IN THE CIRCUIT COURT OF MARIES COUNTY, MISSOURI

In the matter of:)
Ron and Anne Calzone,)
·	<i>)</i>
Plaintiffs,)
)
Vs) 20MS-CC00027
)
Maries County Commissioners,)
Vic Stratman,)
Ed Fagre,)
Doug Drewel,)
Respondents	.)

MOTION TO DISMISS

COMES NOW Vic Stratman, Ed Fagre and Doug Drewel, by and through their attorney, Richard Anthony Skouby, and for their Motion to Dismiss, without waiving any lack of statutory authority arguments, jurisdictional defect arguments, claims in avoidance or affirmative defenses, state the following:

- 1. Plaintiff's Motion for injunctive relief fails to state claims upon which relief can be granted in that Plaintiffs have not plead facts demonstrating that future, immediate, irreparable harm has been threatened.
- 2. Plaintiffs lack standing to pursue injunctive relief under counts 4 and 5 of their amended petition in that Section 536.053 RSMo. does not give them authority to do so.
- 3. There is lack of personal jurisdiction over Defendants Ed Fagre and Doug Drewel in that they were not personally served with a copy of the Petition or Motion for injunctive relief.
- 4. There is insufficiency of service of process for the reason stated in Paragraph 3.

- 5. That Plaintiffs' Motion for injunctive relief is moot. The Courthouse is open. The County Commission has lifted the stay at home orders or they have expired. The actions taken are completed.
- 6. Plaintiffs come to this Court of equity with unclean hands. Plaintiffs came to the Courthouse in violation of the Governor's Stay at Home Order when their travel was not one of the exceptions contained therein. They came for the purpose of arguing that government does not have the authority to issue the stay at home orders.

WHEREFORE, Defendants pray this Honorable Court to Dismiss Plaintiffs' Motion for Injunctive Relief with prejudice and order Plaintiffs to pay the costs associated with this action including their attorney fees and for such other and further relief as to the Court deems just and appropriate under the circumstances.

/s/ Richard A. Skouby

Richard Anthony Skouby 49366 Maries County Prosecuting Attorney PO Box 212 Vienna, MO 65582 573-422-3396

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this document was served upon the petitioner by efiling this 11th day of May, 2020.

/s/ Richard A. Skouby
Richard Anthony Skouby