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

JERMAINE COLEMAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 19 CV 02346
	)	
CITY OF CHICAGO *et al.*,	)	
	)	
Defendants.	)	

DEFENDANT KALLATT MOHAMMED'S UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Kallatt Mohammed ("Mohammed"), by and through one of his attorneys, Special Assistant Corporation Counsel Sean M. Sullivan of Mohan Groble Scolaro, P.C., pursuant to Federal Rule of Civil Procedure 15, moves this Court for leave to file his Amended Answer to Plaintiff's Complaint. In support, Mohammed states as follows:

1. Plaintiff filed his Complaint on April 7, 2019, alleging that he suffered injuries and damages as a result of the Defendant Officers' and City of Chicago's acts and omissions. Dkt. 1.

2. On May 19, 2021, Defendant Mohammed filed his Answer to Plaintiff's Complaint. Dkt. 29. In response to certain of the allegations contained in the Complaint, Mohammed asserted his Fifth Amendment privilege against self-incrimination. Defendant Mohammed now seeks to amend his Answer, withdrawing his Fifth Amendment invocation.

3. Subsequent investigation of Plaintiff's allegations revealed information that resulted in the determination that the privilege could, and should, be withdrawn. Specifically, Mohammed will deny certain allegations related to his involvement in the incidents described by Plaintiff in his Complaint.

4. Under Federal Rule of Civil Procedure 15, the court should freely grant leave to amend "when justice so requires." While leave to amend is not as a matter of course, the permissive policy of the Rule is both explicit and consistent with the animating purpose to ensure that cases be decided on their merits. Accordingly, a motion for leave to amend should be granted "in the absence of undue delay, undue prejudice to the party opposing the motion, or futility of the amendment." *Eastern Natural Gas Corp. v. ALCOA*, 126 F.3d 996, 999 (7th Cir. 1997). The most significant factor is the potential prejudice to plaintiff if the amendment is allowed. *Am. Hardware Mfrs. Ass'n v. Reed Elsevier, Inc.*, No. 03 C 9241, 2006 U.S. Dist. LEXIS 49220, *6 (N.D.Ill., July 6, 2006). In the instant case, there is none.

5. Plaintiff will not be prejudiced if this Court grants Defendant Mohammed leave to file his Amended Answer. Counsel for Plaintiff has advised counsel for Mohammed that Plaintiff does not oppose this motion.

6. Defendant Mohammed is willing to surrender his Fifth Amendment privilege and will not be asserting his privilege at trial.

WHEREFORE, Defendant, Kallatt Mohammed, moves this Court for leave to file his Amended Answer to Plaintiff's Complaint.

Respectfully submitted,

/s/ Sean M. Sullivan
SEAN M. SULLIVAN
Special Assistant Corporation Counsel

Eric S. Palles
Sean M. Sullivan
Yelyzaveta (Lisa) Altukhova
Mohan Groble Scolaro, P.C.
55 W. Monroe St., Suite 1600
Chicago, IL 60603
(312) 422-9999
epalles@mohangroble.com
ssullivan@mohangroble.com
laltukhova@mohangroble.com
Counsel for Defendant Kallatt Mohammed