

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

STATE OF MISSOURI,)	
)	
Plaintiff,)	
v.)	No. 1422-CC09027
)	
SHARON QUIGLEY CARPENTER,)	
Recorder of Deeds and Vital Records)	
Registrar, City of St. Louis,)	
)	
Defendant.)	

**ANSWER, DEFENSES, AND
AFFIRMATIVE DEFENSES**

Plaintiff, State of Missouri, through counsel, the Missouri Attorney General in his official capacity, provide the following answer, defenses, and affirmative defenses to Defendant’s Counterclaim.

1. Plaintiff admits the allegations in paragraph 1 of Defendant’s Counterclaim.

2. Paragraphs 2-6, 8-10, 12, 13 (including subparagraphs a. through s.), 14-15, and 17-21 of Defendant’s Counterclaim state legal conclusions, restate provisions of law, or cite caselaw, and therefore require no response. To the extent a response is required, Plaintiff denies the allegations.

3. Plaintiff denies the allegations in paragraphs 7 & 11 of Defendant’s Counterclaim.

4. Answering paragraph 16 of Defendant's Counterclaim, Plaintiff admits that Florida's predecessor in office purported to unlawfully issue four marriage licenses to same-sex couples, and to record those licenses. Paragraph 16 of Defendant's Counterclaim further states legal conclusions, and therefore requires no response. Plaintiff is also without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 16 of Defendant's Counterclaim, and therefore denies the allegations.

5. Answering paragraph 22 of Defendant's Counterclaim, Plaintiff admits that Attorney General Chris Koster is the State's chief law enforcement officer. The remainder of paragraph 22 of Defendant's Counterclaim states legal conclusions requiring no response. To the extent a response is required, Plaintiff denies the allegations.

Plaintiff denies the prayer for relief immediately following paragraph 22, including subparagraphs a. through f., as well as all other allegations in Defendant's Counterclaim not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. Defendant's Counterclaim should be dismissed for failure to state a claim upon which relief can be granted.
2. Defendant's Counterclaim should be dismissed in whole or in part because the claims are not justiciable or Plaintiff lacks standing.

3. Defendant's Counterclaim should be dismissed in whole or in part because the claims are not ripe.

4. Defendant's Counterclaim should be dismissed because the proposed relief, if granted, would violate separation of powers principles.

5. Defendant's Counterclaim should be dismissed because the claims present a political question.

6. Plaintiff reserves the right to assert further affirmative defenses as may be revealed in the course of litigation.

WHEREFORE, having provided full answers, defenses, and affirmative defenses to Defendant's Counterclaim, Plaintiff respectfully requests that the Court deny all relief requested in Defendant's Counterclaim, dismiss Defendant's Counterclaim with prejudice and enter such other relief as the Court deems proper.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
STATE OF MISSOURI**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically via Missouri CaseNet e-filing system this 5th day of August, 2014, to:

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