

IN THE DISTRICT COURT OF BOURBON COUNTY, KANSAS

SUSAN E. WALKER,

Plaintiff,

vs.

Case No. BB-2026-CV000048

JAMES CRUX, KYLE R. PARKS, KEVIN
WAGNER & LYLE K. OWENBY,

Defendants.

**ANSWER OF DEFENDANT JAMES CRUX
TO PLAINTIFF’S VERIFIED PETITION FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

COMES NOW Defendant James Crux (hereinafter “Defendant”), by counsel and for his answer and affirmative defenses to Plaintiff’s Verified Petition for Declaratory Judgment and Injunctive Relief (hereinafter “Petition”), states and alleges as follows:

AUTHORITIES¹

1. Paragraphs 1-15 do not purport to state a claim against Defendant, and therefore no response is required. However, to the extent a response is required, the same is denied.

PARTIES

2. Defendant admits ¶¶ 1 and 2 of Plaintiff’s Petition.
3. Answering ¶ 3 of Plaintiff’s Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

¹ For consistency and convenience of the Court, Defendant uses Plaintiff’s headings. The use of Plaintiff’s headings is not an admission of the truth or veracity of the language used.

FACTS

4. Defendant admits ¶¶ 4 and 5 of Plaintiff's Petition.

5. Answering ¶¶ 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

6. Answering ¶ 17 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

7. Answering ¶¶ 18, 19 (including all subparagraphs), 20, and 21 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

8. Defendant admits ¶¶ 22 and 23 of Plaintiff's Petition.

9. Answering ¶ 24 of Plaintiff's Petition, the letter speaks for itself.

10. Defendant admits ¶ 25 of Plaintiff's Petition.

11. Answering ¶¶ 26, 27, and 28 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

COUNT I

The Recall Petition is invalid since it does not comply with K.S.A. 25-4322(b)

12. Answering ¶ 29 of Plaintiff's Petition, Defendant incorporates by reference his responses to ¶¶ 1-28 of Plaintiff's Petition as if fully set forth herein.

13. Answering ¶¶ 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state

legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

14. Defendant denies ¶ 48 or Plaintiff's Petition.

15. Defendant denies Plaintiff is entitled to any judgment or other relief against him herein.

16. Defendant denies each and every allegation and averment made and contained in Count I of Plaintiff's Petition not specifically admitted or otherwise addressed herein.

17. Defendant incorporates by reference as if fully set forth herein, each and every affirmative defense set forth below.

COUNT II
Recall Petition is Invalid for Insufficiency

18. Answering ¶ 49 of Plaintiff's Petition, Defendant incorporates by reference his responses to ¶¶ 1-48 of Plaintiff's Petition as if fully set forth herein.

19. Answering ¶¶ 50, 51, and 52 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

20. Answering ¶ 53 of Plaintiff's Petition, Defendant admits neither Recall Committee's proposed Recall Petitions allege a felony conviction. Answering further, the remaining allegations and averments made and contained in ¶ 53 purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

21. Answering ¶ 54 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

22. Answering ¶ 55 of Plaintiff's Petition, the Recall Petition speaks for itself.

23. Defendant admits ¶ 56 of Plaintiff's Petition.

24. Answering ¶ 57, 58, 59, and 60 of Plaintiff's Petition, the Recall Petitions speak for themselves.

25. Defendant denies ¶¶ 61 and 62 of Plaintiff's Petition.

26. Answering ¶¶ 63, 64, 65, 66, 67, 68, and 69 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

27. Defendant denies ¶ 70 of Plaintiff's Petition.

28. Answering ¶ 71 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

29. Answering ¶ 72 (including all subparagraphs) of Plaintiff's Petition, the Recall Petition speaks for itself.

30. Answering ¶¶ 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, and 84 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

31. Answering ¶ 85 of Plaintiff's Petition, Defendant admits he analyzed the recall committee's first proposed Recall Petition. All remaining allegations are denied.

32. Answering ¶ 86 of Plaintiff's Petition, the opinion speaks for itself.

33. Answering ¶¶ 87 and 88 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

34. Answering ¶ 89 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

35. Answering ¶¶ 90, 91, 92, 93, 94, 95, and 96 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

36. Answering ¶¶ 97 and 98 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

37. Defendant denies Plaintiff is entitled to any judgment or other relief against him herein.

38. Defendant denies each and every allegation and averment made and contained in Count II of Plaintiff's Petition not specifically admitted or otherwise addressed herein.

39. Defendant incorporates by reference as if fully set forth herein, each and every affirmative defense set forth below.

Elected Official Actions are Not Misconduct When They Conform to Statutory Remedies for Administrative Mistakes

40. Answering ¶ 99 of Plaintiff's Petition, Defendant incorporates by reference his responses to ¶¶ 1-98 of Plaintiff's Petition as if fully set forth herein.

41. Answering ¶¶ 100 and 101 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

42. Answering ¶ 102 of Plaintiff's Petition, the allegations and averments made and contained therein purport to state legal conclusions to which no response is required. However, to the extent a response is deemed required, the same are denied.

43. Answering ¶¶ 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 of Plaintiff's Petition, Defendant states he is without sufficient knowledge or information to admit or deny the allegations and averments made and contained therein, and therefore the same are denied.

PRAYER FOR RELIEF

44. Defendant denies Plaintiff's Prayer for Relief including ¶¶ (a) (including all subparagraphs), (b), and (c) (including all subparagraphs) of Plaintiff's Petition.

AFFIRMATIVE DEFENSES

45. In pleading these defenses, Defendant does not admit that he bears the burden of proof, production, or persuasion on such defenses.

46. Plaintiff's Petition fails to state a claim upon which relief can be granted.

47. Plaintiff's Petition is violative of the Public Speech Protection Act, K.S.A. 60-5320(d).

48. No statutory exception to the Public Speech Protection Act, K.S.A. 60-5320(d) is applicable to this matter.

49. Plaintiff must include the Recall Committee as a necessary party given their fundamental rights are implicated through the challenge of the Recall Petition, thus complete relief cannot be accorded among the existing parties.

50. Defendant reserves the right to seek leave to amend its answer to plead such affirmative defenses that are disclosed by further investigation and discovery.

WHEREFORE, Defendant James Crux, having fully answered Plaintiff's Petition and raised his affirmative defenses, hereby prays the Court to dismiss Plaintiff's Petition and award Defendant Crux his costs of this action, and for such other further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Defendant John Crux hereby requests a trial by jury of all issues and claims.

Respectfully submitted,

**FISHER, PATTERSON, SAYLER &
SMITH, LLP**

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ATTORNEY FOR DEFENDANT JAMES
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CERTIFICATE OF SERVICE

I hereby certify the above and foregoing was filed with the Court through its electronic filing system on June 23, 2026, with a copy sent via electronic mail to:

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