

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:11-CV-01975 CEJ
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

**DEFENDANT CITY OF ST. LOUIS' ANSWER TO
PLAINTIFFS' FIRST AMENDED COMPLAINT**

COMES NOW, Defendant City of St. Louis, Missouri ("City"), by and through undersigned counsel, and for its Answer to Plaintiffs' First Amended Complaint denies everything not specifically admitted and in particular states to the Court the following:

1. The City is without sufficient information with which to admit or deny the allegations within paragraph 1 and therefore denies same.
2. In response to paragraph 2, the City admits only that: a) it is a constitutional charter city organized and existing pursuant to the laws of the State of Missouri; and b) that City Ordinance 58262, codified as § 22.18.010 of the City of St. Louis Revised Code (the "Ordinance") is a reasonable time, manner and place restriction upon speech that is both content-and viewpoint-neutral regulation. The City otherwise denies the allegations within paragraph 2.
3. The City denies the allegations within paragraph 3.

4. In response to paragraph 4, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 4, the City hereby denies same.

PARTIES

5. The City is without sufficient information with which to admit or deny the allegations within paragraph 5 and therefore denies same.

6. The City is without sufficient information with which to admit or deny the allegations within paragraph 6 and therefore denies same.

7. In response to paragraph 7, the City admits only that it is a constitutional charter city organized and existing pursuant to the laws of the State of Missouri. The City otherwise denies the allegations within paragraph 7.

JURISDICTION AND VENUE

8. In response to paragraph 8, the City admits that Plaintiffs invoke the jurisdiction of the Court, but otherwise denies any genuine, valid or legitimate claim for damages as stated or alleged in the First Amended Complaint.

9. The City admits the allegations within paragraph 9.

10. In response to paragraph 10, the City admits that Plaintiffs invoke the jurisdiction of the Court, but otherwise denies any genuine, valid or legitimate claim for damages as stated or alleged in the First Amended Complaint.

11. The City admits the allegations within paragraph 11.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. The City denies the allegations within paragraph 12.

13. The City denies the allegations within paragraph 13.

14. The City is without sufficient information with which to admit or deny the allegations within paragraph 14 and therefore denies same.

15. The City is without sufficient information with which to admit or deny the allegations within paragraph 15 and therefore denies same.

16. The City is without sufficient information with which to admit or deny the allegations within paragraph 16 and therefore denies same.

17. The City denies the allegations within paragraph 17.

18. The City denies the allegations within paragraph 18.

19. The City denies the allegations within paragraph 19.

20. The City denies the allegations within paragraph 20.

21. The City denies the allegations within paragraph 21.

22. The City denies the allegations within paragraph 22.

23. The City denies the allegations within paragraph 23.

24. The City denies the allegations within paragraph 24.

25. The City denies the allegations within paragraph 25.

26. The City denies the allegations within paragraph 26.

27. The City denies the allegations within paragraph 27.

28. The City denies the allegations within paragraph 28.

29. The City denies the allegations within paragraph 29.

30. The City denies the allegations within paragraph 30.

31. The City denies the allegations within paragraph 31.

32. In response to paragraph 32, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 32, the City hereby denies same.

33. In response to paragraph 33, Plaintiffs are setting forth the remedies they are seeking—many of which have been previously denied by this Court—in this litigation, to which no response is necessary. To the extent any factual allegations are made in paragraph 33, the City hereby denies same.

34. The City denies the allegations within paragraph 34.

35. The City denies the allegations within paragraph 35.

36. The City denies the allegations within paragraph 36.

37. In response to paragraph 37, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 37, the City hereby denies same.

38. The City denies the allegations within paragraph 38.

39. The City denies the allegations within paragraph 39.

40. The City denies the allegations within paragraph 40.

COUNT I

41. The City incorporates by reference paragraphs 1 through 40 of this Answer as though fully set forth herein.

42. The City denies the allegations within paragraph 42.

43. In response to paragraph 43, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 43, the City hereby denies same.

44. The City denies the allegations within paragraph 44.

COUNT II

45. The City incorporates by reference paragraphs 1 through 44 of this Answer as though fully set forth herein.

46. In response to paragraph 46, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 46, the City hereby denies same.

47. In response to paragraph 47, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 47, the City hereby denies same.

48. In response to paragraph 48, Plaintiffs are setting forth legal conclusions to which no response is necessary. However, the City admits only that the Ordinance is content neutral and a reasonable time, manner and place restriction upon speech. To the extent any other factual allegations are made in paragraph 48, the City hereby denies same.

49. In response to paragraph 49, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 49, the City hereby denies same.

50. In response to paragraph 50, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 50, the City hereby denies same.

51. In response to paragraph 51, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 51, the City hereby denies same.

52. In response to paragraph 52, Plaintiffs are setting forth the remedies they are seeking—many of which have been previously denied by this Court—in this litigation, to which no response is necessary. To the extent any factual allegations are made in paragraph 52, the City hereby denies same.

COUNT III

53. The City incorporates by reference paragraphs 1 through 52 of this Answer as though fully set forth herein.

54. The City denies the allegations within paragraph 54.

55. The City denies the allegations within paragraph 55.

56. The City denies the allegations within paragraph 56.

57. The City denies the allegations within paragraph 57.

58. The City denies the allegations within paragraph 58.

59. In response to paragraph 59, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 59, the City hereby denies same.

60. In response to paragraph 60, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 60, the City hereby denies same.

61. In response to paragraph 61, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 61, the City hereby denies same.

62. The City denies the allegations within paragraph 62.

COUNT IV

63. The City incorporates by reference paragraphs 1 through 62 of this Answer as though fully set forth herein.

64. The City denies the allegations within paragraph 64.

65. The City denies the allegations within paragraph 65.

66. The City denies the allegations within paragraph 66.

67. The City denies the allegations within paragraph 67.

68. In response to paragraph 68, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 68, the City hereby denies same.

69. The City denies the allegations within paragraph 69.

70. The City denies the allegations within paragraph 70.

COUNT V

71. The City incorporates by reference paragraphs 1 through 70 of this Answer as though fully set forth herein.

72. In response to paragraph 72, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 72, the City hereby denies same.

73. The City denies the allegations within paragraph 73.

74. The City denies the allegations within paragraph 74.

75. The City denies the allegations within paragraph 75.

76. In response to paragraph 76, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 76, the City hereby denies same.

77. The City denies the allegations within paragraph 77.

78. The City denies the allegations within paragraph 78.

79. In response to paragraph 79, Plaintiffs are setting forth legal conclusions to which no response is necessary. To the extent any factual allegations are made in paragraph 79, the City hereby denies same.

80. In response to paragraph 80, Plaintiffs are setting forth the remedies they are seeking—many of which have been previously denied by this Court—in this litigation, to which no response is necessary. To the extent any factual allegations are made in paragraph 80, the City hereby denies same.

AFFIRMATIVE DEFENSES

1. The First Amended Complaint fails to state any claim upon which relief may be granted.

2. Plaintiffs have waived their right to assert any of the claims set forth in the First Amended Complaint.

3. Plaintiffs are barred from seeking the relief it requests under the doctrine of unclean hands.

4. Plaintiffs are barred from seeking the relief it requests under the doctrine of estoppel.

5. Plaintiffs are barred from seeking the relief it requests under the doctrine of laches.

6. Plaintiffs are barred from seeking the relief it requests by applicable statutes of limitations.

7. The Ordinance is a reasonable time, manner and place restriction.

8. The Ordinance is narrowly tailored to the achievement of significant government interest.

9. The Ordinance leaves open ample alternatives for free speech.

WHEREFORE, the City prays:

1. That Plaintiffs take nothing by their First Amended Complaint;

2. That each of the claims asserted in Plaintiffs' First Amended Complaint be dismissed with prejudice;

3. For costs of suit herein; and

4. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,
PATRICIA A. HAGEMAN
CITY COUNSELOR

/s/ Daniel J. Emerson
Michael A. Garvin #39817 MO
Deputy City Counselor
Donald G. Dylewski #25325 MO
Associate City Counselor
Daniel J. Emerson #56808 MO
Assistant City Counselor
Attorneys for Defendant City of St. Louis
Room 314, City Hall
St. Louis, MO 63103
314.622.3361
FAX: 314.622.4956
GarvinM@stlouiscity.com
DylewskiD@stlouiscity.com
EmersonD@stlouiscity.com

Certificate of Service

I hereby certify that on December 2, 2011, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

Joseph P. Welch
1708 Olive Street
Saint Louis, MO 63103
Attorney for Plaintiffs

Cynthia West
625 N. Euclid Ave., Suite 534
Saint Louis, MO 63108
Attorney for Plaintiffs

/s/ Daniel J. Emerson