objects to the terms “crew”, “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

96. 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.

97. 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.

98. 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.**

99. 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.**

100. 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

101. 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.**

102. 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.**

103. 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.

104. 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.

105. 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

106. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated numerous citizen complaints concerning violations of their civil rights over the years, beginning well before the misconduct Defendants committed against Mr. James.

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

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

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

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

ANSWER: Defendant Mohammed objects to the term "criminal misconduct" as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks

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

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

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

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

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

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

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

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

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.

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

ANSWER: Defendant Mohammed objects to the terms “transgressions,” “corrupt” and “bogus” 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.

Mr. James’s Exonerations

114. When Watts and Mohammed were finally publicly exposed as criminals, Mr. James finally had an opportunity to vindicate himself in court.

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

115. After retaining counsel and obtaining documents through the Freedom of Information Act, Mr. James filed a post-conviction petition with the evidence to finally convince the court and prosecutors to believe what he had been saying all along: that Watts and his team were crooked cops who framed him.

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

116. On November 16, 2017, the Cook County State’s Attorney dismissed all charges stemming from Mr. James’s 2004 conviction.

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

117. In commenting on the November 16, 2017 decision to agree to vacate Mr. James’s 2004 conviction, along with the 16 other convictions, and nolle pros all cases, Mark Rotert, the head of the Cook County State’s Attorney’s Office’s Conviction Integrity Unit, stated that “In these cases, we concluded, unfortunately, that police were not being truthful and we couldn’t have confidence in the integrity of their reports and their testimony.”

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

118. On September 24, 2018, eighteen (18) other similarly situated innocent victims were given a semblance of justice. Upon the State’s motion, Judge LeRoy K. Martin, Jr. vacated 23 convictions, and the State *nolle prosessed* all charges related to the convictions stemming from Watts and his team’s wrongful arrests.

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

119. Following this decision, Mr. Rotert explained that “these arrests were purely conjured . . . [Watts and his team] were basically arresting people and framing them or were claiming they were involved in drug offenses that either didn’t occur or didn’t occur the way these police officers said.”

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

120. At a press conference where she stood with the 18 exonerated men, CCSAO elected State’s Attorney Kim Foxx stated that “[t]he system owes an apology to the men who stand behind us.”

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

121. On November 2, 2018, seven (7) more victims had eight (8) additional convictions voluntarily dismissed by the CCSAO.

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

122. In a Press Release, CCSA Foxx stated that Watts’s and his team’s “pattern of misconduct” caused her “to lose confidence in the initial arrests and the validity of these convictions.”

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

123. Referring to the exonerees as “victims,” Ms. Foxx wished them “a path forward in healing and justice.”

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

124. The CCSAO has since voluntarily dismissed additional convictions.

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

125. On February 24, 2020, after another mass dismissal and in reference to the Watts scandal, Ms. Foxx stated: “I think it’s important that we acknowledge the harm that was caused when we talk about these cases. It’s not just these men. It’s the erosion of the trust in the justice system when we allow for those [men] to be wrongfully convicted based on the misdeeds of corrupt law enforcement.”

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

126. On December 15, 2020, after another mass dismissal – in which Mr. James was exonerated for his 2007 conviction – and in reference to the Watts scandal, Ms. Foxx further stated: “The seeds of distrust for our criminal justice system run deeply in communities most impacted by violence because of people in power like Sergeant Watts and his cronies who targeted and criminally preyed on these communities, leaving these neighborhoods feeling like their voice didn’t matter.” Regarding the exonerations, Foxx went on to state that it is “always the right time to do the right thing” and “never too late to deliver justice” to the Watts-related victims.

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

127. Then again on February 19, 2021 after yet another mass dismissal, and in reference to the Watts scandal, Ms. Foxx stated: “Vacating the convictions of these nine people today who were targeted by former Police Sergeant Watts provides just a fraction of relief for those who spent time in prison, away from their families, as we will never be able to give them that time back.

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

128. As a result, the CCSAO will no longer call certain member of Watts’s crew, including Defendants Jones, as witnesses in any pending or future matters because of their credibility concerns and alleged involvement in misconduct.

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.

129. In addition, shortly after the 18 convictions were vacated, Superintendent Johnson placed Defendants Jones and Smith, along with other members of Watts’s crew, on desk duty.

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

130. On March 15, 2018, following his November 16, 2017 exoneration, Mr. James received a certificate of innocence stemming from his 2004 arrest and conviction certifying that Mr. James was, in fact, innocent of the crime he was convicted of to begin with and should never have been arrested in the first place.

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

131. On February 4, 2021, following his December 15, 2020 exoneration, Mr. James received a second certificate of innocence stemming from his 2007 arrest and conviction certifying that Mr. Morris was, in fact, innocent of the crime he was convicted of to begin with and should never have been arrested in the first place..

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

Mr. James's Damages

132. As a result of Defendants' egregious misconduct, Mr. James was unlawfully detained, lost his freedom and suffered intense mental anguish in the process. Moreover, after his unjust conviction, Mr. James was forced to spend fifteen years fighting to overturn his conviction and clear his name.

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

133. As a result of the foregoing, Mr. James has suffered tremendous damage, including emotional damage, all proximately caused by Defendants' misconduct.

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

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

134. 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.

135. 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 and a fair trial.

ANSWER: With regard to the “manner described more fully above,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. 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.

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

ANSWER: With regard to the “manner described more fully above,” Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. 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.

137. 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. James 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 terms “misconduct” and “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.

138. 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, 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 “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.

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

ANSWER: Defendant Mohammed objects to the term "pattern 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, 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. 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 term “misconduct” as argumentative, vague and undefined. Without waiver, with regard to the “misconduct 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.

142. 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.

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

144. 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. James by concealing exculpatory evidence of officers’ patterns of misconduct.

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

145. 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 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.

146. 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 lead police officers in the City of Chicago to believe that their actions will never be scrutinized and, in that way, 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.

147. The above-described widespread practices, which were so well-settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because the Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. 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.

148. 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: 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.

149. 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 action to remedy the problem..

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

150. 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.

151. 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.

152. 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.

153. 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.

154. 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.**

155. 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.**

156. Before she was elected Mayor of the City of Chicago, then-Police Board Chair, Lori Lightfoot made clear that “[a]ny of those officers [on Watts team] who remain on the job must be quickly brought to justice through criminal prosecution and/or disciplinary action.”

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

157. However, as of the filing of this complaint, the Lightfoot administration has not taken any action against the officers.

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

158. 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 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.

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

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

160. 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.

161. 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.

162. 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.

163. Finnigan, like the Defendant Officers in this case, had accumulated dozens of citizen 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.

164. 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.

165. 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.

166. 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.

167. The same constitutionally-defective oversight system in place in during the time periods at issue in the *Klipfel* and *Obrycka* cases was also in place in 2004, when Mr. James suffered the abuse described above.

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

168. Indeed, the problem found to exist by the juries in *Klipfel* and *Obrycka* continues 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: Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

170. The Defendant City's investigation of complaints is characterized by unreasonably long delays, despite the relatively straightforward nature of many misconduct claims.

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

171. 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.

172. 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.

173. 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: 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. 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 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 – Malicious Prosecution and Unlawful Pretrial Detention – Fourth and Fourteenth Amendments

175. 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.

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

177. In doing so, Defendants caused Plaintiffs to be unreasonably seized without probable cause and deprived of their liberty, in violation of Plaintiffs' 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.

178. The false judicial proceedings against Plaintiffs were instituted and continued maliciously, resulting in injuries.

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.

179. Defendants deprived Plaintiffs of fair state criminal proceedings, including the chance to defend themselves 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.

180. In addition, Defendants subjected Plaintiff to arbitrary governmental action that shocks the conscience in that Plaintiffs were deliberately and intentionally framed for crimes of

which they were totally innocent. This was accomplished 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.

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

182. 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.

183. As a result of Defendants' misconduct described in this Count, Plaintiffs 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.

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

185. Each preceding 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. 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.

187. 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.

188. 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, 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.

190. 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

191. Each preceding 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.

192. 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 Mr. James 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.

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

ANSWER: 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.

194. 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.

195. 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.

196. 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.

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

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

198. 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

199. Each preceding 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.

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

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

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

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

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

202. Plaintiff's criminal prosecutions were terminated in his favor, in a manner indicative of innocence.

ANSWER: Defendant Mohammed denies the legal conclusion set forth in this paragraph.

203. 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 state a legal conclusion. Without waiver, Defendant Mohammed admits that he acted within the scope of his employment as a Chicago police officer. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

204. 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. To the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks sufficient information upon which to form a belief as to the truth of the remaining allegations against other defendants contained in this paragraph.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

205. Each preceding 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.

206. 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.

207. 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.

208. 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

209. Each preceding 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.

210. 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.

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

212. 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.

213. 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 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 Shaun James 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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Counsel for Defendant Kallatt Mohammed

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2021, I caused the foregoing Defendant Kallatt Mohammed's Answer to Plaintiff'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/Eric S. Palles
Special Assistant Corporation Counsel
One of the attorneys for Kallatt Mohammed