

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

In re: WATTS COORDINATED
PRETRIAL PROCEEDINGS

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

This Document Relates to *Derrick Lewis v. City of Chicago*, No. 19-CV-3320

DEFENDANT KALLATT MOHAMMED’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant Kallatt Mohammed (“Mohammed”), by and through one of his attorneys, Special Assistant Corporation Eric S. Palles of Mohan Groble Scolaro, P.C., respectfully submits his answer to Plaintiff Derrick Lewis’ Complaint, and states as follows:

Introduction

1. Derrick Lewis was convicted of and incarcerated for crimes he did not commit.

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

2. The crimes never happened; they were completely fabricated by corrupt Chicago police officers.

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

3. Mr. Lewis was arrested on July 3, 2004, and September 24, 2007.

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

4. Mr. Lewis's arrests 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" as argumentative, vague and undefined. Without waiver, to the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "corrupt" as argumentative, vague and undefined. Without waiver, except for those offenses specifically admitted in United States v. Mohammed, 12 CR 87-2 and to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

6. In fact, these corrupt officers victimized Mr. Lewis on several occasions prior to his arrests. Defendant Watts and his crew detained Mr. Lewis several times and threatened to arrest him if he did not give them information, money, drugs, or guns.

ANSWER: Defendant Mohammed objects to the terms "corrupt" and "victimized" as argumentative, vague and undefined. Without waiver, to the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this

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

7. The type of encounters these police officers had with Mr. Lewis was 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, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

8. Mr. Lewis went to trial in 2005 for his 2004 arrest. At the trial, Defendant Officers did not disclose that they had fabricated evidence and falsified a police report relating to Mr. Lewis’s arrest. Mr. Lewis was found guilty and convicted. Later, realizing that he faced no chance of winning at trial, Mr. Lewis eventually pled guilty to the 2007 false arrest.

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

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

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

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 terms “crew” and “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 remaining allegations contained in this paragraph.

12. The scope of this misconduct cannot be overstated.

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, and prejudicial. 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 wrongfully convicted as a result of one of the most staggering cases of police corruption in the history of the City of Chicago,” explaining that “Watts and his team of police officers ran what can only be described as a criminal enterprise right out of the movie ‘Training Day.’”

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

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 the criminals” from their rampant misconduct and perjury.

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

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

17. In light of that decision by the CCSAO, and recognizing the scope of misconduct that the City let go on for more than a decade unabated, many of the Watts crew were placed on desk duty.

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

18. Since then, three additional groups of victims were exonerated *en masse* on September 24, 2018, November 2, 2018, and February 11, 2019 (including Mr. Lewis), respectively.

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

19. In recognition of the scope of their misconduct, the CSSAO will no longer call many of the Watts’s crew members 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.

20. Through this lawsuit, Mr. Lewis 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

21. 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.

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

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

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

ANSWER: Defendant Mohammed admits that venue is proper in this district.

The Parties

24. Mr. Lewis is 40 years old. He currently resides in Park Forest, Illinois.

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 Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, Gerome Summers, Jr., Calvin Ridgell, Jr., Alvin Jones, Kenneth Young, Jr., Darryl Edwards, Brian Bolton, and John Rodriguez 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 Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, Gerome Summers, Jr., Calvin Ridgell, Jr., Alvin Jones, Kenneth Young, Jr., Darryl Edwards, Brian Bolton, and John Rodriguez worked on Watts’s tactical team.

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

28. At all relevant times, Defendants Phillip J. Cline and Dana V. Starks were the Superintendents of the Chicago Police Department.

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

29. At all relevant times, Defendant 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, Defendant Starks, and Defendant Rowan are referred to as Defendant Supervisory Officers.

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

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

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

32. 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.

33. Watts and his tactical team members were well known to Mr. Lewis and the residents of the Ida B. Wells area.

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

34. 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 Mohammed objects to the terms "visible presence" and "a reputation in the community for harassing, intimidating, and fabricating criminal charges"

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.

35. The Watts team's pattern of harassment continued with Mr. Lewis.

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

Mr. Lewis is Framed on July 3, 2004

36. On July 3, 2004, Mr. Lewis was visiting his girlfriend Cierra Clark at her apartment in the Ida B. Wells complex.

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

37. Cierra's mother, Sandra Clark, and sister, Qiana Clark-Marble, were also present at the apartment.

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

38. Mr. Lewis was not doing anything wrong and did not have any drugs on his person.

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

39. Defendant Watts came to the apartment with other officers, including other Defendant Officers, and knocked on the door. Qiana answered and told Watts that she would not open the door unless he had a warrant.

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

40. Defendant Watts threatened to kick down the door.

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

41. No one in the apartment, including Mr. Lewis, had drugs or anything illegal in their possession, so they opened the door.

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

42. Defendant Watts pushed his way into the apartment and immediately handcuffed Mr. Lewis.

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

43. Defendants did not find drugs or any other illegal items when they searched Mr. Lewis.

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

44. Several other Defendant Officers searched the apartment but they did not find anything illegal.

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

45. Defendant Watts took Mr. Lewis to another building and put him with a group of others who had been detained. Defendant Officers took Mr. Lewis and the other detained individuals to the police station.

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

46. Mr. Lewis did not know why he was arrested or what he was being charged with.

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

47. At the police station, Mr. Lewis was handcuffed to a bench with the others who were arrested. Defendant Watts threw what appeared to be bags of drugs on the desk in front of Mr. Lewis and the other detained individuals and told them that the drugs belonged to them.

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

48. Defendant Watts told Mr. Lewis and the others that they all knew what Watts wanted, and that it was “easy to get out of handcuffs” if they gave him what he wanted, or words to that effect.

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

49. Mr. Lewis did not have anything to tell or give to Watts.

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. Lewis was charged with possession of crack cocaine.

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

51. Mr. Lewis told his mother, Winnie Lewis, that Defendant Watts framed him. Ms. Lewis contacted Operation Push on his behalf. On information and belief, Operation Push filed a complaint with OPS on Mr. Lewis’s behalf.

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

**Mr. Lewis is Prosecuted, Convicted,
and Sentenced on the July 3, 2004 Arrest**

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

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

53. On the basis of the false report, Mr. Lewis was prosecuted for a drug crime.

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

54. The case against Mr. Lewis proceeded to trial in July of 2005.

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

55. At no point in the criminal proceedings did the Defendant Officers ever disclose that they had falsified evidence.

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

56. Mr. Lewis was sentenced to a term of incarceration.

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

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

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

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

58. 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. Lewis, and his unlawful deprivation of liberty would not have been continued.

ANSWER: Defendant Mohammed objects to this paragraph as improperly calling for a legal conclusion. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies that he fabricated evidence and falsified a police report or failed to disclose his knowledge regarding others. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to this paragraph as improperly calling for a legal conclusion. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

Mr. Lewis is Framed Again on September 24, 2007

60. Sometime after Mr. Lewis completed his sentence related to the July 3, 2004 false arrest, Defendant Watts approached Mr. Lewis again.

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

61. This time Defendant Watts asked Mr. Lewis to work for him, and told Mr. Lewis the only way he would not be arrested again was to work for Watts.

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

62. Mr. Lewis understood Defendant Watts's request to "work for" Watts to be a request that Mr. Lewis sell drugs for Watts and provide Watts with information on the drug trade at the Ida B. Wells complex, among other things.

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

63. Mr. Lewis refused to work for Defendant Watts.

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

64. On September 24, 2007, Mr. Lewis was visiting his friend Amanda Parker at her apartment in the Ida B. Wells complex.

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

65. Defendant Watts and other Defendant Officers, including Defendant Gonzalez, knocked on the door of the apartment.

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

66. When Ms. Parker and Mr. Lewis opened the door, Defendant Watts and the other officers pushed their way into the apartment. Defendant Officers did not find drugs or anything illegal in the apartment or on Mr. Lewis.

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

67. Defendant Officers handcuffed Mr. Lewis and took him into the hallway.

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

68. Defendant Watts, Defendant Gonzalez and another officer took Mr. Lewis around the corner and started beating him.

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

69. Defendant Gonzalez repeatedly punched and kneed Mr. Lewis in the stomach and groin.

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

70. Defendant Officers then took Mr. Lewis to the lobby. While Defendant Watts spoke with other people, Defendant Gonzalez and other Defendant Officers continued to beat Mr. Lewis.

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

71. Mr. Lewis was taken to Defendant Gonzalez's vehicle, and Defendants Watts and Gonzalez drove Mr. Lewis to another location. Defendants Watts and Gonzalez went into an apartment for approximately ten minutes, leaving Mr. Lewis handcuffed in the car.

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

72. Mr. Lewis was then taken to the police station.

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

73. At the police station, Defendant Watts told Mr. Lewis that if Mr. Lewis gave Watts the information he was looking for, he would let Mr. Lewis go.

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

74. Mr. Lewis told Defendant Watts that he did not have anything for him.

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

75. Mr. Lewis told Defendant Watts that he wanted to talk to his supervisor, and Watts responded that he was the supervisor.

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

76. Mr. Lewis was charged with possession of heroin and cocaine.

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

**Mr. Lewis is Prosecuted, Convicted,
and Sentenced on the September 24, 2007 Arrest**

77. The Defendant Officers prepared false and fabricated police reports related to the September 24, 2007 arrest.

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

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

78. On the basis of said false reports, Mr. Lewis was prosecuted for a drug crime.

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

79. Even though Mr. Lewis was innocent, knowing that he risked significant time in prison if he went to trial and lost, Mr. Lewis 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.

80. Mr. Lewis was sentenced to a term of incarceration.

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

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

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

82. 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. Lewis, and his unlawful deprivation of liberty would not have been continued.

ANSWER: Defendant Mohammed objects to this paragraph as improperly calling for a legal conclusion. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies that he fabricated evidence and falsified a police report or failed to disclose his knowledge regarding others.

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

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

ANSWER: Defendant Mohammed objects to this paragraph as improperly calling for a legal conclusion. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

84. It was no secret within the CPD that Watts and his crew engaged in the type of misconduct of which Mr. Lewis accuses them.

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

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

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

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

87. Because IAD was kept abreast of the FBI investigation, during the times complained of, City officials—including but not limited to the heads of IAD and CPD Superintendents Philip J. Cline and Dana V. Starks—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.

88. 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.

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

89. Targets of the FBI investigation extended beyond Watts to members of Watts's tactical team, including some of the Officer Defendants 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.

90. 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.

91. 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

92. 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.

93. 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.

94. 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 the allegations contained in this paragraph.

95. 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.

96. The government revealed that, for years, Defendants 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: Except for those offenses specifically admitted in *United States v. Mohammed*, 12 CR 87-2 and to the extent that the allegations in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient

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

97. 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.

98. 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.

99. 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”

100. 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.

101. 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.

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

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

103. Pursuant to this "code of silence," each of the Defendant Officers concealed from Mr. Lewis 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. Lewis, 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 and to the term "misconduct" as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

104. 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 "crew," "misconduct" and "with impunity" as argumentative, vague and undefined. Without waiver, Defendant

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

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

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

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

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

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

107. 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.

108. 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.

109. 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

110. 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.

111. 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.

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

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

113. 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.

114. 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

115. Defendants Watts, Mohammed, and other members of Watts's tactical team had accumulated scores of citizen complaints concerning violations of citizens' civil rights over the years. These complaints began well before the misconduct Defendants committed against Mr. Lewis, and yet, the City did nothing to stop the 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.

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

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

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

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

118. 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

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

ANSWER: Defendant Mohammed objects to the term “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.

120. 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.

121. 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.

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

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

123. 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 terms “crew” and “abuses” as argumentative, vague and undefined. Without waiver, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained

in this paragraph.

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

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.

125. City officials withheld information they had about the officers' pattern of transgressions—information that citizens like Mr. Lewis 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

126. After 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 Judgment 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.

127. 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 Consolidated Petition.

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

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

ANSWER: Defendant Mohammed 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.

129. On September 24, 2018, 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.

ANSWER: Defendant Mohammed objects to the terms "similarly situated innocent victims" and "semblance of justice" 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.

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

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

131. 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.

132. On November 2, 2018, 7 more victims had 8 additional convictions voluntarily dismissed by the CCSAO.

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

133. In a Press Release, CCSAO 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

134. 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.

135. On February 11, 2019, and February 13, 2019, 14 more victims had 17 additional convictions voluntarily dismissed by the CCSAO.

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

136. As of today's date, 63 men and women have had 82 convictions vacated due to Watts and his 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.

137. All 63 of these men and women, including Mr. Lewis, have been certified innocent or have been ordered to be by the appellate court.

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

138. As a result, 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 lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

139. In November 2017, the Superintendent of the Chicago Police Department, Eddie T. Johnson, placed some of the Defendant Officers named herein, along with other members of Watts's crew, on desk duty.

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

140. On March 18, 2019, Mr. Lewis received a certificate of innocence for his 2005 and 2007 convictions.

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

Mr. Lewis's Damages

141. Because of the Defendants' acts and omissions, Mr. Lewis 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, Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

142. As a result of his 2005 and 2007 convictions, the Defendant Officers' misconduct and false accusations subjected Mr. Lewis to felony convictions and wrongful imprisonment before he was finally exonerated.

ANSWER: Defendant Mohammed objects to the terms "misconduct," "false accusations," and "wrongful imprisonment" 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.

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

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

144. As a result of the foregoing, Mr. Lewis has suffered physical and 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

145. 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.

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

147. 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. To the

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

148. Likewise, in the manner described more fully above, Defendants Philip J. Cline, Dana V. Starks, 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 of Mr. Lewis 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 term “misconduct” as argumentative, vague and undefined. Without waiver, this paragraph seeks no relief against Defendant Mohammed, and therefore he makes no answer thereto.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, this paragraph seeks no relief against Defendant Mohammed, and therefore he makes no answer thereto.

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, this paragraph seeks no relief against Defendant Mohammed, and therefore he makes no answer thereto.

151. Defendants’ misconduct directly resulted in the unjust criminal conviction of Plaintiff, denying him 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, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

152. 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. Lewis’s clear innocence.

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

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

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

154. 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.

155. 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. Lewis 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.

156. 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. Lewis, 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.

157. 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. Lewis endured.

ANSWER: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, this paragraph seeks no relief against Defendant Mohammed, and therefore he makes no answer thereto.

158. 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.

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

160. 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: Defendant Mohammed objects to the term "misconduct" as argumentative, vague and undefined. Without waiver, with regard to the "misconduct by its police officers," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: This paragraph seeks no relief against Defendant Mohammed, and

therefore he makes no answer thereto.

162. 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.

163. 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.

164. 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.

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

166. 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.

167. 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 “crew,” “abuse citizens with impunity” and “turned a blind eye” as argumentative, vague and undefined. Without waiver, and to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. The remainder of this paragraph seeks no relief against Defendant Mohammed, and therefore he makes no answer thereto.

168. 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.

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

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

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

171. 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 allegations contained in this paragraph.

172. Finnigan and his crew engaged in their misconduct at about the same time that Mr. Lewis 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, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

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

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

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

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

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

177. The same constitutionally-defective oversight system in place 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 allegations contained in this paragraph.

178. 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 allegations contained in this paragraph.

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

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

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

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

181. 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.

182. 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.

183. 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.

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

Count II: 42 U.S.C. § 1983 – Fourth Amendment Claim

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

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

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

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

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

190. 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: Defendant Mohammed objects to the terms "shocks consciousness," "deliberately and intentionally framed," "totally innocent" and "fabrication and suppression" as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

191. The 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 terms "misconduct," "total disregard of the truth," and "clear innocence" as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the allegations contained in this paragraph.

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

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

of the remaining allegations contained in this paragraph.

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

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

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

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

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

195. 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.

196. 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. To the

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

197. 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,” “objectively unreasonable,” “intentionally,” and “deliberate and reckless indifference of the rights of others” as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

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

ANSWER: Defendant Mohammed objects to the term “misconduct” as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them.

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

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

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

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

201. 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.

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

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

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

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

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

205. 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," "objectively unreasonable," "intentionally," "with reckless and deliberate indifference to the rights of others" and "total disregard of the truth" as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

ANSWER: Defendant Mohammed objects to the term "under color of law" on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver, Defendant Mohammed admits that he was employed by the City of Chicago as a police officer

at all times relevant to this Complaint and acted within the scope of his employment. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

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

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

Count V: Illinois Law – Malicious Prosecution

209. 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.

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

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

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

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

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

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

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

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

Count VI: Illinois Law – Intentional Infliction of Emotional Distress

214. 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.

215. 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: Defendant Mohammed objects to the terms “extreme and outrageous” and “abuse of power and authority” on the ground that it is vague, undefined and appears to state a legal conclusion. Without waiver, to the extent that such allegations purport to apply to him, Defendant Mohammed denies the allegations contained in this paragraph. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

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

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

Count VII: Illinois Law – Civil Conspiracy

218. 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.

219. 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 "as described more fully in the preceding paragraphs," Defendant Mohammed incorporates each of his answers to the pertinent preceding paragraphs. To the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

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

221. 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," "objectively unreasonable," "intentionally," "with reckless and deliberate indifference to the rights of others" and "total disregard of the truth" as argumentative, vague and undefined. Without waiver, to the extent that the allegations contained in this paragraph purport to apply to him, Defendant Mohammed denies them. Defendant Mohammed lacks sufficient knowledge upon which to form a belief as to the truth of the remaining allegations contained in this paragraph.

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

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

Count VIII: Illinois Law – *Respondeat Superior*

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

Count IX: Illinois Law – Indemnification

Count IX is not directed against Defendant Mohammed, and he therefore makes no

answer to this count.

RULE 12(b) DEFENSE

Plaintiff fails to state a claim in Count III of the Complaint (failure to intervene). The failure-to-intervene claim is an unwarranted attempt to impose vicarious liability upon Defendant Mohammed for the acts of other persons, in contravention of well-established principles of liability applicable to state and federal actors., *Ashcroft v. Iqbal*, 556 U.S. 662, 676–77 (2009); *Monell v. New York City Department of Social Services*, 436 U.S. 658 (1978); *Vance v. Rumsfeld*, 701 F. 3d 193, 203-05 (7th Cir. 2011); *see also Mwangangi v. Nielsen*, 48 F.4th 816, 2022 U.S. App. LEXIS 25875 at *42 (7th Cir. 2022) (Easterbrook, J, concurring)(citing *DeShaney v. Winnebago Co. Dept. of Social Services*, 489 U.S. 189 (1989): (“...our Constitution establishes negative liberties – the right to be free of official misconduct – rather than positive rights to have public employees protect private interests.”). Accordingly, Count III should be dismissed.

AFFIRMATIVE DEFENSES

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

2. To the extent Defendant Mohammed was in fact involved in Plaintiff’s arrests at issue, Defendant Mohammed is not liable for his individual participation in the arrests because, as

a public employee, his actions were discretionary, and he is immune from liability. 745 ILCS 10/2-201. As a result, the City of Chicago is also not liable to Plaintiff. 745 ILCS 10/2-109.

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

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

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

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

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

WHEREFORE, Defendant, Kallatt Mohammed, denies that Plaintiff Derrick Lewis is

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

JURY DEMAND

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

Respectfully submitted,

/s/ Eric S. Palles #2136473
Special Assistant Corporation Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2024, 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/ Eric S. Palles
Special Assistant Corporation Counsel
One of the attorneys for Kallatt Mohammed