

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

LARRY GRAY, RONALD V. ARTIS,  
and ALONZO PATTERSON,  
  
Plaintiffs,

vs.

BILL FERRELL, Sheriff of Scott  
County, Missouri, and LOUIS  
HIRSCHOWITZ, ELDON ZIEGENHORN,  
and DEWAINE SHAFFER, Judges of  
the County Court of Scott  
County, Missouri,

Defendants.

Case No. S81-0018C

FILED

JUN 12 1981

EYVON MENDENHALL  
U. S. DISTRICT COURT  
E. DISTRICT OF MO.

ANSWER

Comes now defendant Bill Ferrell, separate and  
apart from his co-defendants, and for his separate Answer to  
plaintiffs' First Amended Complaint states:

FIRST DEFENSE

1. Defendant Bill Ferrell admits the allegations  
set out in Paragraphs 1 and 2 of Count I of plaintiffs'  
First Amended Complaint. With respect to Paragraph 3 of  
Count I of plaintiffs' First Amended Complaint, this defend-  
ant admits that the defendants, Louis Hirschowitz, Eldon  
Ziegenhorn and Dewaine Shaffer are residents of Scott  
County, Missouri, and are the present duly elected, quali-  
fied and acting Judges of the County Court of Scott County,  
Missouri.

2. This defendant generally and specifically  
denies each and every allegation contained in Paragraphs 4,  
5, 6, 7, 8 and 9 of Count I of plaintiffs' First Amended  
Complaint.

SECOND DEFENSE

1. In answer to Paragraph 1 of both Count II and  
Count III of plaintiffs' First Amended Complaint, the de-  
fendant Bill Ferrell realleges, restates and incorporates by  
reference each and every matter, thing and allegation set  
out in his First Defense.

*Ans. to  
1st Am. Compl.*

2. The defendant Bill Ferrell generally and specifically denies each and every matter, thing and allegation set out in Paragraphs 2, 3 and 4 of both Count II and Count III of plaintiffs' First Amended Complaint.

THIRD DEFENSE

Further answering, the defendant Bill Ferrell states that the plaintiffs, during any period of time during which they were confined in the Scott County Jail, were not subjected to conditions of imprisonment, disabilities or restrictions which were designed to or did constitute punishment of the plaintiffs.

FOURTH DEFENSE

Further answering, defendant Bill Ferrell states that the plaintiffs do not allege that they suffered any actual damage as a result of their confinement in the Scott County Jail and accordingly the plaintiffs have no standing to seek monetary damages, either punitive or actual, against this defendant.

FIFTH DEFENSE

Further answering, defendant Bill Ferrell states that if plaintiffs were injured or damaged at any time during their confinement in the Scott County Jail, which this defendant generally and specifically denies, such injuries and damages were either the direct and proximate result of said plaintiffs' own negligence and carelessness and that such negligence directly contributed to cause any such injuries or damages, if any, which are denied; or that such injuries or damages or deprivations were the direct and proximate result of the conduct of plaintiffs or of others or of general conditions of confinement which did not constitute a violation of any constitutionally protected right of the plaintiffs.


SIXTH DEFENSE

Furthering answering, the defendant Bill Ferrell states that plaintiffs' Complaint fails to state a claim as

to which the relief prayed for can be granted as against this defendant.

WHEREFORE, having fully answered, the defendant Bill Ferrell prays that Counts I, II and III of plaintiffs' Complaint herein be dismissed and that this defendant be allowed to go hence with his costs herein expended and without further answering to plaintiffs' First Amended Complaint.

BLANTON, RICE, SICKAL, GILMORE  
AND SIDWELL

By:   
Thomas R. Gilmore  
219 South Kingshighway  
Sikeston, Missouri 63801  
Telephone: 314-471-1000  
ATTORNEYS FOR DEFENDANT  
BILL FERRELL

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in envelopes addressed to such attorneys at their addresses as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelopes in a United States post office mailbox in Sikeston, Missouri, on the 11th day of June, 1981.

  
Thomas R. Gilmore

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JC-MO-013-002