

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

Anthony Murdock,)	
)	Case No. 2020 C 01440
Plaintiff,)	
v.)	
)	
City of Chicago,)	
Defendant.)	
)	

**DEFENDANT’S ANSWER TO COMPLAINT,
AFFIRMATIVE DEFENSES AND JURY DEMAND**

Defendant City of Chicago, by and through its attorney, Mark A. Flessner, Corporation Counsel of the City of Chicago, for its Answer to Plaintiff’s Complaint, Affirmative Defenses, and Jury Demand, states as follows.

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343.

ANSWER: Defendant admits the allegations contained in this paragraph.

2. Plaintiff Anthony Murdock is a resident of the Northern District of Illinois.

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

3. Defendant City of Chicago is an Illinois municipal corporation.

ANSWER: Defendant admits the allegations contained in this paragraph.

4. At all times relevant, the City of Chicago has enforced a written policy which requires, inter alia, that any person arrested on Saturday, Sunday, or a court holiday on a warrant (for which a judge had set an amount of bond) must appear before a judge of the Circuit Court of Cook County before being permitted to post bond.

ANSWER: Defendant admits that Defendant has maintained a written policy which requires that any person arrested on a Saturday, Sunday or court holiday on a warrant must appear before

a judge of the Circuit Court of Cook County before being permitted to post bond. Defendant denies that this policy served to injure Plaintiff.

5. Application of this policy means that a person arrested on a warrant on a Saturday, Sunday, or court holiday must remain at a police station until he (or she) is transferred to the custody of the Cook County Sheriff to appear before a judge and then permitted to post the bond that had been set when a judge signed the warrant.

ANSWER: Defendant admits that application of this policy means that a person arrested on a warrant on a Saturday, Sunday, or court holiday must remain at a police station until he or she is transferred to the custody of the Cook County Sheriff to appear before a judge. Defendant lacks knowledge sufficient to form a belief as to the truth of the remainder of the allegations in this paragraph.

6. Plaintiff was stopped for a traffic offense in the early morning hours of September 29, 2018 and then held by Chicago Police Officers under color of a warrant that had been issued by a state court in DuPage County.

ANSWER: Defendant admits the allegations contained in this paragraph.

7. Following his arrest, Chicago police officers applied the above described policy to plaintiff and required him to be held at the police station, transported to bond court the next morning, and held in custody until he appeared before a judge and was then permitted to post the bond that had been set on the warrant.

ANSWER: Defendant admits that Chicago police officers arrested Plaintiff and required him to be held at a police station before being transported to bond court. Defendant denies that Plaintiff was transported to bond court “the next morning” following his arrest. Defendant further denies that Plaintiff was detained solely due to the above-described policy. Defendant lacks knowledge sufficient to form a belief as to the truth of the remainder of the allegations in this paragraph.

8. Plaintiff brings this case individually and for all persons who, on and after February 27, 2018,

- (a) were detained by police officers of the City of Chicago on a Saturday, Sunday, or court holiday on a warrant for which the judge had set an amount of cash bail,
- (b) were not permitted to post bond at the police station,
- (c) and were released after an appearance before a judge of the Circuit Court of Cook County without being held at the Cook County Jail.

ANSWER: Defendant admits that Plaintiff purports to bring this action on behalf of himself and others, but denies that this action is suitable as a class action.

9. The proposed class consists of more than 500 persons, whose identity can be ascertained from records maintained by defendant City of Chicago and by the Sheriff of Cook County.

ANSWER: Defendant denies that this action is suitable as a class action. Defendant lacks knowledge sufficient to form a belief as to the truth of the remainder of the allegations in this paragraph.

10. The proposed class satisfies each of the requirements of Rule 23(a) and certification is appropriate under Rule 23(b)(3).

ANSWER: Defendant denies the allegations contained in this paragraph.

11. Plaintiff hereby demands trial by jury.

ANSWER: Defendant admits that Plaintiff demands a trial by jury and also demands a trial by jury on all issues so triable.

AFFIRMATIVE DEFENSES

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

2. Defendant City is not liable for any injury caused by the act or omission of another person. 745 ILCS 10/2-204 (West 2010); 745 ILCS 10/2-109 (West 2010).

3. At all times relevant, Defendant City's policies regarding bonding out people 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.

JURY DEMAND

Defendant City of Chicago demands a trial by jury on all issues so triable.

Dated: August 7, 2020

Respectfully submitted,

CITY OF CHICAGO
MARK A. FLESSNER
CORPORATION COUNSEL

By: /s/ Bret A. Kabacinski
Bret A. Kabacinski
Assistant Corporation Counsel

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NOTICE OF FILING AND CERTIFICATE OF SERVICE

KENNETH N. FLAXMAN
JOEL A. FLAXMAN
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200

PLEASE TAKE NOTICE that on this 7th Day of August, 2020, I have caused to be e-filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division **DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT, AFFIRMATIVE DEFENSES AND JURY DEMAND**, a copy of which is herewith served upon you.

I hereby certify that I have served this notice and the attached document by causing it to be delivered by electronic means to the person named above at the address shown this 7th Day of August, 2020

/s/Bret A. Kabacinski
Bret A. Kabacinski
Assistant Corporation Counsel