

3. Police Defendants deny each and every allegation of Paragraph 3.

4. As to the allegations of Paragraph 4, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

5. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 5, and therefore deny same.

6. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 6, and therefore deny same.

7. As to the allegations of Paragraph 7, Police Defendants admit that Plaintiffs purport to sue Defendants Gray, Lee, Battle-Turner, Irwin and Slay in their official capacities, but deny each and every other averment not heretofore specifically admitted.

8. As to the allegations of Paragraph 8, Police Defendants admit that Plaintiffs invoke the jurisdiction of the Court, but otherwise deny any genuine, valid or legitimate claim for damages as stated or alleged in the First Amended Complaint.

9. Police Defendants admit Paragraph 9.

10. As to the allegations of Paragraph 10, Police Defendants admit that Plaintiffs invoke the jurisdiction of the Court, but otherwise deny any genuine, valid or legitimate claim for damages as stated or alleged in the First Amended Complaint.

11. Police Defendants admit Paragraph 11.

12. Police Defendants deny each and every allegation of Paragraph 12.

13. Police Defendants deny each and every allegation of Paragraph 13.

14. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 14, and therefore deny same.

15. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 15, and therefore deny same.

16. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 16, and therefore deny same.

17. Police Defendants deny each and every allegation of Paragraph 17.

18. Police Defendants deny each and every allegation of Paragraph 18.

19. Police Defendants deny each and every allegation of Paragraph 19. Police Defendants also deny any Plaintiff's Exhibit 1 being attached to the Complaint.

20. As to the allegations of Paragraph 20, Police Defendants admit certain persons in Kiener Plaza were arrested on or about November 12, 2011 for curfew violation, but deny each and every other averment not heretofore specifically admitted.

21. Police Defendants deny each and every allegation of Paragraph 21.

22. Police Defendants deny each and every allegation of Paragraph 22.

23. Police Defendants deny each and every allegation of Paragraph 23.

24. Police Defendants deny each and every allegation of Paragraph 24.

25. Police Defendants deny each and every allegation of Paragraph 25.

26. Police Defendants deny each and every allegation of Paragraph 26.

27. Police Defendants deny each and every allegation of Paragraph 27.

28. Police Defendants deny each and every allegation of Paragraph 28.

29. Police Defendants deny each and every allegation of Paragraph 29.

30. Police Defendants deny each and every allegation of Paragraph 30.

31. Police Defendants deny each and every allegation of Paragraph 31.

32. As to the allegations of Paragraph 32, they constitute legal conclusions not

requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

33. As to the allegations of Paragraph 33, they appear to recite the relief requested by Plaintiffs, and to the extent requiring an Answer, Police Defendants state Plaintiffs were denied relief in the form of a Temporary Restraining Order and a Motion for Preliminary Injunction previously in this action, and deny they are entitled to relief in the form of a Declaratory Judgment.

34. Police Defendants deny each and every allegation of Paragraph 34.

35. Police Defendants are without knowledge and information sufficient to admit or deny the allegations of Paragraph 35, and therefore deny same.

36. Police Defendants deny each and every allegation of Paragraph 36.

37. As to the allegations of Paragraph 37, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

38. Police Defendants deny each and every allegation of Paragraph 38.

39. Police Defendants deny each and every allegation of Paragraph 39.

40. Police Defendants deny each and every allegation of Paragraph 40.

COUNT I

41. Police Defendants replead, reallege and incorporate as if fully set forth herein, Paragraphs 1 through 40, inclusive, of their Answer hereinabove made, as and for their Answer to the allegations of Paragraph 41.

42. Police Defendants deny each and every allegation of Paragraph 42.

43. As to the allegations of Paragraph 43, they constitute legal conclusions not

requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

44. Police Defendants deny each and every allegation of Paragraph 44.

COUNT II

45. Police Defendants replead, reallege and incorporate as if fully set forth herein, Paragraphs 1 through 29, inclusive, of their Answer hereinabove made, as and for their Answer to the allegations of Paragraph 45.

46. As to the allegations of Paragraph 46, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

47. As to the allegations of Paragraph 47, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

48. As to the allegations of Paragraph 48, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

49. As to the allegations of Paragraph 49, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

50. As to the allegations of Paragraph 50, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

51. As to the allegations of Paragraph 51, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts,

Police Defendants deny same.

52. As to the allegations of Paragraph 52, they appear to recite the relief requested by Plaintiffs, and to the extent requiring an Answer, Police Defendants state Plaintiffs were denied relief in the form of a Temporary Restraining Order and a Motion for Preliminary Injunction previously in this action, and deny they are entitled to relief in the form of a Declaratory Judgment.

COUNT III

53. Police Defendants replead, reallege and incorporate as if fully set forth herein, Paragraphs 1 through 52, inclusive, of their Answer hereinabove made, as and for their Answer to the allegations of Paragraph 53.

54. Police Defendants deny each and every allegation of Paragraph 54.

55. Police Defendants deny each and every allegation of Paragraph 55.

56. Police Defendants deny each and every allegation of Paragraph 56.

57. Police Defendants deny each and every allegation of Paragraph 57.

58. Police Defendants deny each and every allegation of Paragraph 58.

59. Police Defendants deny each and every allegation of Paragraph 59.

60. Police Defendants deny each and every allegation of Paragraph 60.

61. As to the allegations of Paragraph 61, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

62. As to the allegations of Paragraph 62, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

COUNT IV

63. Police Defendants replead, reallege and incorporate as if fully set forth herein, Paragraphs 1 through 62, inclusive, of their Answer hereinabove made, as and for their Answer to the allegations of Paragraph 63.

64. Police Defendants deny each and every allegation of Paragraph 64.

65. Police Defendants deny each and every allegation of Paragraph 65.

66. Police Defendants deny each and every allegation of Paragraph 66.

67. Police Defendants deny each and every allegation of Paragraph 67.

68. As to the allegations of Paragraph 68, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

69. As to the allegations of Paragraph 69, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

70. Police Defendants deny each and every allegation of Paragraph 70.

COUNT V

71. Police Defendants replead, reallege and incorporate as if fully set forth herein, Paragraphs 1 through 69, inclusive, of their Answer hereinabove made, as and for their Answer to the allegations of Paragraph 71.

72. As to the allegations of Paragraph 72, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

73. Police Defendants deny each and every allegation of Paragraph 73.

74. Police Defendants deny each and every allegation of Paragraph 74.

75. As to the allegations of Paragraph 75, Police Defendants admit certain persons in Kiener Plaza were arrested on or about November 12, 2011 for curfew violation, but deny each and every other averment not heretofore specifically admitted.

76. Police Defendants deny each and every allegation of Paragraph 76.

77. Police Defendants deny each and every allegation of Paragraph 77.

78. Police Defendants deny each and every allegation of Paragraph 78.

79. As to the allegations of Paragraph 79, they constitute legal conclusions not requiring a response; to the extent any of the allegations may be construed as alleging facts, Police Defendants deny same.

80. As to the allegations of Paragraph 80, they appear to recite the relief requested by Plaintiffs, and to the extent requiring an Answer, Police Defendants state Plaintiffs were denied relief in the form of a Temporary Restraining Order and a Motion for Preliminary Injunction previously in this action, and deny they are entitled to relief in the form of a Declaratory Judgment.

AFFIRMATIVE DEFENSES

Police Defendants assert the following affirmative defenses, and each of them, to each and every Count and claim of Plaintiffs' First Amended Complaint:

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

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

83. Plaintiffs are barred from seeking the relief requested under the doctrine of

unclean hands.

84. Plaintiffs are barred from seeking the relief requested under the doctrine of estoppel.

85. Plaintiffs are barred from seeking the relief requested under the doctrine of laches.

86. The actions of Police Defendants, and any agents, employees or servants thereof, as alleged in any of the Paragraphs in Plaintiffs' First Amended Complaint, were based on the good faith reliance on the validity of the City Ordinance referred to in the First Amended Complaint as St. Louis City Revised Code Chapter 22.18.010 (hereinafter referred to as "the Code provision.")

87. The Code provision is a reasonable time, manner and place restriction.

88. The Code provision is content neutral.

89. The Code provision is narrowly tailored to the achievement of significant government interest.

90. The Code provision leaves open ample alternatives for free speech.

WHEREFORE, having fully answered, Police Defendants pray:

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.

BOARD OF POLICE COMMISSIONERS
OF THE CITY OF ST. LOUIS

/s/ Mark Lawson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of the Court on December 2, 2011, to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Mark Lawson