

MARGARET MEECE response to Gaines West's press release

cpatrickmeece@hotmail.com

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I have to wonder if Mr. West is even aware of the claims being asserted in this case. West claims that a majority of the claims against Mr. Garcia were dismissed. But that's just not true.

All of the claims against Mr. Garcia are based on his violations of the Texas Election Code. It is plain that the Texas Citizens Participation Act (TCPA), which forms the basis of Mr. West's motion to dismiss, does not apply to the claims asserted against Mr. Garcia in this case. That was part of our response to the Court, and that is exactly what the Court held in its order. To the extent Mr. West continues to confound and confuse the legal issues in this case, the Court's order merely clarifies what I have attempted to make clear all along – that I am not, and never have been, seeking any damages for Mr. Garcia's alleged unlawful conduct during his 2016 Commissioner's race. Those facts are included only to show a pattern and course of conduct to establish Mr. Garcia's intent to engage in the same unlawful conduct in 2018. The Court's order hasn't changed the focus or facts in this lawsuit – Garcia's violations of the Texas Election Code.

Mr. West claims that his client will appeal the Court's ruling – not something you do when you win – and that it could delay the case several years. The TCPA requires an expedited appeal, and Mr. West will have to follow appropriate procedures to pursue it. Even if he does, it won't take years. This threat of a delay only strengthens my claim that Mr. West is pursuing this avenue for frivolous and dilatory purposes.

Mr. Garcia's discovery responses were due on January 23, 2019. By filing this motion, he receives a reprieve from having to respond. By pursuing the appeal, he continues to avoid responding. When he does respond, if he responds truthfully, Mr. Garcia will lose this case.

You also have to wonder why Mr. West is so intent on trying this case in the media (something not exactly encouraged by the rules of procedure or the rules of professional conduct), rather than in a court of law? My guess is, by making his wild statements to the press, he is attempting to taint the local jury pool because he is afraid to face them directly. Does he think that just because he says the word "baseless" over and over in the media, that a Brazos County jury will ignore the overwhelming evidence against his client?

Finally, yes Mr. West can request attorney's fees and sanctions; however, the same law that gives him that right also gives me the right to pursue recovery against him and his client.