

Exhibit 1

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

TARIQ ANDERSON,)
Plaintiff,)
) Case no. 23-CV-14208
)
v.) Chief Judge Pallmeyer
)
HUMBERTO LOZANO,)
Defendant.)
)
)

DEFENDANT HUMBERTO LOZANO'S ANSWERS AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendant, Humberto Lozano, by and through his attorney Kwame Raoul, Attorney General of Illinois, hereby answers Plaintiff's First Set of Interrogatories, state:

Interrogatories

1. State your full name, month and year of birth, and place of birth.

ANSWER: Defendant objects to the disclosure of his date of birth and place of birth. The disclosure of such sensitive personal information is unnecessary for the claims and defenses in this case which relate solely to excessive force, is disproportionate to the needs of the case because the central contested issue is whether Defendant Lozano used constitutionally excessive force. Additionally, disclosure poses a significant security risk. Defendant was tasked with maintaining order and safety within a correctional facility, a role that involves interactions with individuals, including the Plaintiff, who have been convicted of serious, often violent, felony offenses. Disclosing this personal identifying information could jeopardize Defendant's safety by enabling potential retaliatory actions from incarcerated individuals or their associates outside the facility.

Subject to this objection and without waiver, my name is Humberto Lazano Jr., and I am 35 years old.

2. List each high school, college, university, graduate school, trade or technical school which you have attended and your dates of attendance in each and what degree or certificate, if any, you received from such institution.

ANSWER: Defendant objects to the disclosure of the places at which he obtained his education. The disclosure of such sensitive personal information is unnecessary for the claims and defenses in this case which relate solely to excessive force, is disproportionate to the needs of the case because the central contested issue is whether Defendant Lozano used constitutionally excessive force. Additionally, disclosure poses a significant security risk. Defendant was tasked with maintaining order and safety within a correctional facility, a role that involves interactions with individuals, including the Plaintiff, who have been convicted of serious, often violent, felony offenses. Disclosing this personal identifying information could jeopardize Defendant's safety by enabling potential retaliatory actions from incarcerated individuals or their associates outside the facility.

Subject to these objections, I graduated with a high school diploma in Illinois in 2007, and obtained an associate's degree in 2014.

3. Did you ever serve in the military? If so, state:
 - a. rank;
 - b. serial number;
 - c. branch of service;
 - d. approximate dates of entry and discharge;
 - e. the type of discharge, whether honorable or otherwise, and if for medical reasons, state and describe the medical disability with reasonable specificity; and
 - f. whether you were ever the subject of any disciplinary proceedings in the military service, and if so, describe the nature and state the outcome of such proceedings.

ANSWER: No.

4. Identify each of your employers, in chronological order, starting with your graduation from high school and including all current and parttime employment. In your answer include the following:

- a. the name and address of each employer;
- b. the date you began such employment;
- c. a general description of your job duties;
- d. the date of termination of said employment;
- e. a general description of your job duties at the time or said termination; and
- f. the reason for your termination.

ANSWER: Objection. Interrogatory No.4 seeks information that is disproportionate to the needs of this case. The disclosure of such sensitive personal information is unnecessary for the claims and defenses in this case which relate solely to excessive force, is disproportionate to the needs of the case because the central contested issue is whether Defendant Lozano used constitutionally excessive force.

5. Have you ever been the subject of any disciplinary proceedings in the Illinois Department of Corrections. For each proceeding, state the allegation and the resolution of the proceeding.

ANSWER: Objection. This request is disproportionate to the needs of the case and seeks information that is inadmissible under Rule of Evidence 404. Disciplinary history within an employment setting is protected from disclosure under Illinois law pursuant to 820 ILCS 40/7. Accordingly, disclosure of such employee discipline that is unrelated to any claim or defense in this case (which includes only excessive force) is disproportionate and unreasonable.

Subject to this objection and without waiver, I have never been disciplined or even interviewed for employee-discipline under any circumstances that have any relation to the allegations of this lawsuit, including whether I have never been disciplined for the conduct alleged in this case.

6. Have you ever been a party, whether plaintiff or defendant, in any lawsuit? If so, state:

- a. the court in which filed;
- b. the year filed;
- c. the title and docket number of said case; and
- d. the outcome of said case.

ANSWER: No.

7. Have you ever been arrested, irrespective of whether or not the arrest has been expunged or sealed and irrespective of whether or not the arrest was made while you were a juvenile? If so, please state for each such arrest:

- a. The date and place of arrest;
- b. The arresting authority and names of arresting officers;
- c. Whether any criminal charges were filed in connection with the arrest, and, if so, the jurisdiction and disposition of the arrest,
- d. Whether the records of the arrest have been expunged or sealed.

ANSWER: No.

8. Have you ever been interviewed (either in person, by telephone, or through any other means) by any law enforcement officer in connection with the investigation of any alleged wrongdoing, whether on your part or on the part of another? If so, state for each such interview:

- a. The date and place of the interview;
- b. The interviewing authority and name of the interviewing person or persons;
- c. The subject matter of the interview; and
- d. Whether you were advised of any constitutional or statutory rights prior to or during the interview, and if so, the nature of the advice.

ANSWER: In 2015 I witnessed a stabbing in downtown Chicago on Division and Dearborn. I was questioned by Chicago police, I do not remember the person or persons who conducted the interview. The subject matter of the interview was limited to the events of the stabbing

and the arrest. I do not remember whether I was advised of any constitutional or statutory rights prior to or during the interview.

9. At any time, did plaintiff make any statements (written, oral, or otherwise) to you or to anyone in your presence? If so, state:

- a. the nature, substance, and description of any such statement, setting forth verbatim any oral statement and providing any written or other recording, or setting forth the contents thereof verbatim, or if you cannot recall the statement verbatim, setting forth its contents as completely and accurately as possible;
- b. the identity of each person present when each such statement was made;
- c. the time at which each such statement was made;
- d. the location of the speaker and hearer or hearers when each such statement was made;
- e. the nature, substance, and description of any statement you made to plaintiff, setting forth verbatim such oral statement(s) and providing any written or other recording, or setting forth the contents thereof verbatim, or if you cannot recall the statement(s) verbatim, setting forth its substantive contents as completely and as accurately as possible.

ANSWER: My only interaction with Plaintiff is limited to the day in question. Where he asked me for a phone and I answered no. I do not recall if anyone could hear us. We were on the second floor of the H-unit in the Northern Reception Center.

10. Do you contend that your statement in the attached Disciplinary Report is accurate?

ANSWER: Yes my statement in the attached Disciplinary is accurate to me.

11. Unless the answer to the preceding interrogatory is an unqualified “yes,” state the inaccuracies in your statement.

ANSWER: As I have answered yes to the above, I do not need to address this question.

12. Did you slam a food port on plaintiff’s hand on November 30, 2022?

ANSWER: I tried to close the food port in an effort to block the liquids that Plaintiff was throwing at me. I have never “slammed” a food port on anyone’s body parts in my entire career.

13. Did you slam a food port on plaintiff’s arm on November 30, 2022?

ANSWER: As stated above I tried to close the food port in an effort to block the liquids that Plaintiff was throwing at me. I have never “slammed” a food port on anyone’s body parts in my entire career.

14. Are you aware that you will be personally responsible for the payment of any award of punitive damages that may be made against you in this lawsuit?

ANSWER: No.

15. Do you own or do you have any interest in real property? Unless your answer is an unqualified “no,” state the location of any such property, the name or names in which the title is held, and the nature of your interest.

ANSWER: Objection. The Defendant’s personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

16. Do you own any cash or checking or savings accounts? Unless your answer is an unqualified “no,” state the total value of the items owned and state, for each checking or savings account:

- a. The name of the financial institution the account is in;
- b. The type of account; and
- c. The present balance and the highest balance in the preceding 12-month period;

ANSWER: Objection. The Defendant’s personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

17. Do you own any marketable securities such as stocks, bonds, or United States Government Bonds? Unless you answer is an unqualified “no,” state for each security:

- a. The type of security;
- b. The number of shares held (if applicable); and
- c. The present market value of the security.

ANSWER: Objection. The Defendant’s personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

18. List the persons, if any, who are dependent on you for their support and state your relationship to any such person or persons.

ANSWER: Objection. The Defendant’s personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

19. State your 10-year salary history.

ANSWER: Objection. The only relevance this interrogatory can have is to Defendant’s financial worth. The Defendant’s personal assets are not subject to this lawsuit as he has been

indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

20. Have you signed any financial statement or statements in the past ten years? Unless your answer is an unqualified “no,” state for each financial statement:

- a. Date Prepared;
- b. Entity to which the financial statement was submitted;
- c. Reason for submission of the statement;
- d. Whether you have access to a copy of such statement;

ANSWER: Objection. The only relevance this interrogatory can have is to Defendant's financial worth. The Defendant's personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

21. Identify any financial assets not described already and state their value.

ANSWER: Objection. The only relevance this interrogatory can have is to Defendant's financial worth. The Defendant's personal assets are not subject to this lawsuit as he has been indemnified by the State of Illinois pursuant to 5 ILCS 350/1, et seq. If punitive damages are sought in this case, Defendant does not intend to dispute an inability to pay or financial hardship.

Dated: May 3, 2024

Respectfully submitted,

KWAME RAOUL
Attorney General of Illinois

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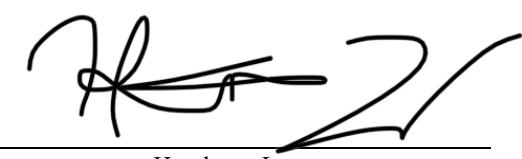
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

)
Anderson v. Lozano
Case No. 23-CV-14208-

VERIFICATION BY CERTIFICATION

I, Humberto Lozano, declare that I am the Defendant in this cause, upon whom these interrogatories were propounded and I certify, under penalty of perjury, that the foregoing answers are true and correct.

Executed this 6 day of MAY, 2024.



Humberto Lozano

Disciplinary Report

Type of Report:

 Disciplinary InvestigativeFacility: NRCDate: 11/30/22

Name of Individual in Custody:

Toria AndersonID #: M33970SMI: yes
 noRace: Black

Observation Date:

11/30/22 Approximate Time: 4:45 a.m. p.m. Location: NRC H-212Offense(s): DR 504: 102 b - assault, 206 intimidation or threats, 304 - insubordination

Observation: (NOTE: Each offense identified above must be substantiated.) On 11/30/22 I was on the floor of the H-212 unit. I was picking up trash from cell H-212 while individual in custody Anderson was housed in. I attempted to retrieve the trash from her cell. Individual in custody Anderson threw the trash tray at me. The trash tray striking me in the left leg. I attempted to catch the tray but the individual in custody Anderson had an M.S.H. in her hand with an unknown substance in it. Individual in custody Anderson then said "The only way I can get down is to hit me". Individual in custody Anderson then threw the trash out of the trash pail and landed on my pants and hand. In order to further prevent the assault on me and the M.S.H. worker who was helping me collect the trash I attempted to close the trash pail with my right foot.

Witness(es): None Check if Disciplinary Report Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

<u>Humberto Lopez</u>	<u>12194</u>	<u>11/30/22</u>	<u>8:15</u>	<input type="checkbox"/> a.m.
Reporting Employee (Print Name)	Badge #	Signature	Date	<input type="checkbox"/> p.m.

Disciplinary Action:

Shift Review: <input type="checkbox"/> Temporary Confinement	<input type="checkbox"/> Investigative Status	Reasons: <u>Nature of Offense</u>
<u>Torria Denney #6014</u>		<u>11-30-2022</u>
Printed Name and Badge #	Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer)	Date
Reviewing Officer's Decision: <input type="checkbox"/> Confinement reviewed by Reviewing Officer	Comment: <u>Nature of Offense</u>	
<input type="checkbox"/> Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee		
<input type="checkbox"/> Minor Infraction, submitted to Program Unit		
Print Reviewing Officer's Name and Badge #	Reviewing Officer's Signature	Date
<input type="checkbox"/> Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):		
Print Hearing Investigator's Name and Badge #	Hearing Investigator's Signature	Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

<input type="checkbox"/> Check if individual in custody refused to sign	Individual in Custody's Signature	ID#
Serving Employee (Print Name)	Badge #	Signature
<u>12/1/22</u>	<u>026</u>	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Date Served	Time Served	
<input type="checkbox"/> I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.		

Individual in Custody's Signature _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report _____ Print individual in custody's name _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness	Witness badge or ID#	Assigned Cell (if applicable)	Title (if applicable)
<u>RECEIVED</u>			
Print Name of witness	Witness badge or ID#	Assigned Cell (if applicable)	Title (if applicable)
<u>DEC 27 2022</u>			
Print Name of witness	Witness badge or ID#	Assigned Cell (if applicable)	Title (if applicable)
<u>ADMINISTRATIVE REVIEW BOARD</u>			
Witness can testify to: _____			
Witness can testify to: _____			

ILLINOIS DEPARTMENT OF CORRECTIONS

Disciplinary Report Continuation Page

NRC

Facility

Disciplinary Report Investigative Report Disciplinary Summary Adjustment Committee Summary

Report/Incident Date: 11/30/22 Incident # (if applicable):

Individual in Custody Information:

Name: ID #:

Use the space below to provide any additional information.

I then notified Lt. Sargeant Reddick and Zone 2 Lt. Porter K3-36 that individual in custody apprehended was identified by state issued I.D. F.A.R.

RECEIVED

DEC 27 2022

ADMINISTRATIVE
REVIEW BOARD

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