

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**ANAKA HUNTER,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **CITY OF SALEM, MISSOURI,** )  
 **BOARD OF TRUSTEES, Salem Public** )  
 **Library, and GLENDA WOFFORD,** )  
 **Individually, and in her official capacity** )  
 **As Director of the Salem Public Library,** )  
 )  
 **Defendants.** )

**Case No: 4:12-CV-0004-ERW**

**JURY TRIAL DEMANDED**

**ANSWER OF DEFENDANT GLENDA WOFFORD**

COMES NOW Defendant Glenda Wofford, by and through her attorneys of record, Baird, Lighter, Millsap & Harpool, P.C., and states the following to the court for her Answer to Plaintiff's complaint.

1. Defendant Wofford denies and every allegation set forth in Paragraph 1.
2. Defendant Wofford admits so much of Paragraph 2 as alleges that Plaintiff purports to bring this action for violations of her First Amendment rights, made applicable through the Fourteenth Amendment. Defendant denies the remaining allegations set forth in Paragraph 2.
3. Defendant admits so much of Paragraph 3 as alleges that Plaintiff is seeking declaratory and injunctive relief, along with monetary damages, and denies the remaining allegations of Paragraph 3, if any.

## **JURISDICTION AND VENUE**

4. Defendant admits the allegations set forth in Paragraph 4.

5. Defendant admits the allegations set forth in Paragraph 5.

## **PARTIES**

6. Defendant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 and, therefore, denies the same.

7. Defendant admits that Salem Public Library is located in Salem, Missouri, and is established pursuant to § 182.140, RSMo. Defendant denies the remaining allegations set forth in Paragraph 7, if any.

8. Defendant admits so much of Paragraph 8 as alleges the City of Salem is a municipality and political subdivision of the state of Missouri. By way of further answer, Defendant avers that Salem Public Library is an entity duly established pursuant to § 182.140, RSMo, and denies the remaining allegations set forth in Paragraph 8.

9. Defendant admits that the Board of Trustees of the Salem Public Library is a body corporate subject to § 182.200, RSMo, and denies the remaining allegations contained in Paragraph 9, if any.

10. Defendant admits the allegations set forth in Paragraph 10.

11. Defendant denies each and every allegation set forth in Paragraph 11.

## **FACTUAL ALLEGATIONS**

12. Defendant denies each and every allegation set forth in Paragraph 12.

13. Defendant denies each and every allegation set forth in Paragraph 13.

14. Defendant denies each and every allegation set forth in Paragraph 14.

15. Defendant denies each and every allegation set forth in Paragraph 15.

16. Defendant denies each and every allegation set forth in Paragraph 16.

17. Defendant denies each and every allegation set forth in Paragraph 17.

18. Defendant denies each and every allegation set forth in Paragraph 18.

19. Defendant denies each and every allegation set forth in Paragraph 19.

20. Defendant denies each and every allegation set forth in Paragraph 20.

21. Defendant denies each and every allegation set forth in Paragraph 21.

22. Defendant denies each and every allegation set forth in Paragraph 22.

23. Defendant admits so much of Paragraph 23 as alleges that Plaintiff attended a meeting of the Salem Library Board of Trustees on November 8, 2010. Defendant denies the remaining allegations set forth in Paragraph 23, if any.

24. Defendant denies each and every allegation set forth in Paragraph 24.

25. Defendant denies each and every allegation set forth in Paragraph 25.

26. Defendant denies each and every allegation set forth in Paragraph 26.

27. Defendant admits the allegations set forth in Paragraph 27.

28. Defendant admits so much of Paragraph 28 as alleges the Library is obligated to comply with CIPA. Defendant denies the remaining allegations set forth in Paragraph 28, if any.

29. Paragraph 29 contains only legal conclusions and, therefore, requires no response from this Defendant. To the extent a response may be deemed required, Defendant denies each and every allegation set forth in Paragraph 29.

30. Paragraph 30 contains only legal conclusions and, therefore, requires no response from this Defendant. To the extent a response may be deemed required, Defendant denies each and every allegation set forth in Paragraph 30.

31. Defendant states that the statute cited speaks for itself and, therefore, this Paragraph requires no response from this Defendant. To the extent a response may be required, Defendant denies each and every allegation set forth in Paragraph 31.

32. Defendant admits so much of Paragraph 32 as alleges that internet service to the Library is filtered to limit access to material that is restricted by state and federal law. Defendant denies the remaining allegations set forth in Paragraph 32, if any.

33. Defendant denies each and every allegation set forth in Paragraph 33.

34. Defendant denies each and every allegation set forth in Paragraph 34.

35. Defendant denies each and every allegation set forth in Paragraph 35.

36. Defendant denies each and every allegation set forth in Paragraph 36.

37. Defendant lacks knowledge or information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 37 and, therefore, denies same.

38. Defendant admits so much of Paragraph 38 as alleges that some of the funds employed to provide internet access to the public are collected from taxpayers. Defendant denies each and every remaining allegation set forth in Paragraph 38, if any.

39. Defendant denies each and every allegation set forth in Paragraph 39.

40. Defendant denies each and every allegation set forth in Paragraph 40.

41. Defendant denies each and every allegation set forth in Paragraph 41.

42. Defendant denies each and every allegation set forth in Paragraph 42.

43. Defendant denies each and every allegation set forth in Paragraph 43.

44. Defendant denies each and every allegation set forth in Paragraph 44.

45. Defendant denies each and every allegation set forth in Paragraph 45.

46. Defendant denies each and every allegation set forth in Paragraph 46.

47. Defendant denies each and every allegation set forth in Paragraph 47.

48. Defendant denies each and every allegation set forth in Paragraph 48.

49. Defendant denies each and every allegation set forth in Paragraph 49.

50. Defendant denies each and every allegation set forth in Paragraph 50.

51. Defendant denies each and every allegation set forth in Paragraph 51.

52. Defendant denies each and every allegation set forth in Paragraph 52.

53. Defendant denies each and every allegation set forth in Paragraph 53, including subparts (a) through (h).

54. Defendant denies each and every allegation set forth in Paragraph 54, including subparts (a) through (d).

55. Defendant denies each and every allegation set forth in Paragraph 55.

56. Defendant denies each and every allegation set forth in Paragraph 56.

57. Defendant denies each and every allegation set forth in Paragraph 57.

58. Defendant denies each and every allegation set forth in Paragraph 58.

59. Defendant denies each and every allegation set forth in Paragraph 59.

60. Defendant denies each and every allegation set forth in Paragraph 60.

61. Defendant denies each and every allegation set forth in Paragraph 61.

62. Defendant denies each and every allegation set forth in Paragraph 62.

**COUNT I**  
**Free Speech Clause**

63. Defendant restates and incorporates by this reference the responses set forth in the foregoing Paragraphs 1 – 62 as though fully set forth herein.

64. Defendant denies each and every allegation set forth in Paragraph 64.

65. Defendant denies each and every allegation set forth in Paragraph 65.

- 66. Defendant denies each and every allegation set forth in Paragraph 66.
- 67. Defendant denies each and every allegation set forth in Paragraph 67.
- 68. Defendant denies each and every allegation set forth in Paragraph 68.
- 69. Defendant denies each and every allegation set forth in Paragraph 69.
- 70. Defendant denies each and every allegation set forth in Paragraph 70.

WHEREFORE, having fully answered Count I of Plaintiff's Complaint, Defendant Wofford respectfully requests that Plaintiff take nothing in this suit and that Defendant Wofford be discharged thereon and recover her costs of court and expenses, and for such other and further relief to which she may show herself justly entitled.

**COUNT II**  
**Establishment Clause**

71. Defendant restates and incorporates by this reference the responses set forth in the foregoing Paragraphs 1 – 70 as though fully set forth herein.

- 72. Defendant denies each and every allegation set forth in Paragraph 72.
- 73. Defendant denies each and every allegation set forth in Paragraph 73.
- 74. Defendant denies each and every allegation set forth in Paragraph 74.
- 75. Defendant denies each and every allegation set forth in Paragraph 75.
- 76. Defendant denies each and every allegation set forth in Paragraph 76.

WHEREFORE, having fully answered Count II of Plaintiff's Complaint, Defendant Wofford respectfully requests that Plaintiff take nothing in this suit and that Defendant Wofford be discharged thereon and recover her costs of court and expenses, and for such other and further relief to which she may show herself justly entitled.

## **AFFIRMATIVE DEFENSES AND ADDITIONAL MATTERS**

Defendant states the following for her affirmative defenses and additional matters:

1. Defendant incorporates her responses to Paragraphs 1 through 76 as though fully set forth herein.
2. Defendant denies each and every allegation set forth in Plaintiff's Complaint, except those specifically admitted herein.
3. Defendant restates and incorporates by this reference the denials, averments and defenses set forth in the Answer of the Defendant Board of Trustees as though fully set forth herein.
4. Plaintiff's Complaint fails to state a claim against Defendant Wofford on which relief may be granted.
5. Defendant states and avers that any alleged blocking of the websites described in Plaintiff's Complaint was inadvertent, and not a result of an intentional act by Defendant Wofford, nor the policies, practices, customs and usages of Defendant Board of Trustees.
6. Defendant states and avers that no policy, practice, custom, or usage was a "moving force" behind Plaintiff's alleged injuries.
7. Defendant asserts that Plaintiff's claims are barred, in whole or in part, by the doctrine of qualified immunity, because Defendant Wofford acted, at all times relevant, reasonably and in a good faith attempt to comply with clearly established law.
8. Defendant asserts that Plaintiff's claims are barred, in whole or in part, by the doctrine of qualified immunity, because Defendant Wofford acted, at all times relevant, reasonably and in a good faith attempt to comply with professional standards for public librarians.

9. Defendant states and avers that Plaintiff's claim for injunctive relief is moot.

10. Defendant states and avers that Plaintiff lacks standing to pursue the relief sought in the Complaint.

11. Defendant reserves the right to assert and plead additional affirmative defenses when facts supporting such defenses become known and available during the course of this litigation.

12. Defendant hereby demands a trial by jury on all issues so triable.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant Wofford respectfully requests that Plaintiff take nothing in this suit and that Defendant Wofford be discharged thereon and recover her costs of court and expenses, and for such other and further relief to which she may show herself justly entitled.

Respectfully submitted,

BAIRD, LIGHTNER, MILLSAP & HARPOOL, P.C.

By:         /s/Matthew D. Wilson                

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*Attorneys for Defendants*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of March, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which provided a copy of same to the below listed counsel of record:

Anthony E. Rothert  
Grant R. Doty  
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/s/ Matthew D. Wilson  
MATTHEW D. WILSON