

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

Theresa Kennedy, Santiago Bravo, and John Plummer, individually and for others similarly situated,

Plaintiffs,

v.

City of Chicago,

Defendant.

Case No. 20-cv-1440

Hon. Thomas M. Durkin

**DEFENDANT'S ANSWER TO PLAINTIFFS'
AMENDMENT TO AMENDED COMPLAINT**

Defendant City of Chicago ("City"), by and through its undersigned counsel, answers Plaintiffs Theresa Kennedy, Santiago Bravo, and John Plummer's Amendment to Amended Complaint, (Dkt. 163),¹ as follows:

2a. Plaintiffs Santiago Bravo and John Plummer are residents of the Northern District of Illinois.

ANSWER: The City lacks sufficient knowledge or information to either admit or deny the truth of the allegations in this paragraph, and on that basis, denies the allegations, leaving Plaintiffs to their proof.

15a. Plaintiffs Bravo and Plummer were subject to an unconstitutional detention because of the municipal policy described in paragraphs 6-13 of the amended complaint: Bravo was not permitted to post bond at the police station because he had been arrested on a warrant issued by a court sitting in Cook County but outside of the First Municipal District; Plummer was not permitted to post bond at the police station because he was arrested on a Sunday.

¹ Despite being granted leave to file a "second amended complaint," (Dkt. 164, Aug. 16, 2023 Min. Order), Plaintiffs instead filed an "Amendment to Amended Complaint," (Dkt. 163), which includes disparate allegations regarding Plaintiffs Bravo and Plummer that should have been incorporated directly into one pleading. The Amended Complaint to which the "amendment" applies still contains allegations regarding ten previously-dismissed plaintiffs that are no longer parties to this case. (Dkt. 56.) Plaintiffs should be ordered to file a single, unitary pleading to avoid needless inefficiencies throughout the remainder of this litigation.

ANSWER: The City denies the allegations in this paragraph.

87. Plaintiff Santiago Bravo was arrested by Chicago police officers on Tuesday [*sic*], November 20, 2022 at about 12:28 P.M. The Chicago Police Department created a record of the arrest as CB number 30195155.

ANSWER: The City admits Bravo was arrested on Sunday (not Tuesday), November 20, 2022, and admits the remaining allegations in this paragraph.

88. Chicago police officers determined that plaintiff Bravo was the subject of an outstanding warrant issued by a judge of the Second Municipal District and applied the above-described municipal policy to prevent Bravo from posting the cash bond that had been set on the warrant even though Bravo was able to pay that bond.

ANSWER: The City admits Chicago Police Officers determined Plaintiff Bravo had an active arrest warrant. The City denies the remaining allegations in this paragraph.

89. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Bravo overnight at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2650 South California Avenue, Chicago, Illinois.

ANSWER: The City admits Plaintiff Bravo was held overnight at the police station and transported to Central Bond Court the following morning. The City denies the remaining allegations in this paragraph.

90. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Bravo an identification number of 20221121039.

ANSWER: The City lacks sufficient knowledge or information to either admit or deny the truth of the allegations in this paragraph, and on that basis, denies the allegations, leaving Plaintiffs to their proof.

91. Employees of the Cook County Sheriff presented Bravo to a Judge on November 21, 2022, and the Judge permitted Bravo’s mother to post the bond that had been set on the warrant. Bravo’s mother had been ready, willing, and able to have posted the bond at the police station on November 20, 2022. Bravo was released in the late afternoon or early evening of November 22, 2022.

ANSWER: The City lacks sufficient knowledge or information to either admit or deny the truth of the allegations in this paragraph, and on that basis, denies the allegations, leaving Plaintiffs to their proof.

92. Plaintiff John Plummer was arrested by Chicago police officers on Sunday, June 19, 2022 at about 7:10 P.M. The Chicago Police Department created a record of the arrest as CB number 30147293.

ANSWER: The City admits the allegations in this paragraph.

93. Chicago police officers determined that plaintiff Plummer was the subject of an outstanding warrant issued by a judge of the First Municipal District and applied the above-described municipal policy to prevent Plummer from posting the cash bond that had been set on the warrant even though Plummer was able to pay that bond.

ANSWER: The City admits Chicago Police Officers determined Plaintiff Plummer had an active arrest warrant. The City denies the remaining allegations in this paragraph.

94. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Plummer overnight at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2650 South California Avenue, Chicago, Illinois.

ANSWER: The City admits Plaintiff Plummer was held overnight at the police station and transported to Central Bond Court the following morning. The City denies the remaining allegations in this paragraph.

95. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Plummer an identification number of 20220620010.

ANSWER: The City lacks sufficient knowledge or information to either admit or deny the truth of the allegations in this paragraph, and on that basis, denies the allegations, leaving Plaintiffs to their proof.

96. Employees of the Cook County Sheriff presented Plummer to a Judge on June 20, 2022, and the Judge permitted Plummer’s fiance to post the bond that had been set on the warrant. Plummer’s fiance had been ready, willing, and able to have posted the bond at the police station on June 19, 2022. Plummer was released in the late afternoon or early evening of June 20, 2022.

ANSWER: The City lacks sufficient knowledge or information to either admit or deny the truth of the allegations in this paragraph, and on that basis, denies the allegations, leaving Plaintiffs to their proof.

AFFIRMATIVE DEFENSES AND JURY DEMAND

1. The City cannot be held liable for punitive or exemplary damages in any action under either federal or state law. *City of Newport v. Fact Concerts, Inc.*, 435 U.S. 247 (1981); 745 ILCS 10/2-102.

2. The City is not liable for any injury caused by the act or omission of another person. 745 ILCS 10/2-204; 745 ILCS 10/2-109.

3. At all relevant times, the City's policies regarding bonding out individuals arrested on warrants were mandated by Illinois state law, the Illinois Supreme Court Rules, and/or orders implemented by the Circuit Court of Cook County, including, but not limited to, Circuit Court of Cook County General Administrative Order 2015-06.

4. At all relevant times, any alleged delays in transporting individuals arrested on warrants to appear in Central Bond Court were justifiable administrative delays in processing arrestees, arising from "practical realities" such as "unavoidable delays in transporting arrested persons from one facility to another" or "handling late-night bookings where no magistrate is readily available," none of which violate the Fourth Amendment. *Chortek v. City of Milwaukee*, 356 F.3d 740, 748 (7th Cir. 2004) (quoting *Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991)).

JURY DEMAND

The City hereby demands a trial by jury on all issues so triable.

Dated: September 7, 2023

Respectfully submitted,

CITY OF CHICAGO

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