

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BAY AREA UNITARIAN §  
UNIVERSALIST CHURCH; DRINK §  
HOUSTON BETTER, LLC d/b/a §  
ANTIDOTE COFFEE; PERK YOU §  
LATER, LLC, §  
Plaintiffs §

CIVIL ACTION NO. 4:20-CV-3081

v. §

KEN PAXTON, Attorney General for the §  
State of Texas, in his official capacity; KIM §  
OGG, District Attorney for Harris County, in §  
her official capacity; VINCE RYAN, County §  
Attorney for Harris County, in his official §  
capacity; ED GONZALEZ, County Sheriff for §  
Harris County, in his official capacity; PETE §  
BACON, Acting Chief of Police for the §  
Webster Police Department, in his official §  
capacity; ART ACEVEDO, Chief of the §  
Houston Police Department, in his official §  
capacity; KIM LEMAUX, Presiding Officer §  
for the Texas Commission on Law §  
Enforcement, in her official capacity, §  
Defendants. §

**DEFENDANT, CITY OF WEBSTER’S, ANSWER**

Defendant City of Webster, sued through its acting Chief of Police, Pete Bacon in his official capacity, answers and asserts affirmative defenses Plaintiff Bay Area Unitarian Universalist Church’s<sup>1</sup> original complaint as follows:

**AFFIRMATIVE DEFENSES**

1. The Court lacks subject matter jurisdiction over Bay Area Unitarian Universalist Church’s claims against the City of Webster because Bay Area Unitarian Universalist Church lacks standing.

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<sup>1</sup> Only Bay Area Unitarian Universalist Church sues the City of Webster.

2. The Court also lacks supplemental jurisdiction over Plaintiffs' claims assertedly based on the Texas Constitution.

3. Bay Area Unitarian Universalist Church fails to state a claim upon which relief may be granted, both as to Bay Area Unitarian Universalist Church's claims under federal as well as Texas law.

4. The City of Webster is immune from Bay Area Unitarian Universalist Church's state law claims.

### ANSWER

5. Subject to the foregoing, and consistent with Rule 8(b), the City of Webster generally denies each and every claim and allegation except those, if any, Defendant expressly admits as follows.

6. The City of Webster admits venue is proper in this Court, as alleged in ¶ 4.

7. The following allegations of Plaintiffs other than those of Bay Area Unitarian Universalist Church that do not address the City of Webster do not require any response from this Defendant: ¶¶ 6, 8 - 10, 12, 13, and 70-82.

8. Bay Area Unitarian Universalist Church is the name of the Plaintiff and it is located in Harris County. The City of Webster denies all other allegations in ¶¶ 5.

9. As to the allegations in ¶ 11, the City of Webster admits Defendant Pete Bacon is the Acting Chief of Police for the Webster Police Department and as such he is responsible for implementing and overseeing the City's policymaker's policies for the operation of the Webster Police Department, and that the Webster Police Department would respond to a call for police assistance from the Bay Area Unitarian Universalist Church Bay Area Unitarian Universalist Church. Any other allegations, if any, in ¶ 11 are denied.

10. Defendant lacks sufficient knowledge and information sufficient to form a belief as to the truth of the allegations in ¶¶ 7, 25, 27, 28, 43, 46, 49, 50, 56-69, and 85. Therefore, the City of Webster Defendant denies those allegations.

11. Statements of law in ¶¶ 41, 86-91, 93, 100, 101, 102, 115, 116, and 121 of Plaintiff's complaint do not call for any response from the Defendant.

**REQUEST FOR JURY TRIAL**

12. Consistent with Rule 38, City of Webster demands a jury trial on all issues that may be tried to a jury.

**PRAYER**

Defendant, the City of Webster, sued through Pete Bacon in his official capacity as acting Chief of Police, respectfully prays Plaintiffs take nothing by his suit, that Defendant recover their costs, and for all other relief to which they may be entitled in equity or under law.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH  
LLP

*/s/ William S. Helfand*

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**ATTORNEYS FOR DEFENDANT**

**Certificate of Service**

On November 8, 2021, I served a true and correct copy of this pleading upon all counsel of record through the Court's ECF filing and service system.

*/s/ William S. Helfand*

William S. Helfand