

IN THE IOWA DISTRICT COURT FOR MARSHALL COUNTY

<p>Michael J. MERRITT Plaintiff, vs. City of NEWTON, IA, a municipality, Defendant.</p>	<p>Case No.: SCSC037416</p> <p><b>ANSWER AND AFFIRMATIVE DEFENSES</b></p>
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COMES NOW Defendant the City of Newton, Iowa (hereafter “City”), by and through the undersigned counsel, and for its Answer to the Plaintiff’s Petition filed August 5, 2024, states as follows:

1. The City denies the allegation that it deployed a false allegation of criminal conduct.
2. The City denies it halted Plaintiff’s rights, liberties, and access to public accommodations (speech/redress of grievance) without due process of law in the weeks following Plaintiff’s filing of IPIB/22FC:0071.
3. The City denies Plaintiff’s damage calculations.
4. The City denies the allegations contained in Plaintiff’s section titled “The Price of Freedom” to the extent it requires a response.

**AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff’s claims are barred in whole or in part because it did not suffer any damages.
3. Plaintiff has failed to mitigate its damages, if any.
4. Plaintiff has no basis in law or contract upon which to base its claim.

5. The City reserves the right to plead additional defenses as may become available or apparent during the course of discovery.

**WHEREFORE**, Defendant hereby respectfully requests that this Court dismiss Plaintiff's claims with prejudice, assess the costs of this action against Plaintiff, and award such other and further relief as the Court deems just and equitable under the circumstances.

Respectfully submitted,

By: /s/ Matthew S. Brick  
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ATTORNEYS FOR CITY OF NEWTON

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2024, a true copy of this ANSWER AND AFFIRMATIVE DEFENSES was filed using the electronic document management system and the unregistered filers have been served via USPS Mail with a paper copy at the below address:

Michael J. Merritt  
2510 S 6<sup>th</sup> Street, Apt. D24  
Marshalltown, IA 50158  
DEFENDANT

By: /s/ Katherine Hanson