

ELECTRONICALLY FILED  
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CLERK OF THE LEAVENWORTH COUNTY DISTRICT COURT  
CASE NUMBER: LV-2025-CV-000078  
PII COMPLIANT  
**IN THE DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS**  
**CIVIL DEPARTMENT**

MOST REVEREND JOSEPH F. NAUMANN,  
Plaintiff,

Case No. LV-2025-CV-000078

v.

MICHAEL T. STEWART,  
TRAVIS L. ROBERTS, and  
THE GROTTO SOCIETY.

Defendants

**ANSWER**

COMES NOW, Michael T. Stewart, and the Grotto Society, Defendants, through counsel Rhonda K. Levinson of Bateman Law Group LLC, and makes this Answer to the Verified Petition for Replevin. Defendants will try to admit and deny the various paragraphs as required by Kansas Statutes and Rules, although the unusual format of the Petition makes that difficult.

1. Defendants admit the allegations of paragraph 1.
2. Defendants admit the allegations of paragraph 2.
3. Defendants deny the allegations of paragraph 3. In further response, Defendants state that the event planned is done in the exercise of their First Amendment rights to freely exercise their religion.
4. Defendants deny the allegations of paragraph 4.
5. Defendants deny the allegations of paragraph 5.
6. Defendants admit the allegations of paragraph 6.
7. Defendants admit the allegations of paragraph 7.
8. Defendants admit the allegations of paragraph 8.
9. Defendants admit the allegations of paragraph 9.
10. Defendants admit the allegation of paragraph 10 in that the Facebook post exists.

11. Defendants admit the allegations of paragraph 11.
12. Defendants admit the allegations of paragraph 12. In further response, Defendants state that Mr. Weber did not ask Mr. Stewart to define what he meant by the word “consecrated.” Mr. Weber did not ask Mr. Stewart where Mr. Stewart obtained the “hosts.” Mr. Weber did not ask Mr. Stewart which Christian sect’s communion host was being used.
13. Defendants admit the allegations of paragraph 13. In further response, Defendants point out that the Reddit post cited does not specify that any particular Christian sect’s “Eucharist” is involved in the ceremony.
14. Defendants admit the allegations of paragraph 14.
15. Defendants admit the allegations of paragraph 15. In further response, Defendants state that the referenced text constitutes Constitutionally protected free speech.
16. Defendants lack knowledge as to the allegations of paragraph 16, and therefore deny the same.
17. Defendants deny the allegations of paragraph 17. There is no evidence that the host to which Defendants refer in their posts is a Catholic Eucharist host. Plaintiff has not provided *any* support for their contentions that the hosts that Defendants possess are Catholic Eucharist hosts.
  - a. Any grave concerns the Catholic Church may have are irrelevant to whether Defendants are permitted to exercise their religion without infringement by the government, through the agency of this court.
18. Defendants lack knowledge as to the allegations of paragraph 18 and therefore deny the same.

19. Plaintiff's paragraph 19 is a prayer for relief and not a factual allegation. Defendants submit that this court has no power to compel Defendants to turn over anything to Plaintiff in the absence of proof that Plaintiff owns the items in question.
20. Defendants lack knowledge as to the allegations of paragraph 20 and therefore deny the same.
21. Defendants lack knowledge as to the allegations of paragraph 21 and therefore deny the same.
22. Defendants lack knowledge as to the allegations of paragraph 22 and therefore deny the same.
23. Defendants lack knowledge as to the allegations of paragraph 23 and therefore deny the same.
24. Defendants admit the allegations of paragraph 24.
25. These Defendants lack knowledge as to the allegations of paragraph 25 and therefore deny the same.
26. Defendants admit the allegations of paragraph 26.
27. Defendants admit the allegations of paragraph 27.
28. Defendants admit in part and deny in part the allegations of paragraph 28. Defendants admit all portions of the paragraph other than the reference to their religion as a "purported" religion.
29. Defendants admit the allegations of paragraph 29.
30. Defendants admit the allegations of paragraph 30.
31. Defendants admit the allegations of paragraph 31.
32. Defendants admit the allegations of paragraph 32.

33. Defendants incorporate their responses to paragraphs 1 through 32 as set forth above.
34. Defendants deny the allegations of paragraph 34. Virtually all Christian sects practice communion in some form and utilize consecrated hosts and wine. Plaintiff is clearly not the owner of hosts and wines belonging to, for instance, Lutheran churches in Kansas.
35. Defendants deny the allegations of paragraph 35 and assert that they lawfully purchased the hosts and wine at issue.
36. Defendants deny the allegations of paragraph 36. Plaintiff's religious beliefs cannot create a monetary value on items that sell for very little.
37. Defendants lack knowledge as to the allegations of paragraph 37 and therefore deny the same.
38. Defendants deny the allegations of paragraph 38. The hosts that are the subject of this lawsuit are not Catholic in origin.
39. Defendants admit the allegations of paragraph 39.
40. Defendants deny the allegations of paragraph 40. Defendants' religious belief is that bread and wine are never transformed into the body and blood of Christ. Defendants lack knowledge as to the remaining allegations of paragraph 40 and therefore deny the same.
41. Defendants lack knowledge of Catholic doctrines set forth in paragraph 41 and therefore deny the same.
42. Defendants deny the allegations of paragraph 42. Defendants' religious belief is that bread and wine are never transformed into the body and blood of Christ.
43. Defendants deny the allegations of paragraph 43. Defendants' religious belief is that bread and wine are never transformed into the body and blood of Christ. In further response, Defendants state that the hosts at issue are not Catholic in origin.

44. Defendants deny the allegations of paragraph 44. Defendants' religious belief is that bread and wine are never transformed into the body and blood of Christ.
45. Defendants lack knowledge as to the allegations 45 and therefore deny the same.
46. Defendants lack knowledge as to the allegations 46 and therefore deny the same.
47. Defendants lack knowledge as to the allegations 47 and therefore deny the same.
48. Defendants deny the allegations of paragraph 48.
49. Defendants deny the allegations of paragraph 49.
50. Defendants admit the allegations of paragraph 50.
51. Defendants admit in part and deny in part the allegations of paragraph 51. Defendants admit they are not ordained priests or ministers of the Catholic church. Defendants deny they are not authorized to possess the hosts or wine at issue.
52. Defendants admit in part and deny in part the allegations of paragraph 52. They admit they do not have authorization from Plaintiff or the Catholic church to possess consecrated hosts or wine but deny that Defendants need any such authorization.
53. Defendants deny the allegations of paragraph 53. Because the hosts and wine are not Catholic in origin and Plaintiff has not made any showing or offer of proof that the hosts are consecrated by the Catholic church, it is unlikely that the Catholic church would place any value upon the hosts and wine.
54. Defendants deny the allegations of paragraph 54. Even if the hosts in question were Catholic in origin, there is no important government or general public interest in possession of the hosts and wine by Plaintiff. The Catholic church's interests do not equal a general public interest.

55. Paragraph 55 is again a Prayer to the Petition and not a factual allegation suitable for being set forth in a numbered paragraph. However, in response to the prayer for relief contain therein, Defendants petition the court as follows:

- a. Deny the requested finding in a. because there has been no proof offered that the consecrated hosts and wine at issue are consecrated by the Catholic church. The Catholic church does not have a monopoly on communion or the consecration of hosts or wine.
- b. Deny the requested finding in b.
- c. Hold a hearing but deny the requested finding in c.
- d. Refuse to enter the order requested in d.
- e. Refuse to enter the order requested in e.
- f. Refuse to make the finding requested in f.
- g. Refuse to make the finding requested in g.
- h. Find that a bond is unnecessary because replevin is inappropriate in this action.
- i. Refuse to enter the order requested in i.
- j. Refuse to enter the order requested in j.
- k. Refuse to enter the order requested in k. Any such order would be an unconstitutional interference by this court with Defendants' freedom to exercise their religion and a violation of the Establish.
- l. Refuse to enter the order requested in l. and instead impose sanctions pursuant to K.S.A. 60-211(c) against Plaintiff and his attorneys.
  - i. This lawsuit was filed without any inquiry by Plaintiff or his attorneys as to the source of the hosts and wine Defendants possesses;

- ii. The entire lawsuit is based upon a Catholic-centric view that only the Catholic Church has a consecrated host;
- iii. The lawsuit asks this court to violate the First Amendment freedoms of Defendants, and to violate the Establishment clause.
- iv. Plaintiff's attempt to obtain an *ex parte* order is improper in that Defendant was already served prior to the scheduled hearing on the request for the *ex parte* order;
- v. Plaintiff and his attorneys seek attorney fees in a replevin action without basis to do so;
- vi. Plaintiff and his attorneys seek an improper restraining order in the alternative to replevin, seeking to harass Defendants, and to seek to delay the scheduled religious service.

56. Any allegation not specifically admitted is denied.

WHEREFORE, Defendants ask that the Court refuse to enter all orders requested by Plaintiff, that the Court award Defendants sanctions pursuant to K.S.A. 60-211(c) for Plaintiff and his attorney's violations of K.S.A. 60-211(b). Defendants ask that such sanction include Defendants' attorney fees incurred in responding to this frivolous and improper action, and such further relief as this court deems appropriate. Further, Defendants request additional time to file an Amended Answer if this matter proceeds to litigation. Counsel was retained on March 19, 2025, and had little time to prepare a response to the Petition herein.

Respectfully submitted:

/s/ Rhonda K. Levinson

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CERTIFICATE OF SERVICE

I hereby certify that on this \_\_20<sup>th</sup>\_\_ day of March 2025, a true and correct copy of the above and foregoing was electronically filed with the court using the Kansas Courts Electronic Filing System (KCEFS), which sent notification to all parties of interest participating in the KCEPS.

*/s/ Rhonda K. Levinson*

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Rhonda K. Levinson