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

	)	
	)	
	)	Master Docket Case No. 19-cv-1717
	)	
In re: WATTS COORDINATED PRETRIAL PROCEEDINGS	)	Judge Valderrama
	)	
	)	Magistrate Judge Finnegan
	)	
	)	JURY DEMANDED
	)	

This Document Relates to *David Mayberry v. City of Chicago, et al.*, 20 C 2926

DEFENDANT KALLATT MOHAMMED'S
ANSWER TO PLAINTIFF'S COMPLAINT

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

1. Since January 2016, the Circuit Court of Cook County, Illinois has overturned 95 wrongful convictions tied to Sgt. 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. David Mayberry's wrongful conviction is one of the most recent to be overturned.

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

2. David Mayberry was convicted of and incarcerated for a crime 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.

3. The crime never happened; it was completely fabricated by corrupt Chicago police officers.

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

4. Mr. Mayberry was arrested on April 4, 2006.

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

5. Mr. Mayberry's arrest occurred at the Ida B. Wells housing complex, a location that was heavily policed by corrupt Chicago police officers.

ANSWER: Defendant Mohammed objects to the term "corrupt" and "heavily policed" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

6. The corrupt officers sought bribes, planted drugs, and falsely accused many people, including Mr. Mayberry of possessing drugs.

ANSWER: Defendant Mohammed objects to the term "corrupt" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution

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

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

ANSWER: Defendant Mohammed objects to the term "encounter" as 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. Believing that he faced no chance of winning at trial following his April 4, 2006 arrest, Mr. Mayberry eventually pled guilty to the false charge.

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

9. After Mr. Mayberry had completed his sentence, Defendants Watts and Mohammed were caught on tape engaging in the exact type of misconduct that Mr. Mayberry had 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.

10. 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.

11. 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, 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.

12. The scope of misconduct cannot be overstated.

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

13. For example, the Chief Justice of Illinois' Court of Claims has written that "many individuals were wrongly 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.

14. 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.

15. 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 criminals" from their rampant misconduct and perjury.

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

16. 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 "framed" and "Watts outfit" 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 regarding the vacating of convictions.

17. 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 terms "misconduct" and "Watts's crew" as 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.

18. 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.

19. As of the filing of this complaint, nearly 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.

20. In recognition of the scope of their misconduct, the CSSAO will no longer call many of Watt'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 "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.

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

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

Jurisdiction and Venue

22. 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 Constitution of the United States.

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.

23. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and state law claims pursuant to U.S.C. § 1367. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant City of Chicago is a municipal corporation located

here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.

ANSWER: Defendant Mohammed admits to the jurisdiction of this Court and further admits that venue is proper. Upon information and belief, Defendant Mohammed admits that the City of Chicago is a municipal corporation located in this judicial district.

24. Mr. Mayberry is 49 years old. He currently resides in Chicago.

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

25. At all times relevant to this complaint, Defendants former Chicago Police Sergeant Ronald Watts, former Chicago Police Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Elsworth Smith, Jr., Officer Brian Bolton, Officer Douglas Nichols, and Officer Robert Gonzalez were 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 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.

26. At all relevant times, Defendant Watts was a leader of the Second District Tactical Team that worked the Ida B. Wells housing complex.

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

27. Defendants Mohammed, Jones, Smith, Jr., Bolton, Nichols, and Gonzalez worked on Watts' tactical team.

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

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

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

29. At all relevant times, Defendants Debra Kirby and Karen Rowan were Assistant Deputy Superintendents of the Chicago Police Department, acting as the heads of its Internal Affairs Division (IAD). Collectively, Defendant Kirby, Defendant Cline, and Defendant Rowan are referred to as Defendant Supervisory Officers.

ANSWER: Upon information and belief, Defendant Mohammed admits the allegations contained in this paragraph concerning Cline. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

Factual Background

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

ANSWER: Defendant Mohammed objects to the terms "actively patrolled" and "led by" as undefined and vague. Without waiver, Defendant Mohammed admits that at times he worked as a Chicago police officer at the Ida B. Wells complex as part of a unit under the command of Defendant Watts.

32. Watts and his tactical team members were well known to the residents of Ida B. Wells and the surrounding area.

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

33. Watts and his tactical team members maintained a visible presence in the Ida B. Wells area. The Watts team had a reputation in the community for harassing, intimidating, and fabricating criminal charges against the area's residents and visitors.

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

34. This reputation was so notorious that even Mr. Mayberry – despite not living at the Ida B. Wells complex himself – had heard that Watts and his team routinely planted drugs on people and stole money from them, and had even been told to stay away from them.

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

35. Ultimately, the Watts team's pattern of harassment continued with Mr. Mayberry.

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

Mr. Mayberry is Framed on April 4, 2006

36. On April 4, 2006, Mr. Mayberry travelled to one of the buildings in the Ida B. Wells housing complex to visit friends.

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

37. While speaking to a friend in the lobby of the building, Mr. Mayberry heard people yelling from the outside that Defendant Watts was coming in.

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

38. Mr. Mayberry attempted to leave the area, but was confronted by Defendant officers on the second floor of the building.

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

39. One of the Defendants detained Mr. Mayberry as well as several other men.

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. In the process of detaining them, Defendant Jones took his gun out and pointed it at Mr. Mayberry and the rest of the group.

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.

41. Defendant Officers then searched the group and did not find anything.

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.**

42. Mr. Mayberry did not have any drugs on him.

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

43. Mr. Mayberry had not done anything illegal.

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.

44. Mr. Mayberry was then placed into a police car and transported to the station.

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

45. Once at the station, Defendant Watts, Jones, and Mohammed showed Mr. Mayberry two bags of drugs that Mr. Mayberry had never seen before, and then Defendant Watts falsely stated that the drugs belonged to Mr. Mayberry.

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.

46. Mr. Mayberry protested and told Defendant Watts that the drugs did not belong to him. Despite Mr. Mayberry's protestations, he was arrested for possession of controlled substances.

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

Mr. Mayberry is Prosecuted, Convicted, and Sentenced

47. The Defendant Officers prepared false and fabricated police reports related to this arrest.

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.

48. On the basis of these false reports, Mr. Mayberry was prosecuted for three counts of felony possession of a controlled substance.

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.

49. Even though Mr. Mayberry was innocent of these charges, knowing that he risked significant time in prison if he went to trial and lost, Mr. Mayberry accepted a plea deal.

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

50. Mr. Mayberry was sentenced to one year of imprisonment within the Illinois Department of Corrections.

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

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

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

52. Defendant Officers never disclosed to the prosecutors any of their misconduct described herein. If the prosecutors had known that Defendant Officers fabricated evidence and committed the other misconduct described herein, they would not have pursued the prosecution of Mr. Mayberry.

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.

Defendant Watts and His Team Engaged in
a Pattern of Misconduct for at Least a Decade, All Facilitated

53. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct described herein.

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

54. Government officials, including City of Chicago employees, knew about Watts's and his crew's alleged misconduct as early as 1999.

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.

55. Shortly thereafter, an FBI investigation of Watts and his crew was underway. The FBI investigation took place with the knowledge and occasional participation of the Chicago Police Department's Internal Affairs Division (IAD).

ANSWER: Defendant Mohammed objects to the term "crew" as 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.

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

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

57. Watts used a drug dealer named "Big Shorty" to run drugs at the Ida B. Wells complex. Big Shorty would sell the drugs, turning profits over to Watts in exchange for Watts's protection. Watts used drug dealers as phony informants to obtain illegitimate search warrants. Watts also offered to let arrestees go if they provided him with weapons, drugs or money.

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

58. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Defendant Officers named herein.

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

59. During the times complained of, the FBI investigation generated evidence showing that Watts engaged in systematic extortion, theft, the possession and distribution of drugs for money, planting drugs on subjects, and paying informants with drugs.

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

60. Investigators also determined that Watts and his subordinates had engaged in these activities for years.

ANSWER: 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

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

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

62. The U.S. 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.

63. Watts and Mohammed each pled guilty to federal criminal charges and both 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.

64. In its sentencing memorandum in the criminal case against Watts, 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.

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

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

66. During the sentencing hearing, the government urged Judge Sharon Johnson Coleman to "consider the other criminal conduct that the defendant [Watts] engaged in

throughout the course of his career as a police officer," specifically noting that during the federal investigation, Watts "did other things such as putting a false case on the confidential source that was involved in our investigation. Watts 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.

67. 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.

68. Notwithstanding the evidence investigators had amassed over the years pointing to a wide, decade-long criminal enterprise, CPD Superintendent Garry McCarthy publicly stated, "There is nobody involved other than the two officers who were arrested." As described in more detail below, McCarthy was wrong.

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"

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

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

70. 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.

71. As one CPD officer 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 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.

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

ANSWER: Defendant Mohammed 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.

73. 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, while Watts and his crew continued to engage in misconduct with impunity.

ANSWER: Defendant Mohammed objects to the terms "misconduct," "crew" 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.

The Careers of CPD Officers
Daniel Echeverria and Shannon Spaulding are Nearly Ruined

74. In or around 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.

75. Officer Echeverria took the allegations seriously and reported them to a CPD supervisor. The supervisor made clear that he was not interested in hearing about the allegations, 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.

76. 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 and actively assisting the FBI with its 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.

77. 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.

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

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

CPD Officer Michael Spaargaren's Life is Threatened

79. Sometime in the mid-2000s, CPD Officer Michael Spaargaren was assigned to work with Watts in public housing.

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

80. Spaargaren observed that Watts did not inventory drugs and money that 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.

81. In response, Watts threatened to fabricate allegations of misconduct 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.

82. A CPD lieutenant in the chain of command – James Spratte – 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.

83. Fearful for his life, Spaargaren opted to take a one-and-a-half-year leave of absence from CPD rather than 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 Went Nowhere

84. Defendant Watts, Mohammed, and other members of Watts's tactical team accumulated hundreds of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Mayberry. Despite the shocking number of citizen complaints directed against Watts and his team, the City did nothing to stop 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.

85. As for the complaints that the City bothered to investigate the City often failed to seek out known witnesses and corroborating evidence and even ignored corroborating evidence to instead side with officer's boilerplate denials over complainants and their witnesses – no matter how many citizens came forward with the same type of complaint.

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

86. The Illinois Appellate Court recently criticized the City for its utter failure to address the misconduct of Watts and his team.

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

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

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

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

88. Despite all of the evidence that was amassed over the years of a pattern and practice of criminal misconduct by Defendant Officers, 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.

89. 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.

90. Nothing about the FBI investigation relieved the City of its fundamental responsibility to supervise, discipline, and control its officers.

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

91. Nevertheless, the City completely abdicated the responsibility, allowing the widespread misconduct to continue undeterred throughout the FBI's criminal investigation of Watts and his crew.

ANSWER: Defendant Mohammed objects to the terms "crew" and "widespread 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.

92. 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 for crimes they did not commit – yet City officials took no steps to prevent these abuses from occurring.

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

93. Instead, the City officials let officers on Watts's crew continue to pursue criminal charges against citizens like Mr. Mayberry and continue to fabricate false police reports and testify falsely against citizens like Mr. Mayberry.

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.

94. City officials withheld information they had about the officers' pattern of transgressions – information that citizens like Mr. Mayberry could have used to impeach the corrupt officers and defend against the bogus criminal charges brought against 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.

Exonerations

95. After the extensive scope of Defendant Watts and his crew's corruption came to light, on September 12, 2017, a group of similarly-situated innocent victims filed a Consolidated Petition for Relief From Judgement and To Vacate Convictions Pursuant to 735 ILCS 5/2-1401 ("Consolidated Petition").

ANSWER: Defendant Mohammed objects to the terms "crew," "corruption," "similarly situated" and "innocent victims" 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.

96. On November 16, 2017, upon the State's motion, Judge LeRoy K. Martin, Jr. vacated and *nolle prossed* all of the convictions related to the fifteen (15) Petitioners named in the Consolidate Petition.

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

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

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

98. On 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 prossed* all charges related to the convictions stemming from Watts and his team's wrongful arrests.

ANSWER: Defendant Mohammed objects to the terms "similarly situated" and "innocent victims" 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. Following the decision, Mr. Rotert explained that "these arrests were purely conjured… [Watts and his teams] 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.

100. 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.

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

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

102. 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.

103. 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.

104. 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.

105. On February 24, 2020, after another mass dismissal – in which Mr. Mayberry was exonerated – 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 objects to the term "Watts's scandal" 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.

106. The CCSAO will no longer call certain members of Watts's crew, including some of the Defendant Officers named herein, as witnesses in any pending or future matters due to concerns about their credibility and alleged involvement in misconduct.

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

107. In November 2017, former Superintendent of the Chicago Police Department, Eddie T. Johnson, placed multiple members of Watts's crew on desk duty.

ANSWER: Defendant Mohammed objects to the term "Watts's crew" as 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. Mayberry's Damages

108. Because of the Defendants' acts and omissions, Mr. Mayberry was subjected to police harassment and unfair criminal proceedings.

ANSWER: Defendant Mohammed objects to the terms "police harassment" and "unfair criminal proceedings" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

109. The Defendant Officers' misconduct and false accusations subjected Mr. Mayberry to a felony conviction and wrongful incarceration before his was exonerated.

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.

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

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

111. As a result of the foregoing, Mr. Mayberry has suffered emotional damages proximately caused by Defendants' wrongdoing.

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

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

112. 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.

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

ANSWER: With regard to the "manner described more fully above," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: With regard to the "manner described more fully above," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

115. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Debra Kirby, Karen Rowan, 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 Mr. Mayberry and other residents and visitors 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 "abuses" and "misconduct" as argumentative, vague and undefined. 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.

116. The constitutional injuries complained of herein were proximately caused by the intentional misconduct of Defendant Supervisory Officers, or were proximately caused when Defendant Supervisory Officers were deliberately, recklessly indifferent to their subordinates'

misconduct, knowing that turning a blind eye to that misconduct would necessarily violate Plaintiff's constitutional rights.

ANSWER: Defendant Mohammed objects to the terms "misconduct" and "turning a blind eye" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

118. Defendants' misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him of 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 this paragraph as improperly calling for a legal conclusion, and further objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such

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

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

ANSWER: Defendant objects to the terms "misconduct" and "clear innocence" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant objects to the term "under color of law" 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.

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

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

122. 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. Mayberry by concealing exculpatory evidence of Chicago police officers' patterns of misconduct.

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

123. In addition, at all times relevant to the events described in this Complaint and for a period of time prior thereto, Defendant City of Chicago had notice of a widespread practice by its officers and agents under which criminal suspects, such as Mr. Mayberry, 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.

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

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

125. The above-described widespread practices, which were so well settled as to constitute the de facto policy of the City of Chicago, were allowed to exist because municipal policymakers with authority over the same exhibited deliberate indifference to the problem, thereby effectively ratifying it. These widespread practices were allowed to flourish because

Defendant City and the CPD declined to implement sufficient policies or training, even though the need for such policies and training was obvious. Defendant City and the CPD also declined to implement any legitimate mechanism for oversight or punishment of officers, thereby leading officers to believe that they could violate citizens' constitutional rights with impunity.

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

126. Furthermore, the misconduct described in this Complaint was undertaken pursuant to the policy and practices of Defendant City in that the constitutional violations committed against Plaintiff were committed with the knowledge or approval of persons with final policymaking authority for the City of Chicago and the CPD, or were actually committed by persons with such final policymaking authority.

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, with regard to the "misconduct described in this Complaint," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

128. For example, at a City Council hearing on September 28, 1999, in response to two high-profile unjustified police shootings, then 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.

129. 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.

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

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

131. Despite 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.

132. As a result, the CPD has continued to respond to complaints of police misconduct inadequately and with undue delay, and has continued 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.

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

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

134. Notably, Defendant Watts and his crew 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 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.

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

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

136. Miedzianowski, like Defendant Officers in this case, had accumulated scores of complaints over the years. As the Appellate Court has stated, the Defendant City "did nothing to slow down the criminals. Instead, it informed the corrupt officers about the complaint and named the source." The Defendant City deemed such complaints unfounded or not sustained.

ANSWER: Upon 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 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 remaining allegations contained in this paragraph.

138. Finnigan was part of a group of officers in Defendant City's Special Operations Section that 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 remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the terms "misconduct" and "crew" as argumentative, vague and undefined. Without waiver, upon 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. Finnigan, like Defendant Officers in this case, had accumulated scores of citizen complaints over the years which Defendant City routinely deemed unfounded or not sustained.

ANSWER: Upon 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. 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 remaining allegations contained in this paragraph.

142. 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 remaining allegations contained in this paragraph.

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

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

144. The same code of silence in place at the CPD during the time periods at issue in the *Klipfel* case and in the *Obrycka* case was also in place during the times complained of herein.

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

145. Indeed, the problems found to exist by the jury in *Klipfel* and *Obrycka* continue to this day. In December 2015, then Mayor Rahm Emanuel acknowledged that a "code of silence" exists within the Chicago Police Department that encourages cover-ups of police misconduct, and that the City's attempts to deal with police abuse and corruption have never been adequate.

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

146. Even more recently, in January 2020, the interim head of Chicago Police Department also acknowledged the code of silence.

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

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

ANSWER: **Upon 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.**

148. 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.**

149. Although Defendant City has long been aware that its supervision, training, and discipline of police officers is entirely inadequate, Defendant City 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.**

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

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

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

ANSWER: **Upon 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 – Fourth Amendment Claim

152. 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.

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

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

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

ANSWER: Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject

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

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

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

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

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

158. 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 Plaintiff's clear innocence.

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

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

160. 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" on the ground that it is vague, undefined and appears to state 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

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

162. 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.

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

ANSWER: 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.

164. 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 Plaintiff's innocence.

ANSWER: Defendant Mohammed objects to the terms "misconduct" and "Plaintiff's innocence" as argumentative, vague and undefined. Without waiver, upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

165. 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, 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.

166. 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" on the ground that it is vague, undefined and appears to state 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

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

168. 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.

169. Prior to Plaintiff's conviction, all of the Defendant Officers, acting in concert with other co-conspirators, known and unknown, reached an agreement among themselves to frame

Plaintiff for a crime he did not commit and thereby to deprive him of his constitutional rights, all as described above.

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

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

171. 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

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

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

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

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

Count V: Illinois Law – Malicious Prosecution

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

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

177. 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: 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.

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

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

179. 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, 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. 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" on the ground that it is vague, undefined and appears to state 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.

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

181. 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.

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

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

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

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state 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.

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

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

Count VII: Illinois Law – Civil Conspiracy

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

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

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

ANSWER: With regard to the matters "described more fully in the preceding paragraphs," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs, including, where appropriate, his invocation of his rights under the Fifth Amendment of the United States Constitution. Upon the advice of counsel, and to the extent that such allegations purport to apply to him, Defendant Mohammed respectfully

invokes the rights guaranteed to him by the Fifth Amendment of the United States Constitution regarding the subject matter of this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

187. 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.

188. 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 Plaintiff's innocence.

ANSWER: Defendant Mohammed objects to the term "misconduct" on the ground that it is vague, undefined and appears to state 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.

189. 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" on the ground that it is vague, undefined and appears to state 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.

Count VIII: Illinois Law – Respondeat Superior

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

Count IX: Illinois Law – Indemnification

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

RULE 12(b) DEFENSE

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

AFFIRMATIVE DEFENSES

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

Complaint, Defendant Mohammed was an on-duty member of the Chicago Police Department who was executing and enforcing the law. At all times relevant to Plaintiff's Complaint, a reasonable policy officer objectively viewing the facts and circumstances that confronted Defendant Mohammed could have believed his actions to be lawful, in light of clearly established law and the information the officers possessed at the time.

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

3. A public employee is not liable for his act or omission in the execution of any law unless such act or omission constitutes willful or wanton misconduct. 745 ILCS 10/2-202. To the extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed was acting in the execution and enforcement of the law at the time of any interactions with Plaintiff and Defendant Mohammed's individual acts were neither willful nor wanton. As a result, Defendant Mohammed is not liable to Plaintiff. 745 IlCS 10/2-109.

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

5. Under the Tort Immunity Act, to the extent Defendant Mohammed was in fact involved in Plaintiff's arrest at issue, Defendant Mohammed is not liable for any injury allegedly caused by the instituting or prosecuting of any judicial or administrative proceeding when done

within the scope of his employment, unless such action was done maliciously and without probable cause. 745 ILCS 10/2-208.

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

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

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

WHEREFORE, Defendant, Kallatt Mohammed, denies that Plaintiff David Mayberry is entitled to the relief requested in the Complaint, or to any relief whatsoever, against Defendant Mohammed and demands: 1) entry of a judgment dismissing Plaintiff's Complaint in its entirety as to Defendant Mohammed; 2) for an award of the costs incurred in defending this action; and 3) for such other relief as the Court deems appropriate.

JURY DEMAND

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

Respectfully submitted,

/s/ Sean M. Sullivan #6191677
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CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2021, I caused the foregoing Defendant Kallatt Mohammed's Answer to Plaintiff's Complaint to be served on all counsel of record using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Sean M. Sullivan
Special Assistant Corporation Counsel
One of the attorneys for Kallatt Mohammed