

IN THE CIRCUIT COURT OF MARIES COUNTY, MISSOURI

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

DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION FOR INJUNCTIVE RELIEF COMES NOW Vic Stratman, Ed Fagre and Doug Drewel, by and through their attorney, Richard Anthony Skouby, and for their RESPONSE TO PLAINTIFFS’ MOTION FOR INJUNCTIVE RELIEF, without waiving any lack of statutory authority arguments, jurisdictional defect arguments, claims in avoidance or affirmative defenses, state the following:

1. Plaintiffs’ Motion fails to state facts constituting a claim upon which relief can be granted.
2. Plaintiffs fail to state facts that allege immediate and irreparable harm has been threatened and will come to them in the future if future conduct is not enjoined.
3. Plaintiffs’ Motion requests this Court to enjoin the Commission from continuing to hold closed meetings in violation of Section 610.015, but the Commission is not currently doing so. Furthermore, on Wednesday April 25, 2020, prior to the service of any summons, a public notice was

published in the Maries County Gazette providing the dates and times of Commission Meetings and the procedure for accessing the meetings by conference call including the number to be called and the pin # therefore.

4. Plaintiffs' Motion requests the Court to enjoin the Commission from continuing to hold meetings without first posting notice of the meetings and at least a tentative agenda as required by Section 610.015, but the Commission is not currently doing so.
5. Plaintiffs' Motion requests the Court enjoin the Commission from enforcement or otherwise pursuing any action resulting from the meetings of the Commission held after April 6, 2020 in violation of Chapter 610, but the Commission is not currently doing so.
6. The Maries County Commission is not threatening to violate the provisions of Chapter 610 RSMo. in the future.
7. The Maries County Commission is currently complying with the requirements of Chapter 610 RSMo and has made no plans to change this compliance.
8. Any past noncompliance was due to a state of emergency and the issuance of orders by the governor to limit meetings to 10 people and for citizens to stay at home except for listed exceptions. The attendance at commission meetings was not an exception in the governor's order. Notices posted at the courthouse are of **no practical worth if the public is prohibited** from traveling to the courthouse to look at them and the Courthouse is closed.
9. Plaintiffs were given an opportunity to listen and participate by telephone as the newspapers were doing.

10. Plaintiffs issues are moot as the actions complained of have been fully implemented and emergency orders have expired.
11. Plaintiffs come to this Court of equity with unclean hands in that Plaintiffs' violated the Governor's stay at home order in order to travel to the Commission meeting to oppose a stay at home order. The rules of equity provide that a party who participates in inequitable activity regarding the very issue for which it seeks relief will be barred by its own misconduct from receiving relief.

Wherefore, Defendants pray Plaintiffs' Motion for Injunctive Relief be overruled.

/s/ Richard A. Skouby
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