

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

JAMES RANDOLPH,)	
)	
Plaintiff,)	
)	Case No. 22 CV 5845
v.)	
)	Hon. Matthew Kennelley
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, in the form attached as Exhibit 1, *instanter*. 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 January 11, 2023. Dkt. 18. 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. This case has been part of the Watts Coordinated Proceedings. As a “non-test” case, discovery has been stayed in this matter since April 13, 2023, see Dkt. 491 in Case No. 19-cv-1717, and consequently, no discovery has been initiated.

4. Subsequent investigation of Plaintiff's allegations revealed information that resulted in the undersigned counsel's determination that the privilege could, and should, be withdrawn. Said investigation included counsel's review of extensive recordings of Mohammed obtained by the DEA and FBI, which was substantially completed in the first quarter of 2024. Consequently, Mohammed will deny certain allegations related to his involvement in the incidents described by Plaintiff in his Complaint.

5. 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.

6. 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.

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

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
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