

**IN THE CIRCUIT COURT OF ST. LOUIS CITY
STATE OF MISSOURI**

CHARLES LANE,)	
Plaintiff,)	
)	
v.)	Case No. 2122-CC00751
)	
POLICE RETIREMENT)	
SYSTEM OF CITY OF ST. LOUIS,)	
et al.,)	
Defendants.)	

**DEFENDANT STATE OF MISSOURI’S ANSWER TO CITY OF ST.
LOUIS’ CROSS-CLAIM FOR DECLARATORY JUDGMENT**

Defendant, the State of Missouri, by and through its attorneys, for its answer to Defendant City of St. Louis’ Cross-Claim states as follows:

The State denies each and every allegation in Defendant City of St. Louis’ Cross-Claim for Declaratory Judgment, unless expressly admitted, and then only to the extent of the referenced response. Any factual averment is limited to the fact itself and does not extend to any conclusions, characterizations, implications, or speculation contained therein or in the City’s cross-claim as a whole.

“Background”

1. Paragraph 1 of Defendant City of St. Louis’ Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. The State admits that the City of St. Louis is organized as a constitutional charter city under the Missouri Constitution. To the extent a

response is required, the State denies the remaining allegations contained in Paragraph 1 of Defendant City of St. Louis' Cross-Claim.

2. The State admits the allegations contained in Paragraph 2 of Defendant City of St. Louis' Cross-Claim.

3. Paragraph 3 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. The statutes contained in Chapter 86 of the Missouri Revised Statutes, including §86.203, RSMo, speak for themselves and the State denies all allegations not in conformance with the statutes. To the extent a further response is required, the State denies the remaining allegations contained in Paragraph 3 of Defendant City of St. Louis' Cross-Claim.

4. Paragraph 4 of Defendant City of St. Louis' Cross-Claim contains legal conclusions and arguments that the State is not required to admit or deny. The State admits that the Police Retirement System of the City of St. Louis (the "Retirement System") is named as a defendant in Plaintiff's Petition. To the extent a further response is required, the State denies the remaining allegations contained in Paragraph 4 of Defendant City of St. Louis' Cross-Claim.

5. Paragraph 5 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or

deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 5 of Defendant City of St. Louis' Cross-Claim.

6. The State admits the allegations contained in Paragraph 6 of Defendant City of St. Louis' Cross-Claim.

7. Paragraph 7 of Defendant City of St. Louis' Cross-Claim contains legal conclusions and arguments that the State is not required to admit or deny. Missouri's statutes speak for themselves. The State is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 7 of Defendant City of St. Louis' Cross-Claim and therefore denies the same. To the extent a further response is required, the State denies the remaining allegations contained in Paragraph 7 of Defendant City of St. Louis' Cross-Claim.

8. The State admits the allegations contained in Paragraph 8 of Defendant City of St. Louis' Cross-Claim.

9. The State is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of Defendant City of St. Louis' Cross-Claim and therefore denies the same.

10. Paragraph 10 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or

deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 10 of Defendant City of St. Louis' Cross-Claim.

11. Paragraph 11 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 11 of Defendant City of St. Louis' Cross-Claim.

12. Paragraph 12 of Defendant City of St. Louis' Cross-Claim contains legal conclusions and arguments that the State is not required to admit or deny. The State admits that this Court has jurisdiction over this case in that Missouri's circuit courts have jurisdiction over all civil cases and matters. The State admits that the Circuit Court of the City of St. Louis is an appropriate venue for this action. The State is without sufficient knowledge or information to form a belief as to the truth of the allegation that the remaining Plaintiff, James Crawford, is "located in the State of Missouri" and therefore denies the same. The State admits that this case involves the interpretation of Missouri statutes. To the extent a further response is required, the State denies the remaining allegations contained in Paragraph 12 of Defendant City of St. Louis' Cross-Claim.

“Count I—Declaratory Judgment Regarding Mo. Rev. Stat. §86.810”

13. As to Paragraph 13 of Defendant City of St. Louis’ Cross-Claim, the State admits and denies Paragraphs 1 through 12 of the City’s Cross-Claim in accordance with the State’s answers as if set forth herein.

14. Paragraph 14 of Defendant City of St. Louis’ Cross-Claim consists of Defendant City of St. Louis’ characterization of its Cross-Claim, requiring no response from the State. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 14 of Defendant City of St. Louis’ Cross-Claim.

15. The State admits that Paragraph 15 of Defendant City of St. Louis’ Cross-Claim accurately quotes the second sentence of art. X, sec. 21 of the Missouri Constitution. Art. X, sec. 21 of the Missouri Constitution speaks for itself.

16. The State admits the allegations contained in Paragraph 16 of Defendant City of St. Louis’ Cross-Claim.

17. Paragraph 17 of Defendant City of St. Louis’ Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 17 of Defendant City of St. Louis’ Cross-Claim.

18. The State is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 18 of Defendant City of St. Louis' Cross-Claim and therefore denies the same.

19. Paragraph 19 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 19 of Defendant City of St. Louis' Cross-Claim.

20. The State is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of Defendant City of St. Louis' Cross-Claim and therefore denies the same.

21. Paragraph 21 of Defendant City of St. Louis' Cross-Claim consists of a legal conclusion or argument that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 21 of Defendant City of St. Louis' Cross-Claim.

22. Paragraph 22 of Defendant City of St. Louis' Cross-Claim consists of Defendant City of St. Louis' characterization of the State's Answer to Plaintiff's Amended Petition, requiring no response from the State. To the extent a response is required, the State denies the remaining allegations

contained in Paragraph 22 of Defendant City of St. Louis' Cross-Claim.

23. The first sentence of Paragraph 23 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions or arguments that the State is not required to admit or deny. The second sentence of Paragraph 23 of Defendant City of St. Louis' Cross-Claim consists of Defendant City of St. Louis' characterization of its Cross-Claim, requiring no response from the State. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 23 of Defendant City of St. Louis' Cross-Claim.

24. Paragraph 24 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 24 of Defendant City of St. Louis' Cross-Claim.

25. Paragraph 25 of Defendant City of St. Louis' Cross-Claim consists of a legal conclusion or argument that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 25 of Defendant City of St. Louis' Cross-Claim.

“Count II—Declaratory Judgment Regarding Mo. Rev. Stat. §86.810”

26. As to Paragraph 26 of Defendant City of St. Louis' Cross-Claim,

the State admits and denies Paragraphs 1 through 25 of the City's Cross-Claim in accordance with the State's answers as if set forth herein.

27. Paragraph 27 of Defendant City of St. Louis' Cross-Claim consists of Defendant City of St. Louis' characterization of its Cross-Claim, requiring no response from the State. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 27 of Defendant City of St. Louis' Cross-Claim.

28. The State admits that Paragraph 28 of Defendant City of St. Louis' Cross-Claim accurately quotes the language of §86.364, RSMo. The statute speaks for itself.

29. Paragraph 29 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. Section 86.364, RSMo, speaks for itself and the State denies all allegations not in conformance with the statute.

30. Paragraph 30 of Defendant City of St. Louis' Cross-Claim contains legal conclusions or arguments that the State is not required to admit or deny. To the extent a response is required, the State is without sufficient knowledge or information to form a belief as to the truth of the factual allegations contained in Paragraph 30 of Defendant City of St. Louis' Cross-Claim and therefore denies the same.

31. Paragraph 31 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 31 of Defendant City of St. Louis' Cross-Claim.

32. Paragraph 32 of Defendant City of St. Louis' Cross-Claim consists of Defendant City of St. Louis' characterization of the State's Answer to Plaintiff's Amended Petition, requiring no response from the State. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 32 of Defendant City of St. Louis' Cross-Claim.

33. Paragraph 33 of Defendant City of St. Louis' Cross-Claim consists of a legal conclusion or argument that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 33 of Defendant City of St. Louis' Cross-Claim.

34. The first sentence of Paragraph 34 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions or arguments that the State is not required to admit or deny. The second sentence of Paragraph 34 of Defendant City of St. Louis' Cross-Claim consists of Defendant City of St. Louis' characterization of its Cross-Claim, requiring no response from the State. To

the extent a response is required, the State denies the remaining allegations contained in Paragraph 34 of Defendant City of St. Louis' Cross-Claim.

35. Paragraph 35 of Defendant City of St. Louis' Cross-Claim consists of legal conclusions and arguments that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 35 of Defendant City of St. Louis' Cross-Claim.

36. Paragraph 36 of Defendant City of St. Louis' Cross-Claim consists of a legal conclusion or argument that the State is not required to admit or deny. To the extent a response is required, the State denies the remaining allegations contained in Paragraph 36 of Defendant City of St. Louis' Cross-Claim.

37. The State denies each and every allegation of Defendant City of St. Louis' Cross-Claim not herein specifically admitted.

38. The State denies that Defendant City of St. Louis is entitled to any of the relief requested.

WHEREFORE, having fully answered, the State of Missouri prays that the Court dismiss Defendant City of St. Louis' Cross-Claim, for the State's costs herein expended, and for such other and further relief as the Court may deem just and proper in the premises.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
STATE OF MISSOURI

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2021, I electronically filed the foregoing with the Clerk of Court via Case.net, which sent notification to counsel of record.

/s/ Emily A. Dodge
Emily A. Dodge
Assistant Attorney General