

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

GERMIN SIMS and ROBERT LINDSEY,)
Plaintiffs,)
v.) No. 19 CV 02347
CITY OF CHICAGO, RONALD WATTS,)
PHILLIP CLINE, DEBRA KIRBY, BRIAN)
BOLTON, ROBERT GONZALEZ, ALVIN)
JONES, MANUEL LEANO, KALLATT)
MOHAMMED, DOUGLAS NICHOLS JR.,)
And ELSWORTH SMITH JR.,)
Defendants.)

**DEFENDANT KALLATT MOHAMMED'S MOTION FOR LEAVE TO FILE
AMENDED ANSWER TO PLAINTIFFS' COMPLAINT (UNOPPOSED)**

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

1. Plaintiffs filed their Complaint on April 7, 2019, alleging that they suffered injuries and damages as a result of the Defendant Officers' and City of Chicago's acts and omissions. Dkt. 1.
2. On November 21, 2019, in a deposition in the Watts Coordinated Proceedings, Mohammed asserted his privilege against self-incrimination to questions involving the underlying arrest and prosecution.
3. On April 21, 2021, Defendant Mohammed filed his Answer to Plaintiffs' Complaint. Dkt. 32. 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.

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revealed information that resulted in the undersigned counsel's determination that the privilege could, and should, be withdrawn.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

5. 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.

6. Defendant Mohammed will not be asserting his privilege at trial. Accordingly he is willing to surrender his Fifth Amendment privilege and to submit to a second deposition relating to this case.

7. Plaintiffs will not be prejudiced if this Court grants Defendant Mohammed leave to file his Amended Answer. After consultation, Plaintiffs' counsel has stated he does not oppose this Motion.

WHEREFORE, Defendant, Kallatt Mohammed, moves this Court for leave to file his Amended Answer to Plaintiffs' Complaint instanter in the form attached hereto as Exhibit 1.

Respectfully submitted,

/s/ Eric S. Palles #2136473

ERIC S. PALLES

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