

IN CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI

ST. LOUIS COUNTY, MISSOURI, )  
et al., )  
 )  
Plaintiff, )  
 )  
v. ) Case No. 04CV323913  
 )  
STATE OF MISSOURI, )  
 )  
Defendant. )

**Answer of Defendant State of Missouri  
to Plaintiff’s “Petition for Declaratory Judgment”**

The defendant State of Missouri answers the allegations contained in the Petition as follows:

1. The State admits the allegations contained in paragraph 1.
2. The State lacks sufficient information to admit or deny the allegations contained in paragraph 2 and therefore denies them.
3. The State admits the allegations contained in paragraph 3.
4. With regard to the allegations contained in paragraph 4, the State denies that this court has subject matter jurisdiction. The State admits that venue lies in this court.
5. The State admits the allegations contained in paragraph 5.
6. With regard to the allegations contained in paragraph 6, the provisions of §571.101, RSMo, speak for themselves, and the State denies all allegations inconsistent therewith.

7. At least the last sentence in paragraph 7 contains legal conclusions and thus requires no response. To the extent that a response is required, the State lacks sufficient information to admit or deny these allegations and therefore denies them. The State also avers that, to the extent the plaintiffs (or any of them) seek to establish the truth of this allegation, the St. Louis County Sheriff, Superintendent of Police, and the Director of the Department of Justice Services, and possibly others, are necessary and indispensable parties, and the State has no interest that can be litigated toward the resolution of this issue.

8. With regard to the allegations contained in paragraph 8, the provisions of §571.101.11, RSMo, speak for themselves, and the State denies all allegations inconsistent therewith.

9. The State lacks sufficient information to admit or deny the allegations contained in paragraph 9 and therefore denies them.

10. With regard to the allegations contained in paragraph 10, the provisions of Mo. Const. art. X, sec. 16 speak for themselves, and the State denies all allegations inconsistent therewith.

11. With regard to the allegations contained in paragraph 11, the provisions of Mo. Const. art. X, sec. 21 speak for themselves, and the State denies all allegations inconsistent therewith.

12. The allegations contained in paragraph 12 are legal conclusions, and no answer is required. If an answer is required, the State denies the allegations. The State

further pleads that the State has not sought to compel, or in any way threatened to seek to compel, St. Louis County to implement the permit application and approval process of the Concealed Carry Act.

“Count 1”

13. The State reincorporates its answers to the above paragraphs, as if fully set forth.

14. The allegations contained in paragraph 14 are legal conclusions, and no answer is required. If an answer is required, the State denies the allegations.

15. The State denies the allegations contained in paragraph 15.

“Count 2”

16. The State reincorporates its answers to the above paragraphs, as if fully set forth.

17. The allegations contained in paragraph 17 are legal conclusions, and no answer is required. If an answer is required, the State denies the allegations.

18. The State denies the allegations contained in paragraph 18.

WHEREFORE the State denies all allegations that it has not specifically admitted.

WHEREFORE, the State denies that plaintiff is entitled to the relief requested and asks that plaintiff’s claims be dismissed, and for the entry of such other orders as are proper.

## **Affirmative Defenses**

Without prejudice to its previous denials, the State makes the following affirmative defenses:

1. Plaintiff has failed to state a claim on which relief can be granted.
2. The State of Missouri has not sought to compel, or in any way threatened to seek to compel, St. Louis County to implement the permit application and approval process of the Concealed Carry Act. Accordingly, this matter is not ripe for adjudication and thus this Court lacks subject matter jurisdiction to hear and determine plaintiffs' claims.
3. St. Louis County is authorized under the Concealed Carry Act to delegate implementation and administration of the Act's application process to one or more police chiefs and thereby avoid any expenses that cannot otherwise be reimbursed. Plaintiffs have not alleged that they have attempted to do so and failed. This matter also may not be ripe for adjudication on this ground as well and, in such event, this Court would lack subject matter to hear and determine the plaintiffs' claims.
4. Plaintiff St. Louis County lacks standing to assert these claims and therefore this Court lacks subject matter jurisdiction to entertain them.
5. Plaintiff Dooley, in his official capacity, lacks standing to assert these claims and therefore this Court lacks subject matter jurisdiction to entertain them.
6. Plaintiffs have failed to name certain necessary and indispensable parties and, accordingly, their Petition should be dismissed.

7. The State reserves the right to plead such other affirmative defenses as may become known to it.

WHEREFORE the State asks that the court dismiss this suit, and enter such other orders as are proper.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
STATE OF MISSOURI

**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing was mailed, postage prepaid, on this 26<sup>th</sup> day of April, 2004, to:

Michael A. Shuman  
Associate County Counselor  
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Assistant Attorney General