

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

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| ANTHONY MURDOCK, ANDREW CRUZ     | ) |                           |
| JOHONEST FISCHER, MAURICE GRANT, | ) | CASE NO. 2020 CV 01440    |
| THERESA KENNEDY, CHAWAN LOWE,    | ) |                           |
| JAMES MCGEE, BRIAN NEALS,        | ) | Honorable Judge Feinerman |
| MYRON NELSON, JOHN PERRY, AND    | ) |                           |
| DUWAYNE RICHARDSON               | ) |                           |
|                                  | ) |                           |
| PLAINTIFFS,                      | ) |                           |
|                                  | ) |                           |
| v.                               | ) |                           |
|                                  | ) |                           |
| CITY OF CHICAGO,                 | ) |                           |
|                                  | ) |                           |
| Defendant.                       | ) |                           |

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

Defendant City of Chicago (the “City”), by and through its attorney, Celia Meza, Corporation Counsel of the City of Chicago, for its Answer to Plaintiff’s Amended Complaint (“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: The City admits the allegations contained in this paragraph.**

2. Plaintiffs Anthony Murdock, Andrew Cruz, Johonest Fischer, Maurice Grant, Theresa Kennedy, Chawan Lowe, James McGee, Brian Neals, Myron Nelson, and John Perry are residents of the Northern District of Illinois.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

3. Plaintiff Duwayne Richardson is a resident of the Northern District of Indiana.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

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

**ANSWER: The City admits the allegations contained in this paragraph.**

5. At all times relevant, the City of Chicago has enforced a written policy set out in Chicago Police Department “Special Order S06-12-02.” Plaintiffs attach as Exhibit 1 the version that was in force in September of 2018 and, as Exhibit 2, the version in force on and after August 26, 2019.

**ANSWER: The City admits that it has maintained a written policy entitled, in part, “Special Order S06-12-02,” and that the exhibits attached as Exhibits 1 and 2 are versions of said order that were in effect on the given dates. Defendant denies that this policy served to injure Plaintiffs.**

6. Special Order S06-12-02 is entitled “Non-Traffic Arrest Warrant Procedures.” (Exhibit 1 at 1.) Section IV of the Rule, “Processing Persons Arrested on Warrants” (Exhibit 1 at 3), applies to all persons detained on a warrant. Relevant to this case is Section IV.B.3 which at all times relevant has provided as follows:

B. The station supervisor will ensure that:

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3. The following will be transported to Central Bond Count:

(a) all persons arrested on a warrant [issued] outside of the First Municipal District ...

\*\*\*

(c) all persons arrested on all warrants on Saturday, Sunday, and Court Holidays.

(Ex. 1 at 4; Ex. 2 at 5.)

**ANSWER: The City admits the quoted language contained in paragraph 6 is contained in Special Order S06-12-02.**

7. “Central Bond Court” is located at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits the allegations contained in this paragraph.**

8. The “First Municipal District” consists of courts of the Circuit Court of Cook County that are located within the City of Chicago.

**ANSWER: The City admits the allegations contained in this paragraph.**

9. The written policy requires that any person arrested in the City of Chicago on a warrant issued outside of the City of Chicago and any person arrested on a warrant on Saturday, Sunday, or a court holiday may not post bond at the police station, even when the judge who issued the warrant determined the amount of bond and the arrestee is able to post bond. The written policy requires that all such arrestees will be held at a police station and transferred the next morning to the Sheriff of Cook County, who will present the arrestee to a judge of the Circuit Court of Cook County.

**ANSWER: The City admits that its written policy 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 Plaintiffs.**

10. Application of this policy means that a person arrested on a warrant on a Saturday, Sunday, or court holiday or a person arrested on a warrant issued by a judge outside of the City of Chicago must remain at a police station until the arrestee is transferred

to the custody of the Cook County Sheriff to appear before a judge who will then permit the arrestee to post the bond that had been set by the judge who 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.**

11. Under the policy, when a person is arrested on a weekday that is not a court holiday on a warrant issued in Chicago, the arrestee is permitted to post bond at the police station and be released immediately.

**ANSWER: Defendant denies that the allegations contained in paragraph 11 fully and accurately depict a written policy of the Chicago Police Department and therefore denies this paragraph in its entirety.**

12. Unlike plaintiffs and others similarly situated, arrestees in this group are not subjected to the extended detention that results from defendant's express policy. Plaintiffs in this case, acting individually and for others similarly situated, challenge this municipal policy as violative of the Fourth and Fourteenth Amendments because it results in an unreasonable duration of post-arrest detention and imposes an invidious and irrational discrimination.

**ANSWER: The City denies the allegations contained in this paragraph.**

13. Plaintiffs bring 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 warrant for which a judge had set an amount of cash bail,

(b) were not permitted to post bail at the police station pursuant to the explicit policies set out in Section IV.B.3(a) or IV.B.3(c) of Chicago Police Department Special Order S06-12-02, and

(c) were released by posting bail after an appearance before a judge of the Circuit Court of Cook County without being held at the Cook County Jail.

**ANSWER: The City admits the Plaintiff purports to bring this case individually and for all persons fitting the criteria outlined above.**

14. The proposed class consists of more than two thousand five hundred persons, whose identity can be ascertained from records maintained by defendant City of Chicago and by the Sheriff of Cook County, and who present common questions of law and fact.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph.**

15. Plaintiffs Murdock, Cruz, Fischer, Grant, Kennedy, Lowe, McGee, Neals, Nelson, Perry, and Duwayne Richardson (the “named plaintiffs”) have each been subject to an unconstitutional detention because of the above described municipal policy.

**ANSWER: The City denies the allegations contained in this paragraph.**

16. The claims of the named plaintiffs are typical of those asserted for the proposed class.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in this paragraph.**

17. Plaintiff Murdock was stopped by Chicago police officers for a traffic offense at about 3:15 a.m. on Saturday, September 29, 2018. Plaintiff Murdock produced his valid Illinois driver’s license and the officers detained plaintiff while they checked for outstanding warrants. Plaintiffs do not raise any challenge to detention while police officers conduct a warrant check.

**ANSWER: The City admits the allegations contained in this paragraph.**

18. The check turned up a warrant from DuPage County that had been issued when plaintiff Murdock failed to appear in a minor traffic case. The judge who issued the warrant set bond at \$3,000, meaning that plaintiff could be released upon posting 10% of that amount, or \$300.

**ANSWER: The City admits the check revealed a warrant from DuPage County that was issued when plaintiff Murdock failed to appear in a traffic case. The City further admits that Plaintiff's bond was set at \$3,000, meaning that plaintiff could be released upon posting 10% of that amount, equaling \$300. The City lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in this paragraph.**

19. Plaintiff Murdock was then taken to the 15th district police station, where a Chicago police officer verified the warrant.

**ANSWER: The City admits the allegations contained in this paragraph.**

20. Following his arrest, Chicago police officers applied the above-described policy to plaintiff and did not permit plaintiff or his girlfriend, who was present during the traffic stop, to post the cash bond that had been set on the warrant. Instead, acting pursuant to the above-described policy, Chicago police officers held plaintiff Murdock at the police station until he was transported the next morning to "Central Bond Court" at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**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.**

21. Plaintiff Murdock appeared before a judge on September 29, 2018 and was then permitted to post the bond that had been set on the warrant; plaintiff was released from custody at about one p.m. on September 29, 2018.

**ANSWER: The City admits the allegations contained in this paragraph.**

22. Plaintiff Andrew Cruz was arrested by Chicago police officers on Tuesday, June 18, 2019 at about 7:30 P.M. The Chicago Police Department created a record of the arrest as CB number 19827339.

**ANSWER: The City admits the allegations contained in this paragraph.**

23. Chicago police officers determined that plaintiff Cruz was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Cruz from posting the cash bond that had been set on the warrant even though Cruz was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Cruz had an active warrant. The City denies the remaining allegations contained in this paragraph.**

24. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Cruz at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Cruz to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

25. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Cruz an identification number of 20190619036.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

26. Employees of the Cook County Sheriff presented Cruz to a Judge on June 19, 2019, and the Judge permitted Cruz to post the bond that had been set on the warrant. Cruz was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

27. Plaintiff Johonest Fischer was arrested by Chicago police officers on Friday, March 1, 2019 at about 11:54 P.M. The Chicago Police Department created a record of the arrest as CB number 19775610.

**ANSWER: The City admits the allegations contained in this paragraph.**

28. Chicago police officers determined that plaintiff Fischer was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Fischer from posting the cash bond that had been set on the warrant even though Fischer was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Fischer had an active warrant. The City denies the remaining allegations contained in this paragraph.**



29. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Fischer at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Fischer to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

30. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Fischer an identification number of 20190302090.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

31. Employees of the Cook County Sheriff presented Fischer to a Judge on March 2, 2019, and the Judge permitted Fischer to post the bond that had been set on the warrant. Fischer was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

32. Plaintiff Johonest Fischer was arrested by Chicago police officers on Monday, September 10, 2018 at about 2:02 P.M. The Chicago Police Department created a record of the arrest as CB number 19700996.

**ANSWER: The City admits the allegations contained in this paragraph.**

33. Chicago police officers determined that plaintiff Fischer was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Fischer

from posting the cash bond that had been set on the warrant even though Fischer was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Fischer had an active warrant. The City denies the remaining allegations contained in this paragraph.**

34. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Fischer at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Fischer to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

35. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Fischer an identification number of 20180911162.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

36. Employees of the Cook County Sheriff presented Fischer to a Judge on September 11, 2018, and the Judge permitted Fischer to post the bond that had been set on the warrant. Fischer was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

37. Plaintiff Maurice Grant was arrested by Chicago police officers on Wednesday, March 13, 2019 at about 7:53 P.M. The Chicago Police Department created a record of the arrest as CB number 19780934.

**ANSWER: The City admits the allegations contained in this paragraph.**

38. Chicago police officers determined that plaintiff Grant was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Grant from posting the cash bond that had been set on the warrant even though Grant was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Grant had an active warrant. The City denies the remaining allegations contained in this paragraph.**

39. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Grant at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Grant to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

40. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Grant an identification number of 20190314094.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

41. Employees of the Cook County Sheriff presented Grant to a Judge on March 14, 2019, and the Judge permitted Grant to post the bond that had been set on the warrant. Grant was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

42. Plaintiff Theresa Kennedy was arrested by Chicago police officers on Saturday, April 27, 2019 at about 9:40 P.M. The Chicago Police Department created a record of the arrest as CB number 19802324.

**ANSWER: The City admits the allegations contained in this paragraph.**

43. Chicago police officers determined that plaintiff Kennedy was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Kennedy from posting the cash bond that had been set on the warrant even though Kennedy was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Kennedy had an active warrant. The City denies the remaining allegations contained in this paragraph.**

44. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Kennedy at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Kennedy to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

45. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Kennedy an identification number of 20190428073.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

46. Employees of the Cook County Sheriff presented Kennedy to a Judge on April 28, 2019, and the Judge permitted Kennedy to post the bond that had been set on the warrant. Kennedy was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

47. Plaintiff Chawan Lowe was arrested by Chicago police officers on Monday, January 21, 2019 at about 3:55 P.M. The Chicago Police Department created a record of the arrest as CB number 19758994.

**ANSWER: The City admits the allegations contained in this paragraph.**

48. Chicago police officers determined that plaintiff Lowe was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Lowe from posting the cash bond that had been set on the warrant even though Lowe was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined Plaintiff Lowe had an active warrant. The City denies the remaining allegations contained in this paragraph.**

49. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Lowe at the police station until he was transported to “Central Bond Court” at

the George N. Leighton Criminal Court Building, 2600 South California Avenue,  
Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Lowe to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

50. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Lowe an identification number of 20190122107.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

51. Employees of the Cook County Sheriff presented Lowe to a Judge on January 22, 2019, and the Judge permitted Lowe to post the bond that had been set on the warrant. Lowe was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

52. Plaintiff James McGee was arrested by Chicago police officers on Saturday, September 14, 2019 at about 5:56 P.M. The Chicago Police Department created a record of the arrest as CB number 19870092.

**ANSWER: The City admits the allegations contained in this paragraph.**

53. Chicago police officers determined that plaintiff McGee was the subject of an outstanding warrant and applied the above-described municipal policy to prevent McGee from posting the cash bond that had been set on the warrant even though McGee was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff McGee had an active warrant. The City denies the remaining allegations contained in this paragraph.**

54. Acting pursuant to the above-described policy, Chicago police officers held plaintiff McGee at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff McGee to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

55. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff McGee an identification number of 20190915051.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

56. Employees of the Cook County Sheriff presented McGee to a Judge on September 15, 2019, and the Judge permitted McGee to post the bond that had been set on the warrant. McGee was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

57. Plaintiff James McGee was arrested by Chicago police officers on Friday, January 24, 2020 at about 3:36 P.M. The Chicago Police Department created a record of the arrest as CB number 19927762.

**ANSWER: The City admits the allegations contained in this paragraph.**

58. Chicago police officers determined that plaintiff McGee was the subject of an outstanding warrant and applied the above-described municipal policy to prevent McGee from posting the cash bond that had been set on the warrant even though McGee was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff McGee had an active warrant. The City denies the remaining allegations contained in this paragraph.**

59. Acting pursuant to the above-described policy, Chicago police officers held plaintiff McGee at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff McGee to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

60. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff McGee an identification number of 20200125009.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

61. Employees of the Cook County Sheriff presented McGee to a Judge on January 26, 2020, and the Judge permitted McGee to post the bond that had been set on the warrant. McGee was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**



62. Plaintiff Brian Neals was arrested by Chicago police officers on Sunday, July 21, 2019 at about 9:42 A.M. The Chicago Police Department created a record of the arrest as CB number 19843318.

**ANSWER: The City admits the allegations contained in this paragraph.**

63. Chicago police officers determined that plaintiff Neals was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Neals from posting the cash bond that had been set on the warrant even though Neals was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Neals had an active warrant. The City denies the remaining allegations contained in this paragraph.**

64. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Neals at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Neals to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

65. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Neals an identification number of 20190722049.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

66. Employees of the Cook County Sheriff presented Neals to a Judge on July 22, 2019, and the Judge permitted Neals to post the bond that had been set on the warrant. Neals was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

67. Plaintiff Myron Nelson was arrested by Chicago police officers on Sunday, May 19, 2019 at about 5:50 P.M. The Chicago Police Department created a record of the arrest as CB number 19812606.

**ANSWER: The City admits the allegations contained in this paragraph.**

68. Chicago police officers determined that plaintiff Nelson was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Nelson from posting the cash bond that had been set on the warrant even though Nelson was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Nelson had an active warrant. The City denies the remaining allegations contained in this paragraph.**

69. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Nelson at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Nelson to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

70. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Nelson an identification number of 20190520034.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

71. Employees of the Cook County Sheriff presented Nelson to a Judge on May 20, 2019, and the Judge permitted Nelson to post the bond that had been set on the warrant. Nelson was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

72. Plaintiff John Perry was arrested by Chicago police officers on Thursday, November 16, 2028 [sic] at about 1:25 P.M. The Chicago Police Department created a record of the arrest as CB number 19730858.

**ANSWER: The City denies that Plaintiff Perry was arrested on November 16, 2028. The City admits that Plaintiff Perry was arrested on November 16, 2018, at about 1:25 p.m., under the CB number 19730858.**

73. Chicago police officers determined that plaintiff Perry was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Perry from posting the cash bond that had been set on the warrant even though Perry was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Perry had an active warrant. The City denies the remaining allegations contained in this paragraph.**

74. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Perry at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Perry to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

75. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Perry an identification number of 20181117191.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

76. Employees of the Cook County Sheriff presented Perry to a Judge on November 17, 2018, and the Judge permitted Perry to post the bond that had been set on the warrant. Perry was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

77. Plaintiff John Perry was arrested by Chicago police officers on Thursday, November 14, 2019 at about 4:08 P.M. The Chicago Police Department created a record of the arrest as CB number 19897378.

**ANSWER: The City admits the allegations contained in this paragraph.**

78. Chicago police officers determined that plaintiff Perry was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Perry

from posting the cash bond that had been set on the warrant even though Perry was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Perry had an active warrant. The City denies the remaining allegations contained in this paragraph.**

79. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Perry at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Perry to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

80. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Perry an identification number of 20191115013.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

81. Employees of the Cook County Sheriff presented Perry to a Judge on November 15, 2019, and the Judge permitted Perry to post the bond that had been set on the warrant. Perry was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

82. Plaintiff Duwayne Richardson was arrested by Chicago police officers on Sunday, August 18, 2019 at about 10:40 P.M. The Chicago Police Department created a record of the arrest as CB number 19857107.

**ANSWER: The City admits the allegations contained in this paragraph.**

83. Chicago police officers determined that plaintiff Richardson was the subject of an outstanding warrant and applied the above-described municipal policy to prevent Richardson from posting the cash bond that had been set on the warrant even though Richardson was able to pay that bond.

**ANSWER: The City admits that Chicago police officers determined that Plaintiff Richardson had an active warrant. The City denies the remaining allegations contained in this paragraph.**

84. Acting pursuant to the above-described policy, Chicago police officers held plaintiff Richardson at the police station until he was transported to “Central Bond Court” at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois.

**ANSWER: The City admits that Chicago police officers required Plaintiff Richardson to be held at a police station before being transported to bond court. The City denies that Plaintiff was detained solely due to the above-described policy.**

85. At Central Bond Court, employees of the Cook County Sheriff assigned plaintiff Richardson an identification number of 20190819091.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

86. Employees of the Cook County Sheriff presented Richardson to a Judge on August 19, 2019, and the Judge permitted Richardson to post the bond that had been set on the warrant. Richardson was released later that day.

**ANSWER: The City lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.**

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

**ANSWER: The City denies the allegations contained in this paragraph.**

82. Plaintiffs hereby demand trial by jury.

**ANSWER: The City 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: May 18, 2021

Respectfully submitted,

CITY OF CHICAGO  
CELIA MEZA  
CORPORATION COUNSEL

By: Stephanie A. Sotomayor  
Stephanie A. Sotomayor  
Assistant Corporation Counsel

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