

III. DEFENSES, INCLUDING AFFIRMATIVE DEFENSES

3. The Petition fails to state a claim upon which relief should be granted under Texas law.

4. A defendant cannot be liable for publishing a true statement unless he omits or juxtaposes facts in a way that causes the statement to create a false impression. *See Dallas Morning News, Inc. v. Hall*, 579 S.W.3d 370, 380 (Tex.2019); *Turner v. KTRK TV, Inc.*, 38 S.W.3d 103, 115 (Tex.2000); *Johnson v. Phillips*, 526 S.W.3d 529, 535 (Tex.App.—Houston [1st Dist.] 2017, *pet. denied*).

5. Defendant asserts common law qualified privilege. To the extent Defendant made any statements, the statements: (1) were made without actual malice (*i.e.*, in good faith), (2) concerned a subject matter that is of sufficient interest to the author and was in reference to a duty the author owed, and (3) was communicated to another party having a corresponding interest. *San Antonio Credit Un. v. O'Connor*, 115 S.W.3d 82, 99 (Tex.App.—San Antonio 2003, *pet. denied*); *Grant v. Stop-N-Go Mkt.*, 994 S.W.2d 867, 874 (Tex.App.—Houston [1st Dist.] 1999, no *pet.*); *see Cain v. Hearst Corp.*, 878 S.W.2d 577, 582 (Tex.1994); *Doe v. Cruz*, 683 S.W.3d 475, 498 (Tex.App.—San Antonio 2023, no *pet.*). Specifically the statements were made in the course of an investigation after a report of an employee wrongdoing and updating the congregation.

IV. RULE 193.7 NOTICE

Pursuant to Texas Rule of Civil Procedure 193.7, Defendant notifies all parties that any and all documents produced during discovery may be used at any pre-trial proceeding and/or trial without the necessity of authenticating the documents.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Thomas Miller, prays that Plaintiffs take nothing by way of their suit, that Defendant, recover all costs, and for such other and further relief, both at law and in equity, to which Defendant may be justly entitled..

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 4, 2025, a true and correct copy of the foregoing document was forwarded via e-service to all counsel of record pursuant to the applicable Texas Rules of Civil Procedure.

/s/ Peter Kerr

Peter Kerr

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Status as of 8/6/2025 11:32 AM CST

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