

IN THE CIRCUIT COURT OF CAMDEN COUNTY
TWENTY-SIXTH JUDICIAL CIRCUIT
STATE OF MISSOURI

JOHN THOMAS,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 23CM-CC00295
)	
CAMDEN COUNTY SHERIFF’S OFFICE,)	
and LYNNE A. BRAND,)	
)	
Defendants.)	

ANSWER OF DEFENDANTS
CAMDEN COUNTY SHERIFF’S OFFICE AND LYNNE A. BRAND

COME NOW Defendants Camden County Sheriff’s Office and Lynne A. Brand (hereinafter “Answering Defendants”), by and through their undersigned counsel of record, and for their Answer to Plaintiff’s Petition, state and allege to the Court as follows:

1. Answering Defendants state the allegations contained in paragraph 1 of Plaintiff’s Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the Mo. Rev. Stat. § 610, *et seq.* is generally referred to as Missouri’s Sunshine Law. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 1 of the Petition.

2. Answering Defendants state the allegations contained in paragraph 2 of Plaintiff’s Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 2 of Plaintiff’s Petition is contained within Mo. Rev. Stat. § 610.010(4). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 2 of the Petition.

3. Answering Defendants state the allegations contained in paragraph 3 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 3 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.010(6). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 3 of the Petition.

4. Answering Defendants state the allegations contained in paragraph 4 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 4 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.011. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 4 of the Petition.

5. Answering Defendants state the allegations contained in paragraph 5 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants are without sufficient information or knowledge to admit or deny the allegations and, therefore, deny the same.

6. Answering Defendants state the allegations contained in paragraph 6 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the referenced language of paragraph 6 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.023.2. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 6 of the Petition.

7. Answering Defendants state the allegations contained in paragraph 7 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants deny the allegations contained in paragraph 7 of Plaintiff's Petition.

8. Answering Defendants state the allegations contained in paragraph 8 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 8 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.023.4. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 8 of the Petition.

9. Answering Defendants state the allegations contained in paragraph 9 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 9 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.023.4. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 9 of the Petition.

10. Answering Defendants state the allegations contained in paragraph 10 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 10 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.027.1. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 10 of the Petition.

11. Answering Defendants state the allegations contained in paragraph 11 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 11 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.027.2. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 11 of the Petition.

12. Answering Defendants state the allegations contained in paragraph 12 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 12 of Plaintiff's

Petition is contained within Mo. Rev. Stat. § 610.027.3. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 12 of the Petition.

13. Answering Defendants state the allegations contained in paragraph 13 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the allegations contained in paragraph 13 of Plaintiff's Petition.

14. Answering Defendants state the allegations contained in paragraph 14 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 14 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.1(4). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 14 of the Petition.

15. Answering Defendants state the allegations contained in paragraph 15 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 15 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.1(5). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 15 of the Petition.

16. Answering Defendants state the allegations contained in paragraph 16 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 16 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.2(1). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 16 of the Petition.

17. Answering Defendants state the allegations contained in paragraph 17 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is

required, Answering Defendants admit the quoted language of paragraph 17 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.2(1). Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 17 of the Petition.

18. Answering Defendants state the allegations contained in paragraph 18 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 18 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.4. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 18 of the Petition.

19. Answering Defendants state the allegations contained in paragraph 19 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 19 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.4. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 19 of the Petition.

20. Answering Defendants state the allegations contained in paragraph 20 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 20 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.4. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 20 of the Petition.

21. Answering Defendants state the allegations contained in paragraph 21 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 21 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.100.6. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 21 of the Petition.

22. Answering Defendants state the allegations contained in paragraph 22 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 22 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.027. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 22 of the Petition.

23. Answering Defendants state the allegations contained in paragraph 23 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the quoted language of paragraph 23 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.027. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 23 of the Petition.

24. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraph 24 of the Petition and, therefore, deny the same.

25. Answering Defendants admit the Camden County Sheriff's Office is a "public governmental body" as such is defined under Mo. Rev. Stat. § 610.010(4), but deny the balance of the allegations, matters and averments made or contained in paragraph 25 of the Petition.

26. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraph 26 of the Petition and, therefore, deny the same.

27. Answering Defendants deny they have not complied with the Sunshine Law in responding to the Plaintiff's requests as alleged in paragraph 27 of the Petition. Defendants are without sufficient information or knowledge to admit or deny the balance of the allegations,

matters and averments made or contained in paragraph 27 of the Petition and, therefore, deny the same.

28. Defendants admit the allegations contained in paragraph 28 of the Petition.

29. Answering Defendants state the allegations contained in paragraph 29 of Plaintiff's Petition are legal conclusions to which no response is required. To the extent a response is required, Answering Defendants admit the referenced language of paragraph 29 of Plaintiff's Petition is contained within Mo. Rev. Stat. § 610.030. Answering Defendants deny the balance of the allegations, matters and averments made or contained in paragraph 29 of the Petition.

30. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraphs 30 through 31 of the Petition and, therefore, deny the same.

31. Answering Defendants admit an "Offense/Incident Report" was created on June 16, 2022 involving Plaintiff. Answering Defendants are without sufficient information or knowledge to admit or deny the balance of the allegations, matters and averments made or contained in paragraph 32 of the Petition and, therefore, deny the same.

32. Answering Defendants admit an "Offense/Incident Report" was created on December 28, 2022 involving Plaintiff. Answering Defendants are without sufficient information or knowledge to admit or deny the balance of the allegations, matters and averments made or contained in paragraph 33 of the Petition and, therefore, deny the same.

33. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraphs 34 through 88 of the Petition and, therefore, deny the same.

34. Answering Defendants deny the allegations, matters, and averments made or contained in paragraph 89 of the Petition.

35. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraph 90 of the Petition and, therefore, deny the same.

36. Answering Defendants deny each and every other allegation, matter and averment made or contained in paragraphs 1 through 90 of Plaintiff's Petition not specifically and previously admitted herein, including (but not limited to) the relief prayed for in the Petition.

37. To the extent paragraph 91 of the Petition incorporates by reference the allegations set forth in each and every other paragraph of said Petition, Answering Defendants incorporate herewith their responses to said paragraphs as set forth in this Answer as though said responses had been set forth at length herein.

38. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraphs 92 through 106 of the Petition and, therefore, deny the same.

39. Answering Defendants deny the allegations made or contained in paragraphs 107 through 108 of the Petition.

40. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraphs 109 through 113 of the Petition and, therefore, deny the same.

41. Answering Defendants deny the allegations made or contained in paragraph 114 of the Petition.

42. Answering Defendants are without sufficient information or knowledge to admit or deny the allegations, matters and averments made or contained in paragraph 115 of the Petition and, therefore, deny the same.

43. Answering Defendants deny the allegations made or contained in paragraphs 116 through 120 of the Petition.

44. Answering Defendants deny each and every other allegation, matter and averment made or contained in Plaintiff's Petition not specifically and previously admitted herein including, but not limited to, the relief prayed for in the Petition. In addition, Answering Defendants specifically deny any allegations contained in any heading or unnumbered paragraph of the Petition.

WHEREFORE, having fully answered the Petition, Answering Defendants respectfully pray to be henceforth dismissed, awarded their costs and expenses herein incurred and expended, together with such other and further relief as this Court deems just and appropriate.

AFFIRMATIVE DEFENSES

45. Answering Defendants affirmatively plead that Plaintiff's Petition fails to state a claim against them upon which relief can be granted.

46. Answering Defendants are protected from liability, damages, and suit by the doctrine of official immunity.

47. Answering Defendants are protected from liability, damages, and suit by Missouri's sovereign immunity statute, Mo. Rev. Stat. § 537.610, *et seq.*

48. Defendant Brand is not a public governmental body subject to the Sunshine Law.

49. To the extent Plaintiff acted intentionally and/or willfully to create incidents or claim violations in order to improperly obtain information, the doctrine of unclean hands applies

to nullify Sunshine Law claims for injunctive or declaratory relief. *Purcell v. Cape Girardeau County Com'n.*, 322 S.W.3d 522 (Mo. banc 2010).

50. Answering Defendants reserve the right to plead and assert additional affirmative defenses if said affirmative defenses become known and available to them.

WHEREFORE, based on the above and foregoing, Answering Defendants respectfully pray to be henceforth dismissed, awarded their costs and expenses herein incurred and expended, together with such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

FISHER, PATTERSON, SAYLER & SMITH, LLP

/s/ Nichole A. Caldwell
Nichole A. Caldwell #67475
9393 W. 110th Street, Suite 300
Building 51, Corporate Woods
Overland Park, Kansas 66210
913-339-6757; Fax: 913-660-7919
NCaldwell@fpsslaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2024, I electronically filed the foregoing with the Clerk of the Court and that an electronic notice of filing and a copy of the foregoing will automatically be sent to the following:

David Roland
14779 Audrain Road 815
Mexico, MO 65265
Attorneys for Plaintiff

/s/ Nichole A. Caldwell
NICHOLE A. CALDWELL