

PATRICK GREENE,

Plaintiff,

v.

**PASTOR RICK MILBY (ABUNDANT
LIFE FELLOWSHIP),**

Defendant.

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IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

347TH JUDICIAL DISTRICT

TO THE HONORABLE JUDGE MISSY MEDARY:

COMES NOW, Rick Milby, the Defendant in the above-numbered-and-styled cause of action, and respectfully files this Response to Plaintiff Patrick Greene’s Request to Cancel the Hearing under the Texas Citizens’ Participation Act (“TCPA”), Tex. Civ. Prac. & Rem. Code § 27.001, *et seq.* For the reasons stated below, the Defendant OPPOSES, and asks the Court to DENY, Greene’s request to cancel the properly noticed, statutorily mandated hearing scheduled for 9:00 a.m., Tuesday, May 24, 2016.

I. Facts

Plaintiff Patrick Greene (“Greene”), an atheist activist, filed the above-styled lawsuit against Rick Milby, Pastor of Abundant Life Fellowship (“Milby”). Pastor Milby, shocked at having been sued, retained legal counsel to defend himself against this lawsuit. Milby responded by filing a Motion to Dismiss and Motion for Sanctions Under the TCPA on March 22, 2016.

Greene responded, almost immediately, by hurling invective at the legal staff member who emailed the motion and insulting Milby's counsel. Exh. A. Finally, he suddenly announced he would drop the case and filed a non-suit. Exh. B. The Court ordered that Greene's claims against Milby be dismissed.

Since that time, Milby's counsel has received reports that Greene has harassed pastors and public servants, and then threatened to file a lawsuit in Hood County, Texas, because a pastor was reading the Bible on the public square. And, Greene has threatened to file a lawsuit against the City of Port Neches, Texas, because a cross appears on public property. Exh. C.

As required by the TCPA, Milby promptly set the case for a hearing to address the pending TCPA motion for dismissal and sanctions. Milby served Greene with a Notice of Hearing per Rule 21a of the Texas Rules of Civil Procedure in two separate ways. Greene received the Notice of Hearing. In fact, Greene responded – within minutes: “Jeremy, I would only like to know one thing. What the f[***] are you trying to do.” Exh. D. Less than two hours later, Greene announced to Milby's counsel his threat to file yet *another* lawsuit against Milby over Milby's speech. Exh. E. This time, Greene claimed that he would sue Milby for “libeling me in public” – unless Milby drops his motion (and claim for relief) against Greene. *Id.*¹

On May 13, Greene then filed what appears to be a request to cancel the hearing set for May 24, 2016. In it, Greene appears to object to the substantive reasons for holding the hearing, but without providing the proof required by the TCPA. Greene Request at 2-3. He again asserts that the Texas Constitution limits the private speech of pastors. In his motion, Greene again discusses Milby's sermons at some length, directing the Court to investigate Milby's sermons as well.

¹ Greene does not reveal the basis for his allegation of libel.

Since filing his request with the Court, Greene has requested permission to be excused from appearing at the hearing in person and, instead, to appear at the hearing telephonically. Milby's counsel does not object to Greene's participation via telephone at the hearing.

II. Argument

A. Green was served per Rule 21a, he received notice, and the hearing should proceed as scheduled

As required by the TCPA, Milby set a hearing and served Greene per Rule 21a of the Texas Rules of Civil Procedure, sending Greene copies of the Notice of Hearing both via mail and instantly via email. *See* Tex. R. Civ. P. 21a(a)(1), (a)(2) (providing for service “in person, by mail, by commercial delivery service, by fax, by email, or by such other manner as the court in its discretion may direct.”). Mr. Greene is not a subscriber to the electronic filing system employed by the Court or the one that Milby's counsel used to file, and therefore, service had to proceed according to Rule 21a(a)(2) of the Texas Rules of Civil Procedure, which calls for service via the same methods that Greene received it, including email. Milby's counsel also placed a copy in regular mail as permitted by the Texas Rules of Civil Procedure, rather than certified mail as Greene asserts. Exh. F.

Greene received the Notice of Hearing via email and confirmed it by responding minutes later: “Jeremy, I would only like to know one thing. What the f[***] are you trying to do.” Exh. D. Before Milby's counsel had the opportunity to answer his question, Greene responded to Milby's counsel again, this time threatening to sue Milby for libel unless “you drop this hearing[.]” Exh. E. Greene thereby admits he received notice of the hearing.

Greene now claims the hearing should be canceled because he avoided receiving certified mail sent to him by Milby's counsel, even though Greene both received and responded to the

properly-served Notice of Hearing.² Greene demanded proof that Milby’s counsel had served Greene with the Notice of Hearing and, once again, counsel for Milby—that same day—sent Greene another copy of the Notice of Hearing. Exh. G.

Greene received proper notice pursuant to the Texas Rules of Civil Procedure, the hearing should proceed as scheduled, and Greene’s request to cancel the same should be denied.

B. Under the TCPA, the Court must hold a hearing upon Milby’s motion and sanction a lawsuit alleging that a single appropriations provision somehow bans public religious speech by government officers or even pastors

This litigation is exactly the type the TCPA was designed to thwart: a lawsuit against a private citizen—and threats of more litigation—to silence and punish speech that the litigant disagrees with. *See* Greene Resp., 1-2 (objecting to Milby’s speech); Exh. D (Greene threatens new claims against Milby expressly to silence Milby).

According to his request to the Court, Greene merely argues his suit was “not frivolous”—not even that it meets TCPA standards—because an appropriations provision of the Texas Constitution somehow “clearly states” that an individual pastor’s speech about religion as it relates to politics is banned. That argument is without merit.

First, the TCPA requires Greene to prove “each essential element” of his claim with “clear and specific evidence.” *In re Lipsky*, 460 S.W.3d at 584; Tex. Civ. Prac. & Rem. Code § 27.005(b), (c). Greene has failed to do so; indeed, he has failed even to undertake his burden of proof. For this reason alone, the Court should deny Greene’s request to cancel the hearing upon

² Greene may be referring to an old rule, rather than the rules in effect since the Texas Supreme Court mandated e-filing across the state. *See, e.g.*, Tex. R. Civ. P. 21a (2012) (providing for in-person or courier service, service via fax, or service by “certified or registered mail”). Greene cites no text and provides no exhibits, so it is unclear which version of which rule he is referring to, but whatever he refers to, it is different from the effective version of Rule 21a. Regardless, Greene was properly served under the governing rules.

Defendant's Motion to Dismiss and instruct Greene about the proper use of the civil justice system.

Regardless, the Texas Constitution itself establishes that Greene's sole merits-based argument is untrue.³ The text of Section 7, which is what he relies upon, aims at "appropriations": "APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes." Section 7 directs itself at "money" and "property" that may be "drawn" or "appropriated[.]"

In the text of Section 7, speech is never addressed. Persons are never even addressed. It belies common sense that this provision would be addressed to restricting pastors' (or anyone's) speech when it speaks only of the public fisc.

But even more telling, the Texas Constitution sandwiches this appropriations provision in between Section 6, a very broad decree that in Texas, all "men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences[.]" and Section 8, which provides every person the "liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press." Thus, Section 7 is bookended by provisions

³ Mr. Greene also levels an irrelevant personal attack in his response. Greene argues that the Court should disregard all of Milby's legal arguments presented in a legal brief, citing apposite authorities, because one of the attorneys on the brief allegedly advocates for a "Christian worldview" in his personal (and outdated) private blog.

Rather than address the legal merits, Greene engages in a personal attack upon Dys because he is a Christian, rather than engaging with the merit of Milby's position under the TCPA. This tactic is irrelevant, a red herring, and used to distract from the merit of the actual arguments presented. Instead, Milby urges the Court to engage the legal arguments presented and rule according to the merits of those legal arguments.

expressly guaranteeing the very liberties that Greene claims were abolished as “clearly state[d]” in the Texas Constitution.

Furthermore, Greene’s claims cannot even survive the text of Section 6 of the Texas Constitution. In Section 6, the Texas Constitution invokes the “natural and infeasible right to worship Almighty God,” but, according to Greene, the same Constitution clearly prohibits such statements only a few lines later.

III. Prayer

In short, Greene has failed to answer with “clear and specific evidence” at the scheduled hearing of “each essential element” of his claim. *In re Lipsky*, 460 S.W.3d at 584; Tex. Civ. Prac. & Rem. Code § 27.005(b), (c). Instead, Greene has proceeded with meritless arguments about the Texas Constitution and irrelevant *ad hominem* attacks. Greene’s request to cancel the hearing should be denied and the Defendant’s Motion to Dismiss and Motion for Sanctions should be granted.

WHEREFORE, PREMISES CONSIDERED, Defendant Rick Milby respectfully requests that this Honorable Court DENY Greene’s request to cancel the hearing on Defendant’s Motion to Dismiss and Motion for Sanctions, proceed with the hearing, as presently scheduled, and grant his Motion to Dismiss and Motion for Sanctions under the TCPA as requested herein, granting Milby sanctions (primarily an order declaring this litigation vexatious), as well as all other and further relief to which Milby is entitled.

Respectfully Submitted,

/s/ Cleve W. Doty

JEREMIAH G. DYS

State Bar No. 24096415

Email: [REDACTED]

JUSTIN E. BUTTERFIELD

State Bar No. 24062642

Email: [REDACTED]

CLEVE W. DOTY

State Bar No. 24069627

Email: [REDACTED]

FIRST LIBERTY INSTITUTE

2001 W. Plano Pkwy., Suite 1600

Plano, Texas 75075

Telephone: [REDACTED]

Fax: (972) 941-4457

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served in accordance with the Texas Rules of Civil Procedure 21(a) on this the 19th day of May, 2016, to the following person(s):

Mr. Patrick Greene, *pro se*

[REDACTED]

Via email

[REDACTED]

and

Mr. Patrick Greene, *pro se*

[REDACTED]

Via mail

/s/ Cleve W. Doty
Cleve W. Doty

EXHIBIT LIST

- A. Greene response to Milby Motion to Dismiss and Motion for Sanctions under TCPA
- B. Greene correspondence regarding Notice of Non-suit
- C. Greene correspondence to Hood County, TX and City of Port Neches, TX, after his non-suit here, threatening new lawsuits
- D. Greene responses to Milby Notice of Hearing
- E. Greene threatens libel lawsuit
- F. Scan of envelopes sending Notice of Hearing to Greene and Assistant City Attorney Michael Meyer
- G. Dys email to Greene re-forwarding Notice of Hearing

EXHIBIT A

Subject: Re: Motion Filed Today

Date: Tuesday, March 22, 2016 at 5:16:47 PM Central Daylight Time

From: Patrick Greene

To: Joyce Flo

First of all I am not an atheist activist. I am a private citizen trying to protect the Constitution which is an oath I took many years ago when I got sworn into the Air Force.
You should get your s [REDACTED] together.

On Tue, Mar 22, 2016 at 5:13 PM, Patrick Greene [REDACTED] wrote:

Dear Joyce,

You do realize that Milby is no longer a part of the lawsuit. You really should get your info correctly.

On Tue, Mar 22, 2016 at 5:04 PM, Joyce Flo <[REDACTED]> wrote:

Attached you find a Motion that was filed today.

Joyce Flo

Legal Assistant



First Liberty Institute

Restoring Religious Liberty for All Americans

o. [REDACTED]

f. [REDACTED]

2001 W Plano Pkwy
Suite 1600
Plano, TX 75075
FirstLiberty.org

CONFIDENTIALITY NOTICE:

This electronic mail message and any accompanying documents contain information belonging to the sender which is confidential and legally privileged. This information is intended only for the use of the individual or entity to whom it was sent as indicated above. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this electronic mail message is strictly prohibited. If you have received this message in error, please delete it immediately, and call [REDACTED] to advise me that you received it. Thank you. PRIVILEGED AND CONFIDENTIAL - ATTORNEY CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT

Subject: Rev. Milby has not been in the d [REDACTED] lawsuit since March 17th

Date: Tuesday, March 22, 2016 at 6:30:55 PM Central Daylight Time

From: Patrick Greene

To: [REDACTED]

CC: [REDACTED]

I just got my best laugh today because of you idiots. Milby has not been part of this lawsuit for 5 days. You people really want to shove your religion down everybody's throat and it is really sad.

If you ever read any of the stories of my previous lawsuits, you would know that I NEVER asked for money.

You people wouldn't know a passage out of the Constitution if it bit you in the a [REDACTED].

You want the Bible as the supreme law of the land. that is pitiful.

Patrick Greene

P.S. If you are offended by my language, then I suggest you spend your time with Pollyanna and the Shaggy Dog.

EXHIBIT B

Subject: Re: dismissing case due to wife's illness

Date: Wednesday, March 23, 2016 at 12:30:02 PM Central Daylight Time

From: Patrick Greene

To: Jeremy Dys

CC: Michael Meyer

The city attorney advised me how to word the request for dismissing the case, and I will be faxing the request to the civil court this afternoon.

On Wed, Mar 23, 2016 at 11:34 AM, Patrick Greene <[REDACTED]> wrote:

Thank you sir. I will inquire with the City Attorney of Corpus Christi.

On Wed, Mar 23, 2016 at 10:17 AM, Jeremy Dys <[REDACTED]> wrote:

Mr. Greene,

We are very sorry to hear this news. We wish you and your wife well. Aside from any documents we may be required to file, we will refrain from filing anything further in this matter until it is dismissed by the court.

Jeremy Dys
Senior Counsel
[REDACTED]



First Liberty Institute
Religious Liberty for All Americans

o. [REDACTED]
f. [REDACTED]

2001 W Plano Pkwy
Suite 1600
Plano, TX 75075
FirstLiberty.org

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From: Patrick Greene <[REDACTED]>

Date: Wednesday, March 23, 2016 at 3:59 AM

To: Jeremy Dys <[REDACTED]>

Cc: Justin Butterfield <[REDACTED]>

Subject: dismissing case due to wife's illness

To all of you concerned,

I just received a call from my wife's doctor and her tests have returned with the results being she is in Stage 3 chronic kidney disease, and osteoporosis.

I cannot allow this case to complicate her life any longer.

I will contact the Judge to find out how to have the case dismiss.

Patrick Greene

EXHIBIT C

Subject: requested e mail

Date: Tuesday, May 3, 2016 at 12:09:07 PM Central Daylight Time

From: Mike McMahon

To: [REDACTED]

From: Patrick Greene <[REDACTED]>

Subject: FHC Website Contact: bible marathon at Gazebo

Phone:

[REDACTED]

Message Body:

I have sent an email to the County Commissioner that having this Christian event on government property is a violation of the Texas Constitution, and if they don't repeal the permit to hold the marathon and move it to a more appropriate location, I will file a lawsuit against the county. I would think a church would be much more appropriate than using government property that is paid for by not only Christians, but people of all other faiths and atheists and agnostics.

Mike McMahon

May 10, 2016

Mr. André Wilmer
City Manager-Port Neches, TX




RE: Open Records Request

Mr. Wilmer:

Pursuant to the Texas Open Meetings Act, Tex. Gov't Code § 551.001, *et seq.*, and the Public Information Act, Tex. Gov't Code § 552.001, *et seq.*, I, Jeremiah Dys, hereby request the following information:

1. Any and all documents, communications, notes, recordings, and memoranda, in the possession of the City of Port Neches, whether physical or electronic, including without limitation all emails, publications, letters, facsimiles, and text messages, sent from, or addressed to, Mr. Patrick Greene.

The same may be delivered to me via e-mail to .

Regards,

A handwritten signature in blue ink, appearing to read 'Jeremiah Dys'.

Jeremiah Dys,
Senior Counsel

Subject: PIA Request Response - First Liberty 05-10-2016

Date: Tuesday, May 10, 2016 at 4:17:21 PM Central Daylight Time

From: Jamie Mendoza

To: [REDACTED]

Mr. Dys:

In response to your Public Information Act Request, dated May 10, 2016, please find attached three (3) documents that were received by the City of Port Neches.

Thank you,
Jamie Mendoza
City Secretary
City of Port Neches

[REDACTED]

Jamie Mendoza

From: Andre' Wimer
Sent: Tuesday, May 10, 2016 2:24 PM
To: Jamie Mendoza
Subject: FW: letter sent to Mayor Johnson

From Adam.

Andre'

From: Adam Anders
Sent: Sunday, May 08, 2016 11:27 PM
To: Andre' Wimer <[REDACTED]>
Subject: Fwd: letter sent to Mayor Johnson

Wanted to make sure you saw this. I received it today.

Adam Anders

Begin forwarded message:

From: Patrick Greene [REDACTED]
Date: May 8, 2016 at 6:57:21 PM CDT
To: <[REDACTED]>
Cc: <[REDACTED]>
Subject: letter sent to Mayor Johnson

May 8, 2016
Mr. Glenn Johnson

[REDACTED]

Your Honor,

I have read about your problem with the Freedom From Religion Foundation last year, and I believe that you should only obey the Constitution of our state, and that of the U.S. Constitution. In your speech at the Riverfront Park last year, speaking to all those Christians, you said the majority rules. That is only true if the majority do not violate the Constitution, which you are in your position to support and enforce. Even your own city ordinances call for you to obey the law. Port Neches City Ordinance Article III USE OF AN BEHAVIOR IN THE PARKS Section 8261 Definitions Law means the Constitution or statute of this state or of the United States, a written opinion of a court of record, or a municipal ordinance. If the majority of citizens voted to repeal women's right to vote, the Courts would throw out their votes, which they should. In your city code the Texas Constitution rules every action by the city council Article 1. Section 1.01/Government The municipal government provided by this Charter shall be known as the "CouncilManager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State and by this Charter all powers of the City shall be vested in an elective council.....

In the description of Riverfront Park on the city website, here is the description of the park, with no mention of the cross..... Located at the corner of Merriman and Grigsby with a

brehtaking view of the Neches River, this is the City's largest park that covers approximately 27 acres. This park includes the "Tugboat Island" play structure, a Splash Park, La Maison Beausoleil (an authentic Cajun House), three lighted tennis courts, five lighted horseshoe pits, a sand volleyball court, two boat ramps providing public access to the Neches River, and a pavilion. The Freedom From Religion Foundation was very polite to you, since it was a business letter. When it comes to defending the Constitution of our state, and of the United States, since I am a veteran of the Air Force, I do not stand on anything but the truth. The cross does not belong on government property, and you know it. So, if the cross is not relocated by June 8, 2016 to a more appropriate location, and not government property, then I will file a lawsuit, on the grounds that the U.S. Supreme Court in Lemon v. Kurtzman in 1971 created the Lemon Test. This directly states that no government entity can show any support for any sectarian religious beliefs.

Thank you

Sincerely,

Patrick Greene

[Redacted signature block]

Jamie Mendoza

From: Patrick Greene (via Google Docs) <[REDACTED]>
Sent: Sunday, May 08, 2016 10:47 AM
To: Glenn Johnson
Subject: LETTER TO MAYOR JOHNSON OF PORT NECHES
Attachments: LETTER TO MAYOR JOHNSON OF PORT NECHES.pdf

Patrick Greene has attached the following document:



LETTER TO MAYOR JOHNSON OF PORT NECHES



Mayor Johnson,
Please see attachment
thank you

Google Docs: Create and edit documents online.



May 8, 2016

Mr. Glenn Johnson
Mayor of Port Neches, TX



Your Honor,

I have read about your problem with the Freedom From Religion Foundation last year, and I believe that you should only obey the Constitution of our state, and that of the U.S. Constitution. In your speech at the Riverfront Park last year, speaking to all those Christians, you said the majority rules. That is only true if the majority do not violate the Constitution, which you are in your position to support and enforce. Even your own city ordinances call for you to obey the law.

Port Neches City Ordinance

Article III USE OF AN BEHAVIOR IN THE PARKS

Section 82-61 Definitions

Law- means the Constitution or statute of this state or of the United States, a written opinion of a court of record, or a municipal ordinance.

If the majority of citizens voted to repeal women's right to vote, the Courts would throw out their votes, which they should. In your city code the Texas Constitution rules every action by the city council

Article 1.

Section 1.01/Government

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State and by this Charter all powers of the City shall be vested in an elective council.....

In the description of Riverfront Park on the city website, here is the description of the park, with no mention of the cross.....

Located at the corner of Merriman and Grigsby with a breath-taking view of the Neches River, this is the City's largest park that covers approximately 27 acres. This park includes the "Tugboat Island" play structure, a Splash Park, La Maison Beausoleil (an authentic Cajun House), three lighted tennis courts, five lighted horseshoe pits, a sand volleyball court, two boat ramps providing public access to the Neches River, and a pavilion.

The Freedom From Religion Foundation was very polite to you, since it was a business letter. When it comes to defending the Constitution of our state, and of the United States, since I am a veteran of the Air Force, I do not stand on anything but the truth. The cross does not belong on government property, and you know it. So, if the cross is not relocated by June 8, 2016 to a more appropriate location, and not government property, then I will file a lawsuit, on the grounds that the U.S. Supreme Court in Lemon v. Kurtzman in 1971 created the Lemon Test. This directly states that no government entity can show any support for any sectarian religious beliefs.

Thank you

Sincerely,

Patrick Greene

[REDACTED]
[REDACTED]
[REDACTED]

Jamie Mendoza

From: Andre' Wimer
Sent: Tuesday, May 10, 2016 2:26 PM
To: Jamie Mendoza
Subject: FW: [Port Neches Chamber] Cross in the park

From Debbie.

Andre'

-----Original Message-----

From: Debbie Plaia [REDACTED]
Sent: Monday, May 09, 2016 12:23 PM
To: Glenn Johnson <[REDACTED]>; Andre' Wimer <[REDACTED]>
Subject: Fw: [Port Neches Chamber] Cross in the park

----- Original Message -----

From: "Patrick Greene" <[REDACTED]>
To: <[REDACTED]>
Sent: Sunday, May 08, 2016 9:10 AM
Subject: [Port Neches Chamber] Cross in the park

> Last year an organization from out of state tried to get the cross
> out of the park. I think it would be more appropriate if somebody
> from Texas made that attempt. So, since I live only a few miles away, and
> I am afraid this crap will see its way to San Antonio, that
> I should try to get rid of the cross. The placement of any religious
> symbol on government property, tells the public that the government
> of the city supports that religious belief. No government in America
> has the right to alienate non-believers. The Constitution says \"We the
> People\". Not We the Christians. So I will fight to get the cross
> relocated
>

Subject: FW: LETTER TO MAYOR JOHNSON 2
Date: Thursday, May 12, 2016 at 9:35:44 AM Central Daylight Time
From: Lance Bradley
To: Roger Byron [REDACTED], Jeremy Dys [REDACTED]
CC: Pete Steele, Andre' Wimer ([REDACTED])

FYI

From: Andre' Wimer [mailto:[REDACTED]]
Sent: Thursday, May 12, 2016 9:28 AM
To: Lance Bradley; Pete Steele
Subject: Fwd: LETTER TO MAYOR JOHNSON 2

Another letter to the Mayor from Mr. Greene.

Andre'

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Adam Anders <[REDACTED]>
Date: 05/12/2016 7:20 AM (GMT-06:00)
To: Andre' Wimer <[REDACTED]>
Subject: Fwd: LETTER TO MAYOR JOHNSON 2

Another email from Mr. Greene.

Adam Anders

Begin forwarded message:

From: "Patrick Greene (via Google Docs)" <[REDACTED]>
Date: May 12, 2016 at 6:09:58 AM CDT
To: [REDACTED]
Subject: LETTER TO MAYOR JOHNSON 2
Reply-To: Patrick Greene <[REDACTED]>

[Patrick Greene](#) has attached the following document:



LETTER TO MAYOR JOHNSON 2



Follow up letter is attached

May 12, 2016

Mr. Glenn Johnson
Mayor of Port Neches, TX

[REDACTED]
[REDACTED]

Your Honor,

Since both you and the city attorney have failed to respond to my letter of May 8, 2016 pertaining to the relocating of the cross, I thought that this letter would remind you. Not because you may have forgotten the last letter, but that you had no intention of responding to me, and have no intention of defending your position supporting the cross.

In light of this I feel it is imperative to get this matter settled as soon as possible. So since you obviously take this matter seriously, I will now change the time I requested you to respond. If neither you nor the city attorney respond to his email by Friday May 13, 2016 at 5:00 p.m. I will have no recourse but to file the lawsuit on Friday May 20, 2016.

I was giving you the benefit of the doubt, and hoping you were an ethical man. However, I now realize I should not have made that mistake. You are planning on pleasing the Christian community in your city, at the expense of the Constitution, that you swore to uphold and defend.

Sincerely,

Patrick Greene

[REDACTED]
[REDACTED]

Subject: PIA Request from 05-10-2016 - Additional Information
Date: Friday, May 13, 2016 at 11:38:32 AM Central Daylight Time
From: Jamie Mendoza
To: [REDACTED]

Mr. Dys,

Below is another email that the City received from Mr. Greene yesterday along with the attached document. Our City Manager asked me to go ahead and forward you this information.

Thank you,
Jamie Mendoza
City Secretary
City of Port Neches



From: Patrick Greene (via Google Docs) [REDACTED]
Sent: Thursday, May 12, 2016 6:06 AM
To: Jamie Mendoza
Subject: LETTER TO MAYOR JOHNSON 2

[Patrick Greene](#) has attached the following document:



LETTER TO MAYOR JOHNSON 2



Follow up letter to previous letter dated May 8, 2016

May 12, 2016

Mr. Glenn Johnson
Mayor of Port Neches, TX

[REDACTED]
[REDACTED]

Your Honor,

Since both you and the city attorney have failed to respond to my letter of May 8, 2016 pertaining to the relocating of the cross, I thought that this letter would remind you. Not because you may have forgotten the last letter, but that you had no intention of responding to me, and have no intention of defending your position supporting the cross.

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I was giving you the benefit of the doubt, and hoping you were an ethical man. However, I now realize I should not have made that mistake. You are planning on pleasing the Christian community in your city, at the expense of the Constitution, that you swore to uphold and defend.

Sincerely,

Patrick Greene

[REDACTED]
[REDACTED]

AFFIDAVIT of JEREMIAH G. DYS

Affidavit of Jeremiah Dys:

I personally obtained the items attached as Exhibit C. The first document I received from a potential client, Mike McMahon, and it contains a threat of litigation from Patrick Greene. The remaining documents I requested as public records from the City of Port Neches, Texas, and the City of Port Neches responded with the attached public records. I only requested public records. Moreover, I only requested, and received, records that Port Neches maintains in the course of its regularly conducted business activity. It is my understanding that these records were received at the time from Patrick Greene, and made in the course of the city's regular business according to their regular practices. The City of Port Neches disclosed these records to me to me as part of their regular practice of disclosing public records which consist of the their business records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 18, 2016 at Plano, TX.

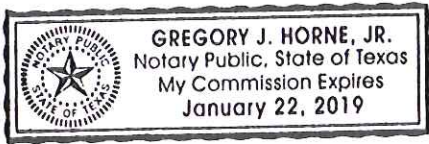


Jeremiah G. Dys

OATH

The above and foregoing Affidavit was subscribed and sworn to before me by Jeremiah G. Dys this 19th day of May, 2016.

Witness my hand and official seal.




Notary

Public

My Commission Expires: 01/22/2019

EXHIBIT D

Subject: Re: Greene v. Pastor Rick Milby, No. 2016DCV-1084-H
Date: Wednesday, May 4, 2016 at 12:42:32 PM Central Daylight Time
From: Patrick Greene
To: Jeremy Dys

Jeremy,

I would only like to know one thing. What the f [REDACTED] are you trying to do.

On Wed, May 4, 2016 at 12:20 PM, Jeremy Dys [REDACTED] wrote:
Mr. Greene and Mr. Meyer,

Please see the notice of hearing on our motion filed moments ago. A courtesy copy of the same has been emailed to the court.

Jeremy Dys
Senior Counsel
[REDACTED]

[First Liberty Logo](#)

First Liberty Institute
Religious Liberty for All Americans

o. [REDACTED]
f. [REDACTED]

2001 W Plano Pkwy
Suite 1600
Plano, TX 75075
FirstLiberty.org

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From: Patrick Greene <[REDACTED]>
Date: Friday, April 29, 2016 at 6:57 PM
To: Jeremy Dys <[REDACTED]>
Subject: Re: FW: Greene v. Pastor Rick Milby, No. 2016DCV-1084-H

You made the statement on one of the attachments that I am an "atheist activist". where did you get that nonsense from? I am a private citizen who happens to be an atheist, but who's actions do not have anything to do with my being an atheist. My lawsuit against Reverend Milby, though misdirected initially, was the truth that he knew what the Texas Constitution said and violated it anyway.

On Fri, Apr 29, 2016 at 6:03 PM, Jeremy Dys [REDACTED] wrote:
Mssrs. Meyer and Greene,

The email below, along with the attachments hereto, was sent to Judge Medary, at her request, moments ago.

Jeremy Dys
Senior Counsel



First Liberty Institute
Religious Liberty for All Americans

o. [REDACTED]
f. [REDACTED]

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From: Jeremy Dys <[REDACTED]>
Date: Friday, April 29, 2016 at 5:57 PM
To: "[REDACTED]" <[REDACTED]>
Subject: Greene v. Pastor Rick Milby, No. 2016DCV-1084-H

Judge Medary,

As you requested through Mr. Adrew Garcia, this email is to provide you with additional information concerning the Texas Citizens Participation Act (TCPA), Tex. Civ. Prac. & Rem. Code § 27.001, *et seq.* This information is in addition to the Motion to Dismiss and Motion for Sanctions we filed on March 22, 2016. See attached motion, beginning on page 2.

The statute describes the purpose of the TCPA:

"The purpose of this chapter is 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, at the same time, protect the rights of a person to file meritorious lawsuits for demonstrable injury.² Tex. Civ. Prac. & Rem. Code §27.002.

In short, the TCPA has been designed to protect against private parties utilizing the legal system to protest the actions of another, without regard to actual injury, in such a way that the constitutional rights of the defendant are chilled. The TCPA attempts to preserve the constitutional rights from unwarranted attack, while preserving access to the judicial system for the redress of grievances.

As we explain in our motion (attached), a defendant's assertion of the TCPA survives amended complaints and even voluntary nonsuits. See Section IV (p.5) of the attached motion. The TCPA requires that a hearing be set within sixty (60) days of the motion being filed. See Tex. Civ. Prac. & Rem. Code §27.004(a). Further, the TCPA requires the Court to enter an order within thirty (30) days following the hearing. *Id.* at §27.005(a). Finally, if the Court orders dismissal of the action under the TCPA, the Court is required ("shall award²) the moving party its costs, fees, and "sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter.² *Id.* at §27.009(a)(2).

I have attached hereto a PDF containing the entire TCPA for the Court's convenience and consideration.

A copy of this email, and all attachments, will be delivered immediately via email to the Plaintiff, Mr. Patrick Greene, and the attorney for the City of Corpus Christi, Michael Meyer.

Should the court require anything further, please do not hesitate to request the same of us.

Jeremy Dys
Senior Counsel

[REDACTED]



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f. [REDACTED]

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EXHIBIT E

Subject: libel lawsuit

Date: Wednesday, May 4, 2016 at 2:20:20 PM Central Daylight Time

From: Patrick Greene

To: Jeremy Dys

Dear Jeremy,

I hereby request that you drop this hearing, or Rev. Milby will be subject to a lawsuit for libeling me in public.
Patrick Greene

EXHIBIT F

FIRST  LIBERTY

\$0.470

US POSTAGE
FIRST-CLASS
062S0007229104
FROM 75075

stamps.com
C27104.10



Mr. Patrick Greene
5335 Glen Ridge Dr., #2503
San Antonio, TX 78229

FIRST  LIBERTY

\$0.470
US POSTAGE
FIRST-CLASS
062S0007229104
FROM 75075

stamps.com
C27164.11



City of Corpus Christi, Texas
Michael Meyer, Assistant City Attorney
P.O. Box 9277
Corpus Christi, TX 78469

EXHIBIT G

Subject: Re: case 2016DCV-1084-H

Date: Thursday, May 12, 2016 at 4:14:19 PM Central Daylight Time

From: Jeremiah Dys

To: Patrick Greene

BCC: File, Cleve Doty

Mr. Greene,

In answer to your question below, on May 4, 2016, at 12:11 p.m., the Notice of Hearing on Defendant's Motion to Dismiss and Motion for Sanctions and Fees Under Texas Citizens' Participation Act ("Notice of Hearing") was filed electronically with the District Clerk for Nueces County, Texas, pursuant to Rule 21(f) of the Texas Rules of Civil Procedure. On May 4, 2016 at 12:19 p.m., the Notice of Hearing was served by email to you (attached), as authorized by Rule 21a(a)(2) of the Texas Rules of Civil Procedure.

In addition, the Notice of Hearing was served by mail as authorized by Rule 21a(a)(2) of the Texas Rules of Civil Procedure that same day, addressed to Mr. Patrick Greene, 5335 Glen Ridge Dr., #2503, San Antonio, TX 78229.

For your convenience, I have also attached a copy of the Notice of Hearing to this email.

In regards to your question on sanctions, please see our Motion to Dismiss and Motion for Sanctions under Texas Citizens' Participation Act ("Motion to Dismiss") that was served on March 22, 2016. For your convenience, I have also attached a copy of the Motion to Dismiss to this email.

Jeremy Dys
Senior Counsel

[REDACTED]



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Religious Liberty for All Americans

o. [REDACTED]
f. [REDACTED]

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Suite 1600
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From: Patrick Greene <[REDACTED]>

Date: Thursday, May 12, 2016 at 2:00 PM

To: Jeremy Dys <[REDACTED]>

Subject: case 2016DCV-1084-H

Mr. Dys,

I would like to know if you have a signed receipt of the certified letter you sent me informing me of the date and reason for the hearing. The reason I would like to know is because, the day the letter arrived I was not home, and a notice was left, and then the letter was sent back to you. According to the Texas Rules of Civil Procedure 21(a) you must have a signed receipt that I received the notice.

Also, are you aware of the fact that the Judge in the case gave her signature to officially dismissed the case on March 28th.

I would also like to know what sanctions you are asking for the court.....considering this case does not exist anymore
thank you

Patrick Greene