

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

Catrina Bonner,)	
)	
<i>Plaintiff,</i>)	
v.)	
)	
)	
)	Case No. 21-cv-01550
City of Chicago, Ronald Watts,)	
Phillip Cline, Debra Kirby, Brian)	
Bolton, Robert Gonzalez, Alvin)	Judge Gottschall
Jones, Manuel Leano, Lamonica)	Magistrate Judge Cox
Lewis, Kallatt Mohammed,)	
Douglas Nichols Jr., and Elsworth Smith Jr.,)	
)	<i>Jury Demanded</i>
<i>Defendants.</i>)	

**DEFENDANT KALLATT MOHAMMED'S UNOPPOSED MOTION FOR LEAVE TO
FILE AN AMENDED ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, Kallatt Mohammed ("Mohammed"), by and through one of his attorneys, Special Assistant Corporation Counsel Larry S. Kowalczyk 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 Plaintiff's Complaint. In support, Mohammed states as follows:

1. Plaintiff filed his Complaint on March 21, 2021, alleging that he suffered injuries and damages as a result of the Defendant Officers' and City of Chicago's acts and omissions. Dkt.

1.

2. On July 15, 2021, Defendant Mohammed filed his Answer and Affirmative Defenses to Plaintiff's Complaint. Dkt. 26. 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.

3. Subsequent investigation of Plaintiff's 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revealed information that resulted in the undersigned counsel's determination that the privilege could, and should, be withdrawn.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 Plaintiff in his Complaint.

4. 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.

5. Plaintiff will not be prejudiced if this Court grants Defendant Mohammed leave to file his Amended Answer.

6. On January 10, 2025, Defense counsel contacted Plaintiff's counsel relative to this Motion. Plaintiff's counsel has no objection to this Motion.

7. Defendant Mohammed is willing to surrender his Fifth Amendment privilege and will not be asserting his privilege at trial.

WHEREFORE, Defendant, Kallatt Mohammed, moves this Court for leave to file his Amended Answer to Plaintiff's Complaint (attached hereto as Exhibit A).

Respectfully submitted,

/s/ Larry S. Kowalczyk
Special Assistant Corporation Counsel

Eric S. Palles
Larry S. Kowalczyk
Megan K. Monaghan
Mohan Groble Scolaro, P.C.
55 W. Monroe St., Suite 1600
Chicago, IL 60603
(312) 422-9999
epalles@mohangroble.com
lkowalczyk@mohangroble.com
mmonaghan@mohangroble.com
Counsel for Defendant Kallatt Mohammed

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, I caused the foregoing Defendant Kallatt Mohammed's Amended Answer and Affirmative Defenses to Plaintiff's Complaint to be served on all counsel of record using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Larry S. Kowalczyk

Special Assistant Corporation Counsel
One of the attorneys for Kallatt Mohammed