

NO. 18-003225-CV-CCL2

MARGARET MEECE
Plaintiff

VS.

GABRIEL GARCIA
Defendant

IN THE DISTRICT COURT

OF BRAZOS COUNTY, TEXAS

272ND JUDICIAL DISTRICT COURT

**PLAINTIFF'S RESPONSE TO DEEFENDANT'S
MOTION TO DISMISS ANTI-SLAPP ACTION**

NOW COMES, MARGARET MEECE, Plaintiff in the above styled and numbered cause and files this, her Response to Defendant's Motion to Dismiss Anti-SLAPP Action, and for cause would show:

I. Introduction

1.1 Plaintiff and Defendant participated in the 2018 election for Brazos County District Clerk. Plaintiff seeks recovery of damages in this cause against Defendant for acts committed by Defendant in violation of the Texas Election Code. *Plaintiff's Original Petition, ¶¶ 11-12; Exhibit I.A, 17, §253.131, Texas Election Code and See, Exhibit I.A, pp. 43 and 44, §254.131, Texas Election Code, attached to Plaintiff's Original Petition.*

1.2 Plaintiff complains of Defendant's acceptance of multiple corporate contributions in violation of Title 15 Subchapter D of the Texas Election Code. *Plaintiff's Original Petition, ¶¶ 14-17; Exhibits I.A, p. 10, §253.003(e), Texas Election Code, and Exhibit I.B, attached to Plaintiff's Original Petition.* Plaintiff has provided clear and specific evidence of these corporate contributions from Boss-Chem. Corp., Valley Valve & Pipe Supply Company, Inc., K.D. Timmons, Inc, Mobil and Alina & Inia Inc. *Exhibits XIII.A-D, attached to Plaintiff's Original Petition.*

1.3 Plaintiff complains of Defendant's political expenditures made from political contributions in violation of Title 15 of the Texas Election Code. *Plaintiff's Original Petition, ¶*

19; Exhibit I.A, p. 11, §253.005, Texas Election Code, attached to Plaintiff's Original Petition. Plaintiff additionally complains of Defendant's misrepresentation of the identity and source in political advertising or campaign communications. **Exhibit I.A, p. 46 §255.004 and 255.005 of the Texas Election Code, attached to Plaintiff's Original Petition.** Plaintiff complains of Defendant's failure to file or filing incomplete and deceptive reports and personal financial statements required by law. **Plaintiff's Original Petition, ¶20-22; Local Gov't Code, §§159.0071-008, Exhibits I.A, pp. 36, 42, and 43 §§254.065, 254.201, and 254.202, Texas Election Code, attached to Plaintiff's Original Petition.** Plaintiff has provided clear and specific evidence of Defendant's violations. **IV.C, p.4, attached to Plaintiff's Original Petition.**

1.4 Plaintiff complains of Defendant's misrepresentation of businesses and corporations in which he claims or has an ownership interest. **Plaintiff's Original Petition, ¶ 39.** Plaintiff has provided clear and specific evidence of Defendant's deception. **Exhibits XIII.D, E, attached to Plaintiff's Original Petition.**

1.5 Plaintiff complains of Defendant's acceptance of a campaign contribution from a deceased person. **Plaintiff's Original Petition, ¶ 42-44; Exhibit I.A, p. 18, § 253.133 and 253.134, Texas Election Code.** Plaintiff has provided clear and specific evidence of Defendant's actions. **Exhibits IX.A, p. 11; XI.A, pp. 4, 12; and XVI.**

II. Burdens of Proof

2.1 The Texas Supreme Court has established a three-step analysis when courts are reviewing actions filed pursuant to the Texas Citizen's Participation Act, Chapter 27 of the Texas Civil Practice and Remedies Code (hereinafter referred to as "TCPA").

2.2 Defendant has filed his Motion to Dismiss the TCPA. To prevail on his Motion to Dismiss and as the first step in the court's analysis, Defendant must show that the TCPA properly applies to the case before the court. **Youngkin v. Hines**, 546 S.W.3d 675 (Tex. 2018). This first-step requires Defendant to prove:

by a preponderance of the evidence that the legal action is based on, relates to, or is in response to the party's exercise of:

1. The right of free speech;
2. The right to petition; or
3. The right of association.

Tex. Civ. Prac. & Rem. Code, §27.005(b).

2.3 If and only if Defendant is successful in meeting his burden set forth in paragraph 2.2 above, the burden then switches to Plaintiff to show "by clear and specific evidence a prima facie case for each essential element of the claim in question" the court may not dismiss her legal action. **See, Youngkin**, 546 S.W.3d at ¶ II. Discussion; **Tex. Civ. Prac. & Rem. Code, §27.005(c).**

2.4 Finally, assuming Plaintiff meets her burden of proof set forth in paragraph 2.3 above, the burden switches back to Defendant to “prove each essential element of any valid defenses by a preponderance of the evidence.” *Youngkin*, 546 S.W.3d at ¶ II. Discussion; *Tex. Civ. Prac. & Rem. Code*, §27.005(d).

III. Argument and Authorities TCPA Analysis – Step 1

3.1 **TCPA Requirements.** Does the TCPA apply to Plaintiff’s case? No. Defendant must show a constitutionally protected interest in his conduct in order to invoke the protections of the TCPA.

3.1.a The exercise of the right of free speech is defined by the TCPA as “a communication made in connection with a matter of public concern.” *Tex. Civ. Prac. & Rem. Code*, §27.001(3).

3.1.b The exercise of a right to petition is defined by the TCPA as:

- (A) a communication in or pertaining:
 - (i) a judicial proceeding;
 - (ii) an official proceeding, other than a judicial proceeding, to administer the law;
 - (iii) an executive or other proceeding before a department of the state or federal government or a subdivision of the state or federal government;
 - (iv) a legislative proceeding, including a proceeding of a legislative committee;
 - (v) a proceeding before an entity that requires by rule that public notice be given before proceedings of that entity;
 - (vi) a proceeding in or before a managing board of an educational or eleemosynary institution supported directly or indirectly from public revenue;
 - (vii) a proceeding of the governing body of any political subdivision of this state;
 - (viii) a report of or debate and statements made in a proceeding described by Subparagraph (iii), (iv), (v), (vi), or (vii); or
 - (ix) a public meeting dealing with a public purpose, including statements and discussions at the meeting or other matters of public concern occurring at the meeting;
- B) a communication in connection with an issue under consideration or review by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding;

- (C) a communication that is reasonably likely to encourage consideration or review of an issue by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding;
- (D) a communication reasonably likely to enlist public participation in an effort to effect consideration of an issue by a legislative, executive, judicial, or other governmental body or in another governmental or official proceeding; and
- (E) any other communication that falls within the protection of the right to petition government under the Constitution of the United States or the constitution of this state.

Tex. Civ. Prac. & Rem. Code, §27.001(3).

3.1.c The exercise of the right of association is defined by the TCPA as “a communication between individuals who join together to collectively express, promote, pursue, or defend common interests.” **Tex. Civ. Prac. & Rem Code, §27.001(d).**

3.2 The question of whether the TCPA applies to the instant action is one of statutory construction. *Youngkin, 546 S.W.3d at ¶ II.A. The TCPA’s Applicability.* Appellate courts review those issues de novo. *Youngkin, 546 S.W.3d at ¶ II.A. The TCPA’s Applicability.* A primary focus in statutory construction issues is “to determine and give intent to the Legislature’s intent.” *Youngkin, 546 S.W.3d at ¶ II.A. The TCPA’s Applicability, citing City of San Antonio v. City of Boerne, 111 S.W.3d 22, 25 (Tex. 2003), Tex. Gov’t Code §312.005.*

3.3 The purpose of the TCPA is two-fold, (1) “to encourage and safeguard the constitutional rights of persons to petition, speak freely, associate freely, and otherwise participate in government to the maximum extent permitted by law” and (2) “**at the same time**, protect the rights of a person to file meritorious lawsuits for demonstrable injury.” **Tex. Civ. Prac. & Rem. Code, §27.002 (emphasis added).** The Texas Supreme Court has repeatedly held that “the ‘surest guide to what lawmakers intended’ is the enacted language of a statute...which necessarily includes any enacted statements of policy or purpose.” *Youngkin, 546 S.W.3d at ¶ II.A. The TCPA’s Applicability, citing Entergy Gulf States, Inc. v. Summers, 282 S.W.3d 433, 463 (Tex. 2009), and citing e.g. Cadena Commercial USA Corp. v. Tex. Alcoholic Beverage Comm’n, 518 S.W.3d 318, 329 (Tex. 2017); Greater Hous. P’ship v. Paxton, 468 S.W.3d 51, 62 (Tex. 2015).* A reviewing court must “construe [a] statute’s words according to their plain and common meaning, unless a contrary intention is apparent from the context, or unless such a construction leads to absurd results.” *Youngkin, 546 S.W.3d at ¶ II.A. The TCPA’s Applicability, quoting City of Rockwall v. Hughes, 246 S.W.3d 621, 625-26.*

3.4 TCPA does not apply to this case. Essentially, in order to invoke the protections of the TCPA, Defendant must show by a preponderance of the evidence that he has a constitutionally protected right, as defined by the TCPA, to

3.4.A. Accept multiple corporate contributions in violation of Title 15 Subchapter D of the Texas Election Code. The Legislature was so appalled by this type of conduct, that it

made this conduct criminal and offered civil remedies to aggrieved candidates. *Plaintiff's Original Petition*, ¶¶ 14-22; *Exhibits I.A p.15, see §253.094 and 253.095, Tex. Elect. Code, and I.B, attached to Plaintiff's Original Petition.* This conduct is further so reprehensible that the Defendant was warned six times not to engage in the conduct. *Plaintiff's Original Petition*, ¶¶ 25-30. Plaintiff has offered clear and specific evidence of each of the corporate contributions accepted by Defendant and each of the six warnings he received. *Exhibits I.A p.10; see §253.003I, Tex. Elect. Code, and I.B; Exhibits XIII.A-D; I.A p. 15 §§253.094, 23.095 Tex. Elect. Code, attached to Plaintiff's Original Petition.*

3.4.B. Make political expenditures from political contributions in violation of Title 15 of the Texas Election Code. *Plaintiff's Original Petition*, ¶19, 67-69; *Exhibits I.A, pp. 10-11 §§253.004, 253.005, Tex. Elect. Code; VII.A, VIII.A, IX.A, X.A, XI.A, attached to Plaintiff's Original Petition.*

3.4.C. Fail to file Personal Financial Statements and other reports in violation of the Local Government Code. *Plaintiff's Original Petition*, ¶20; *Local Gov't Code §§159.0071-008; I.A. pp. 36, 42, and 43; IV.C, p. 4, attached to Plaintiff's Original Petition.*

3.4.D. File incomplete, untimely, or deceptive reports and personal financial statements. *Plaintiff's Original Petition* ¶¶ 20-22, 46-57; *Exhibits II.A; II.B; III.A, p. 6; III.B, p. 1; IV.C, p. 1; I.A., p. 34, §254.041 Tex. Elect. Code; I.A. pp. 36, 42 and 43 §§254.065, 254.201 and 254.202 Tex. Elect. Code; IV.C, pp. 1, 2, 5-52; IV.D; V.A-C, VII.A; VII.B-XI.B; VIII.A; IX.A; X.A; XI.A; X.A; XI.A; XII.B; XIII.D; XIII.E, and XVII.C attached to Plaintiff's Original Petition.*

3.4.E. Misrepresent ownership of businesses where he works. *Plaintiff's Original Petition*, ¶39-40, *Exhibits XIII.D and E., attached to Plaintiff's Original Petition.*

3.4.F. Accept campaign contributions from a deceased person. *Plaintiff's Original Petition*, ¶¶ 42-44; *Exhibits IX.A, pp. 11, 42, XVI, and XIII.C, attached to Plaintiff's Original Petition.*

3.4.G. Make and/or receive questionable loans of \$68,560.27 to his campaign. *Plaintiff's Original Petition*, ¶¶ 57-58; *Exhibits I.A., IV.C, VII.A, VIII.A, IX.A, X.A, XI.A, attached to Plaintiff's Original Petition.*

3.4.H. Fail to keep records of his campaign as required by law. *Plaintiff's Original Petition* 59-60; *Exhibits I.A., pp. 27 and 28 §254.001, Tex. Elect. Code, p. 17, §253.103, and 253.103I Tex. Elect. Code; V.D, pp. 11, 12, §20.18, attached to Plaintiff's Original Petition.*

3.4.I. Fail to disclose the true source of communications. *Plaintiff's Original Petition*, ¶¶71-72; *Exhibits I.A., p. 46, §254.004, Tex. Elect. Code, attached to Plaintiff's Original Petition.*

3.4.J. Misrepresenting his own and his campaign's interests in political advertising or campaign communications involving a Facebook page entitled Brazos county

Resident. *Plaintiff's Original Petition*, ¶¶74-75; *Exhibits I.A. p. 46*, §§254.005, 255.005, *Tex. Elect. Code*, attached to *Plaintiff's Original Petition*.

3.5 **Defendant's Right to Free Speech**. Defendant broadly alleges that Plaintiff's claims are based on, relate to, or are in response to his exercise of the right of free speech. *Defendant's Original Answer*, p. 2, ¶3. However, the purpose of the TCPA, as set forth by the Legislature, is to encourage and safeguard Defendant's right to petition, speak freely, associate freely, and otherwise participate in government to the maximum extent permitted by law. *See, Tex. Civ. Prac. & Rem. Code*, §27.002.

3.6 The TCPA specifically limits application of the Act to those rights exercised **to the maximum extent permitted by law**. Defendant's rights are further limited by Plaintiff's right to file meritorious lawsuits for demonstrable injury. *Tex. Civ. Prac. & Rem. Code*, §27.002. The Act recognizes that both the rights of Defendant and the rights of Plaintiff are to be protected by this Act, equally and at the same time. Plaintiff's claims herein are all authorized by law as shown herein.

3.7 Additionally, when the Legislature defines terms within a statute, reviewing courts are bound by the terms of those supplied definitions. *Youngkin*, 546 S.W.3d at ¶ II.A. **The TCPA's Applicability (citing Tex. Gov't Code §311.011(b); and citing TGS-NOPEC Geophysical Co. v. Combs, 340 S.W.3d 432, 439 (Tex. 2011)). The constitutional right to engage in free speech does not protect Defendant from the consequences of engaging in the prohibited conduct, including conduct for which the Legislature has alleged by Plaintiff in her Original Petition and as set forth in paragraph 3.4 above.**

3.7.A. There is no constitutionally protected right to free speech that allows Defendant to accept multiple corporate contributions in violation of Title 15 Subchapter D of the Texas Election Code. The Legislature was so appalled by this type of conduct, that it made this conduct criminal in nature and offered civil remedies to aggrieved candidates. As shown herein, this conduct is specifically prohibited by law.

3.7.B. There is no constitutionally protected right to free speech that allows Defendant to make political expenditures from political contributions made or accepted in violation of Title 15 of the Texas Election Code. As shown herein, this conduct is specifically prohibited by law.

3.7.C. There is no constitutionally protected right to free speech that allows Defendant to fail to file Personal Financial Statements and other reports required by law to be filed under oath in violation of the Local Government Code. As shown herein, this conduct is specifically prohibited by law.

3.7.D. There is no constitutionally protected right to free speech that allows Defendant to file incomplete, untimely, or deceptive reports and personal financial statements. As shown herein, this conduct is specifically prohibited by law. As shown herein, this conduct is specifically prohibited by law.

3.7.E. There is no constitutionally protected right to free speech that allows Defendant to misrepresent ownership of businesses where he works. As shown herein, this conduct is specifically prohibited by law.

3.7.F. There is no constitutionally protected right to free speech that allows Defendant to accept campaign contributions from a deceased person. As shown herein, this conduct is specifically prohibited by law.

3.7.G. There is no constitutionally protected right to free speech that allows Defendant to make and/or receive questionable loans of \$68,560.27 to his campaign. As shown herein, this conduct is specifically prohibited by law.

3.7.H. There is no constitutionally protected right to free speech that allows Defendant to fail to keep records of his campaign as required by law. As shown herein, this conduct is specifically prohibited by law.

3.7.I. There is no constitutionally protected right to free speech that allows Defendant to fail to disclose the true source of communications. As shown herein, this conduct is specifically prohibited by law.

3.7.J. There is no constitutionally protected right to free speech that allows Defendant to misrepresent his own and his campaign's interests in political advertising or campaign communications. As shown herein, this conduct is specifically prohibited by law.

3.8. There is no constitutional right to free speech allowing Defendant to file false and deceptive statements in public documents, **under oath**, or to violate the Texas Election Code. To hold otherwise ignores the clear intent of the Legislature as set forth in the Texas Election Code as referenced herein and voids Plaintiff's right to petition the courts for relief on meritorious claims for demonstrable injury, a right protected by the TCPA.

3.9. **Defendant's right to petition.** The TCPA defines the right to petition as set forth in paragraph 3.1.b above. Plaintiff's claims against Defendant are not based on, related to, or in response to Defendant's right to petition as defined by the TCPA. **Tex. Civ. Prac. & Rem. Code, §27.001(4).**

3.10. Specifically, Plaintiff's claims are not based on, related to, or in response to communications made in or pertaining to:

3.10.A.A judicial proceeding; **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(i).**

3.10.B.An official proceeding, other than a judicial proceeding, to administer the law. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(ii).**

3.10.C.An executive or other proceeding before a department of the state or federal government or a subdivision of the state or federal government. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(iii).**

3.10.D. A legislative proceeding, including a proceeding of a legislative committee. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(iv).**

3.10.E. A proceeding before an entity that requires by rule that public notice be given before proceedings of that entity. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(v).**

3.10.F. A proceeding in or before a managing board of an educational or eleemosynary institution supported directly or indirectly from public revenue. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(vi).**

3.10.G. A proceeding of the governing body of any political subdivision of this state. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(vii).**

3.10.H. A report of or debate and statements made in a proceeding described by Subparagraph (iii), (iv), (v), (vi), or (vii), paragraphs 3.9.C.-3.9.11.G. above. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(viii).**

3.10.I. A public meeting dealing with a public purpose, including statements and discussions at the meeting or other matters of public concern occurring at the meeting. **Tex. Civ. Prac. & Rem. Code, §27.001(4)(A)(ix).**

3.12. There is no constitutional right to petition allowing Defendant to file false and deceptive statements in public documents, under oath, or to violate the Texas Election Code. To hold otherwise ignores the clear intent of the Legislature as set forth in the Texas Election Code as referenced herein and voids Plaintiff's right to petition the courts for relief on meritorious claims for demonstrable injury, a right protected by the TCPA.

3.13. **Defendant's right of association.** The TCPA defines the exercise of the right of association as a "communication between individuals who join together to collectively express, promote, pursue, or defend common interests." **Tex. Civ. Prac. & Rem. Code, §27.001(2).** Again, Defendant's rights are limited **to the maximum extent permitted by law** and are further limited by Plaintiff's right to file meritorious lawsuits for demonstrable injury. **Tex. Civ. Prac. & Rem. Code, §27.002 (emphasis added).** The Act recognizes that both the rights of Defendant and the rights of Plaintiff are to be protected by this Act, equally and at the same time. Plaintiff's claims herein are all authorized by law as shown herein. Defendant's conduct is not.

3.13.A. There is no constitutionally protected right of association that allows Defendant to accept multiple corporate contributions in violation of Title 15 Subchapter D of the Texas Election Code. The Legislature was so appalled by this type of conduct, that it made this conduct criminal in nature and offered civil remedies to aggrieved candidates. The Legislature further prohibited corporations from making political contributions, and Defendant and each of the corporate agents of corporations making these unlawful political contributions to Plaintiff in an amount triple the value of the unlawful contribution or expenditure. ***Plaintiff's Original Petition, paragraphs 42-44; Exhibits I.A, p. 18, §§ 253.133 and 253.134, Tex. Elect. Code.*** As shown herein, this conduct is specifically prohibited by law.

3.13.B. There is no constitutionally protected right of association that allows Defendant to make political expenditures from political contributions made or accepted in violation of Title 15 of the Texas Election Code. As shown herein, this conduct is specifically prohibited by law.

3.13.C. There is no constitutionally protected right of association that allows Defendant to fail to file Personal Financial Statements and other reports required by law to be filed under oath in violation of the Local Government Code. As shown herein, this conduct is specifically prohibited by law.

3.13.D. There is no constitutionally protected right of association that allows Defendant to file incomplete, untimely, or deceptive reports and personal financial statements. As shown herein, this conduct is specifically prohibited by law. As shown herein, this conduct is specifically prohibited by law.

3.13.E. There is no constitutionally protected right of association that allows Defendant to misrepresent ownership of businesses where he works. As shown herein, this conduct is specifically prohibited by law.

3.13.F. There is no constitutionally protected right of association that allows Defendant to accept campaign contributions from a deceased person. As shown herein, this conduct is specifically prohibited by law.

3.13.G. There is no constitutionally protected right of association that allows Defendant to make and/or receive questionable loans of \$68,560.27 to his campaign. As shown herein, this conduct is specifically prohibited by law.

3.13.H. There is no constitutionally protected right of association that allows Defendant to fail to keep records of his campaign as required by law. As shown herein, this conduct is specifically prohibited by law.

3.13.I. There is no constitutionally protected right of association that allows Defendant to fail to disclose the true source of communications. As shown herein, this conduct is specifically prohibited by law.

3.13.J. There is no constitutionally protected right of association that allows Defendant to misrepresent his own and his campaign's interests in political advertising or campaign communications. As shown herein, this conduct is specifically prohibited by law.

3.14. There is no constitutional right of association allowing Defendant to file false and deceptive statements in public documents, **under oath**, or to violate the Texas Election Code. To hold otherwise ignores the clear intent of the Legislature as set forth in the Texas Election Code as referenced herein and voids Plaintiff's right to petition the courts for relief on meritorious claims for demonstrable injury, a right protected by the TCPA.

IV. Argument & Authorities TCPA Analysis – Step 2

4.1. **Plaintiff's Burden.** As discussed above in paragraph 2.3, if and only if Defendant is successful in meeting his burden set forth in paragraph 2.2 above (showing by a preponderance of the evidence that the TCPA applies to this action), the second step of the required analysis herein then switches the burden to Plaintiff to show “by clear and specific evidence a prima facie case for each essential element of the claim in question.” If Plaintiff is successful in meeting this burden, the reviewing court may not dismiss her legal action. *See, Youngkin, 546 S.W.3d at ¶ II. Discussion; Tex. Civ. Prac. & Rem. Code, §27.005(c).*

4.2. Plaintiff complains of Defendant's acceptance of multiple corporate contributions in violation of Title 15 Subchapter D of the Texas Election Code. *Plaintiff's Original Petition, ¶¶ 14-17; Exhibits I.A, p. 10, §253.003(e), Texas Election Code, and Exhibit I.B, attached to Plaintiff's Original Petition.*

4.2.A. In order to prevail on her claim, Plaintiff must show that Defendant knowingly made or accepted a political contribution the person knows to be made in violation of Chapter 253 of the Texas Election Code. *Exhibit I.A, p. 10, Tex. Elect. Code §253.003(a), (b), attached to Plaintiff's Original Petition.* Texas law provides that a violation of this section is a third degree felony if it is made in violation of Subchapter D, prohibiting corporate political contributions. *Exhibit I.A., p. 10, Tex. Elect. Code §253.003(e); I.B, attached to Plaintiff's Original Petition.* Additionally, in order to prevail on her claims against Defendant for making or authorizing a political expenditure from a political contribution the person knows was made in violation of Chapter 253 of the Texas Elections Code. *Exhibit I.A, p. 11, Tex. Elect. Code §253.005(a), attached to Plaintiff's Original Petition.* Texas law provides that a violation of this section of the Texas Election Code is a Class A misdemeanor. *Exhibit I.A, p. 11, Tex. Elect. Code, §253.005(c), attached to Plaintiff's Original Petition.*

4.2.B. Plaintiff has provided clear and specific evidence of these corporate contributions from Boss-Chem. Corp., Valley Valve & Pipe Supply Company, Inc., K.D. Timmons, Inc, Mobil and Alina & Inia Inc. *Plaintiff's Original Petition, ¶¶ Exhibits XIII.A-D, attached to Plaintiff's Original Petition.* Plaintiff has provided clear and specific evidence that Defendant acted knowingly in that he was warned in writing on six different occasions during the campaign against making or accepting corporate political contributions. *Plaintiff's Original Petition, ¶¶ 25-37; Exhibit III.A, III.B, IV.A; IV.B, p. 1; IV.C, p. 24; VI.A; VI.B; VII.A, p. 4; XII.B; VIII.A, pp. 5, 7; IX.A, pp. 8, 10; XI.A, pp. 8, 10; XIII.B; XIV,*

attached to Plaintiff's Original Petition.

4.3. Plaintiff complains of Defendant's political expenditures made from political contributions in violation of Title 15 of the Texas Election Code. ***Plaintiff's Original Petition, ¶ 19; Exhibit I.A, p. 11, §253.005, Texas Election Code, attached to Plaintiff's Original Petition.***

4.3.A. In order to prevail on her claim, Plaintiff must show that Defendant knowingly made or authorized a political expenditure wholly or partly from a political contribution Defendant knows to have been made in violation of Chapter 253 of the Texas Election Code. Plaintiff incorporates 4.2 above in its entirety as if fully restated here. ***Exhibits I.A, pp. 10, 11, §§253.004, 253.005, Tex. Elect. Code, attached to Plaintiff's Original Petition.***

4.3.B. In paragraph 4.2 Plaintiff shows by clear and specific evidence that Defendant was warned **six** times against making or accepting corporate political contributions. Plaintiff's knowledge is shown on the exhibits referenced therein, where Defendant signed documents **under oath** acknowledging that he was aware of those prohibitions and restrictions against making or accepting corporate political contributions. These sworn public reports are clear and specific evidence that Defendant knew the corporate contributions were made in violation of Chapter 253 of the Texas Election Code. Plaintiff has provided clear and specific evidence that Defendant made or authorized political expenditures from those unlawful contributions. ***Exhibits VII.A, VIII.A, IX.A, X.A, and XI.A, attached to Plaintiffs Original Petition.***

4.4. Plaintiff complains of Defendant's misrepresentation of the identity and source in political advertising or campaign communications. ***Exhibit I.A, p. 46 §255.004 and 255.005 of the Texas Election Code, attached to Plaintiff's Original Petition.***

4.4.A. In order to prevail on her claim, Plaintiff must show that Defendant, acting with intent to injure a candidate or influence the result of an election, entered into a contract or other agreement to print, public, or broadcast political advertising that purports to emanate from a source other than its true source, or that Defendant, with intent to injure a candidate or influence the result of an election, knowingly represents in a campaign communication that the communication emanates from a source other than its true source. ***Plaintiff's Original Petition, pp. 14-15, ¶¶ 71-72; Exhibit I.A., p. 46, §255.004(a),(b), attached to Plaintiff's Original Petition.***

4.4.B. Plaintiff has provided clear and specific evidence of each element of this claim. Defendant's Facebook page entitled *Gabriel Garcia for District Clerk*, was nothing more than the Facebook page he had used in his race for Precinct 3 Brazos County Commissioner's race two years earlier and only changing the title of the page. This Facebook page included support, endorsements, photographs and video from his Precinct 3 Brazos County Commissioner campaign and not from his campaign for Brazos County District Clerk. Defendant, being notified of this violation, failed to change the information and publicly chastised the person informing him of the violation. ***Affidavit of Alfred Hanna, Exhibit 1 attached hereto and incorporated herein.***

4.5. Plaintiff complains of Defendant's failure to file or filing incomplete and deceptive

reports and personal financial statements required by law. *Plaintiff's Original Petition*, ¶¶20-22, 46-55; *Local Gov't Code*, §§159.0071-008, *Exhibits I.A*, pp. 36, 42, and 43 §§254.065, 254.201, and 254.202, *Texas Election Code*, attached to *Plaintiff's Original Petition*.

4.5.A. In order to prevail on her claim, Plaintiff must show by clear and specific evidence that Defendant failed to report, in whole or in part, campaign contributions or expenditures required by Chapter 254 of the Texas Election Code. *Exhibit I.A.*, pp. 27, 28, 34-36, 43-44, §§254.001, 254.0031, 254.041, 254.042, 254.061, 254.063-.066, 254.231, 254.232, attached to *Plaintiff's Original Petition*. In order to prevail on her claim, Plaintiff must show that Defendant filed required reports late or that Defendant failed to include all of the information required by the reports. *Exhibits I.A.*, pp. 34, § 254.041, *Tex. Elect. Code*; *I.A.*, pp. 36, 42, and 43, §§254.065, 254.201, and 254.202, *Tex. Elect. Code*; *IV.C*, p. 4, attached to *Plaintiff's Original Petition*.

4.5.B. Plaintiff has provided clear and specific evidence of Defendant's violations. *Plaintiff's Original Petition*, pp. 9-11, ¶¶ 46-55; *Exhibits VII.B-XI.B and XII.A & B*, attached to *Plaintiff's Original Petition*. Defendant's knowledge of the requirements for timely, accurately, and completely filing reports is shown by his signature on the sworn reports and other documents attached to Plaintiff's Original Petition; Defendant's filing of untimely, incomplete and inaccurate reports is shown by his campaign report filings and personal financial statement filings. *Plaintiff's Original Petition*, *Exhibits II.A; II.B; III.A., p. 6; III.B, IV.C, p. 5-52; IV.D; V.A; V.B; V.C; VII.A; VIII.A; IX.A; X.A; XI.A, p. 2; XII.A; VI.B; VII.B; VIII.B; IX.B; X.B; XI.B; XII.B; XVII.A; XVII.B* attached to *Plaintiff's Original Petition*. Additionally, Defendant advertised his campaign through at least one Facebook post, however, none of Defendant's reports, filed under oath, report campaign expenditures to Facebook. *Affidavit of Alfred Hanna, Exhibit I*, attached hereto and incorporated herein.

4.6. Plaintiff complains of Defendant's misrepresentation of businesses and corporations in which he claims or has an ownership interest. *Plaintiff's Original Petition*, ¶¶ 39-40.

4.6.A. In order to prevail on her claims, Plaintiff must show that Defendant failed to accurately report his interests in businesses and corporations.

4.6.B. Plaintiff has provided clear and specific evidence of Defendant's intentional deception. *Exhibits XIII.D, E*, attached to *Plaintiff's Original Petition*.

4.7. Plaintiff complains of Defendant's acceptance of a campaign contribution from a deceased person. *Plaintiff's Original Petition*, ¶ 42-44; *Exhibit I.A, p. 18, § 253.133 and 253.134, Texas Election Code*, attached to *Plaintiff's Original Petition*. Plaintiff incorporates paragraph 4.5 in its entirety above as if fully restated here.

4.7.A. In order to prevail on her claim, Plaintiff must show that Defendant accepted a campaign contribution, claiming that it was made by a deceased person. *Exhibit I.A, p. 18, § 253.133 and 253.134, Texas Election Code*. This claim arises under Defendant's failure to report the true source of a political contribution.

4.7.B. Plaintiff has provided clear and specific evidence of Defendant’s actions. *Exhibits IX.A, p. 11; XI.A, pp. 4, 12; and XVI.*

V. Argument and Authorities TCPA Analysis – Step 3

5.1. **Plaintiff’s Burden.** As discussed above in paragraph 2.4, if and only if Plaintiff is successful in meeting her burden set forth in paragraph 2.3 above (showing by clear and specific evidence each element of her claim), the third step of the required analysis herein then switches the burden back to Defendant to “prove each essential element of any valid defenses by a preponderance of the evidence.” *Youngkin, 546 S.W.3d at ¶ II. Discussion; Tex. Civ. Prac. & Rem. Code, §27.005(d).*

5.2. Defendant raises the defense that “most of Meece’s allegations are based on outdated election finance reports—reports that were corrected and refiled by Garcia.” *Defendant’s Motion to Dismiss, p. 12, ¶30.*

5.3. Defendant raises the defense that “Meece’s remaining allegations can only be addressed, if addressed at all, by either the Texas Ethics Commission or a district attorney, do not entitle Meece to any recovery in this Court, and if they did, are based on claims that are time barred Further, Plaintiff’s Original Petition, clearly seeks recovery for “deceptive or improper act[s] that resulted in violations set forth in paragraph 11 and 12”. *Plaintiff’s Original Petition, ¶¶ 11, 12, 18, 23, 38, 41, 45, 56, 62, 66, 70, 73, 76, and 83.* While pleading that mere notice pleadings are insufficient, and Plaintiff must “provide enough detail to show the factual basis for her claims,” Defendant seeks to dismiss under the TCPA information contained in Plaintiff’s Original Petition that establishes Defendant’s knowledge and intentional actions. *Defendant’s Motion to Dismiss, p. 12, ¶¶ 29-30.*

5.4. Defendant then alleges that he did not violate Section 253.131 of the Texas Election Code because he never knowingly accepted a campaign contribution or made a campaign expenditure in violation of the Texas Election Code. *Defendant’s Motion to Dismiss, p. 13, ¶33.* Once again, Defendant fails to provide any evidence in support of these allegations. Defendant has failed to meet his burden as set forth in paragraph 5.1 above in connection with this defense.

5.5. Defendant alleges that, “as soon as Garcia was informed about the corporate contributions, he refunded the money; consequently, none of the corporate donations were used in his campaign.” *Defendant’s Motion to Dismiss, p. 13, ¶33.* Defendant’s allegation here are patently false. Defendant’s Affidavit attached in support of his Motion to Dismiss, states

“It was during this time in October 2018 that it came to my attentions that there were some contributions made to my campaign from corporate contributors...Consequently, in October 2018, I issued reimbursement checks to Boss Chemical Corp., Capitol Flooring, K.D. Timmons, Inc., Oakwood Custom Homes, and Valley Valve and Pipe Supply Company, paying them back in full for the contributions they made to my campaign.”

Affidavit of Gabriel Garcia, attached to Defendant's Motion to Dismiss, p. 3, ¶¶ 15-16.

5.6. Assuming *arguendo* that Defendant learned of the illegal corporate contributions on the same day he allegedly refunded the contributions, he failed to file his “corrected” or amended reports for 54 days. *Exhibit 8, pp. 1, 3, 5, 6 to Affidavit of Gabriel Garcia, attached to Defendant's Motion to Dismiss.* Defendant filed this Corrected report despite the fact that he never filed the original report. Defendant signed the corrected report, falsely indicating, “I swear, or affirm, that I am filing this corrected report not later than the 14th business day after the date I learned that the report as originally filed is inaccurate or incomplete.” *Exhibit 8, p. 1, Affidavit of Gabriel Garcia, attached to Defendant's Motion to Dismiss.* This is clear and specific evidence of another false statement, made under oath by Defendant.

5.7. Plaintiff has provided clear and specific evidence of Defendant's intent through his course of conduct through two elections of filing false, untimely, reports and accepting illegal contributions. *See, paragraphs 3-5.6 above.*

5.8. Defendant raises the defense that he did not violate Section 254.231 of the Texas Election Code because “he filed corrected reports with the Brazos County Elections Administrator on December 18, 2018.” *Defendant's Motion to Dismiss, p. 14, ¶35.* Defendant alleges that he “did not know of any potential inaccuracies within his semiannual reports until he was served with Meece's Petition on December 4, 2018.” *Defendant's Motion to Dismiss, p. 14, p. 37.* However, this statement directly contradicts Defendant's affidavit, alleging that he became aware of illegal corporate contributions in October 2018 and that he refunded those contributions in October 2018. *See, paragraph 55 above.* Defendant actually claims that his sworn statement on each report that “the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report” is somehow evidence in support of his defense. The only consistency in Defendant's reports, filed under oath, is that they are inconsistent. After being warned **six** times against accepting corporate contributions, Defendant accepted multiple corporate contributions, swearing each time that he was aware of the restrictions against those illegal contributions. *See, paragraphs 3.4, 4.2, and 4.3 above.* Now Defendant claims that his denial of knowledge of acceptance of illegal contributions eviscerates all evidence to the contrary.

5.9. Plaintiff complains of Defendant's failure to identify the true source of communications in violation of § 254.004 of the Texas Election Code. *Exhibit I.A., p. 46 §254.004, Tex. Elect. Code.* Plaintiff can recover for violations of the Texas Election Code, some of which have been additionally characterized as criminal in nature, pursuant to §§253.1.1, 254.231 of the Texas Election Code. *See, Plaintiff's Original Petition, p. 2, ¶¶ 11, 12; Exhibit I.A., pp. 17, 43 and 44, attached to Plaintiff's Original Petition.*

5.10. Defendant alleges that statements made by Defendant during his Brazos County Commissioner's race must be dismissed. However, these allegations show Defendant's intent and course of conduct in his unlawful conduct. *See, paragraph 5.3 above.*

5.11. Defendant has failed to meet his burden set forth in paragraph 5.1 above.

Certificate of Service

I certify that a true and correct copy of the above and foregoing document has been delivered to the parties/counsel identified below in accordance with the Texas Rules of Civil Procedure on this 23rd day of January, 2019.

VIA ESERVICE gaines.west@westwebblaw.com

Gaines West
West, Webb, Allbritton & Gentry, PC
1515 Emerald Plaza
College Station, TX 77845
Attorneys for Gabriel Garcia

/s/ C. Patrick Meece
C. Patrick Meece

MARGARET MEECE
Plaintiff

VS.

GABRIEL GARCIA
Defendant



IN THE DISTRICT COURT

OF BRAZOS COUNTY, TEXAS

272ND JUDICIAL DISTRICT COURT

AFFIDAVIT OF ALFRED HANNA

STATE OF TEXAS §
COUNTY OF BRAZOS §

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiants, who being by me duly sworn, on oath stated:

“I am of sound mind, over 21 years of age, capable of making this affidavit, and personally acquainted with the facts herein stated. My name is Alfred Hanna. I have personal knowledge of all matters stated herein.”

“I graduated from Texas A&M University in 2005, with a degree in Electronics Engineering Technology. I am familiar with and have knowledge of social media marketing, website design and development, email marketing, and other technology related services.”

“I work with many small to medium sized businesses providing on-line services to help businesses have more exposure for their products and services. I own and operate a small business in Brazos County. I have personal knowledge of the requirements for managing and sponsoring pages as advertisement on Facebook. “

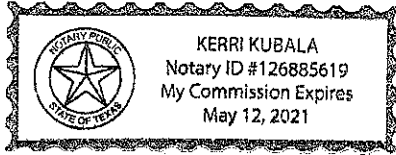
“First, there is a process to sponsoring posts on Facebook. A Facebook page must be created through a Facebook account in order to being managing it. Once the page is created, then you need to start generating posts. Posts can be in the form of text, images, or videos. Once the post is created, you have an option to boost a post by paying Facebook for it. Facebook defines boost as sponsoring that particular post so that other Facebook users can see it on their feed. The more money you pay, the more exposure the post will have. The people who can see the post do not necessarily have to be friends of or followers of the page. Filters can be allowed by Facebook, allowing posts to be seen by all Facebook users within a certain location, age group, or gender.”

“On my feed, I saw a sponsored post on Facebook from a “Gabriel Garcia for District Clerk” page. I was not a follower of that page. I have verified that the Facebook page for the District Clerk campaign was identical to the Facebook page for Gabriel Garcia’s Precinct 3, Brazos County Commissioner’s campaign, with the exception of the title of the page.”

“Further, affiants sayeth not.”

Alfred Hanna
Alfred Hanna

SWORN TO AND SUBSCRIBED before me on January 23, 2019.



Kerri Kubala
Notary Public, State of Texas

NO. 18-003225-CV-CCL2

MARGARET MEECE

Plaintiff

VS.

GABRIEL GARCIA

Defendant

IN THE DISTRICT COURT

OF BRAZOS COUNTY, TEXAS

272ND JUDICIAL DISTRICT COURT

AFFIDAVIT OF C. PATRICK MEECE

STATE OF TEXAS §

COUNTY OF BRAZOS §

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiants, who being by me duly sworn, on oath stated:

“I am of sound mind, over 21 years of age, capable of making this affidavit, and personally acquainted with the facts herein stated. My name is C. Patrick Meece, and I am an attorney, licensed in the state of Texas and in good standing with the State Bar of Texas. I have personal knowledge of all matters stated herein.”

“Attached hereto as Exhibit 1 is a true and correct copy of discovery requests served on Defendant herein on December 4, 2018. Defendant’s responses to these requests would have been due on January 23, 2019. By filing his Motion to Dismiss, Defendant has been able to avoid tendering responses to these discovery requests.”

“I am a founding partner in the law firm of Meece & Associates. I have been practicing law in Brazos County, Texas, and through the state of Texas since 1989. I am personally familiar with the reasonable rates charged by attorneys with my skills, qualifications and experience in Texas, including Brazos County, Texas, and its surrounding counties, who have the skills, qualifications and experience that I have. In Brazos County, the reasonable and customary rate for my services as attorneys regarding civil litigation is \$300.00 per hour.”

“I have expended 35.8 hours responding to Defendant’s Motion to Dismiss. Those hours include legal research, drafting documents, conferring with witnesses in the case, and other routine matters involved in complex civil litigation. The fees and time expended were reasonably necessary due to the gravity and implications of the disputed issues in this cause. Each of the hours expended on matters arising from, related to and were reasonably necessitated to adequate respond to Defendant’s Motion to Dismiss.”

“Based on \$300.00 per hour and the fees and services reasonably and necessarily rendered herein, my reasonable and necessary attorney’s fees arising from and attributable to representation of Plaintiff in defense of Defendant’s Motion to Dismiss in this cause amounts to \$10,740.00.”

“Additionally, I have reviewed Defendant’s Affidavit in Support of Attorney’s Fees, filed by Defendant on this date. Based on Mr. West’s calculations, he would have spent 77.7 hours in preparing and prosecuting Defendant’s Motion to Dismiss. It is my opinion that those hours were neither necessary or reasonable under the circumstances of this case.”


“The clear and specific evidence in Plaintiff’s Response to Defendant’s Motion to Dismiss, and Defendant’s failure to provide any evidence of a constitutionally protected right to engage in the conduct that forms the basis of Plaintiff’s claims, and Defendant’s failure to provide evidence on each element of his defenses, evidences that Defendant’s Motion to Dismiss is frivolous.”

“It was Plaintiff who bore the largest burden of proving by clear and specific evidence each element of her claims against Defendant. Defendant

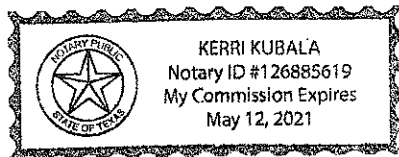
“The discovery requests propounded by Plaintiff to Defendant are specifically drafted for this case. If Defendant responds truthfully, Plaintiff wins this case. If Defendant, answers falsely, evasively or incompletely, Plaintiff intends to show each false or evasive or incomplete response as well to prove the truthful response. In such case, Plaintiff wins this case.”

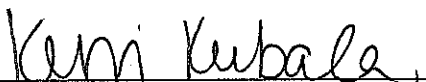
“By filing his frivolous Motion to Dismiss, Defendant has improperly delayed this cause and avoided tendering responses to Plaintiff’s discovery requests.”

“Further, affiants sayeth not.”


C. Patrick Meece

SWORN TO AND SUBSCRIBED before me on January 23, 2019.




Notary Public, State of Texas

18-003225-CV-272

CAUSE NO. ~~FILED FOR DISCOVERY~~

MARGARET MEECE
Plaintiff

VS.

GABRIEL GARCIA
Defendant

IN THE DISTRICT COURT

OF

BRAZOS COUNTY, TEXAS

**MARGARET MEECE'S REQUESTS FOR ADMISSIONS, PRODUCTION AND
REQUESTS FOR DISCLOSURE**

To: Defendant GABRIEL GARCIA, 2205 HILLSIDE DRIVE, BRYAN TEXAS 77802.

Pursuant to Rules 194, 196 and 198 of the Texas Rules of Civil Procedure, MARGARET MEECE serves the following Discovery Requests: 1. Rule 198 REQUESTS FOR ADMISSIONS, MARKED EXHIBIT "A", 2. Rule 196 REQUESTS FOR PRODUCTION, MARKED EXHIBIT "B" and 3. Rule 194 REQUESTS FOR DISCLOSURE, MARKED "EXHIBIT "C".

Respectfully submitted,

MEECE & ASSOCIATES

By: /s/ C. Patrick Meece

C. Patrick Meece

State Bar No. 13898340

cpatrickmeece@hotmail.com

1716 Briarcrest Drive, Suite 605

Bryan, Texas 77802

Telephone: (979) 846-9608

Telecopier: (979) 846-5399

ATTORNEY FOR PLAINTIFF

EXHIBIT A

FIRST REQUEST FOR ADMISSIONS

This request for admissions is made under Rule 198, Texas Rules of Civil Procedure.

REQUEST: GABRIEL GARCIA is requested to admit the truth of the matters of fact which are attached to this request and labeled "**FACTS**". Said facts are relevant.

DEEMED ADMITTED UNLESS ANSWERED

Each of the matters of which an admission is requested shall be deemed admitted unless a statement is delivered to the party requesting the admissions or the attorney for that party specifically denying the request or explaining in detail the reasons that the responding party cannot admit or deny the request.

STATEMENT

Gabriel Garcia shall either admit, deny specifically the matter of which an admission is requested or set forth in detail the reasons why you cannot truthfully either admit or deny those matters.

TIME FOR REPLY

Each of the matters of which an admission is requested shall be deemed admitted unless within 50 days after delivery of this request the party to whom the request is directed, delivers or causes to be delivered to the party requesting the admission or his attorney of record a statement as required in Rule 198, Texas Rules of Civil Procedure.

Special Instructions:

For purposes of convenience and clarity, the responding party shall initial only one appropriate space preceding either "ADMIT", "DENY", or "DETAIL REASONS" for each numbered Request for Admission.

For any numbered Request for Admission you cannot truthfully either admit or deny, further explain in detail the reasons why you cannot either admit or deny the statement on the lines provided or attach separate sheet(s) clearly identifying the request to which you are responding.

Definitions:

The following words when used in the following Written Requests for Admissions will have the meanings indicated:

A. The terms "**you,**" "**your,**" "**DEFENDANT,**" and "**GARCIA**" mean GABRIEL GARCIA and shall specifically include all employees, agents and representatives of you or any business or other entity in which you claim an interest.

B. Any term or word which is not specifically defined in this section may be assumed to have its common everyday meaning.

RULE 198 REQUESTS

“FACTS” to wit:

1. Margaret Meece participated in the 2018 primary election for Brazos County District Clerk as a candidate.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

2. Margaret Meece participated in the 2018 primary runoff election for Brazos County District Clerk as a candidate.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

3. Gabriel Garcia participated in the 2018 primary election for Brazos County District Clerk as a candidate.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

4. Gabriel Garcia participated in the 2018 primary runoff election for Brazos County District Clerk as a candidate.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

5. You signed exhibit VI.B attached to the Original Petition on November 8, 2017 directly under the statement, "I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations".

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

6. You signed the January 15th, 2018 Candidate/Officeholder Campaign Finance Report under penalty of perjury, that the Report is true and correct and includes all information required to be reported by you under Title 15, Election Code on January 17, 2018. *See exhibit VII.A page 2 attached to Original Petition.*

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

7. You signed the 30th before election Candidate/Officeholder Campaign Finance Report under penalty of perjury, that the Report is true and correct and includes all information required to be reported by you under Title 15, Election Code on February 5, 2018. *See exhibit VIII.A page 2 attached to Original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

8. You signed the 8th day before election Candidate/Officeholder Campaign Finance Report under penalty of perjury, that the Report is true and correct and includes all information required to be reported by you under Title 15, Election Code on February 27, 2018. *See exhibit IX.A page 2 attached to Original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

9. You signed the Runoff Candidate/Officeholder Campaign Finance Report under penalty of perjury, that the Report is true and correct and includes all information required to be reported by you under Title 15, Election Code on May 14, 2018. *See exhibit X.A page 2 attached to Original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

10. You signed the July 15th, 2018 Candidate/Officeholder Campaign Finance Report under penalty of perjury, that the Report is true and correct and includes all information required to be reported by you under Title 15, Election Code on July 17, 2018. *See exhibit XI.A page 2 attached to Original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

11. You signed exhibit XVII.A attached to the Original Petition on February 19, 2016 directly under the statement, "I swear, or affirm, under penalty of perjury, that this financial statement covers calendar year ending December 31, 2015, and is true and correct and includes all information required to be reported by me under chapter 572 of the Government Code." *See exhibit XVII.A last page attached to Original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

12. In 2017, Boss-Chem Corp, P. O. Box 4691 Bryan Texas 77805 made a political contribution to the Gabriel Garcia for Brazos County District Clerk Campaign. *See exhibit VII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

13. The amount of the political contribution referenced in Request for Admission 12 was in the amount of \$1,000.00. *See exhibit VII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

14. You accepted a political contribution from Boss-Chem Corp, P. O. Box 4691 Bryan Texas 77805. *See exhibit VII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

15. In 2018, Valley Valve and Pipe Supply Company Inc., made a political contribution to the Gabriel Garcia for Brazos County District Clerk Campaign. *See exhibit VIII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

16. The amount of the political contribution referenced in Request for Admission 15 was in the amount of \$200.00. *See exhibit VIII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

17. You accepted a political contribution from Valley Valve and Pipe Supply Company Inc. *See exhibit VIII.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

18. In 2018, K. D. Timmons, Inc. made a political contribution to the Gabriel Garcia for Brazos County District Clerk Campaign. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

19. The amount of the political contribution referenced in Request for Admission 18 was in the amount of \$250.00. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

20. You accepted a political contribution from K. D. Timmons, Inc. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

21. In 2018, K. D. Timmons made a political contribution to the Gabriel Garcia for Brazos County District Clerk Campaign. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

22. The amount of the political contribution referenced in Request for Admission 21 was in the amount of \$250.00. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

23. You accepted a political contribution from K. D. Timmons. *See exhibit IX.A attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

24. Kenneth D. Timmons died February 22, 2006. *See exhibit XVI attached to the original Petition.*

_____ ADMIT or _____ DENY or _____ DETAIL REASONS

why you cannot truthfully either admit or deny those matters:

25. You do not own Texas Oil and Lube, 2209 William Joel Bryan Parkway, Bryan Texas 77802.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

26. Lucky Eight Family Enterprises, LLC owns Texas Oil and Lube, 2209 William Joel Bryan Parkway, Bryan Texas 77802.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

27. Texas Oil and Lube located at 2209 William Joel Bryan Parkway, Bryan Texas 77802 is an assumed name of Lucky Eight Family Enterprises, LLC.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

28. You do not own Traditions Oil and Lube, 1404 West Villa Maria, Bryan Texas 77802.

ADMIT *or* **DENY** *or* **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

29. Alina & Inia, Inc. owns Traditions Oil and Lube, 1404 West Villa Maria, Bryan Texas 77802.

ADMIT *or* **DENY** *or* **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

30. Traditions Oil and Lube located at 1404 West Villa Maria, Bryan Texas 77802 is an assumed name of Alina & Inia, Inc.

ADMIT *or* **DENY** *or* **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

31. You accepted loans for the Gabriel Garcia For District Clerk Campaign for \$50.00 or less.

ADMIT *or* **DENY** *or* **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

32. You accepted loans for the Gabriel Garcia For District Clerk Campaign of \$50.00 or less from 1,372 or more individuals.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

33. You made political expenditures from the Boss-Chem Corp. political contribution.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

34. You made political expenditures from the Valley Valve and Pipe Supply Company Inc. political contribution.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

35. You made political expenditures from the K. D. Timmons, Inc. political contribution.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

36. You made political expenditures from the K. D. Timmons political contribution.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

37. You made political expenditures from the loans of \$50.00 or less.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

38. You made political expenditures from the loans you made to your campaign for Brazos County District Clerk.

_____ **ADMIT** *or* _____ **DENY** *or* _____ **DETAIL REASONS**

why you cannot truthfully either admit or deny those matters:

EXHIBIT B

FIRST REQUESTS FOR PRODUCTION

Please take notice that request is hereby made by MARGARET MEECE, pursuant to Rule 196 of the Texas Rules of Civil Procedure, that Defendant, GABRIEL GARCIA, produce or permit the undersigned attorney, C. Patrick Meece, to inspect and copy or reproduce the items hereinafter designated on Exhibit "**RULE 196 REQUESTS**" below.

Within 50 days after service of these Requests for Production, you must serve a written response to the undersigned attorney at the office of Meece & Associates, 1716 Briarcrest Drive,

Fifth Floor, Bryan, Texas 77802, including the items requested or stating with respect to each request that an inspection and copying or reproduction will be permitted as requested.

In the event a request is objected to, please specifically state (a) the legal or factual basis for the objection, and (b) the extent to which you refuse to comply with the request. Pursuant to Rule 193.2(b) of the Texas Rules of Civil Procedure, a party must comply with as much of the request to which the party has made no objection unless it is unreasonable under the circumstances to do so before obtaining a ruling on the objection.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "candidate", "you" and "your" shall mean GABRIEL GARCIA, and all attorneys, agents, and other natural persons or, business or legal entities acting or purporting to act for or on behalf of GABRIEL GARCIA, whether authorized to do so or not. A party's full or abbreviated name or a pronoun referring to a party, means the party, and where applicable, the party's agents, representatives, officers, directors, employees, partners, corporate agents, subsidiaries, affiliates, or any other person acting in concert with the party or under the party's control, whether directly or indirectly, including any attorney.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested. "Thing" shall mean any tangible object other than a document. As used herein, the term "communication" or "communications" includes, but is not limited to, all correspondence, letters, memoranda, e-mails, text messages, conversation by telephone calls, records of conversations, either in writing or upon any mechanical, electrical recording device or oral conversation.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. Any and all data or information which is in electronic or magnetic form should be produced in a reasonable manner.

6. Answer each request for documents separately by listing the documents and by describing them as defined below. If documents produced in response to their request are numbered for production, in each response provide both the information that identifies the document and the document's number.

7. For each document that no longer exists or that cannot be located, identify the document; state how and when it passed out of existence, or when it could no longer be located, and the reason for the disappearance. Also, identify each person having knowledge about the disposition or loss of the document; identify any other document evidencing the lost document's existence, and any facts known by you regarding the lost document.

a. When identifying the document, you must state the following:

- (1) The nature of the document (*e.g.*, letter, handwritten note).
- (2) The title or heading that appears on the document.
- (3) The date of the document and the date of each addendum, supplement, or other addition or change.
- (4) The identity of the author and of the signer of the document and of the person on whose behalf or at whose request or direction the document was prepared or delivered.

b. When identifying the person, you must state the following:

- (1) The full name.
- (2) The present or last known residential address and residential telephone number.
- (3) The present or last known office address and office telephone number.
- (4) The present occupation, job title, employer, and employer's address.

8. This request for production and inspection is continuing in nature. Therefore, to the extent that documents called for herein are prepared, produced, made and/or generated on a weekly, bi-monthly, monthly, semi-annually and/or annual basis, such documents shall and are requested to be produced at or near the time that such documents are prepared, made, produced and/or generated, at the time intervals set forth herein above.

9. You shall produce such documents as they are kept in the usual course of business or you shall organize and label the documents to correspond with the categories in their request under Rule 196.3, the fact that any of the requested items are not in your actual possession is no excuse to production so long as you have the right to compel production of the requested item from a third party, including any agency, authority or representative.

10. **"Possession, custody, or control"** of an item means that the person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.

11. **“Person”** means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business or legal entity, and all predecessors or successors in interest.

12. **“Mobile device”** means any cellular telephone, satellite telephone, pager, personal digital assistant, handheld computer, electronic rolodex, walkie-talkie, or any combination of these devices.

PRIVILEGED DOCUMENTS

Should you decline to produce any documents requested herein on grounds that such document is privileged against discovery, you shall identify the nature of each such document, including, whenever applicable, the title, date, author, and all recipients of the document, and shall specify the present location of the document and the names and addresses of the person or persons having possession, custody or control thereof, together with a complete and specific statement of the reasons such document has been withheld.

TIME PERIOD

The discovery requested relates to the period of January 1, 2015, through the present, except as expressly provided to the contrary. All requested documents and recordings whenever actually prepared or generated that relate to the period are to be produced.

RULE 196 REQUESTS

The following documents and things which include any and all documents which constitute, mention, or which in any way directly or indirectly relate or refer to this request, are to be produced for inspection, examination, and copying as specified above:

1. Produce any and all documents that are identified in **Section 254.001** of the Texas Election Code, **“RECORDKEEPING REQUIRED.** (a) Each candidate...shall maintain a record of all reportable activity.... (c) The record must contain the information that is necessary for filing the reports required by this chapter. (d) A person required to maintain a record under this section shall preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record.” See *Exhibit I.A pp. 27 and 28 §254.001, Tex. Elect. Code.*

This request necessarily includes: Section 20.18 of the Texas Ethics Commission Rules, **“Recordkeeping Required.** (a) Records required to be maintained by section 254.001 of the Election Code consist of records containing information needed to comply with reporting requirements, examples may include bank statements (front and back), deposit slips, cancelled checks (front and back), receipts, invoices, bills, and ledgers of contributions and expenditures. (b) Candidates, officeholders, and campaign treasurers of a political committee comply with section 254.001 of the Election Code when they maintain the following: (1) Bank statements for all campaign activity; (2) Invoices or bills for campaign expenditures; (3) Copies of checks paid for campaign activity; (4) Donation documentation for each person from whom a political contribution, loan, gain, or reimbursement is accepted; (5) Receipts for reimbursed campaign expenses, which document the purpose of the reimbursement; (6) Employee timesheets and payroll records; (7) Extra care must be taken if cash is received or disbursed including: a separate receipt indicating the source of the donation or the person who received the disbursement, and

the amount of the donation or expenditure. (c) A person required to maintain a record under this section shall preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record.” *Exhibit V.D pp. 11, 12 §20.18.*

RESPONSE:

2. Produce any and all letters, correspondence, memos, or other documentation between you and Jason Bienski; Nancy Berry; Brazos County District Clerk Office Staff; Chuck Konderla; any member of your family including: brothers, sisters, father, mother, cousin and wife regarding the Gabriel Garcia Campaigns for District Clerk and Precinct 3 Brazos County Commissioner.

RESPONSE:

3. Produce any and all letters, correspondence, memos, or other documentation between you and anyone, including but not limited to Jason Bienski; Nancy Berry; Brazos County District Clerk Office Staff; Chuck Konderla; any member of your family including: brothers, sisters, father, mother, cousin and wife regarding the Gabriel Garcia Campaigns for District Clerk and Precinct 3 Brazos County Commissioner wherein Alina & Inia, Inc. and/or Lucky Eight Family Enterprises LLC are mentioned or discussed. This request includes matters involving ownership, stocks, loans to or by the business entities, ownership interests, leases, dividends, and other business interests managed, owned or participates in the operations of said interests.

RESPONSE:

4. Produce all corporate and accounting records of Alina & Inia, Inc. including minutes of meetings, authorization of payment for employees, taxes and all accounting records.

RESPONSE:

5. Produce all corporate and accounting records of Lucky Eight Family Enterprises LLC including minutes of meetings, authorization of payment for employees, taxes and all accounting records.

RESPONSE:

6. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit and loss statements, balance sheets, income and expense statements, and operating statements concerning Alina & Inia, Inc.

RESPONSE:

7. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit and loss statements, balance sheets, income and expense statements, and operating statements concerning Traditions Oil and Lube located at 1404 West Villa Maria, suite 100, Bryan Texas 77802.

RESPONSE:

8. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit and loss statements, balance sheets, income and expense statements, and operating statements concerning Lucky Eight Family Enterprises LLC.

RESPONSE:

9. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit and loss statements, balance sheets, income and expense statements, and operating statements concerning Texas Oil and Lube located at 2209 East William Joel Bryan Parkway, Bryan Texas 77802.

RESPONSE:

10. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of Alina & Inia, Inc.

RESPONSE:

11. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of Traditions Oil and Lube located at 1404 West Villa Maria, suite 100, Bryan Texas 77802.

RESPONSE:

12. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of Lucky Eight Family Enterprises LLC.

RESPONSE:

13. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of Texas Oil and Lube located at 2209 East William Joel Bryan Parkway, Bryan Texas 77802.

RESPONSE:

14. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of Gabriel Garcia or accounts Gabriel has signatory authority.

RESPONSE:

15. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of The Gabriel Garcia Campaign (including: Precinct 3 Brazos County Commissioner Campaign and Brazos County District Clerk Campaign) or accounts Gabriel Garcia has signatory authority.

RESPONSE:

16. All documents, including invoices and billing statements relevant to the subject matters of this lawsuit.

RESPONSE:

17. Produce any and all photographs, videotapes, motion pictures or audio recordings which are in any way relevant to the allegations or defenses made the basis of this Lawsuit.

RESPONSE:

18. All diaries, notes, memoranda, journals, calendars, including electronic diaries, notes, memoranda, journals, calendars, or written logs that constitute or contain matters relevant to the subject matters of this lawsuit

RESPONSE:

19. Produce all written statements and/or communications between you and any person, other than your attorneys or consulting-only experts, relating to this Lawsuit.

RESPONSE:

20. All mortgages, notes receivable, accounts receivable, or other evidence or information pertaining to debts due in which Alina & Inia, Inc. owns or claims, or has owned or claimed any interest.

RESPONSE:

21. All mortgages, notes receivable, accounts receivable, or other evidence or information pertaining to debts due in which Lucky Eight Family Enterprises LLC owns or claims, or has owned or claimed any interest.

RESPONSE:

22. All mortgages, notes receivable, accounts receivable, or other evidence or information pertaining to debts due in which Traditions Oil and Lube located at 1404 West Villa Maria, suite 100, Bryan Texas 77802 owns or claims, or has owned or claimed any interest.

RESPONSE:

23. All mortgages, notes receivable, accounts receivable, or other evidence or information pertaining to debts due in which Texas Oil and Lube located at 2209 East William Joel Bryan Parkway, Bryan Texas 77802 owns or claims, or has owned or claimed any interest.

RESPONSE:

24. Copies or original of all credit files, loan applications, credit applications, lease applications, promissory notes, guaranty agreements, lease agreements, lines of credit, contracts for drafting authority, security agreements, or other obligations and contractual agreements concerning Alina & Inia Inc.

RESPONSE:

25. Copies or original of all credit files, loan applications, credit applications, lease applications, promissory notes, guaranty agreements, lease agreements, lines of credit, contracts for drafting authority, security agreements, or other obligations and contractual agreements concerning Lucky Eight Family Enterprises LLC.

RESPONSE:

26. Copies or original of all credit files, loan applications, credit applications, lease applications, promissory notes, guaranty agreements, lease agreements, lines of credit, contracts for drafting authority, security agreements, or other obligations and contractual agreements concerning Traditions Oil and Lube located at 1404 West Villa Maria, suite 100, Bryan Texas 77802.

RESPONSE:

27. Copies or original of all credit files, loan applications, credit applications, lease applications, promissory notes, guaranty agreements, lease agreements, lines of credit, contracts for drafting authority, security agreements, or other obligations and contractual agreements concerning Texas Oil and Lube located at 2209 East William Joel Bryan Parkway, Bryan Texas 77802.

RESPONSE:

28. Copies or original of all credit files, loan applications, credit applications, lease applications, promissory notes, guaranty agreements, lease agreements, lines of credit, contracts for drafting authority, security agreements, or other obligations and contractual agreements concerning the Gabriel Garcia Campaign (including: Precinct 3 Brazos County Commissioner Campaign and Brazos County District Clerk Campaign the subject of this lawsuit).

RESPONSE:

29. All documents that relate to monies invested or loaned by you for the benefit of your 2016 Precinct 3 Brazos County Commissioner Campaign.

RESPONSE:

30. All documents that relate to monies invested or loaned by you for the benefit of your 2018 Brazos County District Clerk Campaign.

RESPONSE:

31. All documents that relate to monies invested or loaned to you for the benefit of your 2016 Precinct 3 Brazos County Commissioner Campaign.

RESPONSE:

32. All documents that relate to monies invested or loaned to you for the benefit of your 2018 Brazos County District Clerk Campaign.

RESPONSE:

33. Produce copies of all bank statements related to any account in which any checks or cash or other monies have been deposited which constitute a contribution, loan donation or income for your 2016 Precinct 3 Brazos County Commissioner Campaign.

RESPONSE:

34. Produce copies of all bank statements related to any account in which any checks or cash or other monies have been deposited which constitute a contribution, loan donation or income for your 2018 Brazos County District Clerk Campaign.

RESPONSE:

35. Produce copies of all payments, invoices, production, design, agreements, communications and directions regarding FACEBOOK, the Garcia for Brazos County Commissioner web page, the Garcia for Brazos County District Clerk Web Page and Brazos County Resident Web Page.

RESPONSE:

36. All documents that relate to monies and/or income you received from Alina & Inia, Inc.

RESPONSE:

37. All documents that relate to monies and/or income you received from Lucky Eight Family Enterprises LLC.

RESPONSE:

38. All documents that relate to any monies invested or taken by you from Alina & Inia Inc.

RESPONSE:

39. All documents that relate to any monies invested or taken by you from Lucky Eight Family Enterprises LLC.

RESPONSE:

40. All documents filed with any, state, county, city, federal or governmental agency, institution or department containing information about Alina & Inia, Inc., Lucky Eight Family Enterprises LLC, the Gabriel Garcia for Brazos County Commissioner Precinct 3 Campaign and Gabriel Garcia for Brazos County District Clerk Campaign.

RESPONSE:

41. All articles of incorporation, certificates of organization and/or assumed named certificates of any entity in which you claim or have claimed any legal or equitable interest.

RESPONSE:

42. A copy of your credit report from any of the following credit bureaus:

- a. Equifax Credit Information Services, Inc., PO Box 740241, Atlanta, GA 30374; 1 – 800 – 685 – 1111; [iwww.equifax.com](http://www.equifax.com);
- b. Experian (TRW), PO Box 2002, Allen, TX 75013; 1 – 888 – 397 – 3742; www.experian.com; or
- c. TransUnion LLC, Consumer Disclosure Center, PO Box 1000, Chester, PA 19022; 1 – 800 – 888 – 4213; www.transunion.com.

EXHIBIT C

RULE 194 REQUESTS FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within 50 days after service of this request, the information or material described in Rule 194 as set forth in the attached request. The originals or copies of documents and other tangible items requested must be produced for inspection and copying at the office of Meece & Associates, 1716 Briarcrest Drive, Fifth Floor, Bryan, Texas 77802 within 50 days after service of this request, together with a written response. Each written response must be preceded by the request to which it applies. No objection or assertion of work product privilege is permitted to a request under this Rule. If you fail to comply with this request, the court may order sanctions against you in accordance with the Texas Rules of Civil Procedure. Your response must be signed.

RULE 194 REQUESTS

a. The correct names of the parties to the lawsuit.

RESPONSE:

b. The name, address, and telephone number of any potential parties.

RESPONSE:

c. The legal theories and, in general, the factual basis of the responding party's claims or defenses.

RESPONSE:

d. The amount and any method of calculating economic damages.

RESPONSE:

- e. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

- f. For any testifying expert:

- 1) the expert's name, address and telephone number;
- 2) the subject matter on which the expert will testify;
- 3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis of them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- 4) if the expert is retained, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography.

RESPONSE:

- g. Any indemnity or insuring agreements described in Rule 192.3(f) of the Texas Rules of Civil Procedure.

RESPONSE:

- h. Any settlement agreements described in Rule 192.3(g) of the Texas Rules of Civil Procedure.

RESPONSE:

- i. Any witness statements described in Rule 192.3(h) of the Texas Rules of Civil Procedure.

RESPONSE:

- j. In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

- k. In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE:

1. The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE: