

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

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|--------------------------|---|----------------------|
| JERMAINE COLEMAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 22 CV 05842 |
| v. |) | |
| |) | Hon. Lindsay Jenkins |
| CITY OF CHICAGO, et al., |) | |
| |) | |
| Defendants. |) | |

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

Defendant, Kallatt Mohammed ("Mohammed"), by and through one of his attorneys, Special Assistant Corporation Counsel Eric S. Palles 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 on or before September 6, 2024. In support, Mohammed states as follows:

1. Plaintiff filed his Complaint on October 24, 2022, 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. Defendant Mohammed subsequently filed his Answer to Plaintiff's Complaint on March 3, 2023. Dkt. 23. 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withdrawn.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. On August 7, 2024, this Court entered an order that any Defendant who has not answered the complaint must file an answer by September 6, 2024. Dkt. 49. Welcoming this opportunity to clean up the pleadings, Mohammed's counsel asked Plaintiff's counsel whether, pursuant to FRCP 15(a)(2), he would consent to the amendment or oppose this motion. Plaintiff's counsel responded that this motion was unopposed.

5. 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.

6. Plaintiff will not be prejudiced if this Court grants Defendant Mohammed leave to file his Amended Answer. As part of the Watts Coordinated Proceedings, Magistrate Judge Finnegan stayed discovery in this case on April 13, 2023. No. 19 C 1717, Dkt. 491.

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.

Respectfully submitted,

/s/ Eric S. Palles #2136473

ERIC S. PALLES

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