

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

**COMPREHENSIVE HEALTH OF
PLANNED PARENTHOOD
GREAT PLAINS, et al,**

Plaintiffs,

v.

DR. RANDALL WILLIAMS, et al.

Defendants.

)
)
)
)
)
)
)
)
)
)
)
)

Case No. 2:16-CV-4313-HFS

DEFENDANT PATTERSON’S ANSWER TO COMPLAINT

COMES NOW, Defendant, Greene County Prosecuting Attorney, Dan Patterson, by and through Chief Assistant Prosecuting Attorney, T. Todd Myers, and hereby answers Plaintiff’s Complaint as follows:

1. The allegations of paragraph one contain legal conclusions and do not require a response. To the extent there are any factual allegations, Defendant Patterson denies the allegations.
2. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 2 of the Complaint and denies the same.
3. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 3 of the Complaint and denies the same.
4. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 4 of the Complaint and denies the same.

5. Admit
6. The allegations of paragraph six contain legal conclusions and do not require a response.
To the extent there are factual allegations, Defendant Patterson denies the allegations.
7. Admit
8. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 8 of the Complaint and denies the same.
9. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 9 of the Complaint and denies the same.
10. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 10 of the Complaint and denies the same.
11. Defendant Patterson denies the fact that Peter Lyskowski is the Director of DHSS. The current director is Dr. Randall Williams. Defendant Patterson admits that the DHSS is the agency responsible for abortion licensure and regulation.
12. Defendant Patterson denies the fact that Chris Koster is the Attorney General of the State of Missouri. The current Missouri Attorney General is Joshua Hawley. Defendant Patterson admits that the Attorney General has the authority as set forth by Missouri statute.
13. Admit
14. Admit
15. Defendant Patterson denies the fact that Dean Dankelson is the Jasper County Prosecuting Attorney. Ms. Theresa Kenney is the Jasper County Prosecuting Attorney. Defendant Patterson admits that the Jasper County Prosecuting Attorney has the authority

as set forth by Missouri statute.

16. Admit

17. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 17 of the Complaint and denies the same.

18. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 18 of the Complaint and denies the same.

19. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 19 of the Complaint and denies the same.

20. The allegations of paragraph 20 contain legal conclusions and do not require a response. To the extent there are any factual allegations, Defendant Patterson denies the allegations.

21. The allegations of paragraph 21 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.

22. The allegations of paragraph 22 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.

23. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 23 of the Complaint and denies the same.

24. The allegations of paragraph 24 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.

25. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 25 of the Complaint and denies the same.

26. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 26 of the Complaint and denies the same.

27. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 27 of the Complaint and denies the same.
28. Defendant Paterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 28 of the Complaint and denies the same.
29. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 29 of the Complaint and denies the same.
30. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 30 of the Complaint and denies the same.
31. The allegations of paragraph 31 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
32. The allegations of paragraph 32 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
33. The allegations of paragraph 33 contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
34. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 34 of the Complaint and denies the same.
35. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 35 of the Complaint and denies the same.
36. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 36 of the Complaint and denies the same.
37. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 37 of the Complaint and denies the same.

38. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 38 of the Complaint and denies the same.
39. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 39 of the Complaint and denies the same.
40. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 40 of the Complaint and denies the same.
41. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 41 of the Complaint and denies the same.
42. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 42 of the Complaint and denies the same.
43. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 43 of the Complaint and denies the same.
44. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 44 of the Complaint and denies the same.
45. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 45 of the Complaint and denies the same.
46. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 46 of the Complaint and denies the same.
47. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 47 of the Complaint and denies the same.
48. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 48 of the Complaint and denies the same.

49. Defendant Patterson lacks knowledge or information sufficient to form a belief about the truth of paragraph 49 of the Complaint and denies the same.
50. Defendant Patterson hereby incorporates by reference paragraphs 1 through 49 as set forth above.
51. The allegations of paragraph fifty-one contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
52. Defendant Patterson hereby incorporates by reference paragraphs 1 through 49 as set forth above.
53. The allegations of paragraph fifty-three contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
54. Defendant Patterson hereby incorporates by reference paragraphs 1 through 49 as set forth above.
55. The allegations of paragraph fifty-five contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.
56. Defendant Patterson hereby incorporates by reference paragraph 1 through 49 as set forth above.
57. The allegations of paragraph fifty-seven contain legal conclusions and do not require a response. To the extent there are factual allegations, Defendant Patterson denies the allegations.

AFFIRMATIVE DEFENSES

58. Defendant Patterson, the Greene County Prosecuting Attorney, is a state official shielded by the doctrine of sovereign immunity, absolute immunity, official immunity, and the public duty doctrine.
59. The Complaint fails to state a claim upon which relief can be granted.
60. The Complaint fails to state a claim upon which relief can be granted and should be dismissed as to Defendant Patterson because there is no case ripe for this court's review and there is no justiciable case or controversy between any Plaintiff and Defendant Patterson because there is no pending or threatened criminal prosecution or other proceeding to enforce the statutes mentioned in the Complaint.
61. Plaintiff lacks standing to bring this action against Defendant Patterson as there is no case or controversy pending or threatened upon which Plaintiff may invoke standing to bring this action against Defendant Patterson and therefore this action should be dismissed as to Defendant Patterson.
62. Declaratory and injunctive relief should be denied with respect to Defendant Patterson in that 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 Greene County is threatened or pending with respect to the statutes complained of by Plaintiff in the Complaint.
63. Defendant Patterson requests the Court to dismiss the Greene County Prosecuting Attorney from this action in that defending the constitutionality of the statutes in the

abstract where 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 Greene County Prosecuting Attorney.

64. Plaintiff's request for attorney's fees, costs and expenses should be stricken and denied as to Defendant Patterson who has taken no action against any of the Plaintiffs, has not threatened any action against any of the Plaintiffs, is entitled to absolute immunity in regard to prosecution, and has an insignificant role in this litigation.

WHEREFORE, Defendant Patterson has answered the Complaint and requests this Court dismiss the Complaint, enter judgment in his favor, and award costs and expenses, and for such further order and relief as the Court deems just and proper.

Respectfully submitted,

Mr. Dan Patterson
Prosecuting Attorney
Greene County, Missouri, by

/s/ T. Todd Myers

T. Todd Myers
Chief Assistant Prosecuting Attorney
Greene County Prosecutor's Office
Missouri Bar No. 50252
1010 N. Boonville
Springfield, Mo. 65802
Tmyers@greencountymo.gov
(417) 868-4061
FAX (417) 868-4160

ATTORNEY FOR DEFENDANT PATTERSON

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to the following:

Arthur A. Benson
Abenson@bensonlaw.com
Jamie K. Lansford
Jlansford@bensonlaw.com
Arthur Benson & Associates
4006 Central Ave.
Kansas City, MO 64111

Melissa A. Cohen
Melissa.cohen@ppfa.org
Jennifer Sandman
Jennifer.sandman@ppfa.org
Planned Parenthood Federation of American Inc.
123 William Street
New York, New York 10038

Emily Dodge
Emily.dodge@ago.mo.gov
Missouri Attorney General
P.O. Box 899
Jefferson City, MO 65102

Ronald Sweet
Rsweet@boonecountymmo.org
601 E. Walnut, Suite 207
Columbia, Missouri 65201

D. John Sauer
State Solicitor
P.O. Box 899
Jefferson City, MO 65102
John.Sauer@ago.mo.gov

Norman E. Rouse
5957 E. 20th Street
Joplin, MO 64801

Twelch@cwrcave.com
Attorney for Defendant Kenney

R. Travis Willingham
Chief Deputy County Counselor
Jackson County Courthouse
415 E. 12th Street, Suite 200
Kansas City, Missouri 64106
twillingham@jacksongov.org
Attorney for Defendant Jean Peters Baker

/s/ T. Todd Myers

Assistant Prosecuting Attorney