

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

CITY OF KANSAS CITY	)	
	)	
	)	
Plaintiff,	)	
vs.	)	Case No: 2016-CV00829
	)	
HERB WILLIAM BUTZBACH III	)	
d/b/a Mission Ready Gunworks	)	
	)	
Separate Defendant.	)	

Separate Defendant Herb William Butzbach III appears through special appearance of counsel Jonathan Lowrey, limited solely for the purpose of this answer, and makes the following statements and in reply to plaintiff’s petition. Defendant specifically advises this first answer may be amended due to ongoing interruptions of court and freedom of movement due to COVID-19, and notes it has been submitted with technologically limited access to Defendant but in an interest to avoid any possible default.

**DEFENDANT’S FIRST ANSWER**

1. Allegation is irrelevantly narrative, compound, and draws a legal conclusion. To the extent required, Defendant denies.
2. Denied.
3. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
4. Allegation is irrelevantly narrative, compound, and draws a legal conclusion. To the extent required, Defendant denies.

5. Denied.
6. Denied.
7. Allegation is irrelevantly narrative, compound, and draws a legal conclusion. To the extent required, Defendant denies.
8. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
9. So far as allegation applies to Separate Defendant, admit as to jurisdiction.
10. So far as Plaintiff is located in Jackson County and may bring suit within the 16th Circuit, Admit, otherwise denied.
11. Allegation is irrelevantly narrative, compound, and draws a legal conclusion. To the extent required, Defendant denies.
12. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
13. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
14. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
15. Admit.
16. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
17. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

18. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
19. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
20. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
21. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
22. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
23. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
24. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
25. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
26. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
27. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
28. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.

29. The compound allegation recites a conclusion of law to which no response is required. To the extent necessary, Defendant denies.
30. Allegation is irrelevantly narrative and compound. To the extent required, Defendant denies.
31. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
32. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
33. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
34. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
35. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
36. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
37. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
38. Allegation is irrelevantly narrative and compound. To the extent required, Defendant denies.
39. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

40. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
41. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
42. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
43. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
44. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
45. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
46. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
47. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
48. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
49. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
50. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

51. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
52. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
53. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
54. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
55. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
56. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
57. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
58. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
59. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
60. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
61. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

62. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

63. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

64. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

65. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

66. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

67. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

68. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

69. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

70. Denied.

71. Denied.

72. Denied

73. Denied.

74. Defendant is without personal knowledge of the allegation or the relevance therein,  
therefore denies.

75. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
76. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
77. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
78. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
79. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
80. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
81. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
82. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
83. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
84. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
85. Allegation requires no response, to the extent required, Defendant denies.
86. Denied.

87. Denied.

88. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

89. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

90. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

91. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

92. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

93. Denied.

94. Denied.

95. Denied.

96. Allegation requires no response, to the extent required, Defendant denies.

97. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.

98. Admit so far a lawful transfer was made to Samuels, otherwise denied.

99. Denied.

100. Denied.

101. Denied.

102. Admit so far a lawful transfer was made to Samuels, otherwise denied.

103. Denied
104. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
105. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
106. Defendant is without personal knowledge of the allegation or the relevance therein, therefore denies.
107. Denied.
108. Denied.
109. Allegation does not require a response, to the extent required Defendant denies.
110. Denied.
111. Denied.
112. Denied.
113. Denied.
114. Denied.
115. Denied.
116. Denied.
117. Allegation does not require a response, to the extent required, Defendant denies.
118. Denied.
119. Allegation states a legal conclusion, to the extent required, Defendant denies.
120. Allegation states a legal conclusion, to the extent required, Defendant denies.
121. Denied.

122. Denied.
123. Allegation does not require a response, to the extent required, Defendant denies.
124. Denied.
125. Allegation does not require a response, to the extent required, Defendant denies.
126. Denied.
127. Denied.
128. Denied.
129. Denied.
130. Denied.

THEREFORE, separate Defendant Herb William Butzbach III DBA Mission Ready Gunworks requests the court dismiss this matter and that the Plaintiff takes nothing, and attorney fees and costs be awarded to separate Defendant.

#### **AFFIRMATIVE DEFENSES**

1. Limited Counsel for Defendant has not yet had an opportunity to conduct a full investigation into the facts of this case or to conduct discovery and cannot meet or reach essential parties as of the filing of this answer due to COVID-19 restrictions. Therefore, the defenses being set forth herein are pled alternatively or hypothetically.

2. Defendant is a former Police Officer who currently enjoys a Federal Firearms License in good standing.

3. Plaintiff has failed to cite a single direct unlawful action, but instead resorted to “creative” legal theories.

4. Separate Defendant operated under the supervision and authority of an ATF officer to directly assist the city and country in the prosecution of Kansas City’s employee.

5. Separate Defendant should be commended and excused from the suit based on his lawful participation, potentially, as a part of law enforcement actions of the United States Attorney’s office, and by extension, of sovereign immunity.

6. Plaintiff has failed to allege the lawful transfer facilitated by Separate Defendant was the proximate cause of *any specific* harm alleged by the city.

7. Plaintiff has failed to state claims upon which relief can be granted.

8. Plaintiff’s claims are barred because Plaintiff has not sustained specific damages.

9. Plaintiff’s claims are barred or reduced by its failure to mitigate damages and unclean hands in supervising its employee in this matter.

10. Plaintiff’s claims are barred because the claimed damages or losses of Plaintiff were the result of the conduct of third parties over whom Defendant had no control or right to control or parties who acted outside their scope of authority.

11. Plaintiff’s claims are barred because of its failure to name indispensable parties, namely Samuels supervisor and the Kansas City Fire Department, as at least on some occasions Samuels was in uniform and/or using company vehicles during at least some transfers.

12. Plaintiff’s claims are barred because of failure of consideration.

13. Defendant reserves the right to seek attorney's fees and costs as allowed by Missouri law.

**WHEREFORE**, Defendant Herb William Butzbach III DBA Mission Ready Gunworks and against plaintiff that plaintiff take nothing by its petition herein, that Defendant be reimbursed for its expenses and attorneys' fees incurred in defendant this action and/or for such other and further relief as this Court may deem just and proper.

**Respectfully submitted,**

**Lowrey Legal, LLC**

***/s/ Jonathan L Lowrey***\_\_\_\_\_

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**LIMITED ATTORNEY FOR SEPARATE  
DEFENDANT**