

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

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|---------------------------------|---|------------------------------------|
| LAMONT TRENT, |) | |
| |) | Case No. 20 C 06217 |
| Plaintiff, |) | |
| |) | Honorable Judge Charles P. Kocoras |
| v. |) | |
| |) | Magistrate Judge Sunil R. Harjani |
| CITY OF CHICAGO, RYAN GALIARDO, |) | |
| AND KHALED HASAN, |) | |
| |) | Jury Demanded |
| Defendants. |) | |

**DEFENDANTS GALIARDO AND HASAN’S ANSWER TO PLAINTIFF’S
COMPLAINT, AFFIRMATIVE DEFENSES, AND JURY DEMAND**

Defendants, Ryan Galiardo (“Defendant Galiardo”) and Khaled Hasan (“Defendant Hasan”), together as “Defendants,” by and through one of their attorneys, Elizabeth Hanford, Assistant Corporation Counsel, submit their Answer to Plaintiff’s Complaint, Affirmative Defenses, and Jury Demand, and state as follows:

COMPLAINT

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 and §1367.

ANSWER: Defendants admit plaintiff purports to bring this action under 42 U.S.C. § 1983 and that jurisdiction is proper.

2. Plaintiff Lamont Trent is a resident of the Northern District of Illinois.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph.

3. Defendants Ryan Galiardo and Khaled Hasan (“officer defendants”) were, at all relevant times, acting under color of their offices at Chicago police officers; each is sued in his individual capacity only.

ANSWER: Defendants admit the allegations contained in this paragraph.

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

ANSWER: Defendants admit the allegation contained in this paragraph.

5. On February 4, 2019, the officer defendants stopped a motor vehicle in which plaintiff was a passenger in the vicinity of South Karlov Avenue and West Wilcox Street in Chicago.

ANSWER: Defendants admit the allegations contained in this paragraph.

6. The officer defendants had not observed the driver of the vehicle commit any criminal or traffic offense and the officer defendants did not possess any information that could have provided a lawful justification for stopping the vehicle.

ANSWER: Defendants deny the allegations contained in this paragraph.

7. After stopping the vehicle, defendant Galiardo told the driver that the officers stopped him for failing to properly use his turn signal.

ANSWER: Defendant Galiardo admits the allegations contained in this paragraph. Upon information and belief, Defendant Hasan admits the allegations contained in this paragraph.

8. Video recorded inside the officer defendants' police car shows that the driver properly and lawfully used his turn signal.

ANSWER: Defendants deny that the allegations contained in this paragraph truly and accurately characterize the events as they were known to the Defendants at the time, but admit the video recorded inside of Defendants' police car shows that the driver used a turn signal.

9. The officer defendants later claimed in official police reports that they had stopped the vehicle because of a stop sign violation.

ANSWER: Defendants deny that the allegations contained in this paragraph truly and accurately characterize the events, but admit they documented plaintiff's stop sign violation.

10. Video recorded of inside the officer defendants' police car shows that the driver made a full and complete stop and did not commit any stop sign violations.

ANSWER: Defendants deny the allegations contained in this paragraph.

11. The officer defendants arrested plaintiff after their illegal stop of the vehicle.

ANSWER: Defendants admit that they arrested plaintiff, but deny the remainder of the allegations contained in this paragraph.

12. At the time of plaintiff's arrest:

- a. None of the officer defendants had a warrant authorizing the arrest of plaintiff;
- b. None of the officer defendants believed that a warrant had been issued authorizing the arrest of the plaintiff;
- c. None of the officer defendants has observed plaintiff commit any offense; and
- d. None of the officer defendants had received information from any source that plaintiff had committed an offense or was otherwise subject to arrest.

ANSWER: Defendants admit the allegations contained in subsections a. and b., admit none of Defendants had received information from any source other than themselves that plaintiff had committed an offense or was otherwise subject to arrest, and deny the allegations contained in subsection c.

13. As a result of the above-described misconduct, plaintiff was wrongfully detained and prosecuted.

ANSWER: Defendants deny the allegations contained in this paragraph.

14. After arresting plaintiff:

- a. One or more of the officer defendants prepared official police reports falsely asserting that the officers stopped the vehicle because of a stop sign violation and that plaintiff had been in unlawful possession of a firearm;
- b. One or more of the officer defendants attested to the false official police reports, and each of the other individual officer defendants failed to intervene to prevent the violation of plaintiff's rights; and
- c. One or more of the officer defendants communicated the false charge to prosecutors, and each of the other individual officer defendants failed to intervene to prevent the violation of plaintiff's rights.

ANSWER: Defendants deny the allegations contained in this paragraph and each subparagraph contained herein.

15. As a result of the above-described wrongful acts, plaintiff was deprived of his liberty from the time of his arrest until the prosecutor learned of the defendant officers' falsehood and dismissed the criminal charges on December 19, 2019 in a manner indicative of plaintiff's innocence.

ANSWER: Defendants deny the allegations contained in this paragraph.

16. At all relevant times, the City of Chicago has known and has encouraged a “code of silence” among its police officers.

ANSWER: Defendants deny the allegations contained in this paragraph as it pertains to them.

17. As summarized by the United States Department of Justice in its official report entitled “Investigation of the Chicago Police Department,” January 13, 2017, at 75:

- a. “One way to cover up police misconduct is when officers affirmatively lie about it or intentionally omit material facts.”
- b. “The Mayor has acknowledged that a ‘code of silence’ exists within CPD, and his opinion is shared by current officers and former high-level CPD officials interviewed during our investigation.”
- c. “Indeed, in an interview made public in December 2016, the President of the police officer’s union admitted to such code of silence within CPD, saying ‘there’s a code of silence everywhere, everybody has it ... so why would the [Chicago Police] be any different.’”

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and each subparagraph contained herein.

18. The United States Department of Justice concluded that “a code of silence exists, and officers and community members know it.” Report at 75.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

19. Defendant Chicago’s Chief of Police acknowledged in public comments he made in October 2020 that the “code of silence” continues to exist.

ANSWER: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

20. The City’s above-described “code of silence” was a proximate cause for the actions of the officer defendants to concoct a false story and fabricate evidence that was used to deprive plaintiff of his liberty.

ANSWER: Defendants deny the allegations contained in this paragraph.

21. The facts of this case provide a striking example of the City's "code of silence" in that the defendant officers have not face any consequence for preparing official police reports that are blatantly contradicted by video evidence.

ANSWER: Defendants deny the allegations contained in this paragraph.

22. As a result of the foregoing, plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

ANSWER: Defendants deny the allegations contained in this paragraph.

23. As a supplemental state law claim against defendant City of Chicago only: as a result of the foregoing, plaintiff was subjected to a malicious prosecution under Illinois law.

ANSWER: Defendants make no answer to these allegations contained in this paragraph as it is not directed towards them. To the extent that it is, Defendants deny the allegations contained therein.

REQUEST FOR RELIEF

WHEREFORE, Defendants respectfully request that this Court enter judgment in their favor and against plaintiff, including for costs for defending this suit, and enter any other relief that this Court deems just and proper.

AFFIRMATIVE DEFENSES

1. Defendants are government officials, namely police officers, who perform discretionary functions. At all times material to the events alleged in plaintiff's complaint, a reasonable police officer objectively viewing the facts and circumstances that confronted said Defendants could have believed their actions to be lawful, in light of clearly established law and the information that said Defendants possessed. Defendants, therefore, are entitled to qualified immunity as a matter of law.

2. To the extent plaintiff failed to mitigate any of his claimed injuries or damages, any verdict or judgment obtained by plaintiff must be reduced by application of the principle that plaintiff has a duty to mitigate, commensurate with the degree of failure to mitigate attributed to plaintiff by the jury in the case.

3. To the extent any damages claimed by plaintiff were proximately caused, in whole or in part, by plaintiff's actions, any verdict or judgment obtained by plaintiff must be reduced by application of the principles of comparative fault, by an amount commensurate with the degree of fault attributed to plaintiff by a jury in this matter.

4. Under Section 201 of the Illinois Tort Immunity Act ("Tort Immunity Act"), Defendants are not liable for injuries arising out of the exercise of discretionary acts. *See* 745 ILCS 10/2-201.

5. As to any state law claim alleged by plaintiff, a public employee is not liable for his act or omission in the execution or enforcement of any law unless such act or omission constitutes willful and wanton conduct. *See* 745 ILCS 10/2-202. Defendants are public employee and their respective acts and omissions rendered at all times material to the events alleged in plaintiff's complaint were neither willful nor wanton, thus, Defendants have immunity from plaintiff's claims.

6. As to any state law claim alleged by plaintiff, a public employee acting within the scope of his or her employment is not liable for any injury caused by the act or omission of another person. *See* 745 ILCS 10/2-204. Defendants are public employee, who at all times material to the events alleged in plaintiff's complaint, acted within the scope of their employment and are, therefore, not liable for the acts or omissions of other people.

7. As to plaintiff's state law claims, under the Illinois Tort Immunity Act, Defendants are not liable for any of the claims alleged because a public employee is not liable for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, unless he acts maliciously and without probable cause. *See* 745 ILCS 10/2-208.

8. Defendants are absolutely immune from civil liability for their testimony given in judicial proceedings in Plaintiff's underlying criminal case. *See Briscoe v. LaHue*, 460 U.S. 325, 330-31 (1983); *see also Jurgensen v. Haslinger*, 295 Ill. App. 3d 139, 141-42 (3d Dist. 1998).

9. Plaintiff is not entitled to attorney's fees for any state law claims. *See Pennsylvania Truck Lines, Inc. v. Solar Equity Corp.*, 882 F.2d 221, 227 (7th Cir. 1989); *see also Kerns v. Engelke*, 76 Ill.2d 154, 166 (1979); *see also Miller v. Pollution Control Board*, 267 Ill. App.3d 160, 171 (4th Dist. 1994).

10. Defendants cannot be held liable for plaintiff's 42 U.S.C. § 1983 claims unless each individually caused or participated in an alleged constitutional deprivation because individual liability for damages under 42 U.S.C. § 1983 is predicated upon personal responsibility. *See Wolf-Lillie v. Sonquist*, 699 F.2d 864, 869 (7th Cir. 1983).

11. To the extent plaintiff asserts a federal malicious prosecution claim, such a claim may not be cognizable. *Saunders-El v. Rohde*, 778 F.3d 556, 560 (7th Cir. 2015); *Newsome v. McCabe*, 256 F.3d 747, 750 (7th Cir. 2001).

JURY DEMAND

Defendants hereby demand a trial by jury on all issues deemed so triable.

DATED: January 19, 2021

Respectfully submitted,

/s/ Elizabeth Hanford
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CERTIFICATE OF SERVICE

I, Elizabeth Hanford, hereby certify that I have served a copy of **DEFENDANTS GALIARDO AND HASAN’S ANSWER TO PLAINTIFF’S COMPLAINT, AFFIRMATIVE DEFENSES, AND JURY DEMAND** upon all counsel of record using the District Court’s Electronic Filing System on this day of January 19, 2021.

/s/ Elizabeth Hanford
Elizabeth Hanford
Assistant Corporation Counsel