

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

COMPREHENSIVE HEALTH OF)
PLANNED PARENTHOOD)
GREAT PLAINS, et. al.)
Plaintiff,)
)
vs.)
)
)
PETER LYSKOWSKI, et. al.)
Defendant.)

Case Number 2:16-CV-4313 HFS

DANIEL K. KNIGHT ANSWER TO COMPLAINT

Daniel K. Knight, by the undersigned counsel, answers plaintiffs' complaint as follows:

1. Regarding paragraphs 1, 20, 21, 22, 24, 28, and 31, of that complaint, the complaint and the statutes, cases, and regulations plaintiffs mention in those paragraphs speak for themselves, and otherwise Defendant Knight lacks knowledge or information sufficient to form a belief about the truth of those paragraphs' allegations and so denies those allegations.
2. He admits the allegations of paragraphs 5, 6, 11, 12, 13, 14, 15, and 16.
3. He lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraphs 2, 3, 4, 7, 8, 9, 10, 17, 18, 19, 23, 25, 26, 27, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 53, 55, and 57, and so denies those allegations.
4. Regarding paragraphs 50, 52, 54, and 56, he adopts, re-alleges, and incorporates herein by reference his answers to paragraphs 1 through 49 of plaintiffs' complaint as if those paragraphs had been set out here at length.

AFFIRMATIVE DEFENSES

5. The Boone County Prosecuting Attorney is a state official shielded by the doctrines of sovereign immunity, official immunity, and the public duty doctrine.
6. The complaint fails to state to a claim upon which a relief can be granted and should be dismissed as to Defendant Knight because there is no case ripe for this court's review and there no justiciable case or controversy between any plaintiff and Defendant Knight because there is no pending or threatened criminal prosecution or other proceeding to enforce the statutes mentioned in the complaint.
7. Plaintiff lacks standing to bring this action against Defendant Knight as there is no case or controversy pending or threatened upon which Plaintiff may invoke standing to bring this action against Defendant Knight and therefore this action should be dismissed as to this Defendant.
8. Declaratory and injunctive relief should be denied with respect Defendant Knight as a court of equity should not enjoin the prosecution of a crime, and in any event, the Plaintiff has not plead and cannot prove that any prosecution in the County of Boone is threatened or pending with respect to the statutes complained of by Plaintiff in its complaint.
9. The Boone County Prosecuting Attorney requests this court to dismiss the Boone County Prosecuting Attorney from this action in that defending the constitutionally of the statutes in the abstract when there is no case or controversy ripe for judicial review initiated by or against the Prosecuting Attorney is not one of the enumerated duties of the Prosecuting Attorney of Boone County.
10. Given Daniel K. Knight's relatively insignificant role in this litigation, he asks that none of plaintiffs' costs or attorney fees be taxed to him.

WHEREFORE, having fully answered plaintiffs' complaint, Defendant Daniel K. Knight prays the court to dismiss the complaint against him and deny the relief requested by Plaintiff as to Defendant Knight, to allow him his costs incurred, and to enter such other orders and relief as the court deems just and proper.

Respectfully Submitted,

/s/ Ronald N. Sweet
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CERTIFICATE OF SERVICE

I hereby certify that on 21st day of December, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: