

# Mills Decl. Ex. 1

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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The Satanic Temple,

Plaintiff,

vs.

City of Belle Plaine, Minnesota,

Defendant.  
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DEPOSITION

of LUCIEN GREAVES, taken pursuant to  
notice to take oral deposition, via Zoom  
Videoconference, on the 20th day of  
November, 2020, before Nathan D. Engen,  
a notary public in and for the State of  
Minnesota.

Page 2	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 APPEARANCES:</p> <p>8</p> <p>9 Mr. Matthew A. Kezhaya Kezhaya Law, PLC 10 Attorney at Law 1202 NE McClain Rd 11 Bentonville, AR 72712 Appearing on behalf of the Plaintiff</p> <p>12</p> <p>13</p> <p>14 Mr. Monte A. Mills Green Espel, PLLP Attorneys at Law 15 222 S. Ninth Street, Suite 2200 Minneapolis, MN 55402 16 Appearing on behalf of the Defendant</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4	<p>1 No 18 Social Media 155</p> <p>2 No 19 E-mail from Art Gallery 158</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	<p>1 INDEX</p> <p>2</p> <p>3 Examination:</p> <p>4</p> <p>5 By Mr. Mills: 6</p> <p>6</p> <p>7 Exhibits:</p> <p>8</p> <p>9 No 1 City Counsel Resolution 28</p> <p>10 No 2 City Complaint 29</p> <p>11 No 3 Cube Display 30</p> <p>12 No 4 Liability Insurance 56</p> <p>13 No 5 Letter from City Counsel 58</p> <p>14 No 6 E-mail from TST 59</p> <p>15 No 7 E-mail Exchange 85</p> <p>16 No 8 E-mail Exchange 107</p> <p>17 No 9 Invoice 113</p> <p>18 No 10 E-mail Exchange 114</p> <p>19 No 11 E-mail Exchange 119</p> <p>20 No 12 E-mail Exchange 125</p> <p>21 No 13 E-mail Exchange 128</p> <p>22 No 14 E-mail Exchange 131</p> <p>23 No 15 E-mail Exchange 139</p> <p>24 No 16 Invoice 145</p> <p>25 No 17 Photo of Display 151</p>	Page 5	<p>1 THE VIDEOGRAPHER: We are now</p> <p>2 on the record. This begins Media Unit</p> <p>3 Number 1 in the deposition of Lucien</p> <p>4 Greaves in the matter of The Satanic</p> <p>5 Temple versus the City of Belle Plaine,</p> <p>6 Minnesota.</p> <p>7 Today is Friday, November</p> <p>8 20th, 2020, and the time is 9:02 a.m.</p> <p>9 The videographer is Cameron Beldon and</p> <p>10 the court reporter is Nathan D. Engen.</p> <p>11 I'm not related to any</p> <p>12 party in this action, nor am I</p> <p>13 financially interested in the outcome.</p> <p>14 Counsel and all present in the room as</p> <p>15 well as all attending remotely will now</p> <p>16 state their appearances and</p> <p>17 affiliations for the record.</p> <p>18 MR. KEZHAYA: Matt Kezhaya</p> <p>19 for TST.</p> <p>20 MR. MILLS: Monty Mills</p> <p>21 for the City of Belle Plaine.</p> <p>22 COURT REPORTER: Nate</p> <p>23 Engen, court reporter.</p> <p>24 THE VIDEOGRAPHER: Will</p> <p>25 the court reporter please swear the</p>

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1 witness?  
 2 COURT REPORTER: If you  
 3 raise your right hand for me, I'll  
 4 swear you in. Do you solemnly swear  
 5 the testimony you're about to give will  
 6 be the truth, the whole truth, and  
 7 nothing but the truth?  
 8 THE WITNESS: I do.  
 9 REPORTER'S NOTE: Whereupon, a  
 discussion is conducted off  
 10 the record.  
 11 MR. MILLS: Okay. I'll  
 12 begin the questioning, if that's okay  
 13 with you, Nate.  
 14 COURT REPORTER: That's  
 15 just fine. Go right ahead, Monty.  
 16 MR. MILLS: Okay.  
 17  
 18 By Mr. Mills:  
 19 Q Good Morning, Mr. Greaves. I'll try to  
 20 take my time asking questions and pause  
 21 as the court reporter asked us to do.  
 22 I ask you to do the same.  
 23 Provide a verbal response versus, you  
 24 know, a nod of the head or the shake of  
 25 the head. And we'll get through this.

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1 Now, Lucien Greaves, is that a  
 2 pseudonym?  
 3 A It is.  
 4 Q And what is your real legal name?  
 5 MR. KEZHAYA: I object to  
 6 this question under the association  
 7 privilege.  
 8 Lucien, from time to time,  
 9 I'm going to be making objections.  
 10 Unless I say the word 'privilege' in my  
 11 objection, just assume that you're  
 12 going to answer it.  
 13 If I feel like it's  
 14 unclear, I'll direct you specifically  
 15 to answer it. In this case, do not  
 16 answer this question.  
 17 MR. MILLS: Well, Counsel,  
 18 we agreed that we would just mark this  
 19 part of the transcript confidential,  
 20 and I could go ahead and stipulate that  
 21 his answer will be confidential.  
 22 But I'd like to have his  
 23 legal name stated for the record, so we  
 24 know we have the right person giving  
 25 testimony today.

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1 MR. KEZHAYA: I am  
 2 asserting the association privilege.  
 3 Do not answer that.  
 4 MR. MILLS: So, you're  
 5 backing off of our stipulation that we  
 6 would mark his answer of what his real  
 7 name is on the record on the  
 8 deposition.  
 9 MR. KEZHAYA: You're -- we  
 10 did not say that.  
 11 MR. MILLS: You're backing  
 12 away from that?  
 13 MR. KEZHAYA: We stipulate  
 14 to a protective order, and I  
 15 specifically said that I am reserving  
 16 the right to raise an associational  
 17 privilege objection at depositions.  
 18 MR. MILLS: We talked  
 19 about marking the part of the -- the  
 20 deposition confidential where he gives  
 21 us his legal name.  
 22 MR. KEZHAYA: Correct, but  
 23 that doesn't waive privilege. Those  
 24 are two different issues.  
 25 MR. MILLS: So, you're

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1 unwilling to allow the witness to  
 2 answer the question of whether -- what  
 3 his real name is.  
 4 MR. KEZHAYA: That is  
 5 correct.  
 6 MR. MILLS: And so, it  
 7 could be that this is an actor playing  
 8 the role of Lucien Greaves here today?  
 9 MR. KEZHAYA: That is not  
 10 correct.  
 11 MR. MILLS: Well, we don't  
 12 know.  
 13 MR. KEZHAYA: I --  
 14  
 15 By Mr. Mills:  
 16 Q -- Mr. Greaves, is Lucien Greaves on  
 17 your driver's license?  
 18 MR. KEZHAYA: Don't answer  
 19 that.  
 20  
 21 By Mr. Mills:  
 22 Q Is Lucien Greaves on your passport?  
 23 MR. KEZHAYA: Don't answer  
 24 that.  
 25 MR. MILLS: What's the

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1 Temple. This is Exhibit 2, the  
 2 Complaint.  
 3 And whenever I say 'the  
 4 permit' today, I'm referring to this  
 5 permit number LPF17-02 that the City of  
 6 Belle Plaine approved on March 29, 2017  
 7 that was attached as Exhibit 2 to the  
 8 Complaint.  
 9 A Understood.  
 10 Q Okay. And then, when I refer to 'the  
 11 cube display' today -- whenever I refer  
 12 to 'the cube display', I'm intending to  
 13 refer to the display that's described  
 14 as a black steel cube with embossed  
 15 inverted pentagrams and an inverted  
 16 helmet resting on top of the cube.  
 17 It's identified in  
 18 Paragraph 29 of the Complaint, and it's  
 19 described in Exhibit 2 of the  
 20 complaint.  
 21 And then, if we could turn  
 22 to Exhibit 3, there's a depiction of  
 23 the cube display.  
 24 REPORTER'S NOTE: Whereupon,  
 25 Greaves Deposition Exhibit  
 Number 3 was marked for  
 identification.

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1 By Mr. Mills:  
 2 Q So, today, when I -- when I refer to  
 3 the cube display, do you understand, I  
 4 am referring to this that we've -- that  
 5 I have referred to in Exhibit 2 and  
 6 Exhibit 3?  
 7 A Yes. Thank you.  
 8 Q Okay. I just wanted to level set on  
 9 some terms. That way, we're all sort  
 10 of speaking the same language. I  
 11 appreciate that.  
 12 So, what is your  
 13 understanding of why the Satanic Temple  
 14 needed to obtain from the City, a  
 15 permit, in order to place the cube  
 16 display in the park.  
 17 A Well, we wanted to do this legally, of  
 18 course. We weren't going to dump it  
 19 off unannounced and -- and -- and then  
 20 risk it being carted away and -- and  
 21 junked.  
 22 We -- we wanted the  
 23 understanding of the local community  
 24 that it would be there. So, therefore,  
 25 we sought permission before

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1 constructing it.  
 2 Q And what is your understanding of why  
 3 the Satanic Temple wanted a permit to  
 4 place the cube display in the park?  
 5 A Well, it was our understanding that  
 6 that was the way to -- the -- the  
 7 proper procedure whereby we could have  
 8 our display in the park.  
 9 Q Where is the cube display located  
 10 today?  
 11 A Today, it is in our headquarters in  
 12 Salem.  
 13 Q And where are the headquarters in  
 14 Salem?  
 15 A On 64 Bridge Street in Salem.  
 16 Q And is -- is the headquarters -- is  
 17 that also -- is the Salem Art Gallery  
 18 also located there?  
 19 A It is. Correct.  
 20 Q So, the -- the -- the Satanic Temple  
 21 shares the same headquarters as the  
 22 Salem Art Gallery?  
 23 A Well, the -- the -- the -- technically,  
 24 the head quarters is upstairs, and the  
 25 Art Gallery is the lower level.

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1 Q I see. So, maybe I should have asked  
 2 you questions about the building. So,  
 3 it's 64 Bridge Street; there's a  
 4 building. How many levels does it  
 5 have?  
 6 A Well, there's a basement. And then,  
 7 there's a first floor, and then,  
 8 there's a second floor, and then,  
 9 there's an attic.  
 10 MR. KEZHAYA: I'm going  
 11 object real quick. I'm not sure if any  
 12 of this matters, but Monty, your audio  
 13 and video is not synced on my screen.  
 14 Does that matter for today's purposes?  
 15 MR. MILLS: I'm only  
 16 taking a video of the witness.  
 17 MR. KEZHAYA: Oh.  
 18 MR. MILLS: So, it doesn't  
 19 matter to me.  
 20 MR. KEZHAYA: Okay.  
 21 MR. MILLS: If that's okay  
 22 with you all.  
 23 MR. KEZHAYA: That's fine  
 24 with me.  
 25 MR. MILLS: And can

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1 display would look like.  
 2 Q And who was the artist?  
 3 A Chris Andres, I believe. Or is it  
 4 Andres or Andres? I think -- think his  
 5 name might be on some of the paperwork.  
 6 Q Okay. Did -- so, did you approach the  
 7 artist? We'll just call him 'the  
 8 artist' if you're not sure of his name.  
 9 Did you just ask the  
 10 artist to design something and he came  
 11 back with the cube display, or was it  
 12 some other process?  
 13 A It was a process whereby we discussed  
 14 what we -- what characteristics it  
 15 should have and what we felt the design  
 16 element should convey. And then  
 17 agreeing on them after deliberation.  
 18 Q And did the artist produce a -- what  
 19 was his work product with respect to  
 20 the cube display?  
 21 A Well, earlier, in one of the exhibits,  
 22 we saw, I believe, a 3D rendering with  
 23 measurements of the display. I believe  
 24 the artist himself came up with that  
 25 visualization.

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1 Q Okay.  
 2 MR. MILLS: Katy, can we  
 3 show Exhibit 3, please?  
 4  
 5 By Mr. Mills:  
 6 Q Mr. Greaves, is -- is this the -- what  
 7 the artist created then?  
 8 A If I remember accurately, and I may  
 9 not, it was the artist who ultimately  
 10 created that image after discussion.  
 11 And then, that was agreed upon.  
 12 Q And did you ever discuss with anyone  
 13 the idea of making miniatures of this  
 14 concept?  
 15 A I do not believe that I did.  
 16 Q Did you ever suggest to anyone that the  
 17 Satanic Temple would like to commission  
 18 construction of the cube display  
 19 regardless of whether Belle Plaine  
 20 voted to approve a limited public  
 21 forum?  
 22 A No.  
 23 Q So, you never told anyone you would  
 24 want to commission a construction of  
 25 the cube regardless of whether Belle

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1 Plaine voted to approve a limited  
 2 public forum?  
 3 A No.  
 4 Q Let's turn to Exhibit 1, please. This  
 5 is the resolution 17-020.  
 6 And I wanted to -- and Mr.  
 7 Greaves, do you recognize this as the  
 8 -- the resolution of Belle Plaine City  
 9 Council that established a policy  
 10 regarding a limited public forum in  
 11 Veteran's Memorial Park?  
 12 A Yes. Yes, I have seen that.  
 13 Q And this was Exhibit 1 to the Satanic  
 14 Temple's Complaint; correct?  
 15 A I -- I believe so.  
 16 Q I want to discuss with you, please...  
 17 MR. MILLS: If we could  
 18 turn to Paragraph 13 of the -- of the  
 19 policy.  
 20  
 21 By Mr. Mills:  
 22 Q Mr. Greaves, do you see Paragraph 13  
 23 there on the screen?  
 24 A Yes.  
 25 Q I'll ask you to read Paragraph 13,

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1 please, and tell me when you're done.  
 2 A All right. I'm going to open it on my  
 3 phone, because it's partially covered  
 4 here.  
 5 "In the event the City  
 6 desires to close the limited public  
 7 forum or rescind this policy, the City,  
 8 through its city administrator, may  
 9 terminate all permits by giving  
 10 ten-days written notice of termination  
 11 to owner, within which period the owner  
 12 must remove their display from city  
 13 property."  
 14 Q What is your understanding of this  
 15 Paragraph 13?  
 16 A My understanding is that the -- the  
 17 City can close the limited public forum  
 18 or rescind the policy with ten-days  
 19 written notice.  
 20 Whereupon, the assumption  
 21 seems to be our display would already  
 22 be on the property, and we could come  
 23 retrieve it.  
 24 Q And -- and this Paragraph 13 is in  
 25 the -- the policy; correct?

<p style="text-align: right;">Page 42</p> <p>1 A It's in this policy we're -- we're                  2 seeing here, yes.                  3 Q In -- in light of this -- this                  4 Paragraph 13 in Exhibit 1, is it                  5 reasonable to expect that it's possible                  6 the City could terminate a permit by                  7 giving ten-days written notice?                  8 A That's what the policy says, yes.                  9 Q Did the City ever provide you anything                  10 in writing that contradicts this                  11 Paragraph 13?                  12 A I would have to -- my immediate                  13 recollection is that they -- they did                  14 contradict that, but I would have to --                  15 I'd have to check the paperwork.                  16 Q And what do you think the City provided                  17 that contradicts this Paragraph 13?                  18 A Well, I don't think they gave us ten                  19 days -- ten-days written termination.                  20 And I believe that                  21 Paragraph 13 assumes that any display                  22 that they may approve will exist on the                  23 park property for at least ten days.                  24 Q Does this Paragraph 13 in this                  25 resolution place any limits on the</p>	<p style="text-align: right;">Page 44</p> <p>1 limited public forum policy existing                  2 within preexisting standards of free                  3 expression within the constitutional                  4 context, as well.                  5 MR. MILLS: And let's turn                  6 to Exhibit 2, please, Katy.                  7                  8 By Mr. Mills:                  9 Q And Mr. Greaves, we've looked at this                  10 Exhibit 2 before. This was the -- the                  11 permit dated March 29, 2017. There are                  12 a number of pages.                  13 If you could scroll                  14 through it slowly to Page 4, I think                  15 there you have the application. And                  16 this is, I think, the second page of                  17 the application, which is Page 4 of                  18 Exhibit 2.                  19 And I just want to draw                  20 your attention -- is this paragraph                  21 where the applicant affirmed that it                  22 would comply with the limited public                  23 forum policy?                  24 A Correct.                  25 Q And the applicant here -- who was the</p>
<p style="text-align: right;">Page 43</p> <p>1 City's authority to terminate a permit?                  2 A It does not, other than giving it ten                  3 days.                  4 Q And looking at this resolution, the                  5 whole Exhibit 1 -- feel free to look at                  6 it on your screen.                  7 Is -- is there anything in                  8 this resolution that places a                  9 limitation on the City's authority to                  10 terminate a permit and close the                  11 limited public forum?                  12 A Sorry. I'm looking at it on my phone.                  13 It does not appear that this document                  14 places limits on the City.                  15 Q And -- and this -- this document, this                  16 Exhibit 1 Resolution 17-020, that is                  17 the City of Belle Plaine's limited                  18 public forum policy; correct?                  19 A That's my understanding. Correct.                  20 Q And when the Satanic Temple applied for                  21 a permit under this limited public                  22 forum policy, it agreed to comply with                  23 the limited public forum policy;                  24 correct?                  25 A Correct. And -- but we also see the</p>	<p style="text-align: right;">Page 45</p> <p>1 applicant?                  2 A How do -- how do you mean?                  3 Q Well, is it your understanding that a                  4 Douglas Mesner signed the application                  5 on behalf of the Satanic Temple?                  6 A Yes.                  7 Q Okay. So, in signing the affirmation,                  8 Douglas Mesner agreed that the Satanic                  9 Temple would comply with the limited                  10 public forum policy of the City of                  11 Belle Plaine; correct?                  12 A Correct.                  13 Q And under that policy, the City could                  14 terminate a permit any time it wanted                  15 by giving ten days written notice;                  16 correct?                  17 A Whereupon, we would take -- collect our                  18 monument from the park. Yes.                  19 Q So, let's go back to Exhibit 1,                  20 Paragraph 13. So, this Paragraph 13                  21 says, "The City may terminate all                  22 permits by giving ten-days written                  23 notice of termination to the owner."                  24 Is that right?                  25 A That's what that says. Yes.</p>

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1 Q Okay. And so, in signing and going  
 2 back to Exhibit 2, is that affirmation  
 3 -- in signing that affirmation in the  
 4 permit application, a Douglas Mesner  
 5 agreed on behalf of the Satanic Temple  
 6 that the Temple would comply with that  
 7 limited forum policy; correct?  
 8 A Correct.  
 9 Q Okay. And there's another part of this  
 10 affirmation, if you will, this -- at  
 11 the top of -- of Page 4, Exhibit 2,  
 12 I -- I want to zero in on the second  
 13 part of that.  
 14 The applicant also agreed  
 15 that the Satanic Temple would indemnify  
 16 the City against any and all claims,  
 17 demands, or liabilities arising from  
 18 the issuance of the permit; is that  
 19 right?  
 20 A Correct.  
 21 Q And so, in signing this affirmation,  
 22 Douglas Mesner agreed on behalf of the  
 23 Satanic Temple to indemnify the City;  
 24 is that correct?  
 25 A Correct.

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1 Q Do you have an understanding of what  
 2 'indemnification' means?  
 3 A I have an idea.  
 4 Q And what is your idea?  
 5 A My idea is that nothing in this  
 6 document protects the City, allowing  
 7 them to engage in viewpoint  
 8 discrimination to the point where they  
 9 can willfully shut down a forum just to  
 10 deny equal access or free expression of  
 11 another party.  
 12 Q And that's your understanding of  
 13 indemnification?  
 14 A Yeah.  
 15 Q I'd like to turn to the first page of  
 16 Exhibit 2, please.  
 17 MR. MILLS: Katy, if you  
 18 could show that to Mr. Greaves.  
 19  
 20 By Mr. Mills:  
 21 Q Mr. Greaves, do you recognize this as  
 22 the letter from the City approving the  
 23 permit?  
 24 A Yes.  
 25 Q And the display under this permit is

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1 the cube display we have discussed  
 2 earlier; right?  
 3 A Correct.  
 4 Q And the date of this letter approving  
 5 the permit is March 29, 2017; correct?  
 6 A Correct. Yeah.  
 7 Q So, since the permit was good for one  
 8 year, the permit would expire on March  
 9 29, 2018; is that correct?  
 10 A Correct.  
 11 Q Now, I want to draw your attention to  
 12 the -- the bottom of the -- the letter,  
 13 the -- the phrase that begins, "This  
 14 permit is good for one year from the  
 15 date of this letter."  
 16 And it says, "You may reapply to place  
 17 another display once the display under  
 18 this permit is removed." Did I read  
 19 that correctly?  
 20 A Correct.  
 21 Q And so, after the one year expires, the  
 22 display under this permit must be  
 23 removed; correct?  
 24 A Well, not necessarily. You can  
 25 reapply.

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1 Q And the reapplying, as the sentence  
 2 says, "You may reapply to place another  
 3 display." Correct?  
 4 A Correct.  
 5 Q And the meaning of 'another' is  
 6 something different than the one under  
 7 this permit; correct?  
 8 A I -- I -- I don't believe so. I  
 9 believe you could reapply to have the  
 10 same display.  
 11 Q But the plain language of this says,  
 12 "You may reapply to place another  
 13 display." Is that correct?  
 14 A That's what the language says. But I  
 15 think this -- I think what they mean is  
 16 you can apply to have your display  
 17 remain in the -- on the -- on the park  
 18 grounds.  
 19 Q So, the full sentence says, "You may  
 20 reapply to place another display once  
 21 the display under this permit is  
 22 removed."  
 23 A There is nothing that says the other  
 24 display needs to be a unique and  
 25 separate display from the one



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1 mean, it's -- it's up to you how  
 2 detailed I get into what Baphomet is or  
 3 what it's --  
 4 MR. MILLS: Yeah --  
 5 THE WITNESS: -- was.  
 6  
 7 By Mr. Mills:  
 8 Q Thank you, Mr. Greaves. I appreciate  
 9 the -- the -- the context of the  
 10 e-mail.  
 11 What is your understanding  
 12 of the -- the phrase, "It won't  
 13 generate the amount of media."  
 14 A Well, people knowing about these  
 15 campaigns is essential to us reaching  
 16 our fund-raising goals, naturally.  
 17 And as time goes on, you  
 18 know, our membership keeps track of  
 19 what we're doing. And we have an -- an  
 20 audience who -- who are -- who are  
 21 interested in crowd funding these types  
 22 of things.  
 23 But earlier on in -- we're  
 24 a young organization. So, 2017 it --  
 25 it seems like a long time ago. We --

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1 if we didn't -- if -- if there wasn't  
 2 media surrounding any of our campaigns  
 3 or what we were doing, people weren't  
 4 going to hear about them and we weren't  
 5 likely to reach our goal.  
 6 And therefore, we stood to  
 7 be at a serious loss, because at the  
 8 point where we're crowd funding, we're  
 9 already putting ourselves in the  
 10 position of obligation to come through  
 11 with the project being proposed.  
 12 So, when we're talking  
 13 about whether or not we are capable of  
 14 crowd funding 30,000 dollars, it's --  
 15 it's kind of a -- a desperate question  
 16 as to whether we are going to have to  
 17 take that loss on our own or whether we  
 18 actually think we can get the crowd  
 19 funding to cover most of that.  
 20 Q And turning to the bottom of this page,  
 21 there's an e-mail from a Sarah Ponto  
 22 Rivera dated March 1, 2017 at 5:54 p.m.  
 23 Do you see that?  
 24 A (No response).  
 25 Q It's -- it's on Plaintiff's 17 Exhibit

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1 5 or Exhibit 7. And you went past it.  
 2 It's on the first page. Or the second  
 3 page.  
 4 MR. KEZHAYA: We're --  
 5 we're looking at Plaintiff 17 now.  
 6 MR. MILLS: Yeah. Just go  
 7 out -- Katy, can you go back one,  
 8 please?  
 9 REPORTER'S NOTE: Whereupon,  
 10 a discussion is conducted  
 11 off the record.  
 12 By Mr. Mills:  
 13 Q Do you see that, Mr. Greaves?  
 14 A I'm -- I'm sorry. What -- what part of  
 15 this am I looking at here? The -- the  
 16 block e-mail?  
 17 Q Yeah. The -- it's -- it's page number  
 18 PLF00016. There's an e-mail from Sarah  
 19 Ponto Rivera at March 1, 2017 at 5:54  
 20 p.m.?  
 21 A Correct. Yes, I see that.  
 22 Q Is Sarah Ponto Rivera -- is she a  
 23 member of the National Counsel?  
 24 A She was.  
 25 Q And do you recall if she was supportive

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1 of the crowd funding?  
 2 A I mean, I'm seeing that now. In -- in  
 3 -- I don't question the authenticity of  
 4 this document.  
 5 Q Turning to Exhibit 7, the next Page 3,  
 6 it's marked PLF00017. There's an  
 7 e-mail from Malcolm Jarry at -- dated  
 8 March 1, 2017 at 6:03 p.m. Do you see  
 9 that?  
 10 A Okay. Yeah, there it is.  
 11 Q Do you recall receiving this e-mail  
 12 from Malcolm Jarry?  
 13 A I do not recall seeing that e-mail, but  
 14 it's not to say I didn't. I just want  
 15 to say most of what I do during the day  
 16 is a flood of e-mails.  
 17 So, you know, three, four  
 18 years ago -- it's -- it's -- it's  
 19 difficult for me to -- to recall  
 20 specific e-mails.  
 21 Q And at the bottom of the page, there's  
 22 an e-mail from -- a redacted e-mail  
 23 address to David Moses and National  
 24 Counsel and Cara Jeanne at 6:55 p.m.  
 25 Do you see that one?

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1 A Sorry. Which -- which time stamp are  
 2 we looking at?  
 3 Q 6:55 p.m. on March 1, 2017.  
 4 A Okay. Yes, I see that.  
 5 Q Do you recall whether you were the one  
 6 that sent that redacted e-mail?  
 7 A I do not recall whether I was the one  
 8 who sent that. But I may have sent  
 9 that.  
 10 Q Do -- do you have an understanding of  
 11 what this e-mail means when it says,  
 12 "We are generating a lot of media we  
 13 knew we needed to capitalize on  
 14 immediately"  
 15 A Well, yes. In -- in -- in our  
 16 experience with the Baphomet campaign,  
 17 the crowd funding we had put together  
 18 was really only active within a couple  
 19 of day's timeframe from when stories in  
 20 the press would be generated about the  
 21 fact that we were offering to place a  
 22 monument on public grounds.  
 23 If there were news  
 24 articles about it, people would be  
 25 interested, and they would -- and --

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1 and they would support the crowd  
 2 funding.  
 3 After about a couple days,  
 4 if nothing was published, that would  
 5 dry up entirely.  
 6 So, we feel like we have a  
 7 very -- or at least, we felt like, in  
 8 that time, with much lower membership,  
 9 that there's a very limited timeframe  
 10 in which crowd funding would produce  
 11 any results at all.  
 12 Q And you're -- you -- you mentioned  
 13 earlier, you are -- operate a Patreon,  
 14 I think was the name of it? Do I have  
 15 that right?  
 16 A Correct. P-A-T-R-E-O-N.  
 17 Q And is that a type of newsletter? Or  
 18 what is that?  
 19 A No. It's a -- it's a third party site  
 20 for artists and other producers of  
 21 content to post their work online  
 22 behind a subscription paywall, so that  
 23 people who like their material or  
 24 otherwise want -- want to subscribe to  
 25 it can -- can pay -- can pay them the

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1 -- the subscription fee.  
 2 And the -- and the website  
 3 itself manages the disbursements and  
 4 payouts. And they -- you know, the  
 5 financial aspects. The -- the tax work  
 6 and all of that.  
 7 Q Do you use that website to generate  
 8 media?  
 9 A No. I -- I use that site personally to  
 10 post writings, art, and other such  
 11 things for my subscribers.  
 12 Q Turning to the next page of Exhibit 7,  
 13 it's PLF00018. This is, again, a  
 14 redacted e-mail address on the -- from  
 15 -- you know, on the 'from' line. And  
 16 it's to Cara Jeanne, cc the National  
 17 Counsel, and David Moses. Is David  
 18 Moses on the National Counsel?  
 19 A He is. And he clearly was at this  
 20 time, as well.  
 21 Q Do you recall sending this e-mail?  
 22 A The -- the top one? 7:04?  
 23 Q Yes, sir.  
 24 A I can't say that I -- that I sent that  
 25 e-mail, but I can't say that I didn't.

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1 Q The subject line is the Belle Plaine  
 2 Minnesota Veteran's Memorial price  
 3 quote; is that right?  
 4 A Correct.  
 5 Q And -- and so, when it's referring to  
 6 this project, is it your understanding  
 7 it's referring that the Belle Plaine --  
 8 the cube display project?  
 9 A Correct.  
 10 Q And what is your understanding of the  
 11 statement, "Having this project active  
 12 will generate more interest overall"?  
 13 A I mean -- I -- I guess it -- I -- I  
 14 don't really know. I mean, it keeps us  
 15 active.  
 16 Q And what is your understanding when the  
 17 e-mail says, "Crowd funding for this  
 18 monument subtracts from our five  
 19 raising projects for other projects?"  
 20 A Well, the -- the thinking there is  
 21 if -- you know, that we always have to  
 22 consider is whether or not working  
 23 towards the ends of one project is  
 24 going to take away from other projects.  
 25 If people are allocating

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1 disbursements and -- and they're going  
 2 to choose one things over the other,  
 3 rather than -- rather than a -- a  
 4 project being additive, in which is has  
 5 a different -- different interested  
 6 parties. I mean, those are  
 7 considerations we have to keep in mind.  
 8 MR. MILLS: Okay. Let's  
 9 move on Exhibit 7, to the -- the fifth  
 10 page. It's PLF00019. Katy's putting  
 11 that up on the screen.  
 12  
 13 By Mr. Mills:  
 14 Q I want to refer to an e-mail there at  
 15 the top. It dated 3:57 p.m. on March  
 16 2nd, 2017 from Malcolm Jarry. Do you  
 17 see that e-mail?  
 18 A I do.  
 19 Q Did you receive this e-mail?  
 20 A I -- I may have. But it seems like an  
 21 e-mail I should receive, in any case.  
 22 Q Do e-mails to the National Counsel --  
 23 are you part of that e-mail string? If  
 24 -- if --  
 25 A -- yes. I -- I did get -- I -- yes.

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1 National Counsel e-mails do forward to  
 2 me.  
 3 Q Okay. And what was your understanding  
 4 of what Malcolm Jarry stated when he  
 5 stated, "We have to get the statue  
 6 afterwards, and can then sell it or  
 7 bring it to Salem?  
 8 A I -- I'm sorry. I'm not sure what is  
 9 -- what needs clarification.  
 10 Q Well, let's go about it this way. Did  
 11 you understand that when Malcolm  
 12 Jarry's e-mail refers to the statue,  
 13 it's referring to the cube display  
 14 we've been discussing today?  
 15 A Correct.  
 16 Q Because the subject line of this e-mail  
 17 is Belle Plaine Minnesota Veteran's  
 18 Memorial; correct?  
 19 A Correct.  
 20 Q So, what was your understanding of what  
 21 Malcolm Jarry's statement, "We have to  
 22 get the statue afterwards, and can then  
 23 sell it or bring it to Salem?  
 24 A I -- I don't know. I -- I -- I  
 25 couldn't say. I'd have to -- I'd have

Page 104

1 to ask him. I -- I assume...  
 2 Q Are you -- I am asking what your  
 3 understanding of his e-mail is.  
 4 A I'm not sure what he means by  
 5 'afterword'. So, I don't have a clear  
 6 understanding of what that is, unless  
 7 he was assuming that after a year or  
 8 two, that the display needed to --  
 9 needed to come down.  
 10 Q Okay.  
 11 MR. MILLS: Let's go to  
 12 the prior e-mail string. So, we're  
 13 going to go up in the string to the  
 14 previous page at the bottom. And this  
 15 is PLF0018.  
 16  
 17 By Mr. Mills:  
 18 Q And this is an e-mail at 3:24 a.m. on  
 19 March 2nd. A Nikki Moungo sent this  
 20 e-mail to the National Counsel. So,  
 21 you would have received it if it went  
 22 to the National Counsel; correct?  
 23 A Correct.  
 24 Q And this e-mail from Nikki Moungo says,  
 25 "30k for a year's worth of grass. I

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1 can think of a lot of things to do with  
 2 30k to extend beyond a year." Is that  
 3 what her e-mail said?  
 4 A Correct.  
 5 Q So, she's referring to one year and  
 6 Malcolm Jarry's response to that e-mail  
 7 at 3:57 a.m. that we just looked at, if  
 8 we turn the page to PLF19.  
 9 He's responding to Nikki  
 10 Moungo, and he's saying, "We have to  
 11 get the statue afterwards, and then  
 12 sell it or bring it to Salem." So, the  
 13 'afterward' in that e-mail refers to  
 14 the one year; correct?  
 15 A Yeah. It -- it appears that they're  
 16 assuming that the -- the timeframe may  
 17 be limited to one year.  
 18 Q Okay. And let's go back to PLF17. At  
 19 the top of the page, at 6:03 p.m.,  
 20 Malcolm Jarry sends an e-mail to  
 21 National Counsel. And so, you received  
 22 this e-mail, too; correct?  
 23 A Correct.  
 24 Q Okay. And Malcolm Jarry says to the --  
 25 the National Counsel, "The monuments

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1 it's going to get," does that refresh  
 2 your memory on when he may have  
 3 completed the cube display?  
 4 A Well, I just want to be clear. I'm  
 5 going by the e-mails. I don't...  
 6 Q So, it doesn't refresh your memory?  
 7 That's fine.  
 8 A No. According to the e-mails, it's --  
 9 it's done on that date.  
 10 Q But you don't have any independent  
 11 memory of when it was completed?  
 12 A Right. I don't recall the moment  
 13 personally.  
 14 MR. MILLS: I apologize  
 15 for the pause. I had something strange  
 16 happen with my screen. I don't know  
 17 how that happened. Can you still hear  
 18 me okay?  
 19 THE WITNESS: Yeah. I'm  
 20 still seeing everything as it opens.  
 21 MR. MILLS: Okay. I think  
 22 that was on my end. My screen just  
 23 sort of -- I think maybe my computer --  
 24 MR. KEZHAYA: -- can you  
 25 show your desktop? That's happened to

Page 131

1 me --actually happened to me earlier.  
 2 And then, everything got real screwy on  
 3 me.  
 4 MR. MILLS: Yeah. I think  
 5 it tried to go to sleep on me. Maybe I  
 6 haven't been active enough here in  
 7 front of it to think I may have gone  
 8 away or something. I apologize for the  
 9 distraction there.  
 10 REPORTER'S NOTE: Whereupon,  
 11 a discussion is conducted  
 12 off the record.  
 13 MR. MILLS: Turning to  
 14 Exhibit 14, please.  
 15 REPORTER'S NOTE: Whereupon,  
 16 Greaves Deposition Exhibit  
 17 Number 14 was marked for  
 18 identification.  
 19 By Mr. Mills:  
 20 Q This is a -- a string of e-mails. It  
 21 has a subject line of, "Memorial to  
 22 Salem." Is that correct?  
 23 A Correct.  
 24 Q And these e-mails appear to be  
 25 exchanged between Ash Astaroth, Malcolm  
 Jarry, and a redacted e-mail address.  
 Would that be your e-mail address?

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1 A I would say likely.  
 2 Q And it's -- when it's discussing  
 3 "Memorial to Salem," what is your  
 4 understanding of where the cube display  
 5 was at this time?  
 6 A In Adam Volpe's fabrication facility.  
 7 Q And that was somewhere?  
 8 A Somewhere in Massachusetts.  
 9 Q Okay. Somewhere. But not Salem?  
 10 A Correct. I -- I don't think so, in any  
 11 case. I'm -- I'm pretty sure that  
 12 guy's not in Salem, but I -- I don't  
 13 know where he is. I just know that  
 14 he's in Massachusetts.  
 15 Q Okay. And there's an e-mail at 3:35  
 16 p.m. on July 15th, 2017. It's from the  
 17 redacted e-mail address to Ash Astaroth  
 18 and Malcolm Jarry. Do you recall  
 19 sending that e-mail?  
 20 A No, but that looks like an e-mail that  
 21 would have come from me at that time.  
 22 Q What is your understanding of -- of  
 23 what the e-mail meant when it says, "We  
 24 should have some kind of platform on  
 25 the floor to preserve the floor and

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1 disburse the weight"?  
 2 A Well, when you're going to put  
 3 something really heavy on the floor,  
 4 you want to make sure it doesn't fall  
 5 through or -- or crack the floor or  
 6 otherwise damage things.  
 7 And we have wood floors,  
 8 polished, and we also don't want to  
 9 scratch and scuff those up. And so,  
 10 these are things we consider when we're  
 11 putting a large object in the house.  
 12 Q And by 'house', you mean -- this is the  
 13 the Satanic Temple's headquarters that  
 14 we talked about earlier?  
 15 A Correct.  
 16 Q So, as of July 15th, 2017, you were  
 17 planning to put the cube display at the  
 18 -- TST's headquarters building?  
 19 A My recollection is that we had to put  
 20 it somewhere. We weren't going to  
 21 leave it with the fabricator and -- and  
 22 we were taking it into our possession,  
 23 and we were doing that by putting it  
 24 into the house.  
 25 Q And would it -- and would it be in the

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1 house as part of the -- the art  
 2 exhibit?  
 3 A Correct.  
 4 Q And does -- does that art gallery -- do  
 5 they charge admission to get in?  
 6 A Yes.  
 7 Q And what is the -- the fee to come into  
 8 the art gallery?  
 9 A I believe it's 12 -- 12 dollars.  
 10 Q Is that 12 dollars per person?  
 11 A Correct.  
 12 Q Okay. So, anyone who wanted to see the  
 13 cube display as an exhibit in the TST  
 14 headquarters in Salem would pay 12  
 15 dollars to -- to go see it?  
 16 A Correct.  
 17 Q Right. And have people taken up that  
 18 opportunity to pay admission?  
 19 A People have paid admission to get into  
 20 the Salem Art Gallery.  
 21 Q Do you have an -- an understanding of  
 22 how many per month pay admission to go  
 23 to the art gallery?  
 24 A No. It -- it radically varies by the  
 25 month, depending on how many tourists

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1 are around. October is the busiest  
 2 season.  
 3 Q October? Is that just a good season,  
 4 like, weather-wise for that part?  
 5 A For -- people come to Salem for  
 6 Halloween Town.  
 7 Q I see. And -- and people would pay  
 8 admission to go into the TST  
 9 headquarters building to view exhibits  
 10 like the cube display?  
 11 A Correct.  
 12 Q In 2017 in October -- do you have an  
 13 estimate of how many people viewed the  
 14 cube display in October?  
 15 A That, I do not -- I -- I do not know.  
 16 Q Do you track annual numbers of how many  
 17 admissions the headquarters collects?  
 18 A I -- I do not. Personally, I do not.  
 19 I do very little in regards to the  
 20 Salem Art Gallery aspect of things.  
 21 I essentially -- I  
 22 essentially don't touch that. That's  
 23 -- that's a better posed question to  
 24 Alex or Malcolm.  
 25 Q Fair enough. I want to ask you about

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1 -- sticking with Exhibit 14 for a  
 2 moment. Going to the -- the next page,  
 3 it's an e-mail. The time stamp is 7:54  
 4 p.m. on July 15th, 2017?  
 5 A Okay. I see it.  
 6 Q Does this look like an e-mail that you  
 7 sent?  
 8 A It -- it looks like an e-mail I could  
 9 have sent.  
 10 Q Do you have an understanding of what  
 11 the e-mail means when it says, "There  
 12 is some chance they'll vote against  
 13 shutting down the forum"?  
 14 A It looks like there was a hope that,  
 15 even though they were voting as to  
 16 whether or not they would keep the --  
 17 keep the forum -- the limited public  
 18 forum allowing for the monuments in the  
 19 park -- there was -- there was some  
 20 hope that they would not shut down the  
 21 -- the forum.  
 22 Q And -- and why did you think there was  
 23 some chance they would not shut down  
 24 the forum?  
 25 A I don't -- I don't -- I don't know. I

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1 mean, as I sit here today, I just feel  
 2 like -- I don't see the benefit,  
 3 really, to closing it down. And I  
 4 think they should have -- should kept  
 5 it open. And I would have rather they  
 6 did.  
 7 Q I -- I see that we're past noon,  
 8 Central Time. Is this an appropriate  
 9 time to take a break?  
 10 MR. KEZHAYA: I -- I have  
 11 no objection to it. My main concern is  
 12 getting Lucien to his next matter.  
 13 MR. MILLS: That's at 5:00  
 14 p.m. Central?  
 15 THE WITNESS: Yeah.  
 16 That's -- that's 5:00 Central. And  
 17 we'll -- you know, I mean --  
 18 MR. MILLS: Okay.  
 19 THE WITNESS: -- just so  
 20 long as we can keep the clock -- I mean  
 21 --  
 22 MR. MILLS: Yeah.  
 23 THE WITNESS: -- I don't  
 24 think that cuts into -- into your time,  
 25 though. So long as we keep on -- keep

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1 on a -- a schedule, like we don't take  
 2 a three-hour lunch or something.  
 3 Right?  
 4 MR. KEZHAYA: I -- I have  
 5 an errand. I could be ready and back  
 6 here in 15 minutes. That's about the  
 7 amount of the time that I need.  
 8 MR. MILLS: Why don't we,  
 9 say -- I want to be respectful for Nate  
 10 as the court reporter. How much time  
 11 do you need, Nate?  
 12 I -- I -- I would propose  
 13 we come back at the bottom of the hour,  
 14 which would be 12:30 central. But  
 15 Nate, what -- do you have a preference?  
 16 COURT REPORTER: 12:30  
 17 works just fine to me. 15 minutes  
 18 works just fine, too. Whatever you  
 19 guys need is what I'll do.  
 20 MR. MILLS: Okay. Let's  
 21 -- let's come back just on the -- the  
 22 -- even -- the 12:30, so it's like  
 23 20...  
 24 MR. KEZHAYA: 20 minutes  
 25 then?

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1 MR. MILLS: 20 minutes  
 2 from now. Yeah.  
 3 THE VIDEOGRAPHER: The  
 4 time is 12:33, and we are back on the  
 5 record.  
 6 MR. MILLS: Okay. Mr.  
 7 Greaves, welcome back from lunch break.  
 8 Let's turn to Exhibit 15, please.  
 9 Katy, could you put that up on the  
 10 screen, please?  
 11 REPORTER'S NOTE: Whereupon,  
 12 Greaves Deposition Exhibit  
 13 Number 15 was marked for  
 14 identification.  
 15  
 16 By Mr. Mills:  
 17 Q Exhibit 15 is a series of e-mails you  
 18 see on the screen there, dated July 19,  
 19 2017. Is the subject line of the  
 20 e-mail string, "Monument"?  
 21 A Correct.  
 22 Q Is it your understanding that the --  
 23 that subject is the same cube display  
 24 we've been talking about today?  
 25 A I'm assuming yes.  
 26 Q Looking at the e-mail from Ash  
 27 Astaroth, what did you understand Ash

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1 Astaroth to mean when he stated, "I'd  
 2 like to get it here ASAP while the news  
 3 is still hot. It will be a great  
 4 attraction to add"?  
 5 A I'm not sure what -- what -- what --  
 6 what are you trying to clarify?  
 7 Q I'm just asking, what do you understand  
 8 him to mean in his e-mail when he said,  
 9 "I'd like to get it here ASAP while the  
 10 news is still hot. It would be a great  
 11 attraction to add"?  
 12 A To my mind, it's -- it's  
 13 self-explanatory. That's why I'm --  
 14 I'm asking what -- what the  
 15 clarification is.  
 16 Q I'm asking you, what is your  
 17 understanding of it?  
 18 A My understanding is that he wanted to  
 19 get the monument there ASAP while the  
 20 news was still hot, because it would be  
 21 a great attraction to add.  
 22 Q So, you agreed with him that the cube  
 23 display would be a great attraction?  
 24 A No. I'm telling you that that's what  
 25 he said, and that's what I understand

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1 him to have said.  
 2 Q Oh. Okay. My next question is, do you  
 3 agree with him that the cube display  
 4 was a great attraction to add to the  
 5 TST headquarters gallery?  
 6 A It makes sense that it would go in the  
 7 gallery. And then, it serves a  
 8 function there, sure.  
 9 Q Do you agree with him that it would be  
 10 a, quote, "Great attraction"?  
 11 A I don't know how we're measuring 'great  
 12 attraction'. I don't know how many  
 13 people would actually go specifically  
 14 to see such a monument.  
 15 But I think there would be  
 16 better odds of people wanting to see it  
 17 when the time they would go to visit  
 18 would be in closer proximity to the  
 19 time that the monument was in the news.  
 20 Q And in the five o'clock e-mail on July  
 21 19th, 2017 -- it's from a redacted  
 22 e-mail address. Do you think that you  
 23 sent this e-mail?  
 24 A I could very well have sent that  
 25 e-mail.

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1 Q What did you mean when you stated,  
 2 "That's all the more reason to put it  
 3 indoors"?

4 A I -- I don't know. I mean, today, I  
 5 can't imagine having it outdoors. I  
 6 think the weather would damage it.

7 Q And was it because you could charge  
 8 admission to view it -- the cube  
 9 display as an exhibition in the  
 10 gallery?

11 A Well, now I think it goes back to Ash's  
 12 comment that the previous artist's  
 13 stuff was going to be gone. And so, it  
 14 was all the more reason to put objects  
 15 inside the house.

16 Q What is -- what -- you reference a  
 17 previous monument would be gone. What  
 18 -- where -- what -- what do you base  
 19 your understanding of that on?

20 A In the e-mail from 4:55 p.m., July  
 21 19th, 2017, Ash said, "Castiglia's  
 22 stuff leaves soon."  
 23 Castiglia was an artist  
 24 who had an exhibit in the Salem Art  
 25 Gallery.

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1 So, my understanding on  
 2 looking at this is that the gallery was  
 3 going to be bereft of art. And so,  
 4 that would be all the more reason to  
 5 put any acquisitions inside the house.

6 Q And the cube display would be an -- an  
 7 exhibit that you could put in the  
 8 gallery to replace what was leaving?

9 A Correct.

10 Q I am sorry. I was speaking while  
 11 you... Can you say -- what was your  
 12 answer again?

13 A I'm sorry. You -- you faded off there.

14 Q Yeah. Sorry. I think we -- the  
 15 technology maybe blipped a little.  
 16 Doing the best we can with the  
 17 technology here.

18 My question is, would the  
 19 cube display be a replacement of the  
 20 exhibitions that were leaving the  
 21 gallery?

22 A It wouldn't necessarily be a  
 23 replacement, but there would certainly  
 24 be space for it. There would certainly  
 25 be a need to -- to fill space in the

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1 gallery.

2 Q And so, in the five o'clock e-mail, you  
 3 indicated, "Any chance we can get it by  
 4 the weekend?" Is that right?

5 A Well, again, assuming that that was me,  
 6 yes. "Any chance we can get it by the  
 7 weekend?" I -- I see that.

8 Q And what -- what did you mean, if you  
 9 sent the e-mail, when you said, "Any  
 10 chance we can get it by the weekend?"

11 A I don't know. I may have had other  
 12 scheduling concerns. I know I  
 13 personally was involved with getting  
 14 that object into the house.

15 So, I needed to -- I  
 16 needed to know a specific time that we  
 17 would be doing this.

18 Q And when did you end up moving the --  
 19 the cube display into the gallery?

20 A I do not recall. I recall the act of  
 21 doing it. I certainly don't remember  
 22 what day of the week. And -- and --  
 23 and I couldn't recall the month, even.

24 Q What do you remember about act of the  
 25 doing it?

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1 A That it was very heavy and very  
 2 difficult.

3 Q What time of day did you move it?

4 A I'm not certain, but during daylight  
 5 hours.

6 Q Was it in the summer or the winter?

7 A I -- I believe it was -- I believe it  
 8 was warmer out. I know -- I know I  
 9 wasn't wearing winter clothing.

10 Q Okay. And who else helped with the act  
 11 of moving the cube display into the  
 12 gallery?

13 A I know Ash did, and I'm pretty sure  
 14 another person did, too. But I'm not  
 15 sure who else. I think there was three  
 16 of us.

17 Q So, you, Ash -- would it be Malcolm?

18 A I -- I don't think it was Malcolm.

19 Q Would it be Alex Medland?

20 A It could have been.

21 Q But you're (breaking up).

22 MR. MILLS: Let's move to  
 23 Exhibit 16, please.

24 REPORTER'S NOTE: Whereupon,  
 Greaves Deposition Exhibit  
 25 Number 16 was marked for  
 identification.

1 reading --  
 2 MR. MILLS: -- I  
 3 understand what you're saying. We  
 4 don't need to take any more time on air  
 5 here. Okay?  
 6 MR. KEZHAYA: Okay. That  
 7 makes sense.  
 8 MR. MILLS: Yeah.  
 9 MR. KEZHAYA: Okay.  
 10 MR. MILLS: Thank you, Mr.  
 11 Greaves.  
 12 (Whereupon, the deposition  
 terminated at 1:00 p.m.)

13  
 14  
 15  
 16  
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1 STATE OF MINNESOTA )  
 2 ) ss.  
 3 CROW WING COUNTY )  
 4  
 5  
 6 I, Nathan D. Engen do hereby  
 7 certify that the foregoing transcript in  
 8 the matter of The Satanic Temple vs.  
 9 City of Bell Plaine, is true, correct  
 10 and accurate:  
 11 That said transcript was prepared  
 12 under my direction and control from my  
 13 stenographic shorthand notes.  
 14 That I am not related to any of  
 15 the parties in this matter, nor am I  
 16 interested in the outcome of this  
 17 action.  
 18  
 19 Witness my hand and seal this 7th day of  
 20 December, 2020.

21  
 22  
 23  
 24  
 25

  
 Nathan D. Engen



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# Mills Decl. Ex. 2

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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The Satanic Temple,

Plaintiff,

vs. Case No. 19-CV-01122

City of Belle Plaine, Minnesota,

Defendant.

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DEPOSITION

of MALCOLM JARRY, taken pursuant to  
notice to take oral deposition, via  
videoconference platform, on the  
23rd day of November, 2020, before  
Nathan D. Engen, a notary public in and  
for the State of Minnesota.

Page 2	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 APPEARANCES:</p> <p>8</p> <p>9 Mr. Matthew A. Kezhaya KEZHAYA LAW PLC</p> <p>10 Attorneys at Law 1202 Northeast McClain Road 11 Bentonville, Arkansas 72712 Appearing on behalf of the Plaintiff</p> <p>12</p> <p>13</p> <p>14 Mr. Monte A. Mills GREENE ESPEL PLLP</p> <p>15 Attorneys at Law 222 South Ninth Street, Suite 2200 Minneapolis, Minnesota 55402</p> <p>16 Appearing on behalf of the Defendant</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4	
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1 THE REPORTER: We are on the

2 record. This a video-recorded --

3 actually, it's not the video-recorded

4 deposition -- rather the Zoom video

5 conference deposition of Malcolm Jarry

6 in the case of The Satanic Temple versus

7 the City of Belle Plaine, Minnesota. Do

8 all parties agree to having the witness

9 sworn remotely?

10 MR. MILLS: Yes.

11 MR. KEZHAYA: Yes.

12

13 (Whereupon, the deposition

14 commenced at 9:05 a.m.)

15

16 MALCOLM JARRY

17

18 called as a witness and having been

19 first duly sworn, testifies as follows:

20

21 EXAMINATION

22

23 By Mr. Mills:

24 Q Good morning. Please state your name

25 A Malcolm Jarry.

<p style="text-align: right;">Page 18</p> <p>1 Satanic Temple headquarters in Salem,                  2 has the cube display ever been located                  3 anywhere else?                  4 A No.                  5 Q Do you recall the first conversation                  6 you had with anyone about the cube                  7 display?                  8 A I do not recall the -- well, I guess                  9 I'm not -- I need some help                  10 differentiating the concept of a statue                  11 with that specific statue.                  12 Q Okay. Let's first talk about the                  13 concept of the cube display. Do you                  14 recall your first conversations about                  15 the concept of the display?                  16 A I recall that we would need a display                  17 that reflected our religious beliefs                  18 and that we would need to work with an                  19 artist who could best represent our --                  20 our beliefs in a way that was                  21 consistent and appropriate with the                  22 forum.                  23 Q And who did you discuss that concept                  24 with?                  25 A Lucien.</p>	<p style="text-align: right;">Page 20</p> <p>1 want to commission construction of the                  2 cube display regardless of whether                  3 Belle Plaine approved the limited                  4 public forum?                  5 A It never would have -- it never would                  6 have come up.                  7 MR. MILLS: I am going to                  8 pull up Exhibit 1 again, please. Katy,                  9 if you could, put that on the screen.                  10                  11 By Mr. Mills:                  12 Q Mr. Jarry, can you see? This is the                  13 first page. It's Resolution 17-020 by                  14 the Belle Plaine City Council.                  15 It was attached also,                  16 Mr. Jarry, as Exhibit 1 to the                  17 complaint, if you're familiar with                  18 that, at one point.                  19 I want to turn to Page 3                  20 of Exhibit 1. Mr. Jarry, I want to                  21 focus on Paragraph 13 of the Resolution                  22 17-020 by the City of Belle Plaine.                  23 A I see it.                  24 Q Do you see -- what is your                  25 understanding of Paragraph 13?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q Did you discuss it with anyone else?                  2 A Initially, no.                  3 Q What about later? Did you have                  4 discussions about the cube display with                  5 others?                  6 A I'm sure I must have. As far as the                  7 important questions and issues, it                  8 would have been exclusively with                  9 Lucien.                  10 Others, I'm certain, must                  11 have become privy at some point during                  12 the development stages.                  13 Q Did anyone you talk with ever say they                  14 would want to commission construction                  15 of the cube display, regardless of                  16 whether Belle Plaine voted to approve                  17 the limited public forum?                  18 A That never would have been a question                  19 or an issue. The -- the cube was being                  20 designed for Belle Plaine. There would                  21 have been no other option or -- or                  22 reason to develop or create a -- a                  23 statue.                  24 Q So no one had the thought that they                  25 would -- that The Satanic Temple would</p>	<p style="text-align: right;">Page 21</p> <p>1 A It reads -- I guess, I need more                  2 specific in terms of what you mean by                  3 my 'Understanding'. My understanding                  4 is, in the sense, I can read text, if                  5 you want me to read text.                  6 Q So your understanding is just                  7 consistent with the text of what                  8 Paragraph 13 says?                  9 A My understanding of the text is what                  10 the text says; that is correct.                  11 Q Okay. And so in light of Paragraph 13                  12 under this limited public forum, it's                  13 reasonable to expect that it's possible                  14 that the City could terminate a permit                  15 by giving ten-days' written notice;                  16 correct?                  17 A Um, the legalities of what -- how that                  18 is interpreted and context and other                  19 considerations are more of a legal                  20 matter, as far as the legal                  21 interpretation of these things, which                  22 is something that we have an attorney                  23 to -- to focus on and address.                  24 So I can only address that                  25 my understanding is the text is what</p>

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1 defer to -- to -- to lawyers that are  
 2 knowledgeable on what defines a  
 3 contract. Again, I'm not a lawyer.  
 4 Q I'm just asking you: Do you think  
 5 Exhibit 1, Resolution 17-020, do you  
 6 think it's a contract?  
 7 A I believe it is -- it is my  
 8 understanding that a document that is  
 9 signed by two parties is an agreement.  
 10 And I don't know if the  
 11 terminology for agreement and contract  
 12 are the same. Given that it is signed  
 13 by both parties, it is -- you know,  
 14 it's my understanding that there are  
 15 obligations.  
 16 And when there are  
 17 obligations, that is an agreement and  
 18 it's an agreement that is signed.  
 19 That's the best of my understanding.  
 20 Again, I'm not a lawyer.  
 21 Q Okay. Mr. Jarry, I think you've  
 22 received the e-mail of Exhibit 1.  
 23 MR. MILLS: And I'll just  
 24 ask Katy to pull up Page 3 of  
 25 Exhibit 1. Or, Mr. Jarry, please feel

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1 free to flip through Exhibit 1 you  
 2 received by e-mail.  
 3  
 4 By Mr. Mills:  
 5 Q And I'll ask you: Where is this  
 6 Resolution 17-020 -- where is it signed  
 7 by two parties, as you just stated?  
 8 A My recollection was it was signed by  
 9 both parties. But if it was signed by  
 10 one party, was still my understanding,  
 11 if there is -- if there is a signed  
 12 version of this, then -- then it is  
 13 still an agreement of sorts.  
 14 That an agreement would  
 15 be -- again, I -- I -- I'm not a  
 16 lawyer, and I -- and I don't want to  
 17 make statements of which I am not fully  
 18 apprised.  
 19 I missed -- I -- I thought  
 20 that this -- you know, I don't know if  
 21 there is a Page 4 where -- where it's  
 22 signed by -- by Lucien.  
 23 But it is just based on my  
 24 recollection, which is apparently maybe  
 25 flawed that this was signed by both

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1 parties.  
 2 But an agreement, I  
 3 believe, can still be signed by just  
 4 one party. But, again, I'm not a  
 5 lawyer to go down that path and make  
 6 representations for what the law is or  
 7 what the law requires.  
 8 Q And, Mr. Jarry, I'm not trying to ask  
 9 for your legal interpretation.  
 10 I'm just asking, in light  
 11 of Paragraph 13, when you read the text  
 12 and you said your understanding is  
 13 consistent with the text, is your  
 14 expectation that it's possible the City  
 15 could terminate a permit by giving  
 16 ten-days' written notice?  
 17 A It is my understanding that the City  
 18 can do that. Whether they are right to  
 19 do that is something that I cannot  
 20 speak to in terms of -- in terms of  
 21 what is -- what is legally permissible.  
 22 Q So the answer -- or so, it is  
 23 reasonable to expect that it's possible  
 24 that the City could terminate a permit  
 25 by giving ten-days' written notice;

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1 correct?  
 2 A Yes.  
 3 Q And in light of Paragraph 13, is it  
 4 also reasonable to expect that, if the  
 5 City terminated a permit, the owner  
 6 must remove their display from City  
 7 property?  
 8 A It would -- it would be reasonable to  
 9 interpret that, yes.  
 10 Q So now I want to turn to Exhibit 2 of  
 11 the complaint, please. And, Mr. Jarry,  
 12 this Exhibit 2 has several pages.  
 13 The first page is the  
 14 permit letter granting. And then the  
 15 subsequent pages include payment of the  
 16 fee and then the -- the application  
 17 that was provided.  
 18 And I want to turn to the  
 19 second page of the application. And  
 20 you see there's an -- at the -- near  
 21 the top, there's an applicant's  
 22 signature there. It's dated 2/23/17.  
 23 Do you see that, Mr. Jarry, on the  
 24 screen?  
 25 A Yes, I do.

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1 Q And who signed the application on  
 2 behalf of the applicant?  
 3 A Um, I'm not sure if that's -- well, I  
 4 guess it's not privileged. It says  
 5 the -- the name is -- written there is  
 6 Douglas Mesner.  
 7 Q And did he have authority to sign on  
 8 behalf of the applicant?  
 9 A Yes.  
 10 Q And when The Satanic Temple applied for  
 11 a permit under the Belle Plaine limited  
 12 public forum policy, The Satanic Temple  
 13 agreed to comply with the Belle Plaine  
 14 limited public policy; correct?  
 15 A Correct.  
 16 Q So in signing this affirmation, Doug  
 17 Mesner agreed, on behalf of The Satanic  
 18 Temple, that The Satanic Temple would  
 19 comply with the limited public forum  
 20 policy of the City of Belle Plaine;  
 21 correct?  
 22 A Correct.  
 23 Q And, under that policy, the City could  
 24 terminate a permit any time it wanted  
 25 by giving ten-days' written notice;

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1 correct?  
 2 A In this -- my reading of Paragraph 13  
 3 that you cited is -- is -- was  
 4 qualified. It specifically says that  
 5 the termination would require the  
 6 removal.  
 7 So the -- well -- yeah, so  
 8 my understanding is that such a  
 9 termination could only happen after the  
 10 statue -- the cube, in this case -- but  
 11 a statue was installed.  
 12 So Paragraph 13, to the  
 13 best of my understanding, would not  
 14 apply because it never -- they couldn't  
 15 terminate something that had never  
 16 actually been installed.  
 17 Q Let's go back to Paragraph 13 of  
 18 Exhibit 1, please. This language says,  
 19 "the City, through the City  
 20 administrator, may terminate all  
 21 permits by giving ten-days' written  
 22 notice of termination to the owner."  
 23 Did I read that correctly?  
 24 A You only -- you read half of a  
 25 paragraph. That's not -- you know,

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1 that's not the full paragraph.  
 2 Q Well, then, why don't you read the  
 3 whole paragraph?  
 4 A "In the event the City desires to close  
 5 the limited public forum or rescind  
 6 this policy, the City, through its city  
 7 administrator, may terminate all  
 8 permits by giving ten-days' written  
 9 notice of termination to owner within  
 10 which period the owner must remove  
 11 their display from City property."  
 12 Q Okay. So the City may terminate all  
 13 permits by giving ten-days' written  
 14 notice of termination to the owner; is  
 15 that correct?  
 16 A Within which period the owner must  
 17 remove their display from City  
 18 property, explicitly stated there is  
 19 the -- is -- is that the termination is  
 20 dependent on the display being on City  
 21 property.  
 22 Q Where does it say that?  
 23 A The very -- "Within which period the  
 24 owner must remove their display from  
 25 City property."

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1 I -- I don't know how that  
 2 can be any -- any clearer. I don't  
 3 know how to make that clearer.  
 4 It's the words in the paragraph.  
 5 Q So you're saying that the City could  
 6 not terminate all permits by giving  
 7 ten-days' written notice of termination  
 8 to an owner?  
 9 A I'm saying my understanding of this  
 10 paragraph is that, if the City were to  
 11 terminate a permit, it would not be  
 12 able to be terminated until after the  
 13 statue was displayed on City property.  
 14 Otherwise, you could not  
 15 have, within which period the owner  
 16 must remove -- you can't remove a  
 17 display if the display isn't being  
 18 displayed. And, thus, there can not be  
 19 a termination.  
 20 The termination of a  
 21 permit can only take place according --  
 22 my understanding of this paragraph --  
 23 after the display has been displayed.  
 24 That's my understanding.  
 25 Q And the -- so an owner receives a

<p style="text-align: right;">Page 42</p> <p>1 this permit application?</p> <p>2 A Yes.</p> <p>3 Q And why is that?</p> <p>4 A Reason Alliance is a nonprofit whose</p> <p>5 mission is to promote tenets of The</p> <p>6 Satanic Temple.</p> <p>7 Q And why did Reason Alliance apply for</p> <p>8 the permit instead of The Satanic</p> <p>9 Temple?</p> <p>10 A Because one of the requirements for the</p> <p>11 statue is insurance. It had to be</p> <p>12 insured, and you have to be able to</p> <p>13 provide insurance.</p> <p>14 Q And why would Reason Alliance provide</p> <p>15 insurance versus The Satanic Temple</p> <p>16 providing insurance?</p> <p>17 A Because Reason Alliance is able to</p> <p>18 obtain insurance.</p> <p>19 Q And is The Satanic Temple unable to</p> <p>20 obtain insurance?</p> <p>21 A There are insurance companies are</p> <p>22 unwilling to provide insurance for The</p> <p>23 Satanic Temple.</p> <p>24 MR. MILLS: So let's turn</p> <p>25 to Exhibit 4, please. This was also</p>	<p style="text-align: right;">Page 44</p> <p>1 amount of \$100 to fully reimburse the</p> <p>2 permit application fee; is that</p> <p>3 correct?</p> <p>4 A Is it correct that the City of Belle</p> <p>5 Plaine sent a check to refund the</p> <p>6 application? Is that your question?</p> <p>7 Q Yes, sir.</p> <p>8 A Yes; that is correct. They did send a</p> <p>9 check.</p> <p>10 REPORTER'S NOTE: Whereupon,</p> <p>11 Defendant's Deposition</p> <p>12 Exhibit Number 6 was marked</p> <p>13 for identification.</p> <p>14 MR. MILLS: I want to turn</p> <p>15 to Exhibit 6, please.</p> <p>16 By Mr. Mills:</p> <p>17 Q And focusing on the e-mail dated</p> <p>18 February 21, 2017 at 11:11 p.m.,</p> <p>19 Mr. Jarry, were you one of the</p> <p>20 recipients of this e-mail?</p> <p>21 A I was -- it looks like I was cc'ed, so</p> <p>22 yes.</p> <p>23 Q Do you understand the Veterans Memorial</p> <p>24 reference in this e-mail to refer to</p> <p>25 the cube display that we've been</p>
<p style="text-align: right;">Page 43</p> <p>1 Exhibit 4 to the complaint.</p> <p>2 REPORTER'S NOTE: Whereupon,</p> <p>3 Defendant's Deposition</p> <p>4 Exhibit Number 4 was marked</p> <p>5 for identification.</p> <p>6 By Mr. Mills:</p> <p>7 Q Mr. Jarry, is this the certificate of</p> <p>8 liability insurance that Reason</p> <p>9 Alliance obtained?</p> <p>10 A Yes.</p> <p>11 Q And this certificate of liability</p> <p>12 insurance says it expires on</p> <p>13 September 27th, 2017; correct?</p> <p>14 A If that's what it says... I'm looking</p> <p>15 to see where the expiration date is.</p> <p>16 Q It's in the middle of the page there.</p> <p>17 A Oh, okay. Yes, that's what it says.</p> <p>18 REPORTER'S NOTE: Whereupon,</p> <p>19 Defendant's Deposition</p> <p>20 Exhibit Number 5 was marked</p> <p>21 for identification.</p> <p>22 MR. MILLS: I want you to</p> <p>23 turn to Exhibit 5, please.</p> <p>24 By Mr. Mills:</p> <p>25 Q And at Page 2 of Exhibit 5, the City of</p> <p>Belle Plaine provided a check in the</p>	<p style="text-align: right;">Page 45</p> <p>1 talking about today?</p> <p>2 A Yes.</p> <p>3 Q And do you understand the -- the</p> <p>4 Minnesota vote referenced in this</p> <p>5 e-mail to refer to the City of Belle</p> <p>6 Plaine City Council's vote on whether</p> <p>7 to approve a limited public forum?</p> <p>8 A Yes.</p> <p>9 Q What was your understanding of the</p> <p>10 statement, "We'd like to commission</p> <p>11 construction of the Veterans Memorial,</p> <p>12 regardless of whichever way the</p> <p>13 Minnesota vote goes"?</p> <p>14 A My understanding is that the City had</p> <p>15 opened up a limited public forum and</p> <p>16 that we have a constitutional right to</p> <p>17 participate in a limited public forum</p> <p>18 that another party was already</p> <p>19 participating in.</p> <p>20 And that we believe that,</p> <p>21 if we were turned down, that it would</p> <p>22 be a result of viewpoint</p> <p>23 discrimination.</p> <p>24 Q My -- my question was: What was your</p> <p>25 understanding of the statement, "We'd</p>



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1 like to commission construction of the  
 2 Veterans Memorial regardless of  
 3 whichever way the Minnesota vote goes"?

4 A Again, I guess I'll clarify that --  
 5 that, if -- if the rejection was based  
 6 on viewpoint discrimination, we believe  
 7 that we would still have the right  
 8 to -- to display there.

9 And so we wanted to  
 10 construct the memorial regardless of --  
 11 of the vote because we believed that we  
 12 have a constitutional right to  
 13 religiously participate in -- in this  
 14 public -- in the public forum.

15 Q But the Minnesota vote we've talked  
 16 about already, you said, referred to  
 17 the vote on whether or not to even  
 18 create a limited public forum, so it  
 19 doesn't exist yet; correct?

20 A My understanding was that, when the --  
 21 the statue of the Christian soldier was  
 22 placed, that -- that a limited public  
 23 forum has been created.

24 MR. MILLS: Let's go back  
 25 to Exhibit 1, please.

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1 By Mr. Mills:  
 2 Q And the third page of Exhibit 1 -- or  
 3 this is -- this is the limited public  
 4 forum policy -- correct? We've talked  
 5 about it already?

6 A Yep.

7 Q Yeah. And so I just want to look at  
 8 the date of when this was created. It  
 9 was created February 21st, 2017;  
 10 correct?

11 A I believe -- I believe that's possible.  
 12 Yeah. If that's -- if that's -- if  
 13 that's the date.

14 Where -- I'm not sure, it  
 15 says that, but -- but I think you're  
 16 conflating the policy with the action  
 17 in saying that the limited public forum  
 18 was formally created.

19 But we're saying, you  
 20 know, the -- the -- our interpretation  
 21 was that, even regardless of -- of  
 22 its -- the formal document of creation,  
 23 that it was created in -- in actuality  
 24 by the creation of -- of the display.  
 25 So one is -- one is just -- that's the

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1 distinction, from our understanding.  
 2 Q So let's go back to Exhibit 6, please,  
 3 and this e-mail you received.

4 You talk about the  
 5 Minnesota vote. We've already talked  
 6 about. That refers to the vote on  
 7 whether or not to approve the limited  
 8 public forum policy; correct?

9 A That is -- that seems to be correct.

10 Q And -- and -- and this says, "We'd like  
 11 to commission construction of the  
 12 Veterans Memorial regardless of  
 13 whichever way the Minnesota vote goes";  
 14 correct?

15 A Correct.

16 Q And why do you think The Satanic Temple  
 17 would be interested in commissioning  
 18 the construction of the cube display,  
 19 regardless of the City Council's vote  
 20 on the limited public forum policy?

21 A So it is -- it is our understanding  
 22 that a limited public forum, regardless  
 23 of the creation of the polices that  
 24 were being voted on.  
 25 And because there was a

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1 limited public forum, the -- it was our  
 2 understanding that we believe that we  
 3 have a constitutional right to  
 4 participate in this forum.

5 And, you know, the polices  
 6 that were enacted or not enacted at  
 7 that point were secondary and not  
 8 relevant to the -- the fact that our  
 9 understanding was that the ability to  
 10 create policy that would be worth it.

11 Q So The Satanic Temple was interested in  
 12 commissioning the construction of the  
 13 cube display regardless of the outcome  
 14 of the vote?

15 A That is -- that's correct.

16 Q And who sent this e-mail?

17 A I would almost be 100 percent certain  
 18 that it would be Lucien Greaves.

19 Q And did Chris Andres respond by saying,  
 20 "I'll give you the costs as soon as I  
 21 can"?

22 A I'd have to -- I'd have to see the  
 23 e-mail, going back a few years, if  
 24 that's what it says.  
 25 Q Sorry.

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1 A That would be a reasonable response.  
 2 Q I thought it was up on the screen.  
 3 A Oh, okay.  
 4 MR. MILLS: Katy, could  
 5 you please --  
 6 THE WITNESS: -- I think  
 7 it was adjusted.  
 8 MR. MILLS: Okay.  
 9  
 10 By Mr. Mills:  
 11 Q Do you see there with the response?  
 12 A Yes; that is correct.  
 13 Q And then, turning to the second page of  
 14 Exhibit 6 -- it's Bates stamped  
 15 PLF0011 -- I want to focus on the  
 16 e-mail that's dated February 22nd, 2017  
 17 at 12:46 p.m.  
 18 Did you send that e-mail  
 19 dated 12:46 there at the top,  
 20 Mr. Jarry?  
 21 A Yes.  
 22 Q And did your e-mail say, "I thought you  
 23 just wanted to make miniatures"?  
 24 A Yeah, I definitely said -- I'm just  
 25 trying to figure out and just trying to

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1 place it in context to see what I was  
 2 responding to. But, yes, I did that --  
 3 I did -- I did write that. Yeah, that  
 4 is my e-mail.  
 5 Q What did you mean when you said, "I  
 6 thought you just wanted to make  
 7 miniatures"?  
 8 A I'm -- I'm not 100 percent sure. I  
 9 don't -- you know, I can make -- I can  
 10 make speculation, but I can't -- I  
 11 can't say for certain.  
 12 It does -- it does seem to  
 13 me that the best I can read this is  
 14 that I -- and I don't know who I'm  
 15 e-mailing about this, to be honest.  
 16 I... I'm not sure.  
 17 Q So the subject line of this e-mail is,  
 18 "Memorial"; correct?  
 19 A Yes. I see -- I see, "Memorial", up  
 20 there. Obviously, this -- this -- you  
 21 know, this relates to the -- you know,  
 22 the -- to the Belle Plaine monument,  
 23 obviously.  
 24 I can -- I can attest to  
 25 that. But I'm not -- I just -- I just

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1 am not sure what -- what that relates  
 2 to. I just -- I just don't recall.  
 3 Q So your e-mail indicates, "I thought  
 4 you just wanted to make miniatures. To  
 5 building the statue itself is going to  
 6 cost thousands of dollars." My  
 7 question to you is: What did you mean  
 8 by, "Make miniatures"?  
 9 A I -- I just can't -- I just can't  
 10 recall. I don't -- I --  
 11 Q Is it --  
 12 A -- can't recall.  
 13 Q Is it make miniatures of the statue?  
 14 A That would be a reasonable supposition,  
 15 but I -- I can't -- you know, I  
 16 don't -- I don't know what it's  
 17 relating to. I don't know the context,  
 18 and I'm not -- I'm not really sure. I  
 19 just --  
 20 Q Well, let's --  
 21 A -- I just don't know because it  
 22 doesn't -- because it's -- I'm not sure  
 23 what it's in relation to, and I  
 24 don't -- I just don't know what I was  
 25 responding to.

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1 So it's -- you know, it  
 2 wouldn't be that we were just going  
 3 to -- you know, we clearly -- you know,  
 4 we were clearly planning on making  
 5 this -- the statue.  
 6 So that was -- that was  
 7 never a question. And it was  
 8 miniatures of the statue, that would  
 9 make sense to do that exclusively  
 10 because we wouldn't make miniatures  
 11 of -- of a statue that we hadn't  
 12 actually made.  
 13 So I'm not -- I'm not  
 14 quite sure what that -- you know, what  
 15 that relates to or what that...  
 16 Q Well, let's try to put it in context.  
 17 I don't know if you can scroll through,  
 18 if you received the e-mail from your  
 19 counsel; it's Exhibit 6.  
 20 MR. MILLS: Let's go back  
 21 to Page 1 of Exhibit -- of Exhibit 6,  
 22 please. Katy, if you could, scroll  
 23 that.  
 24  
 25

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1 By Mr. Mills:  
 2 Q And, Mr. Jarry, if you've received the  
 3 e-mail, feel free to scroll -- scroll  
 4 through this entire string, but it's a  
 5 string that appears to be the subject  
 6 matter.  
 7 And the first e-mail in  
 8 this string -- and this is PLF Bates  
 9 Stamp 00010. The first one is  
 10 February 21, 2017 at 11:11 p.m. Do you  
 11 see that?  
 12 A Yes.  
 13 Q And that's the e-mail we have talked  
 14 about a few minutes ago, and I think  
 15 you said this is about the Belle Plaine  
 16 cube display; correct?  
 17 A Correct.  
 18 Q And so that's Tuesday, February 21st,  
 19 2017?  
 20 A (Indicating).  
 21 Q And then, we go to Page 2 of this  
 22 string, and we're the next day,  
 23 Wednesday, February 22nd, 2017 at  
 24 12:46 p.m. is when you sent this e-mail  
 25 about miniatures. Does that help you

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1 put it in context?  
 2 A I understand the context, but I guess I  
 3 just -- I guess, "Context", may be the  
 4 wrong word.  
 5 Maybe it's -- I'm not sure  
 6 what that is in relation to. I -- I  
 7 don't know. I don't know what the  
 8 miniatures would -- would -- would  
 9 be -- would be in relation -- would be  
 10 in relation to.  
 11 I mean, it somehow -- it,  
 12 obviously, relates to Belle Plaine in  
 13 some capacity, but I don't know -- I  
 14 just don't recall what that -- what  
 15 that -- what that means and what the  
 16 context of the miniatures is. I  
 17 don't -- I just don't recall.  
 18 Q And someone responded to your e-mail at  
 19 12:52 p.m. and said, "Maybe; let's see  
 20 what his estimate is"; is that correct?  
 21 A Yes.  
 22 Q And do you have an understanding of  
 23 what that response is?  
 24 A That would be, "Let's see what the  
 25 estimate that Chris provides for the

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1 statue."  
 2 Q And was The Satanic Temple planning any  
 3 other statue at this time?  
 4 A Were we planning another statue? We  
 5 were only -- we were not planning -- I  
 6 mean, there are other displays.  
 7 I'd have to see the timing  
 8 'cause I know we were involved with --  
 9 with some of the displays, you know, in  
 10 other -- in other cities.  
 11 But as far as constructing  
 12 a statue, nothing of this -- nothing  
 13 else of this -- this scope.  
 14 Q So this was about the cube display for  
 15 Belle Plaine; correct?  
 16 A Oh. Correct.  
 17 Q And who are you exchanging these  
 18 e-mails with?  
 19 A This would be Lucien.  
 20 Q And looking at the -- the e-mail with  
 21 the time stamp of 12:52 there at the  
 22 middle, do you see that e-mail?  
 23 A Yes.  
 24 Q It indicates you still didn't know the  
 25 results of the Belle Plaine meeting on

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1 February 21st; correct?  
 2 A Correct.  
 3 Q So you did not know whether or not the  
 4 City of Belle Plaine had voted to  
 5 approve the limited public forum at  
 6 this time; correct?  
 7 A That is correct.  
 8 Q I want to turn to the -- the next page  
 9 of Exhibit 6. It's Bates Stamp  
 10 PLF00012. Looking at the top -- or  
 11 you're on this e-mail string; correct,  
 12 Mr. Jarry?  
 13 A That is correct.  
 14 Q And I wanted to look at the e-mail at  
 15 the bottom at 1:23 p.m. Is this e-mail  
 16 from Lucien Greaves?  
 17 A Yes, I believe so.  
 18 Q Could it be anyone else?  
 19 A That's why I believe it's Lucien  
 20 Greaves. I can't imagine it would be  
 21 anyone else.  
 22 Q What was your understanding of the  
 23 statement, "Hopefully, it doesn't  
 24 detract from anything but increases  
 25 funding overall due to high profile"?

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1 A Oh. I think it's -- it's because most  
 2 of our activities we rely on -- on  
 3 donors.  
 4 And I think we were  
 5 concerned that another fundraiser  
 6 would -- you know, there is -- there is  
 7 a zero sum to -- to fundraising to a  
 8 certain degree.  
 9 It's not 100 percent zero  
 10 sum, but you can only go back to donors  
 11 just so often to support our activities  
 12 and the detraction would be detracting  
 13 or taking away funds that would be used  
 14 for -- for other operations.  
 15 Q Do you have an understanding of why a  
 16 high profile would increase Satanic  
 17 Temple's funding?  
 18 A It seems self-evident, but a -- an  
 19 activity and action that has -- that  
 20 garners a lot of attention will have an  
 21 easier time attracting donors who  
 22 support the religious mission of the  
 23 organization.  
 24 Q Mr. Jarry, did you ever exchange text  
 25 messages with Lucien Greaves about

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1 Belle Plaine?  
 2 A I -- I avoid text messages for anything  
 3 other than -- you know, anything that  
 4 would just be some kind of directing.  
 5 I don't do -- I don't do any kind of  
 6 business over my text messages.  
 7 Q And -- and so is your testimony that  
 8 you never exchanged text messages with  
 9 Lucien Greaves about Belle Plaine?  
 10 A Any text with Lucien over Belle Plaine  
 11 would have been -- I don't even -- I  
 12 don't recall any -- any -- any text  
 13 about Belle Plaine.  
 14 Other than -- you know,  
 15 any -- the only thing I can speculate  
 16 is -- would be to -- I -- you know,  
 17 I -- generally, I avoid business on my  
 18 texts because I -- I can't reply to  
 19 anything.  
 20 I don't have any  
 21 information in front of me. So if  
 22 there was any discussion of Belle  
 23 Plaine, it would have been, you know, a  
 24 question that would have been to direct  
 25 something.

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1 But I can't recall. You  
 2 know, if it were, it would be -- it  
 3 is -- it is not my policy to -- you  
 4 know, to engage in any kind of business  
 5 things.  
 6 But it's possible Belle  
 7 Plaine might have been mentioned in  
 8 some -- in passing in some kind of way.  
 9 Q When you say, "Direct something", what  
 10 do you mean by that?  
 11 A Can you -- can you -- I -- I guess I --  
 12 Q -- you just said, if I exchanged texts  
 13 with Lucien Greaves about Belle Plaine,  
 14 it would be to direct something. And  
 15 I'm asking you: What do you mean by,  
 16 "Direct something"?  
 17 A Oh, it wouldn't be to direct something.  
 18 It would be if Belle Plaine had come up  
 19 in a text message, it would have been  
 20 asking, you know, to -- to direct -- to  
 21 something that would, that would,  
 22 then -- if it was formally discussed,  
 23 it would be discussed in an e-mail or  
 24 over the phone.  
 25 If there had been a text,

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1 it might be whether -- whether he  
 2 had -- I don't know whether he knew of  
 3 any -- any new developments, in which  
 4 case he might reply yes or no.  
 5 But I don't know. I -- I  
 6 can't recall. I just know that I  
 7 don't, you know, make it a policy just  
 8 for practical reasons, not anything  
 9 beyond that, just to not engage with  
 10 business over texts.  
 11 It just -- you know, it  
 12 just gets lost, and I have no string to  
 13 follow up on anything. It's just  
 14 another place to have to look to follow  
 15 up on, on something that can't access  
 16 documents.  
 17 THE REPORTER: Keep your  
 18 voice up, Malcolm.  
 19  
 20 By Mr. Mills:  
 21 Q Did you search for text messages that  
 22 were responsive to the City's discovery  
 23 requests?  
 24 A Oh, there was -- there was no -- there  
 25 was no reason or need to because I

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1 you send this e-mail?  
 2 A I did.  
 3 Q To whom did you send it?  
 4 A I believe this was sent to Lucien.  
 5 Q And what did you mean when you said,  
 6 "We can't afford this"?  
 7 A It meant that we can't afford it, that  
 8 we did not have sufficient funds to be  
 9 able to pay for it in our -- you know,  
 10 in our accounts or, you know, as far as  
 11 the budget.  
 12 Q And looking towards the middle of the  
 13 page, there's an e-mail at 3:43 p.m.  
 14 the same day. Do you see that?  
 15 A Yes.  
 16 Q And did you receive this e-mail?  
 17 A Yes, I did.  
 18 Q Are you on the National Council?  
 19 A No, I'm not.  
 20 Q What was your understanding of the  
 21 statement, "Crowd funding to make the  
 22 memorial happen"?  
 23 A My understanding is that crowd funding  
 24 is a process of fundraising on a  
 25 platform where you reach out to

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1 potential donors and provide incentives  
 2 in exchange for donations for raising  
 3 money for a specific purpose.  
 4 Q And towards the bottom of this page,  
 5 there's an e-mail response from Sarah  
 6 Ponto Rivera. Is Sarah Ponto Rivera on  
 7 the National Council?  
 8 A She might be. I -- I don't -- she  
 9 might have been. If she wasn't, you  
 10 know, then she certainly has a  
 11 connection and tie to the National  
 12 Council.  
 13 Q Turning to the next page of Exhibit 7,  
 14 it's Bates stamp PLF00017 -- there's an  
 15 e-mail at the top dated March 1, 2017  
 16 at 6:03 p.m. Did you send this e-mail?  
 17 A Yes.  
 18 Q And you sent it to the National  
 19 Council; correct?  
 20 A The National Council was included in  
 21 the people -- or the -- in this. So,  
 22 yes, this was sent to the National  
 23 Council.  
 24 Q Your 6:03 p.m. e-mail says you sent in  
 25 the application today; correct?

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1 A That is correct.  
 2 Q And is that referring to the  
 3 application for a permit that was sent  
 4 to the City of Belle Plaine?  
 5 A That is correct.  
 6 Q Did you intend that your 6:03 p.m.  
 7 e-mail to the National Council be  
 8 accurate?  
 9 A I would have intended my e-mails to the  
 10 National Council to be accurate.  
 11 Q And your 6:03 p.m. e-mail to the  
 12 National Council and others explains  
 13 that, "Monuments are not donated to the  
 14 City, but are owned by the entity  
 15 erecting them.  
 16 They are only up for one  
 17 year, and a request can be made that  
 18 they all be taken down, in which case  
 19 we have ten days to remove it." Is  
 20 that accurate?  
 21 A That is my understanding. That is  
 22 correct.  
 23 Q So in The Satanic Temple's case, The  
 24 Temple would own the cube display;  
 25 correct?

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1 A That is correct.  
 2 Q And your e-mail explained that the cube  
 3 display is only up for one year;  
 4 correct?  
 5 A That is correct.  
 6 Q And your e-mail explained that a  
 7 request can be made that all monuments  
 8 be taken down, in which case you would  
 9 have ten days to remove it; correct?  
 10 A That is correct.  
 11 Q So everyone on this e-mail would  
 12 recognize that anytime, upon notice,  
 13 the cube display might have to be  
 14 removed within ten days; correct?  
 15 A That is correct.  
 16 Q Did any recipient of your 6:03 p.m.  
 17 e-mail -- did anyone ask you follow-up  
 18 questions about that e-mail?  
 19 A If you showed me the follow-ups, I  
 20 could -- I could comment. But I -- I  
 21 simply don't, you know, remember  
 22 offhand.  
 23 Q Okay. So you don't recall, and so  
 24 they're either in Exhibit 7 or they're  
 25 not?

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1 A Correct. To the best of my  
 2 understanding.  
 3 Q So no one picked up the phone to call  
 4 you about this e-mail?  
 5 A To the best of my recollection, no.  
 6 MR. MILLS: And I want to  
 7 move forward, Exhibit 7, going to the  
 8 next page, Bates Stamp PLF00018.  
 9  
 10 By Mr. Mills:  
 11 Q And, again, we're a few pages into  
 12 Exhibit 7. I just want to confirm the  
 13 subject line of this e-mail string is  
 14 still, "The Belle Plaine, Minnesota  
 15 Veterans Memorial Price Quote";  
 16 correct?  
 17 A Correct.  
 18 Q And did you receive this e-mail at the  
 19 top dated 7:04 p.m.?  
 20 A Yes, I did.  
 21 Q What was your understanding of the  
 22 statement, "Having this project active  
 23 will generate more interest overall"?  
 24 A That the -- my understanding is that  
 25 participating in the religious -- in

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1 the limited public forum would have a  
 2 constructive response to our members;  
 3 that it would be received positively  
 4 and would help the organization  
 5 broadly.  
 6 Q And what was your understanding of the  
 7 statement, "Generating more interest in  
 8 investors overall"?  
 9 A That -- that -- my understanding is  
 10 that, by participating in this  
 11 specific -- in this specific limited  
 12 public forum, that the membership that  
 13 we have would be more likely to invest  
 14 in our organization.  
 15 Meaning, that they would  
 16 be more willing to financially support  
 17 the organization for either this effort  
 18 and others by seeing that we are  
 19 committed to our religious mission.  
 20 Q Mr. Jarry, I'd like to focus on the  
 21 e-mail that's time stamped 3:16 a.m. on  
 22 March 2nd, 2017. Do you see that there  
 23 in the middle of the page?  
 24 A Wait a second. Yeah. Yes, I do.  
 25 Q And did you send this e-mail?

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1 A I -- did I send it?  
 2 Q Yes, sir.  
 3 A Oh. Yes. Yes, I sent this e-mail.  
 4 Yes, I did.  
 5 Q And in your 3:16 e-mail, why did you  
 6 think \$30,000 was, quote, "Excessive"?  
 7 A So the concern isn't about -- I take  
 8 many considerations into trying to do  
 9 fundraising.  
 10 And it isn't so much the  
 11 cost of a specific item, but how much  
 12 you ask for it in terms of people who  
 13 contribute ,want to know that their  
 14 contributions are actually going to be  
 15 successful.  
 16 And so the concern wasn't  
 17 the cost. The concern was how much we  
 18 can ask for and successfully get  
 19 towards our -- our project.  
 20 So I was concerned that  
 21 asking for 30,000 might be too much to  
 22 ask for in terms of how much we -- we  
 23 could successfully bring in, not how  
 24 much the project might cost.  
 25 Q And -- below your 3:16 a.m. e-mail,

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1 there's a 3:24 a.m. e-mail. Do you see  
 2 that at the bottom of this page?  
 3 A Yes.  
 4 Q And this is from -- and you received  
 5 this e-mail; correct?  
 6 A That is correct.  
 7 Q Who is Nikki Moungo?  
 8 A She was a member of the National  
 9 Council.  
 10 Q And her e-mail says, "30K for a year's  
 11 worth of grass, I can think of a lot of  
 12 things to do with 30K to extend beyond  
 13 a year." What was your understanding  
 14 of her concern?  
 15 A I -- um, I guess her concern might have  
 16 been that money could be spent  
 17 differently.  
 18 Q What about the part where it says, "To  
 19 extend beyond a year"? What was your  
 20 understanding of her concern in that  
 21 part of her e-mail?  
 22 A I -- I don't know what her -- her --  
 23 Q -- I'm just asking for your  
 24 understanding of that part of the  
 25 e-mail.

Page 74	<p>1 A My understanding was she was trying to 2 be humorous with -- you know, just with 3 her terminology. 4 And I take some of the 5 National Council member's comments with 6 a grain of salt. So they are -- they 7 don't compel the actions of the Lucien 8 or myself. So I didn't have to think 9 terribly hard about them. 10 Q But you -- you tend to communicate 11 accurate information to the National 12 Council; correct? 13 A That is correct. 14 Q And turning to the next page of 15 Exhibit 7 -- it's Bates Stamp 16 PLF00019 -- at the top of the page, 17 there's an e-mail dated March 2nd, 2017 18 at 3:57 a.m. at the top. Do you see 19 that there? 20 A Yes, I do. 21 Q Did you send that e-mail at 3:57 a.m.? 22 A That is correct. 23 Q And this e-mail you sent to the 24 National Council; correct? 25 A That is correct.</p>	Page 76	<p>1 And, if you can point me to something, 2 I can comment. But I don't -- I don't 3 have -- 4 Q There's the -- 5 A -- a recollection. 6 Q Okay. And so it would be in this 7 e-mail string if anyone raised a 8 question; correct? 9 A That is correct. 10 Q And you see there's a -- there's a 11 National Council -- there's a line 12 right below your e-mail, and then it 13 says, "NationalCouncil@Satanic 14 Temple.com", and it's to you. 15 And then there's a line 16 that says, "Quoted hidden" -- or, 17 "Quoted text hidden", in brackets. Do 18 you see that there, Mr. Jarry? 19 A Yes. 20 Q Is that a reply to your e-mail? 21 A My guess is that that's just 22 something -- duplicated e-mail. I 23 don't think anything there was -- was 24 -- was removed. I don't think there's 25 any -- I don't think there was any</p>
Page 75	<p>1 Q And your e-mail states, "We have to get 2 this statue afterwards and then can 3 sell it or bring it to Salem"; is that 4 correct? 5 A That is correct. 6 Q And when you're referring to the 7 statue, you're referring to the cube 8 display we've been talking about today; 9 correct? 10 A Correct. 11 Q So you understood that The Satanic 12 Temple would have to remove the cube 13 display from the park; correct? 14 A Correct. 15 Q And you understood that, after removing 16 it, The Satanic Temple could either 17 bring the cube display to Salem or sell 18 it; correct? 19 A Correct. 20 Q And you conveyed your understanding to 21 everyone on this e-mail; correct? 22 A That is correct. 23 Q Did any recipient of the e-mail ask you 24 follow-up questions about it? 25 A I'd have to look in the e-mail chain.</p>	Page 77	<p>1 content that has been removed that 2 isn't being shared. 3 Q Okay. Okay. So there were -- 4 independent of this e-mail string, you 5 don't recall anyone raising questions 6 about your 3:57 a.m. e-mail? 7 A Correct. 8 REPORTER'S NOTE: Whereupon, 9 Defendant's Deposition 10 Exhibit Number 8 was marked 11 for identification. 12 MR. MILLS: Okay. Let's 13 turn to Exhibit 8, please. 14 15 By Mr. Mills: 16 Q Mr. Jarry, did you receive this e-mail 17 on the cc line? 18 A Yes, I did. 19 Q And who is David Moses? 20 A He is a member of National Council. 21 Q Who is Fred Mephisto? 22 A Um, I believe he was a member of the 23 National Council at that time, if it -- 24 you know, he must have been. He's a 25 chapter head and -- who may or may not</p>

Page 78	<p>1 have been a member of the National                  2 Council at that time. I don't know.                  3 He's certainly operated in that                  4 function.                  5 Q And so the last e-mails we just                  6 discussed were dated March 2nd, 2017;                  7 correct?                  8 A If you say so.                  9 Q We could put it --                  10 A -- I apologize, but I just --                  11 Q -- we can put it back to the -- to the                  12 end of Exhibit 7 is -- is Bates stamped                  13 PLF0020. And you see the date there is                  14 March 2nd, 2017, the last e-mail?                  15 A Correct.                  16 Q Okay. And so then we go to Exhibit 8,                  17 and that's Bates stamped PLF00021. So                  18 it's sort of the next page, if you                  19 will, in the stack of documents.                  20 A Okay.                  21 Q And this one is dated April 13th, 2017;                  22 correct?                  23 A Correct.                  24 Q And so there's this gap between                  25 March 2nd, 2017 and April 13th, 2017.</p>	Page 80	<p>1 By Mr. Mills:                  2 Q Mr. Jarry, do you see Exhibit 9 on the                  3 screen there?                  4 A Yes, I do.                  5 Q And this says it's an invoice for                  6 services; correct?                  7 A Correct.                  8 Q And it's from Spectacle Films, Inc.?                  9 A Where do you see that?                  10 Q You might have to scroll to the bottom.                  11 A Oh. I see. Okay.                  12 Q And so is this invoice from Spectacle                  13 Films, Inc.?                  14 A No.                  15 Q Who is it from? Or what?                  16 A These -- there were fees that were                  17 actually paid to -- to Lucien for --                  18 for his work in overseeing the                  19 development of the -- of the monument.                  20 Q And -- and so where is Lucien's name on                  21 this?                  22 A I assume his name is at the top of the                  23 document.                  24 Q Oh, the redaction?                  25 A Yes.</p>
Page 79	<p>1 And my question to you is: Did you                  2 have any communications about Belle                  3 Plaine or the cube display between                  4 March 2nd and April 13th?                  5 A It's possible -- it's very possible                  6 then if nothing was -- all the e-mails                  7 were shared, so it's very -- it's very                  8 likely no communication -- so there was                  9 no written communication.                  10 I don't know if Doug and                  11 I -- if Lucien and I (breaking up) but                  12 all -- all the e-mails were shared.                  13 Q Do you recall conversations between                  14 March 2nd and April 13th about Belle                  15 Plaine or the cube display?                  16 A I have no recollection of any                  17 conversations taking place at that                  18 time.                  19 REPORTER'S NOTE: Whereupon,                  20 Defendant's Deposition                  Exhibit Number 9 was marked                  for identification.                  21                  22                  23 MR. MILLS: Let's turn to                  24 Exhibit 9, please.                  25</p>	Page 81	<p>1 Q The redaction, okay. And this is a                  2 bill to Reason Alliance, slash, TST?                  3 A It's -- it's to Reason Alliance.                  4 Q And there's a slash, TST?                  5 A Correct; that is...                  6 Q What does that mean?                  7 A It's a reference to -- for                  8 clarification of the services.                  9 Q What does -- what does TST stand for?                  10 A TST stands for The Satanic Temple.                  11 Q So this is a bill to Reason Alliance,                  12 slash, The Satanic Temple?                  13 A It is a bill to Reason Alliance                  14 referencing work performed for The                  15 Satanic Temple.                  16 Q Okay. Because the -- it says, "The                  17 work adheres to guidelines set forth by                  18 Reason Alliance and TST"; is that                  19 right?                  20 A That is correct.                  21 Q Do you have an understanding of why                  22 Spectacle Films, Inc. appears at the                  23 bottom of this invoice?                  24 A Yes. That would be an error. It                  25 was -- I was assisting Lucien in</p>



<p style="text-align: right;">Page 82</p> <p>1 drafting his -- his invoice.                  2 And I must have taken an                  3 existing document that must have been                  4 in the footer of the document, and it                  5 should have been deleted. So it's                  6 there erroneously.                  7 Q What is Spectacle Films?                  8 A Spectacle Films is an entity that I                  9 own.                  10 Q So you own Spectacle Films, Inc.?                  11 A That is correct.                  12 Q Does anyone else hold ownership                  13 interest in it?                  14 A No.                  15 Q And so this is a -- a business you own.                  16 Does it have a relationship with either                  17 Reason Alliance or The Satanic Temple?                  18 A No.                  19 Q So this invoice, you indicated, is for                  20 work that Lucien Greaves performed?                  21 A That is correct.                  22 Q And the fee is \$4,000?                  23 A That is correct.                  24 Q And was this \$4,000 paid to him?                  25 A Yes, it was.</p>	<p style="text-align: right;">Page 84</p> <p>1 A No text messages have been provided                  2 by -- by me; that is correct.                  3 REPORTER'S NOTE: Whereupon,                  Defendant's Deposition                  4 Exhibit Number 19 was marked                  for identification.                  5                  6 MR. MILLS: I want to turn                  7 to Exhibit 19, please.                  8 MR. KEZHAYA: I don't have                  9 19 to forward. I don't have that one.                  10 MR. MILLS: Oh, I think we                  11 e-mailed all of the exhibits.                  12 MR. KEZHAYA: You're                  13 right. You're right. I'm finding it                  14 in my e-mail now. I'll forward this                  15 along                  16 MR. MILLS: Okay. Okay.                  17 While you're doing that, I'll just...                  18                  19 By Mr. Mills:                  20 Q Mr. Jarry, do you see the -- Exhibit 19                  21 on the screen?                  22 A I do.                  23 Q And the e-mail at the top is dated                  24 April 13th, 2017 at 1:50 p.m. Did you                  25 receive this e-mail?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q And who paid it?                  2 A Reason Alliance.                  3 Q If there are no communications about                  4 Belle Plaine or the cube display                  5 between March 2nd and April 13th, why                  6 would there be an invoice for services                  7 issued during that time period?                  8 A There were no communications during                  9 that time that were involved in any                  10 e-mail, and any communication involving                  11 Belle Plaine would have been handled                  12 by -- you know, Lucien may have made                  13 phone calls to -- to various parties.                  14 But the totality of -- of all e-mails                  15 of those was, was, you know, was                  16 provided.                  17 Q So there are no e-mails during this                  18 time period, but your testimony is they                  19 would have all been done by telephone?                  20 A If there were any communications at                  21 that time with Lucien and any -- and                  22 any related parties. And anything that                  23 was done by e-mail was provided.                  24 Q But not -- no text messages have been                  25 provided; correct?</p>	<p style="text-align: right;">Page 85</p> <p>1 A I did.                  2 Q And is the subject line of this e-mail                  3 string, "Hello from Salem Art Gallery"?                  4 A Yes, it is.                  5 Q Is The Satanic Temple's facility in                  6 Salem considered an art gallery?                  7 A The headquarters in Salem is -- offices                  8 an art gallery.                  9 Q And the e-mail indicates, "We are                  10 interested in showing your stuff"; is                  11 that right?                  12 A (No response).                  13 Q The first line.                  14 A Yes.                  15 Q And this is an e-mail from Ash                  16 Astaroth, and then you received it;                  17 correct?                  18 A That is correct.                  19 Q And his e-mail included a link;                  20 correct?                  21 A I see a link, yes.                  22 Q And if you turn -- we'll flip back --                  23 the document at the link is attached to                  24 Exhibit 19; correct? The Patheos                  25 article that was linked?</p>

<p style="text-align: right;">Page 90</p> <p>1 I dealt directly with at Belle Plaine.                  2 Q And who did you deal directly with at                  3 Belle Plaine?                  4 A Yeah. I -- I -- it would be in the                  5 e-mails. I can't remember. If you                  6 showed me the e-mails, I could confirm                  7 them all. But I don't -- I don't                  8 remember the people's names.                  9 Q So all your communications with anyone                  10 from the City of Belle Plaine were by                  11 e-mail?                  12 A That is correct.                  13 Q Did you ever have any phone calls with                  14 anyone from the City of Belle Plaine?                  15 A Not to the best of my recollection.                  16 Q And when you say that, "Their behavior                  17 at all times to us was beyond                  18 reproach," what were you referring to?                  19 A I was referring to the level and degree                  20 of professionalism of all the                  21 communications I had up to that point                  22 with the members of Belle Plaine                  23 Council that I had been communicating                  24 with.                  25 Q And those communications you</p>	<p style="text-align: right;">Page 92</p> <p>1 wherever he does his -- his                  2 constructions. And so I wasn't present                  3 there, but -- you know, it was on his                  4 grounds.                  5 Q So can we just say in Adam Volpe's work                  6 space, if you will?                  7 A Sure.                  8 Q And -- and where is his work space                  9 located?                  10 A It's in Massachusetts.                  11 Q Do you know where in Massachusetts?                  12 A It's not in Salem, but it's, you know,                  13 maybe an hour, maybe a half hour.                  14 I've never been to his --                  15 his work space. It's -- it's not far                  16 from Salem, but it's not -- you know,                  17 it's not -- not biking distance is my                  18 understanding and recollection.                  19 Q And so your e-mail also lists                  20 transporting the statue from Salem to                  21 Belle Plaine; correct?                  22 A Correct.                  23 Q Why would you first move the cube                  24 display to Salem before moving it to                  25 Belle Plaine?</p>
<p style="text-align: right;">Page 91</p> <p>1 referenced, those were only e-mail                  2 communications; no phone calls?                  3 A To the best of my recollection.                  4 REPORTER'S NOTE: Whereupon,                  5 Defendant's Deposition                  6 Exhibit Number 11 was marked                  7 for identification.                  8                  9 MR. MILLS: I'd like to                  10 turn to Exhibit 11, please.                  11                  12 By Mr. Mills:                  13 Q Mr. Jarry, did you send the e-mail at                  14 the top that's dated April 17, 2017 at                  15 8:10 p.m.?                  16 A Yes.                  17 Q And why did you send this e-mail?                  18 A To list the expenses that we needed                  19 funds for.                  20 Q Your e-mail refers to, "Construction of                  21 the Monument by Artist Adam Volpe";                  22 correct?                  23 A That is correct.                  24 Q Where was the cube display constructed?                  25 A It was constructed in Adam Volpe's --                  not factory, but, you know, his -- his                  gallery -- not gallery -- you know,</p>	<p style="text-align: right;">Page 93</p> <p>1 A Um, I think my understanding at the                  2 time was that Volpe would be delivering                  3 the statue to us upon completion, and                  4 then we would be shipping it from                  5 there -- the transport from there.                  6 But that would just be a                  7 matter of how -- how the artist would                  8 work.                  9 Q Your e-mail lists installation of the                  10 statue for one year; correct?                  11 A Correct.                  12 Q And when you refer to, "The statue,"                  13 you're referring to the cube display?                  14 A Correct.                  15 Q So you understood that the cube display                  16 might be in the park for one year, and                  17 then it would have to be removed;                  18 correct?                  19 A Correct.                  20 Q And does your e-mail also list removal                  21 and return of the statue to Salem;                  22 correct?                  23 A Correct.                  24 Q So you were already planning that the                  25 cube display would have to be removed</p>

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1 from the park and returned to Salem;  
 2 correct?  
 3 A Correct.  
 4 Q And who did you send this e-mail to?  
 5 A Lucien.  
 6 Q I want to turn to -- I think it's  
 7 the -- yeah, the next page of  
 8 Exhibit 11. It's the page that's Bates  
 9 stamped PLF00034.  
 10 I want to direct your  
 11 attention to the e-mail dated April 18,  
 12 2017 at 2:22 p.m. Did you send that  
 13 e-mail?  
 14 A I did.  
 15 Q And who did you send the e-mail to?  
 16 A Lucien.  
 17 Q And what did you mean in the e-mail  
 18 when you said, "TST is more than a  
 19 statue"?  
 20 A The -- there is a faction that doesn't  
 21 understand that The Satanic Temple is a  
 22 fully developed and realized religious  
 23 organization and mistakes us for simply  
 24 erecting monuments to be provocative as  
 25 opposed to having a fully realized and

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1 developed sense of beliefs.  
 2 And so we were noting  
 3 that -- the designer and sculptor  
 4 understand and appreciate the full  
 5 extent of a religious nature.  
 6 Q And your e-mail at 2:22 was responding  
 7 to an earlier e-mail from Lucien  
 8 Greaves; correct?  
 9 A Yes.  
 10 Q And looking at the line right before  
 11 your 2:22 p.m. e-mail, it says, "I  
 12 still worry about both him and the  
 13 fabricator knowing the full bill for  
 14 design and production is, like, 6K  
 15 whole; we are funding for tens of  
 16 thousands." Do you see that there?  
 17 A Yes.  
 18 Q Why were you and Lucien Greaves  
 19 discussing his concerns that the full  
 20 bill for the design and production is,  
 21 like, \$6,000, while you're fundraising  
 22 for tens of thousands of dollars?  
 23 A It has to do with the fact that there  
 24 are many other expenses involved, such  
 25 as donated time that aren't necessarily

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1 incorporated.  
 2 And the concern was that,  
 3 because we are fundraising for more  
 4 than necessarily the precise  
 5 out-of-pocket expenses, that all of the  
 6 other ancillary expenses, such as  
 7 transportation, insurance, that the  
 8 fees that are taken from the  
 9 fundraiser, the incentives that are  
 10 provided to donors, all these  
 11 additional expenses -- publicity, PR --  
 12 are a function and relation of the --  
 13 the project and need to be fundraised  
 14 for.  
 15 And if the parties are  
 16 only looking at their limited expenses,  
 17 that it could result in some degree  
 18 of -- of pushback.  
 19 Q What did you mean when you said,  
 20 "Donated time"?  
 21 A I mean that Adam Volpe put in 75 hours,  
 22 if not more, in the construction of the  
 23 statue that he did not bill us for.  
 24 But it is donated hours  
 25 that he would not be able to receive,

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1 you know, for going forward on future  
 2 projects when you donate just some  
 3 hours of your time.  
 4 Q So if he did -- Volpe did not bill The  
 5 Satanic Temple for donated time?  
 6 A That is correct.  
 7 Q And The Satanic Temple did not pay him  
 8 for donated time; correct?  
 9 A That is correct.  
 10 Q And how much did the insurance cost?  
 11 A The insurance was, I believe, a rider  
 12 on our existing policy. I don't know  
 13 if -- I don't know if it was covered  
 14 under just the blanket or whether there  
 15 was a supplemental charge.  
 16 If there was a  
 17 supplemental charge, it would have been  
 18 nominal, you know, a few hundred  
 19 dollars. But I'm not -- I'm not  
 20 quite -- I don't quite recollect.  
 21 And it wasn't added to our  
 22 list of expense. I guess it -- it  
 23 could have and should have been. But I  
 24 think it was paid out of Reason  
 25 Alliance.

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1 generally don't follow the -- or once  
 2 in a while, I might see something, but  
 3 typically -- typically, no.  
 4 Q Did -- did you see social media  
 5 postings where the cube display or  
 6 Belle Plaine was discussed?  
 7 A It's -- it's possible, but -- but I  
 8 spend very, very little time. And if I  
 9 had seen it, it would have been because  
 10 someone forwarded it to me, not because  
 11 I -- I was looking at our -- our  
 12 Twitter or Facebook feeds.  
 13 Q When you say someone forwards it to  
 14 you, what are the mechanics of that?  
 15 How does that come about?  
 16 A If someone were to capture something  
 17 and send it to me in an e-mail, that's  
 18 pretty much the only way I would see  
 19 those postings or replies to our  
 20 postings, if they were sent in an  
 21 e-mail.  
 22 Q Do you recall any conversations with  
 23 anyone about postings on social media  
 24 accounts related to Belle Plaine?  
 25 A I don't handle social media. I

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1 occasionally hear things about  
 2 responses to social media in passing,  
 3 if something gets a response.  
 4 But it's not something  
 5 that I -- you know, I have enough on my  
 6 plate. I don't go to social media.  
 7 Q I'm asking if you recall any  
 8 conversations about social media  
 9 postings about the cube display.  
 10 A I have no recollection of that.  
 11 Q Do you recall any social media postings  
 12 about Belle Plaine that you had  
 13 conversations about?  
 14 A It's -- it's not something -- I -- I  
 15 don't handle social media. I don't  
 16 recall any conversations about it.  
 17 REPORTER'S NOTE: Whereupon,  
 18 Defendant's Deposition  
 19 Exhibit Number 15 was marked  
 20 for identification.  
 21 MR. MILLS: I'm going to  
 22 turn to Exhibit 15, please.  
 23 By Mr. Mills:  
 24 Q Mr. Jerry, do you see Exhibit 15  
 25 displayed on the screen there?

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1 A Yes, I do.  
 2 Q And is the subject line of this e-mail  
 3 string, "Monument"?  
 4 A Yes, it is.  
 5 Q And is that the same cube display we've  
 6 been talking about today?  
 7 A Yes, it is.  
 8 Q What did you understand Ash Astaroth to  
 9 mean when his e-mail stated, "I'd like  
 10 to get it here ASAP while the news is  
 11 still hot; it will be a great  
 12 attraction to add"?  
 13 A My understanding is that Ash was  
 14 imagining that the cube could be on  
 15 public display.  
 16 Q And did you agree with him that the  
 17 cube display would be a great  
 18 attraction to add?  
 19 A My intent was to get the cube to Belle  
 20 Plaine as soon as it could be arranged  
 21 without haste.  
 22 That was -- that was my  
 23 desire and intent, that, if it was on  
 24 display in that interim, that would be  
 25 fine.

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1 I -- but it was -- it was  
 2 my intent to get it to Belle Plaine as  
 3 quickly as could be facilitated.  
 4 Q Does The Satanic Temple charge  
 5 admission to view exhibits in its  
 6 gallery?  
 7 A I would need more clarification on the  
 8 question.  
 9 Q So The Satanic Temple has an art  
 10 gallery at its headquarters; correct?  
 11 A That is correct.  
 12 Q And I am asking: Does it charge  
 13 admission to gain entry to the gallery  
 14 to view exhibits?  
 15 A We charge admission to -- for the  
 16 public to enter the gallery. And there  
 17 are exhibitions and other things there.  
 18 And it -- it is not solely  
 19 for the purpose of -- of exhibitions,  
 20 per se, it depends on how one defines  
 21 'exhibitions'. Our Baphomet statue was  
 22 there. And people want to religiously  
 23 interact with the statue.  
 24 Q Do you know how much The Satanic Temple  
 25 charges per member of the public to

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1 enter the gallery?  
 2 A We charge \$12 for the public. Members  
 3 get some -- some discount,  
 4 card-carrying members gets a discount.  
 5 Q Do you know what the discount is?  
 6 A Alex would -- would know that.  
 7 Q The -- there's a five o'clock e-mail  
 8 there on Exhibit 15. Do you see that?  
 9 A Yes, I do.  
 10 Q What did you understand the five  
 11 o'clock e-mail to mean when it says,  
 12 "All the more reason to put it  
 13 indoors"?  
 14 A That, if the statue was indoors, that  
 15 it could be -- according to Ash, that  
 16 it would be better displayed indoors,  
 17 according to Ash, is my understanding.  
 18 Q Is the five o'clock e-mail sent by Ash,  
 19 or to Ash?  
 20 A That is the five o'clock e-mail would  
 21 have been sent by Lucien.  
 22 Q And Lucien Greaves sent that five  
 23 o'clock e-mail to Ash and copied you;  
 24 correct?  
 25 A That is correct.

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1 Q And his e-mail also states that he was  
 2 ready to fetch it as early as tonight,  
 3 and this was July 19, 2017; correct?  
 4 A That is correct.  
 5 Q Do you know how -- or let me ask it  
 6 this way: Do you know when the cube  
 7 display was moved into the gallery at  
 8 Salem?  
 9 A I don't know the specific date. I  
 10 oversee operations, but I'm not  
 11 necessarily directly involved in the  
 12 operations. But, obviously, it was  
 13 sometime after July 19th.  
 14 Q Did you help move the cube display into  
 15 the gallery?  
 16 A I did not.  
 17 Q Have you viewed the cube display in the  
 18 gallery since it was moved there?  
 19 A Yes, I have.  
 20 Q When was the first time you saw it  
 21 there?  
 22 A I don't know the exact date, but it  
 23 would have been sometime not long after  
 24 it was -- after it was brought into the  
 25 gallery.

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1 Q And this is 2017, sometime after  
 2 July 19th?  
 3 A That is correct.  
 4 Q Do you know how many times you have  
 5 seen it in the gallery?  
 6 A Since -- since July -- since whenever  
 7 it was first brought in?  
 8 Q Yes.  
 9 A If you can, clarify the question.  
 10 Q Yeah. Just how many times have you  
 11 seen it in the gallery?  
 12 A Many times.  
 13 Q Do you visit the gallery often?  
 14 A Yes.  
 15 Q Has it been there each time you visited  
 16 the gallery since you first saw it  
 17 there?  
 18 A Yes.  
 19 REPORTER'S NOTE: Whereupon,  
 Defendant's Deposition  
 20 Exhibit Number 16 was marked  
 for identification.  
 21  
 22  
 23 MR. MILLS: I'd like to  
 24 turn to Exhibit 16, please.  
 25

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1 By Mr. Mills:  
 2 Q Mr. Jarry, do you see Exhibit 16 on the  
 3 screen there?  
 4 A Yes, I do.  
 5 Q Okay. This exhibit is an invoice;  
 6 correct?  
 7 A That is correct.  
 8 Q And who's the invoice from?  
 9 A It's from Adam Volpe and his company,  
 10 Pretty Hate Machinery -- Pretty Hate  
 11 Machine. Sorry. Pretty Hate Machine.  
 12 Q And who was the invoice sent to?  
 13 A I imagine me.  
 14 Q Is that your e-mail address in the,  
 15 "Bill to", line?  
 16 A With various letters missing. But,  
 17 otherwise, you know, assuming --  
 18 assuming that there was some deletion  
 19 of -- of characters in the  
 20 transmission, it -- it would be -- you  
 21 know, it's -- it's going to be  
 22 consistent.  
 23 Since I provided that --  
 24 that the invoice was, you know, for --  
 25 upon request.

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1 FURTHER EXAMINATION

2

3 By Mr. Mills:

4 Q Mr. Jarry, is it your understanding

5 that what you refer to as a Christian

6 monument existed in the park on

7 February 21st, 2017?

8 A Yes; that is correct.

9 Q What is that understanding based on?

10 A It was based on news reports and -- and

11 communications. I believe Lucien had

12 been in touch with the -- with the

13 Freedom From Religion Foundation.

14 That would be Lucien. So

15 Lucien would have apprised me of those

16 details that it was -- that it was

17 installed.

18 Q Did you have personal knowledge that

19 what you referred to as a Christian

20 monument existed in the park on

21 February 21st, 2017?

22 A If you mean by, "Personal knowledge,"

23 was I physically in the park? No, I

24 was not physically in the park to

25 observe it, but based on reasonable

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1 reporting.

2 Q Is there any possibility you're

3 mistaken about that?

4 A I mean, one could be mistaken about

5 anything that one doesn't witness

6 directly. And one could be mistaken

7 about things were witnesses directly.

8 So it's -- you know, so

9 using best -- best knowledge, you know,

10 one relies on those -- on those to make

11 decisions and to -- based on what

12 seemed to be good knowledge, yes, I --

13 there was a high degree of certainty.

14 Q But you didn't personally observe

15 anything in the park at any time in

16 February of 2017?

17 A I have never been to the park.

18 MR. MILLS: Okay. I don't

19 have any further questions. Thank you.

20 MR. KEZHAYA: No follow-up

21 on my end.

22 (Whereupon, the deposition

23 terminated at 1:25 p.m.)

24

25

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1 STATE OF MINNESOTA )

2 ) ss.

3 CROW WING COUNTY )

4

5

6 I, Nathan D. Engen, do hereby

7 certify that the foregoing transcript in

8 the matter of THE SATANIC TEMPLE vs.

9 CITY OF BELLE PLAINE, MINNESOTA, is

10 true, correct and accurate:

11 That said transcript was prepared

12 under my direction and control from my

13 stenographic shorthand notes.

14 That I am not related to any of

15 the parties in this matter, nor am I

16 interested in the outcome of this

17 action.

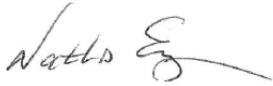
18

19 Witness my hand and seal this 8th day of

20 December.

21

22

23 

24 Nathan D. Engen

25

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# Mills Decl. Ex. 3



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STATE OF MINNESOTA                   DISTRICT COURT  
CROW WING COUNTY   9TH JUDICIAL DISTRICT

-----  
The Satanic Temple,

Plaintiff,

vs.

City of Belle Plaine, Minnesota,

Defendant.  
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DEPOSITION

of LUCIEN GREAVES 30(b)(6), taken  
pursuant to notice to take oral  
deposition, via Zoom Videoconference, on  
the 30th day of November, 2020, before  
Nathan D. Engen, a notary public in and  
for the State of Minnesota.

Page 2	Page 4
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 APPEARANCES:</p> <p>8</p> <p>9 Mr. Matthew A. Kezhaya Kezhaya Law PLC 10 Attorneys at Law 1202 NE McClain Rd 11 Bentonville, AR 72712 Appearing on behalf of the Plaintiff</p> <p>12</p> <p>13 Mr. Monte A. Mills 14 Greene Espel, PLLP Attorneys at Law 15 222 S. Ninth Street, Suite 2200 Minneapolis, MN 55402 16 Appearing on behalf of the Defendant</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THE VIDEOGRAPHER: Good</p> <p>2 morning. We are now on the record.</p> <p>3 Today's date is November 30th, 2020, and</p> <p>4 the time is now approximately 9:05 a.m.</p> <p>5 This is the video taped</p> <p>6 deposition of Lucien Greaves in the</p> <p>7 matter of the Satanic Temple vs. The</p> <p>8 City of Belle Plaine, Minnesota. Will</p> <p>9 counsel please identify yourselves for</p> <p>10 the record?</p> <p>11 MR. KEZHAYA: Matt</p> <p>12 Kezhaya, TST.</p> <p>13 MR. MILLS: Monte Mills,</p> <p>14 for the City.</p> <p>15 THE VIDEOGRAPHER: Will</p> <p>16 the court reporter please swear the</p> <p>17 witness?</p> <p>18 COURT REPORTER: If you</p> <p>19 will raise your right hand for me. Do</p> <p>20 you solemnly swear that the testimony</p> <p>21 you're about to give will be the truth,</p> <p>22 the whole truth, and nothing but the</p> <p>23 truth?</p> <p>24 THE WITNESS: I do.</p> <p>25</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2</p> <p>3 Examination:</p> <p>4</p> <p>5 By Mr. Mills: 5</p> <p>6 By Mr. Kezhaya: 130</p> <p>7</p> <p>8 Exhibits:</p> <p>9</p> <p>10 23 \$1,000 Payment to Volpe 63</p> <p>11 24 \$2,600 Payment to Volpe 64</p> <p>12 25 Duplicate of Exhibit 24 66</p> <p>13 26 Invoice for \$2,600 from Volpe 67</p> <p>14 27 Payment to Volpe 68</p> <p>15 28 \$2,000 Payment to Unknown 69</p> <p>16 29 Duplicate of 28 73</p> <p>17 30 \$1,000 Payment to Andres 76</p> <p>18 31 Answers to Interrogatories 110</p> <p>19 32 Initial Disclosures 113</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (Whereupon, the deposition</p> <p>2 commenced at 9:05 a.m.)</p> <p>3</p> <p>4 Lucien Greaves,</p> <p>5 Called as a witness and having been</p> <p>6 first duly sworn, testifies as follows:</p> <p>7</p> <p>8 EXAMINATION</p> <p>9</p> <p>10 By Mr. Mills:</p> <p>11 Q Okay. Good morning, Mr. Greaves.</p> <p>12 A Good morning.</p> <p>13 Q During the deposition today, I'd ask</p> <p>14 that you give verbal responses rather</p> <p>15 than nods of the head or shaking of the</p> <p>16 head. And wait until I have finished</p> <p>17 asking questions before giving a verbal</p> <p>18 answer.</p> <p>19 A I understand.</p> <p>20 Q And you're here today to give testimony</p> <p>21 on behalf of the Satanic Temple?</p> <p>22 A Correct.</p> <p>23 Q I just want to define some terms. Do</p> <p>24 you understand that when I say 'the</p> <p>25 park', it means the Veteran's Memorial</p>

Page 6	<p>1 Park located in Belle Plaine,                  2 Minnesota, identified in Paragraph 27                  3 of the complaint?                  4 A I understand.                  5 Q And do you understand that when I say,                  6 'the permit', it means the Permit                  7 Number LPF17-02 approved by the City of                  8 Belle Plaine on March 29, 2017,                  9 identified in Paragraph 29 of the                  10 complaint and attached as Exhibit 2 to                  11 the complaint?                  12 A I understand.                  13 Q And do you understand that when I say,                  14 'the cube display', it means the                  15 display described as a black steel cube                  16 with embossed, inverted pentagrams and                  17 a helmet resting on top of the cube,                  18 identified in Paragraph 29 of the                  19 complaint --                  20 A I understand.                  21 Q -- as described in Exhibit 2?                  22 A Yes.                  23 Q Did the Satanic Temple think a permit                  24 was necessary in order to place the                  25 cube display in the park?</p>	Page 8	<p>1 A Ash was an employee of the Salem Art                  2 Gallery.                  3 Q Is the Salem Art Gallery affiliated                  4 with the Satanic Temple?                  5 A It's the gallery contained within                  6 Satanic Temple's headquarters.                  7 Q Is the Salem Art -- Art Gallery                  8 incorporated?                  9 A I think the Salem Art Gallery is an                  10 LLC.                  11 Q Who owns the Salem Art Gallery?                  12 A Malcolm and myself.                  13 Q Who are the directors of the Salem Art                  14 Gallery?                  15 A Me and Malcolm.                  16 Q When was the Salem Art Gallery                  17 established?                  18 A I don't remember. I think 2016.                  19 Q What is the National Counsel of the                  20 Satanic Temple?                  21 A It's a deliberative body we have to                  22 oversee the chapters we have around the                  23 world, to either approve any public                  24 face events they're going to do or --                  25 or not approve of them.</p>
Page 7	<p>1 A Yes.                  2 Q Why did the Satanic Temple think a                  3 permit was necessary in order to place                  4 the cube display in the park?                  5 A Because the displays were formally                  6 acknowledged by the City and allowed by                  7 the City.                  8 And they had a process by                  9 which they allowed for displays in the                  10 park. Receiving the -- the permit was                  11 part of that process.                  12 Q Why did the Satanic Temple want a                  13 permit to place the cube display in the                  14 park?                  15 A In order to be able to place the                  16 display in the park.                  17 Q Who are the directors of the Satanic                  18 Temple?                  19 A Myself and Malcolm Jarry.                  20 Q How many employees does the Satanic                  21 Temple have?                  22 A As for regular employees, I don't                  23 really think there are any.                  24 Q Was Ash Astaroth ever an employee of                  25 the Satanic Temple?</p>	Page 9	<p>1 Q Can the two directors of the Satanic                  2 Temple override decisions of the                  3 National Counsel?                  4 A Yes.                  5 Q What is Reason Alliance Limited?                  6 A Reason Alliance is a nonprofit we -- a                  7 nonprofit we run that has the stated                  8 mission of supporting the mission of                  9 the Satanic Temple.                  10 Q Is the Salem Art Gallery a nonprofit?                  11 A No.                  12 Q When was the Reason Alliance Limited                  13 started?                  14 A I -- I don't remember. 2016? 2017?                  15 Thereabouts.                  16 Q When was the Satanic Temple started?                  17 A Satanic Temple was founded in 2013.                  18 Q Who are the directors of Reason                  19 Alliance Limited?                  20 A Malcolm Jarry and I.                  21 Q So, Reason Alliance and the Satanic                  22 Temple have the same directors?                  23 A Correct.                  24 Q And do the Satanic Temple and Reason                  25 Alliance share the same building</p>

<p style="text-align: right;">Page 10</p> <p>1 headquarters?</p> <p>2 A Reason Alliance doesn't have a</p> <p>3 specified headquarters.</p> <p>4 Q Where is the Satanic Temple's</p> <p>5 headquarters?</p> <p>6 A 64 Bridge Street in Massachusetts.</p> <p>7 Salem.</p> <p>8 Q Does the Satanic Temple own the</p> <p>9 building at 64 Bridge Street?</p> <p>10 A Yes.</p> <p>11 Q And how long has the Satanic Temple</p> <p>12 owned that building?</p> <p>13 A I think we got that about 2016.</p> <p>14 MR. KEZHAYA: I'm going to</p> <p>15 interject. There's some feedback, at</p> <p>16 least on my end. I don't know if</p> <p>17 there's anything we can do to -- to --</p> <p>18 to mitigate that.</p> <p>19 THE WITNESS: Is it just</p> <p>20 when I speak?</p> <p>21 MR. KEZHAYA: I'm not --</p> <p>22 it's -- it's just when Monte's</p> <p>23 speaking. And I asked myself to make</p> <p>24 sure it wasn't me causing it. I think</p> <p>25 maybe someone needs to turn down their</p>	<p style="text-align: right;">Page 12</p> <p>1 where people come to visit the Satanic</p> <p>2 Temple headquarters and see</p> <p>3 exhibitions.</p> <p>4 MR. MILLS: I'd like to</p> <p>5 turn to Exhibit 2, please.</p> <p>6 THE WITNESS: I -- you</p> <p>7 know, since last time, I have actually</p> <p>8 forgotten how we do this. I'm -- I'm</p> <p>9 looking at it on the screen.</p> <p>10 MR. MILLS: Yes. We'll</p> <p>11 put it up on the screen. This is</p> <p>12 Exhibit 2.</p> <p>13 REPORTER'S NOTE: Whereupon,</p> <p>14 a discussion is conducted</p> <p>15 off the record.</p> <p>16 By Mr. Mills:</p> <p>17 Q So, looking at Exhibit 2 -- and this</p> <p>18 was also Exhibit 2 to the complaint.</p> <p>19 A Okay.</p> <p>20 Q I want to turn to Page 3 of the</p> <p>21 exhibit, please. And towards the top</p> <p>22 of this permit application, there's a</p> <p>23 line that says, "Applicant." Do you</p> <p>24 see that there?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 speaker volume.</p> <p>2 THE WITNESS: I'm not</p> <p>3 hearing it.</p> <p>4 REPORTER'S NOTE: Whereupon,</p> <p>5 a discussion is conducted</p> <p>6 off the record.</p> <p>7 By Mr. Mills:</p> <p>8 Q The Satanic Temple owns the building at</p> <p>9 64 Bridge Street; correct?</p> <p>10 A Correct. You -- you already asked</p> <p>11 since -- since what time, and I don't</p> <p>12 -- I don't -- I'm not -- I'm not</p> <p>13 certain.</p> <p>14 Q Does the Salem Art Gallery lease space</p> <p>15 from the Satanic Temple?</p> <p>16 A No. There's not finances -- like,</p> <p>17 rental finances being exchanged between</p> <p>18 the two.</p> <p>19 Q What is the -- the relationship, then,</p> <p>20 between the -- the gallery and the</p> <p>21 Satanic Temple?</p> <p>22 A Well, I'm not sure exactly how you</p> <p>23 would characterize it. The -- the</p> <p>24 gallery is -- resides within the</p> <p>25 Satanic Temple headquarters, and it's</p>	<p style="text-align: right;">Page 13</p> <p>1 Q And the applicant on this permit</p> <p>2 application is listed as Reason</p> <p>3 Alliance Limited; correct?</p> <p>4 A Correct.</p> <p>5 Q And below the applicant line, there's</p> <p>6 an address line. Do you see that</p> <p>7 there?</p> <p>8 A Yes.</p> <p>9 Q And the address for Reason Alliance</p> <p>10 Limited on this permit application is</p> <p>11 listed as, "C/O the Satanic Temple, 64</p> <p>12 Bridge Street, Salem, Massachusetts."</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q Why is Reason Alliance Limited listed</p> <p>16 as the applicant on the permit</p> <p>17 application?</p> <p>18 A I'm not sure.</p> <p>19 Q So, on behalf of the Satanic Temple,</p> <p>20 you don't know why Reason Alliance</p> <p>21 Limited is listed as the applicant on</p> <p>22 this permit application?</p> <p>23 A Yeah. That's -- that's correct.</p> <p>24 That's -- that's an entity we have</p> <p>25 that's -- is something we use.</p>

Page 14	<p>1 Q And when you say 'we', you're referring</p> <p>2 to the Satanic Temple?</p> <p>3 A I'm referring to Malcolm and I.</p> <p>4 Q And Malcolm and you are the directors</p> <p>5 of the Satanic Temple?</p> <p>6 A Correct.</p> <p>7 Q And you're also directors of Reason</p> <p>8 Alliance Limited?</p> <p>9 A Correct.</p> <p>10 Q Why is the address for the applicant,</p> <p>11 Reason Alliance Limited, on the permit</p> <p>12 application listed as, "C/O the Satanic</p> <p>13 Temple, 64 Bridge Street, Salem,</p> <p>14 Massachusetts?"</p> <p>15 A Well, it's a convenient place for us to</p> <p>16 get our mail.</p> <p>17 Q And when you say 'our mail', are you</p> <p>18 referring to the Reason Alliance</p> <p>19 Limited mail?</p> <p>20 A I'm referring to mail that's best</p> <p>21 opened by Malcolm or I.</p> <p>22 Q Who regularly checks the mail? Is it</p> <p>23 you, or Malcolm?</p> <p>24 A It's both of us.</p> <p>25 Q So, you review the mail together?</p>	Page 16	<p>1 Reason Alliance Limited as the</p> <p>2 applicant or whether it's the Satanic</p> <p>3 Temple as the applicant?</p> <p>4 A No, because we were clearly -- we were</p> <p>5 clearly sending our application on</p> <p>6 behalf of the Satanic Temple either</p> <p>7 way.</p> <p>8 MR. MILLS: I'd like to</p> <p>9 turn to Page 4 of the Exhibit 2,</p> <p>10 please.</p> <p>11</p> <p>12 By Mr. Mills:</p> <p>13 Q Mr. Greaves, do you see at -- at the</p> <p>14 top, there's what I'll call an</p> <p>15 affirmation paragraph. Do you see that</p> <p>16 there?</p> <p>17 A Yes.</p> <p>18 Q And then, there's an applicant</p> <p>19 signature. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Is this permit application signed by</p> <p>22 Douglas Mesner?</p> <p>23 A Correct.</p> <p>24 Q When Douglas Mesner signed the permit</p> <p>25 application, did he sign on behalf of</p>
Page 15	<p>1 A We don't necessarily review the mail</p> <p>2 together, but we're -- we both go there</p> <p>3 often enough and -- and look at the</p> <p>4 mail individually.</p> <p>5 Q So, referring again to this permit</p> <p>6 application, Exhibit 2, why was the</p> <p>7 Satanic Temple not listed as the</p> <p>8 applicant?</p> <p>9 A I really don't know.</p> <p>10 Q So, testifying today on behalf of the</p> <p>11 Satanic Temple, you do not know why the</p> <p>12 Satanic Temple is not listed as the</p> <p>13 applicant on this permit application?</p> <p>14 A I also don't know why the Satanic</p> <p>15 Temple would be listed as the applicant</p> <p>16 as opposed to Reason Alliance. So, it</p> <p>17 really makes no -- no difference to me.</p> <p>18 Q Why does it make no difference to</p> <p>19 you?</p> <p>20 A Because Reason Alliance has the stated</p> <p>21 mission of supporting projects of the</p> <p>22 Satanic Temple. It may as well be</p> <p>23 Reason Alliance or the Satanic Temple.</p> <p>24 Q So, if I am understanding you, it makes</p> <p>25 no difference whether the entity is</p>	Page 17	<p>1 Reason Alliance Limited or the Satanic</p> <p>2 Temple?</p> <p>3 A I think he signed on behalf of the</p> <p>4 permit application.</p> <p>5 Q He signed on behalf of the permit?</p> <p>6 That's not my question.</p> <p>7 My question is, when he</p> <p>8 signed the permit application, did he</p> <p>9 sign the application on behalf of</p> <p>10 Reason Alliance Limited or the Satanic</p> <p>11 Temple.</p> <p>12 A I think he was just signing the permit</p> <p>13 application without making those</p> <p>14 distinctions in his mind.</p> <p>15 Q So, in his mind, there's no distinction</p> <p>16 between Reason Alliance Limited or the</p> <p>17 Satanic Temple?</p> <p>18 A I think there was just a permit</p> <p>19 application.</p> <p>20 Q And the applicant was Reason Alliance</p> <p>21 Limited; correct?</p> <p>22 A Yes, on behalf of the Satanic Temple.</p> <p>23 Q So, when Douglas Mesner signed the</p> <p>24 permit application, did he sign on</p> <p>25 behalf of both Reason Alliance Limited</p>

Page 18	<p>1 and the Satanic Temple?</p> <p>2 A He signed the permit application to</p> <p>3 have the monument put in Belle Plaine.</p> <p>4 Q I'm just trying to figure out who he</p> <p>5 signed the permit application on behalf</p> <p>6 of?</p> <p>7 A I guess that depends on how you read</p> <p>8 the application itself.</p> <p>9 Q Right. And I am asking you, on behalf</p> <p>10 of the -- the -- you're testifying on</p> <p>11 behalf of the Satanic Temple -- what</p> <p>12 your understanding is of the</p> <p>13 application?</p> <p>14 A My understanding, as I sit here today,</p> <p>15 looking at this now, is that the</p> <p>16 signature applies for Reason Alliance</p> <p>17 on behalf of the Satanic Temple.</p> <p>18 Q So, if I'm following you -- I just want</p> <p>19 to make sure I'm understanding it.</p> <p>20 Douglas Mesner signed the permit on</p> <p>21 behalf of Reason Alliance Limited, who</p> <p>22 was applying on behalf of the Satanic</p> <p>23 Temple?</p> <p>24 A Correct.</p> <p>25 Q And so, when the affirmation says, "I</p>	Page 20	<p>1 Q And it says that, "The City of Belle</p> <p>2 Plaine has approved your request for a</p> <p>3 permit," and so on; is that right?</p> <p>4 A Correct.</p> <p>5 Q And the City addressed this permit</p> <p>6 approval letter to Reason Alliance</p> <p>7 Limited, C/O the Satanic Temple, 64</p> <p>8 Bridge Street, Salem, Massachusetts;</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q And that address that the City used was</p> <p>12 consistent with the applicant and</p> <p>13 address listed in the permit</p> <p>14 application; correct?</p> <p>15 A Correct.</p> <p>16 Q Is it true that...</p> <p>17 MR. MILLS: I think we're</p> <p>18 finished with that exhibit for now.</p> <p>19 Thanks, Katy.</p> <p>20</p> <p>21 By Mr. Mills:</p> <p>22 Q Is it true that the Satanic Temple</p> <p>23 charges admission for entry into the</p> <p>24 gallery at the headquarters?</p> <p>25 A Correct.</p>
Page 19	<p>1 will comply with limited public forum</p> <p>2 policy," Douglas Mesner is saying that</p> <p>3 on behalf of Reason Alliance Limited,</p> <p>4 on behalf of the Satanic Temple?</p> <p>5 A Sure. Yes.</p> <p>6 Q Is Douglas Mesner signing this</p> <p>7 affirmation on his own behalf?</p> <p>8 A He's -- he's signing on behalf of</p> <p>9 parties -- he's signing on behalf of</p> <p>10 both.</p> <p>11 I -- I mean, it's -- it's</p> <p>12 in -- it's in the document itself. I'm</p> <p>13 -- I'm not sure exactly what you're</p> <p>14 looking for here.</p> <p>15 Q Okay. In any event, let's go to the</p> <p>16 first page of Exhibit 2. The City</p> <p>17 approved the application for a permit;</p> <p>18 correct?</p> <p>19 A Correct.</p> <p>20 Q And the first page of Exhibit 2 is the</p> <p>21 approval letter from the City; correct?</p> <p>22 A Correct.</p> <p>23 Q And this letter is addressed to a Mr.</p> <p>24 Mesner; correct?</p> <p>25 A Correct.</p>	Page 21	<p>1 Q And how much does the Satanic Temple</p> <p>2 charge for admission?</p> <p>3 A 12 dollars per general public. Five</p> <p>4 dollars for card-carrying members of</p> <p>5 the Satanic Temple.</p> <p>6 Q What is the total amount of</p> <p>7 administration fees collected from</p> <p>8 persons entering the gallery and</p> <p>9 viewing the cube display from July 2017</p> <p>10 to the present date?</p> <p>11 A Let's see... \$1,600 for card-carrying</p> <p>12 members. \$180,400 for all others.</p> <p>13 Q How many people paid to enter the</p> <p>14 gallery from July of 2017 to the</p> <p>15 present date?</p> <p>16 A Let's see... I don't have a number for</p> <p>17 that.</p> <p>18 Q What documents did you review to</p> <p>19 determine those dollar figures?</p> <p>20 A I didn't -- I consulted with Malcolm.</p> <p>21 Q And did he review documents to</p> <p>22 determine those dollar figures?</p> <p>23 A Yes.</p> <p>24 Q Do you know what documents he consulted</p> <p>25 --</p>

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1 I can send you the link to this. Do  
 2 you want me to e-mail it to you?  
 3 THE WITNESS: Yeah. You  
 4 found it?  
 5 MR. KEZHAYA: Yeah. Yeah.  
 6 MR. MILLS: I'm not seeing  
 7 it yet.  
 8 MR. KEZHAYA: It usually  
 9 takes a few minutes to get across the  
 10 internet.  
 11 THE WITNESS: Okay.  
 12 MR. KEZHAYA: If you -- if  
 13 you just search the Satanic Temple  
 14 veteran's -- veteran's monument, it  
 15 will get you there.  
 16 THE WITNESS: I've got it  
 17 now. I don't know why it didn't show  
 18 up before.  
 19 Okay. Yes. Now, I've got  
 20 it. This is the one. We were crowd  
 21 funding for 19,500 dollars and ended up  
 22 raising \$12,673.  
 23  
 24 By Mr. Mills:  
 25 Q All right. And how is the fund-raising

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1 described on the document you're  
 2 looking at?  
 3 A Just with the title of, "The Satanic  
 4 Temple Veteran's Monument."  
 5 Q And with the -- the document you were  
 6 looking at previously, you said -- what  
 7 was that one referring to?  
 8 A That was -- that was in reference to  
 9 our Baphomet monument for Oklahoma.  
 10 Q So, that was a different fund-raising  
 11 effort?  
 12 A Yeah. I just -- I -- I typed in -- I  
 13 typed in a search term that I thought  
 14 would only yield this Belle Plaine  
 15 monument. And -- and didn't realize I  
 16 had come up with a different one.  
 17 Q And what document are you looking at  
 18 when you're determining these total  
 19 fund-raising efforts?  
 20 A Looking at the site Indiegogo, which is  
 21 a third party fund-raising site where  
 22 we had done the fund-raising.  
 23 And they keep -- after the  
 24 fund-raising campaigns are closed out,  
 25 they still keep a -- a record publicly

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1 online that shows how much you were  
 2 fund-raising for and how much it  
 3 earned.  
 4 Q How do you spell -- I think you said  
 5 Indiegogo? Could you please spell  
 6 that?  
 7 A I-N-D-I-E-G-O-G-O. And it's  
 8 Indiegogo.com.  
 9 Q And did the -- the fund-raising  
 10 communication describe the cube  
 11 display?  
 12 A It does.  
 13 Q And what does it say about the cube  
 14 display?  
 15 A It says, "The Satanic veteran's  
 16 monument, a black steel cube adorned  
 17 with a golden inverted pentagram and  
 18 adorned on the top with an empty  
 19 soldier's helmet is expected to be  
 20 installed on the park grounds within  
 21 the next couple of months.  
 22 The helmet, according to  
 23 the monument's designer, Chris Andres,  
 24 can act as a bowl where remembrances  
 25 and messages to the fallen may be

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1 placed in their honor."  
 2 Q And when was the fund-raising campaign  
 3 started?  
 4 A I don't see an initiation date listed  
 5 here for this campaign. There are  
 6 update dates, the first update being  
 7 May 31st, 2017.  
 8 Q What does an update mean?  
 9 A There were update messages to  
 10 contributors to let them know facts  
 11 about the campaign or how the campaign  
 12 is doing.  
 13 Q What was the update message on May?  
 14 (Breaking up.)  
 15 A That, "We are beginning to process  
 16 incentive rewards. Please check your  
 17 e-mail. You're expected (breaking up)  
 18 dog tags, as we need to know your name  
 19 or what name you would like displayed  
 20 on them. Thank you for your support."  
 21 Q And -- and what does -- what does that  
 22 mean?  
 23 A In order to help incentivize donations  
 24 to a project, you can offer -- offer  
 25 the -- you can offer incentive awards

<p style="text-align: right;">Page 30</p> <p>1 for certain donation brackets.                  2 And as part of this, one                  3 of the incentives was personalized dog                  4 tags to commemorate the campaign to                  5 certain donors. And that was what that                  6 was in reference to.                  7 Q And how much would a donor have to                  8 contribute in order to receive the                  9 incentive?                  10 A 150 dollars.                  11 Q And when did the -- the fund-raising                  12 effort end?                  13 A Over three years ago. Sometime in the                  14 summer of 2017.                  15 Q Were there other fund-raising updates                  16 similar to the one on May 31, 2017?                  17 A There were two other updates. One on                  18 May 31st and another on July 3rd.                  19 Q What was the July 3rd update?                  20 A The July 3rd update said, "Hello.                  21 Thank you, everyone, for your                  22 contributions. If you are still                  23 waiting on items such as dog tags, they                  24 will be mailed out/arriving shortly, as                  25 we have now received them from the</p>	<p style="text-align: right;">Page 32</p> <p>1 complaint that the City violated their                  2 promise and breached their contractual                  3 agreement with Plaintiff by passing the                  4 decision resolution that prohibited                  5 Plaintiff from installing its display                  6 in a limited public forum?                  7 A Well, I mean, we took their approval                  8 and permit as a promise that we would                  9 be allowed to install our display. And                  10 then, they rescinded that.                  11 Q And is it that resolution that                  12 eliminated the public forum -- is that                  13 what you refer to as 'the recision'?                  14 A Correct.                  15 MR. MILLS: Katy, would                  16 you please pull up Exhibit 5?                  17                  18 By Mr. Mills:                  19 Q This Resolution 17-090 -- this is the                  20 recision you were referring to?                  21 A Correct.                  22 Q And turning back to Exhibit 2 -- I want                  23 to go to Page 4. Just want to confirm                  24 that, in the application, the applicant                  25 agreed to comply with the Belle Plaine</p>
<p style="text-align: right;">Page 31</p> <p>1 manufacturer.                  2 Most should be on their                  3 way now with the tracking number sent                  4 to the e-mail you provided. Again,                  5 thank you very much."                  6 Q And does it indicate how much had been                  7 raised by July 3, 2017?                  8 A Assuming that then, it was all closed                  9 out, which I believe it was, the final                  10 total listed is \$12,673.                  11 Q Going to start on a new topic here.                  12 What is the factual basis                  13 for the allegation in Paragraph 107 of                  14 the complaint that the City made a                  15 clear and definite promise to Plaintiff                  16 in issuing TST permit to erect a                  17 display that honors veterans in a                  18 limited public forum?                  19 A Well, we took the -- the permit to be                  20 that promise.                  21 Q Is there anything other than the                  22 permit?                  23 A I do not believe so.                  24 Q And what is the factual basis for the                  25 allegation in Paragraph 110 of the</p>	<p style="text-align: right;">Page 33</p> <p>1 limited public forum policy; correct?                  2 A Correct.                  3 Q And in signing this affirmation here,                  4 Douglas Mesner also agreed on behalf of                  5 the applicant to indemnify the City                  6 against any and all claims, demands, or                  7 liabilities arising from the issuance                  8 of the permit; correct?                  9 A Correct.                  10 MR. MILLS: I'd like to                  11 turn to Exhibit 4, please.                  12                  13 By Mr. Mills:                  14 Q Do you recognize this as the                  15 certificate of liability insurance?                  16 A Yes.                  17 Q And on the certificate of liability                  18 insurance, the Satanic Temple is not                  19 listed as the insured; correct?                  20 A Correct.                  21 Q Why is Reason Alliance Limited listed                  22 as the insured on the certificate of                  23 liability insurance?                  24 A Because -- because Reason Alliance was                  25 used on behalf of the Satanic Temple.</p>



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1 question, right before the break.  
 2 COURT REPORTER: Okay.  
 3 REPORTER'S NOTE: Whereupon,  
 4 the requested portion was  
 5 read back.  
 6 By Mr. Mills:  
 7 Q Mr. Greaves, I'd like you to answer  
 8 that question now that the technology  
 9 has been resolved.  
 10 A I'm sorry. Could you repeat the  
 11 question?  
 12 COURT REPORTER: Do you  
 13 want me to do it, Monte?  
 14 MR. MILLS: Please. I'd  
 15 appreciate that. Thank you.  
 16 COURT REPORTER: Yeah.  
 17 You bet.  
 18 REPORTER'S NOTE: Whereupon,  
 19 the requested portion was  
 20 read back.  
 21 THE WITNESS: I believe it  
 22 is.  
 23 MR. MILLS: Okay.  
 24 By Mr. Mills:  
 25 Q So, how much did the insurance cost?

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1 A I believed it would be on the document  
 2 we looked at. It still may be. If  
 3 it's not, I do not know.  
 4 Q Would you please review the document  
 5 again? Or let me ask this: Did you  
 6 review the document in preparation for  
 7 this deposition to determine whether  
 8 the cost is on the document?  
 9 A No. I assumed it would be on the  
 10 document. I don't know where else it  
 11 would be.  
 12 Q So, if you can't find it, is it not  
 13 part of your -- the Satanic Temple's  
 14 damages claim?  
 15 A If I can't find it, I can't find it.  
 16 It might still very well be in the  
 17 damages claim.  
 18 Q And did you prepare to answer questions  
 19 about the damages claim in anticipation  
 20 of this deposition?  
 21 A Yes. Again, I thought the amount was  
 22 on that document.  
 23 Q Have you reviewed the document to  
 24 determine whether or not the amount --  
 25 MR. KEZHAYA: -- you want

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1 to move on? Or we're shutting this  
 2 down. I'm sick of hearing the same  
 3 questions and answers over and over  
 4 again.  
 5 MR. MILLS: Well, it's  
 6 obvious this witness wasn't prepared to  
 7 answer questions.  
 8 MR. KEZHAYA: Yeah? Well,  
 9 your cost question wasn't specifically  
 10 a line item from 30(b)(6). You can  
 11 take it up with the judge, or you can  
 12 raise different issues, but I'm sick of  
 13 hearing the same loop.  
 14 MR. MILLS: Damages were  
 15 absolutely on 30(b)(6).  
 16 MR. KEZHAYA: Yeah. Well,  
 17 let me -- let me just cut to the chase  
 18 here. We're not claiming insurance as  
 19 damages. So, let's just keep it  
 20 rolling.  
 21 MR. MILLS: And you know  
 22 what? If I would have received that  
 23 simple answer from your witness, or you  
 24 could have interjected at any time, we  
 25 could have shortened this up, couldn't

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1 we?  
 2 MR. KEZHAYA: We could  
 3 have.  
 4 MR. MILLS: Thank you. I  
 5 appreciate that. Let's move to Exhibit  
 6 5, please.  
 7  
 8 By Mr. Mills:  
 9 Q And on Page 2 of Exhibit 5, I wanted to  
 10 confirm that the City of Belle Plaine  
 11 provided a check in the amount of 100  
 12 dollars to totally reimburse the permit  
 13 application fee; correct?  
 14 A Correct.  
 15 MR. MILLS: I'd like to  
 16 turn to Exhibit 14, please.  
 17 THE WITNESS: We -- we  
 18 never deposited that check.  
 19  
 20 By Mr. Mills:  
 21 Q But the City of Belle Plaine provided  
 22 the check?  
 23 A Sure, but we didn't agree that it  
 24 compensated anything. So, we didn't  
 25 deposit it.

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1 Q What was the Satanic Temple's  
 2 understanding of the statement, "We'd  
 3 like to commission constructions of the  
 4 veteran's memorial, regardless of  
 5 whichever way the Minnesota vote goes"?

6 A I believe we needed to begin  
 7 construction on the assumption that  
 8 they were not going to vote to shut  
 9 down the forum, because if we were  
 10 assuming that they would, we would not  
 11 have the monument in a timely manner to  
 12 install it when it was -- when it was  
 13 necessary.

14 Q This e-mail is dated February 21, 2017.  
 15 Had the limited public forum been  
 16 established?

17 A Yes.

18 Q When was it established?

19 A I -- I do not recall.

20 Q When this e-mail was sent, did the  
 21 Satanic Temple know whether or not the  
 22 limited public forum had been  
 23 established?

24 A My understanding is that there was a  
 25 limited public forum, because we did

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1 not begin discussion about creating a  
 2 monument until they had created a  
 3 limited public forum.

4 MR. MILLS: Let's click to  
 5 Exhibit 1, please.

6

7 By Mr. Mills:

8 Q Do you see the -- Exhibit 1 is the  
 9 Resolution Number 17-020?

10 A Correct.

11 Q And this is the resolution establishing  
 12 of policy regarding a limited public  
 13 forum in the park?

14 A Correct.

15 Q And if you turn to the third page of  
 16 this, do you see it was passed on  
 17 February 21, 2017?

18 A Yes. Now I am seeing that. Yes, I see  
 19 that.

20 Q So, going back to the e-mail, Exhibit  
 21 6, then this e-mail was sent on  
 22 February 21, 2017.

23 Did the Satanic Temple  
 24 know which way the Minnesota vote had  
 25 gone on the limited public forum

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1 policy?

2 A I -- I don't recall waiting for a vote  
 3 upon the establishment of a limited  
 4 public forum.

5 My recollection is that we  
 6 began discussions after limited public  
 7 forum is -- was established.

8 Q Yet this e-mail says, "Regardless of  
 9 whichever way the Minnesota vote goes."  
 10 Do you see that?

11 A Correct.

12 Q And so, it -- the Satanic Temple was  
 13 interested in commissioning  
 14 construction of the cube display  
 15 regardless of how the vote went on  
 16 establishing limited public forum?

17 A My recollection is that the -- the  
 18 limited public forum was established  
 19 before we began talks about the -- the  
 20 construction of the monument.

21 Q Do you know whether the Satanic Temple  
 22 knew how the Minnesota vote had turned  
 23 out when this e-mail was sent on  
 24 February 21, 2017?

25 A No. I do not recall the specifics of

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1 these e-mails.

2 Q But this e-mail is sent to Chris  
 3 Andres; correct?

4 A Correct.

5 Q And what is his role?

6 A He would be the artist who created the  
 7 design of the -- of the memorial.

8 Q And here, you have the Satanic Temple  
 9 asking to commission construction of  
 10 the memorial, regardless of whichever  
 11 way the Minnesota vote goes; correct?

12 A Yes. But Chris Andres would not be  
 13 constructing the memorial anyways. So,  
 14 what we would really be asking for is a  
 15 -- is a design.

16 Q Why was the Satanic Temple interested  
 17 in commissioning construction of the  
 18 cube display regardless of how the city  
 19 council's vote turned out on February  
 20 21, 2017?

21 A Well, I believe we were up against a --  
 22 a timeline in which we could only  
 23 assume that the limited public forum  
 24 would be operative, or we would miss  
 25 our opportunity to create our monument.

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1 MR. MILLS: I want to turn  
 2 to the second page of this exhibit,  
 3 Exhibit 6.  
 4  
 5 By Mr. Mills:  
 6 Q Do you see the e-mail dated February  
 7 22nd, 2017 at 12:46 p.m.?  
 8 A Yes.  
 9 Q Is this from one director of the  
 10 Satanic Temple to another director of  
 11 the Satanic Temple?  
 12 A It appears to be. The second name is  
 13 redacted.  
 14 Q What was the Satanic Temple's  
 15 understanding of the statement, "I  
 16 thought you just wanted to make  
 17 miniatures"?"  
 18 A For some reason, Malcolm apparently  
 19 thought we were going to make  
 20 miniatures of this monument. I don't  
 21 believe that we ever were, but we never  
 22 did.  
 23 Q And at 12:52 p.m., the response says,  
 24 "Maybe. Let's see what his estimate  
 25 is." Do you see that there?

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1 A Correct.  
 2 Q And at the time of these e-mails, the  
 3 Satanic Temple did not yet know the  
 4 results of the February 21, 2017  
 5 meeting of the city council of Belle  
 6 Plaine; correct?  
 7 A Well, let me point out that when it  
 8 says, "Maybe. Let's see what the  
 9 estimate is." I think that's clearly  
 10 in regards to the prior comment about  
 11 the building of the statue itself going  
 12 to be thousands of dollars.  
 13 And I believe that if  
 14 there was a vote on February 21st, that  
 15 we would have known the results of it  
 16 by the 22nd.  
 17 Q Well, let's look at that e-mail dated  
 18 12:52, or time-stamped 12:52 p.m. on  
 19 February 22nd, 2017. Do you see that  
 20 there?  
 21 A Yes.  
 22 Q Does the e-mail say, "Still don't know  
 23 the (breaking up).  
 24 REPORTER'S NOTE: Whereupon,  
 25 a discussion is conducted  
 off the record.

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1 By Mr. Mills:  
 2 Q This e-mail dated 12:52 p.m. on  
 3 February 22nd, 2017 says, "Still don't  
 4 know the results of last night's  
 5 meeting in Belle Plaine." Correct?  
 6 A Correct. I see that now.  
 7 Q So, at this time, the Satanic Temple  
 8 did not know the results of the  
 9 February 21st, 2017 meeting in the City  
 10 of Belle Plaine; correct?  
 11 A Apparently so. So, we were going ahead  
 12 and getting estimates.  
 13 MR. MILLS: I'd like to  
 14 turn to Exhibit 9, please.  
 15  
 16 By Mr. Mills:  
 17 Q Exhibit 9 is a document, Bates number  
 18 PLF000124. Do you see the document on  
 19 the screen there?  
 20 A I do.  
 21 Q And at the bottom, it says, "From  
 22 Spectacle Films, Inc." Is that  
 23 correct?  
 24 A Correct.  
 25 Q What is the Satanic Temple's

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1 relationship with Spectacle Films,  
 2 Inc.?  
 3 A That's an entity that belongs to  
 4 Malcolm Jarry.  
 5 Q Does the Satanic Temple have a  
 6 relationship with Spectacle Films?  
 7 A No.  
 8 Q Why is this invoice sent to Reason  
 9 Alliance slash TST?  
 10 A It was a fee for services.  
 11 Q And what are the services?  
 12 A The services related to the  
 13 facilitation of construction of the  
 14 veteran's memorial monument.  
 15 Q And who did the work that's set forth  
 16 in this invoice?  
 17 A I believe that was me.  
 18 Q So, Lucien Greaves did the -- the work  
 19 itemizing this invoice?  
 20 A Correct. Yeah.  
 21 Q And this invoice is dated April 2,  
 22 2017?  
 23 A Yes.  
 24 Q What is the hourly rate for those  
 25 services?

<p style="text-align: right;">Page 62</p> <p>1 mild steel?</p> <p>2 A Correct.</p> <p>3 Q And did he have another estimate for</p> <p>4 AR500 steel?</p> <p>5 A Correct.</p> <p>6 Q And what was that estimate?</p> <p>7 A Roughly \$3,500.</p> <p>8 Q And...</p> <p>9 MR. MILLS: Turning to</p> <p>10 Page 2 of Exhibit 10, please.</p> <p>11</p> <p>12 By Mr. Mills:</p> <p>13 Q Does the Satanic Temple understand that</p> <p>14 this provides specs for the cube</p> <p>15 display?</p> <p>16 A Correct.</p> <p>17 Q And those specs include plate steel,</p> <p>18 aluminum black in color with an</p> <p>19 irregular textured surface?</p> <p>20 A Correct.</p> <p>21 Q And it mentions a military helmet cast</p> <p>22 in steel aluminum?</p> <p>23 A That is correct.</p> <p>24 Q And it says, "Each side needs an etched</p> <p>25 inverted pentagram"?</p>	<p style="text-align: right;">Page 64</p> <p>1 understanding of this document?</p> <p>2 A That it was a payment of 1,000 dollars</p> <p>3 to Adam Volpe.</p> <p>4 Q And who was the -- Adam Volpe?</p> <p>5 A I'm not sure of the proper term.</p> <p>6 Fabricator? Steelworker?</p> <p>7 Q He was the one who constructed the cube</p> <p>8 display?</p> <p>9 A Correct.</p> <p>10 MR. MILLS: Go to Exhibit</p> <p>11 24, please. I'm sorry. I forgot.</p> <p>12</p> <p>13 By Mr. Mills:</p> <p>14 Q On 23, was -- did the Satanic Temple</p> <p>15 pay that thousand dollars to Adam</p> <p>16 Volpe?</p> <p>17 A This -- this document doesn't specify,</p> <p>18 but I -- I assume so.</p> <p>19 MR. MILLS: Turn to</p> <p>20 Exhibit 24, please.</p> <p>21 REPORTER'S NOTE: Whereupon,</p> <p>22 Deposition Exhibit Number 24</p> <p>23 was marked for</p> <p>24 identification.</p> <p>25</p> <p>24 By Mr. Mills:</p> <p>25 Q What is the Satanic Temple's</p>
<p style="text-align: right;">Page 63</p> <p>1 A Correct.</p> <p>2 Q And at the bottom of this e-mail, it</p> <p>3 says, "We expect it to be a vandal</p> <p>4 target." Do you see that there?</p> <p>5 A Yes.</p> <p>6 Q Why did the Satanic Temple expect it to</p> <p>7 be a vandal target?</p> <p>8 A Because it was no doubt going to be</p> <p>9 controversial, and it was going to be</p> <p>10 out on public grounds.</p> <p>11 Q Looking at this list of specs for the</p> <p>12 cube display, it does not mention any</p> <p>13 plaque to honor veterans, does it?</p> <p>14 A It does not.</p> <p>15 MR. MILLS: If you turn to</p> <p>16 Exhibit 23, please.</p> <p>17 REPORTER'S NOTE: Whereupon,</p> <p>18 Deposition Exhibit Number 23</p> <p>19 was marked for</p> <p>20 identification.</p> <p>21</p> <p>22 By Mr. Mills:</p> <p>23 Q Showing you Exhibit 23 on the screen.</p> <p>24 It's Bates number PLF000008. Do you</p> <p>25 see this document?</p> <p>26 A Yes.</p> <p>27 Q What is the Satanic Temple's</p>	<p style="text-align: right;">Page 65</p> <p>1 understanding of this Exhibit 24?</p> <p>2 A That this was also a payment to Adam</p> <p>3 Volpe for his work on construction of</p> <p>4 the monument.</p> <p>5 Q And when you say 'the monument', is</p> <p>6 that the cube display we've been</p> <p>7 talking about today?</p> <p>8 A Correct.</p> <p>9 Q So, when -- when it -- this document</p> <p>10 says -- in the middle there, it says,</p> <p>11 "Baphometric bowl of wisdom monument,"</p> <p>12 does that refer to the cube display?</p> <p>13 A Correct.</p> <p>14 Q And who paid the 2,600 dollars to Adam</p> <p>15 Volpe?</p> <p>16 A The document does not specify, but that</p> <p>17 was for his services rendered in</p> <p>18 creating the monument for the Satanic</p> <p>19 Temple.</p> <p>20 Q And this transaction is dated July 21,</p> <p>21 2017; is that correct?</p> <p>22 A Correct. Yes.</p> <p>23 Q Does the Satanic Temple know whether it</p> <p>24 paid the 2,600 dollars to Adam Volpe?</p> <p>25 A It is my understanding that the Satanic</p>

<p style="text-align: right;">Page 66</p> <p>1 Temple did.</p> <p>2 MR. MILLS: Let's turn to</p> <p>3 Exhibit 25, please.</p> <p>4 REPORTER'S NOTE: Whereupon,</p> <p>5 Deposition Exhibit Number 25</p> <p>6 was marked for</p> <p>7 identification.</p> <p>8</p> <p>9 By Mr. Mills:</p> <p>10 Q And -- and -- maybe there's a way to --</p> <p>11 if you can look at both of these,</p> <p>12 Exhibit 25 and 24. My question is, are</p> <p>13 these duplicates of the same document?</p> <p>14 A So, there's this one for \$2,600. And</p> <p>15 then, I guess -- let's go to the other</p> <p>16 one. As I'm sitting here now, it</p> <p>17 appears that way.</p> <p>18 Q Does it appear that they both have the</p> <p>19 same transaction ID number in the upper</p> <p>20 right-hand corner? Do you see that?</p> <p>21 A I see -- I see this one. What's the</p> <p>22 other one? Yeah. Okay. Yes.</p> <p>23 Q So, Exhibit 24 and Exhibit 25 are --</p> <p>24 are -- are duplicates?</p> <p>25 A They appear to represent the same</p> <p>26 payment.</p> <p>27 MR. MILLS: Turn to</p>	<p style="text-align: right;">Page 68</p> <p>1 Q What is the Satanic Temple's</p> <p>2 understanding of the -- the note</p> <p>3 referring to adding the 100 dollars for</p> <p>4 the plaque recreation with updated</p> <p>5 language?</p> <p>6 A I do not recall what would have been</p> <p>7 meant by 'recreation', and I'm vaguely</p> <p>8 aware of updated language. I -- I</p> <p>9 remember there was discussion about</p> <p>10 what exactly the language should be on</p> <p>11 the plaque that would be placed on the</p> <p>12 monument.</p> <p>13 But the 100 dollars is for</p> <p>14 that plaque on the display dedicating</p> <p>15 it to Belle Plaine's veterans.</p> <p>16 Q And that -- that 100 dollar addition,</p> <p>17 was that because the original specs for</p> <p>18 the cube display did not include it?</p> <p>19 A I just believe that the -- the plaque</p> <p>20 was a separate item.</p> <p>21 MR. MILLS: Let's turn to</p> <p>22 Exhibit 27, please.</p> <p>23 REPORTER'S NOTE: Whereupon,</p> <p>24 Deposition Exhibit Number 27</p> <p>25 was marked for</p> <p>26 identification.</p>
<p style="text-align: right;">Page 67</p> <p>1 Exhibit 26, please.</p> <p>2 REPORTER'S NOTE: Whereupon,</p> <p>3 Deposition Exhibit Number 26</p> <p>4 was marked for</p> <p>5 identification.</p> <p>6</p> <p>7 By Mr. Mills:</p> <p>8 Q What is the Satanic Temple's</p> <p>9 understanding of this document?</p> <p>10 A That this was the invoice Adam Volpe</p> <p>11 sent for receipt of that 2,600 dollars.</p> <p>12 Q And turning to the second page of this</p> <p>13 Exhibit 26, do you see the -- the note</p> <p>14 from Adam Volpe at the top?</p> <p>15 A Yes.</p> <p>16 Q What does the note say?</p> <p>17 A It says, "Hello. The original price</p> <p>18 was 3,500 dollars. I have added 100</p> <p>19 dollars for the plaque recreation with</p> <p>20 updated language.</p> <p>21 You have already prepaid</p> <p>22 1,000 dollars up front. So, that</p> <p>23 leaves a balance of 2,600 dollars.</p> <p>24 Hope that makes sense. Thanks, Adam."</p> <p>25 Q And is this note referring to the cube</p> <p>26 display?</p> <p>27 A Correct.</p>	<p style="text-align: right;">Page 69</p> <p>1 By Mr. Mills:</p> <p>2 Q Exhibit 27 -- it's a two-page exhibit.</p> <p>3 The first page is Bates number</p> <p>4 PLF000115. What is the Satanic</p> <p>5 Temple's understanding of this</p> <p>6 document?</p> <p>7 A That this is also regarding the payment</p> <p>8 -- Adam Volpe for the creation -- or</p> <p>9 the completion of the display.</p> <p>10 Q Do you see in the 'to' line, there's an</p> <p>11 e-mail address. That's</p> <p>12 info@TheSatanicTemple.com. Do you see</p> <p>13 that there?</p> <p>14 A Yes.</p> <p>15 Q And who controls that e-mail address?</p> <p>16 A Primarily Malcolm. I -- I can access</p> <p>17 it, but generally, he's the one who</p> <p>18 checks it.</p> <p>19 Q Does this document explain who paid the</p> <p>20 2,600 dollars to Adam Volpe?</p> <p>21 A Yeah. The Satanic Temple.</p> <p>22 MR. MILLS: Turn to</p> <p>23 Exhibit 28, please.</p> <p>24 REPORTER'S NOTE: Whereupon,</p> <p>25 Deposition Exhibit Number 28</p> <p>26 was marked for</p> <p>27 identification.</p>

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1           Maybe you could look at  
 2           them both at the same time. Or we can  
 3           -- I don't know if we could put them on  
 4           the screen back and forth. There's  
 5           Exhibit 28 on the screen right now.  
 6 A       The transaction ID is cut off. But I'm  
 7           not sure if it's the same. It could  
 8           be. Okay. Okay. Those are the same  
 9           transaction IDs. These are the same  
 10          document.  
 11 Q       I think we just flipped to 29 now. I  
 12          think that was 28 you're looking at.  
 13          Now it's 21.  
 14 A       Okay. Okay. Okay. So, those are two  
 15          separate payments for 2,000 dollars.  
 16 Q       So, Exhibit 29 is not a duplicate of  
 17          Exhibit 28?  
 18 A       Correct.  
 19 Q       What is the Satanic Temple's  
 20          understanding of this transaction?  
 21 A       It -- that it's another 2,000 dollar  
 22          payment.  
 23 Q       And who paid the 2,000 dollars?  
 24 A       The Satanic Temple.  
 25 Q       And who was the 2,000 dollar payment

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1           sent to?  
 2 A       I'm assuming it would be to Chris  
 3           Andres, because -- because Chris Andres  
 4           was paid a total of 4,000 dollars.  
 5 Q       And the Satanic Temple also paid 4,000  
 6          dollars to Lucien Greaves?  
 7 A       I -- I don't believe it did.  
 8           MR. MILLS: If we could  
 9           turn back to Exhibit 9, please?  
 10  
 11          By Mr. Mills:  
 12 Q       I understood the Satanic Temple paid  
 13          Lucien Greaves 4,000 dollars when we  
 14          discussed this document. Did I  
 15          misunderstand your testimony about  
 16          that?  
 17 A       I believe that was paid to the name of  
 18          Doug Mesner.  
 19 Q       So, the Exhibit 9 -- the 4,000 dollar  
 20          fee for services -- I just want to make  
 21          sure we're clear on this. The Satanic  
 22          Temple paid that to Doug Mesner?  
 23 A       I'm not sure. It doesn't matter either  
 24          way. It was -- it was a 4,000 dollar  
 25          payment to -- to me.

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1 Q       And then, when we were looking at  
 2          Exhibit 28 and 29, you testified that  
 3          -- I want to make sure I'm clear on  
 4          your testimony. The Satanic Temple  
 5          paid 4,000 dollars to Chris Andres?  
 6 A       Correct.  
 7 Q       And that's what these invoices reflect?  
 8 A       I assume so, because I don't know what  
 9          else they would be for, given the  
 10          associated costs.  
 11 Q       Did the Satanic Temple make two  
 12          separate 4,000 dollar payments to each,  
 13          Chris Andres and Doug Mesner?  
 14 A       It appears there was one 4,000 dollar  
 15          payment to Doug Mesner and two 2,000  
 16          dollar payments to, most likely, Chris  
 17          Andres.  
 18 Q       Is Chris Andres a different person than  
 19          Doug Mesner?  
 20 A       Yes.  
 21           MR. MILLS: Let's turn to  
 22          page -- or exhibit -- sorry. Exhibit  
 23          30, please.  
 24           REPORTER'S NOTE: Whereupon,  
 25          Deposition Exhibit Number 30  
           was marked for  
           identification.

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1           By Mr. Mills:  
 2 Q       This is a two-page exhibit, Bates  
 3          number PLF000129-130. What is the  
 4          Satanic Temple's understanding of this  
 5          document?  
 6 A       That it was a 1,000 dollar payment for  
 7          the design fee paid to Chris Andres.  
 8 Q       And in this, how much -- is this a  
 9          separate request for money than the  
 10          documents -- than the payment  
 11          transaction documents we were just  
 12          looking at?  
 13 A       I -- I don't know. It's a -- it's --  
 14          it's a request. So, that might not  
 15          have been -- that -- that might not be  
 16          what the payment was.  
 17 Q       I want to make sure I understood. You  
 18          previously testified that the Satanic  
 19          Temple paid a total of 4,000 dollars to  
 20          Chris Andres for the cube display at  
 21          this time?  
 22 A       Correct.  
 23 Q       And it didn't pay any more than that  
 24          4,000 dollars?  
 25 A       My understanding is that we paid a

<p style="text-align: right;">Page 90</p> <p>1 the Satanic Temple claims to have                  2 suffered and incurred, and for which it                  3 seeks recovery in this matter?                  4 A Yes. If you have questions about                  5 specific damages, I'm happy to answer                  6 them.                  7 Q Great. My specific question is, what                  8 is the total amount of damages that the                  9 Satanic Temple claims in this lawsuit?                  10 A I -- I don't -- I -- and as I've                  11 answered repeatedly, I don't have that                  12 number before me. But I believe it's                  13 in the complaint we have. I don't see                  14 how it could not be.                  15 Q It doesn't appear that you're prepared                  16 to testify to the total amount of                  17 damages the Satanic Temple claims in                  18 this lawsuit.                  19 A Okay.                  20 Q I think we have a problem here. We may                  21 have to come back to this,                  22 unfortunately.                  23 If you're not ready to                  24 testify about anything, I guess I'll                  25 move on to a different topic. But it's</p>	<p style="text-align: right;">Page 92</p> <p>1 monument by artist Adam Volpe; correct?                  2 A Correct.                  3 Q And it refers to transporting the                  4 statue from Salem to Belle Plaine?                  5 A Correct.                  6 Q And it lists installation of the statue                  7 for one year; correct?                  8 A Correct.                  9 Q And it lists removal and return of the                  10 statue to Salem; correct?                  11 A Correct.                  12 Q It lists liability and property                  13 insurance?                  14 A Correct.                  15 Q And administrative expenses?                  16 A Correct.                  17 Q There's no mention of work by Doug                  18 Mesner in this e-mail, is there?                  19 A I believe that would fall under                  20 administration expenses.                  21 Q Okay. So, based on the e-mail                  22 statement installation of the statue                  23 for one year, did the Satanic Temple                  24 understand that, at most, the cube                  25 display might be in Belle Plaine's park</p>
<p style="text-align: right;">Page 91</p> <p>1 clear that you're unprepared to testify                  2 to damages. That's unfortunate.                  3 MR. MILLS: Let's move on                  4 to Exhibit 10. Now, I want to turn to                  5 Page 12 of Exhibit 10, please.                  6                  7 By Mr. Mills:                  8 Q And that's Bates numbered document Page                  9 PLF00033. Do you see that on the                  10 screen?                  11 A Yes.                  12 Q And there's an e-mail dated April 17th,                  13 2017 at 8:10 p.m. at the top.                  14 A Correct.                  15 Q And did a director of the Satanic                  16 Temple send that e-mail dated April                  17 17th, 2017?                  18 A Yes.                  19 Q This e-mail refers to what we need                  20 funds for; correct?                  21 A Correct.                  22 Q And it refers to design of the monument                  23 by artist Chris Andres?                  24 A Correct.                  25 Q And it refers to construction of the</p>	<p style="text-align: right;">Page 93</p> <p>1 for one year, and then it would have to                  2 be removed?                  3 A We understood. I believe, at the time,                  4 we felt that the monument would be                  5 there for a minimum of one year.                  6 Q And the e-mail lists removal and return                  7 of the statue to Salem; correct?                  8 A Correct.                  9 Q So, after installation for one year,                  10 the Satanic Temple was planning that                  11 the cube display would have to be                  12 removed from Belle Plaine's park and                  13 returned to Salem; correct?                  14 A Well, that was a plausible outcome                  15 after a year.                  16 Q And this e-mail is dated April 17,                  17 2017?                  18 A Correct.                  19 Q And that April 2017 date is after the                  20 City had approved the permit on March                  21 29, 2017; correct?                  22 A Correct.                  23 THE WITNESS: Guys, can I                  24 take a bathroom break? I'm sorry. I                  25 didn't get one when I got a new device.</p>

<p style="text-align: right;">Page 94</p> <p>1 MR. MILLS: Yeah. Why  2 don't we just break early for lunch and  3 come back at 12:30?  4 THE WITNESS: 12:30?  5 Wait. What -- what time -- where you  6 are we at now?  7 REPORTER'S NOTE: Whereupon, a  8 discussion is conducted off  9 the record.  10 MR. MILLS: So, we come  11 back in an hour, basically?  12 THE WITNESS: Okay.  13 MR. MILLS: Let's say --  14 let's say come back in 50 minutes at  15 12:30. Does that work for everyone?  16 Or do you need a full hour?  17 COURT REPORTER: That's  18 good for me.  19 MR. KEZHAYA: I don't -- I  20 don't need a full hour. Just -- just  21 making sure that we're on the same  22 page.  23 MR. MILLS: Okay. Let's  24 come back at 12:30.  25 THE VIDEOGRAPHER: The  time is 11:39 a.m. We're going off the</p>	<p style="text-align: right;">Page 96</p> <p>1 By Mr. Mills:  2 Q Did the directors of the Satanic Temple  3 ever discuss concerns about the cost of  4 the cube display being 6,000 dollars  5 while the fund-raising asked for tens  6 of thousands of dollars?  7 A Yes. I recall that in correspondence.  8 Q And what did they discuss?  9 A There were discussions as to what was  10 the reasonable amount of fund-raising,  11 given the cost.  12 REPORTER'S NOTE: Whereupon,  13 a discussion is conducted  14 off the record.  15 MR. MILLS: Okay. Before  16 the -- the quick break there -- are we  17 back on the record?  18 COURT REPORTER: Yes.  19 MR. MILLS: Okay.  20 By Mr. Mills:  21 Q We were talking about the cost of this  22 -- constructing the cube display --  23 concerns that it was less than the --  24 the fund-raising, and I asked, how were  25 those concerns resolved?</p>
<p style="text-align: right;">Page 95</p> <p>1 video record.  2 REPORTER'S NOTE: Whereupon,  3 a short recess is taken.  4 THE VIDEOGRAPHER: Time is  5 now 12:31 p.m. We're back on the video  6 record.  7 MR. KEZHAYA: Actually,  8 just give me just a second. I have a  9 development on another case that we  10 looked at. If we don't mind, it will  11 take me just a short moment.  12 THE VIDEOGRAPHER: Sure.  13 The time is 12:31 p.m. We're going off  14 the video record.  15 REPORTER'S NOTE: Whereupon, a  16 discussion is conducted off  17 the record.  18 MR. KEZHAYA: Okay. I beg  19 y'all's pardon. That was a -- Lucien,  20 there is an update in the Arkansas case  21 that we'll talk about pretty soon here,  22 too. Nothing substantive.  23 THE VIDEOGRAPHER: Okay.  24 Stand by. The time is now 12:32 p.m.  25 We're back on the video record.</p>	<p style="text-align: right;">Page 97</p> <p>1 A They were resolved by us fund-raising  2 for the amount that we ended up  3 fund-raising for on Indiegogo.  4 Q Has the Satanic Temple used the cube  5 display to do general fund-raising?  6 A Could you -- could you specify?  7 Q Has the Satanic Temple relied on the  8 cube display to do other fund-raising  9 besides the -- what do you call --  10 Indiegogo fund-raising?  11 A No.  12 MR. MILLS: Let's turn to  13 Exhibit 7, please. And I'd like to  14 turn to Page 3 of Exhibit 7, please.  15 It's Bates number Document PLF00017.  16 By Mr. Mills:  17 Q Do you see the e-mail at the top of the  18 page?  19 A One moment. Yes.  20 Q Did a director of the Satanic Temple  21 send the e-mail at 6:03 p.m. on March  22 1st --  23 A Correct.  24 Q -- 2017? And did the Satanic Temple</p>



<p style="text-align: right;">Page 98</p> <p>1 understand that, "Monuments are not 2 donated to the City, but are owned by 3 the entity erecting them. 4 They are only up for one 5 year. And a request can be made that 6 they all be taken down, in which case, 7 we have 10 days to remove it." 8 A Yes. 9 Q And this e-mail was sent on March 1, 10 2017? 11 A Correct. 12 Q And that e-mail was sent before the 13 City had approved the permit on March 14 29, 2017; correct? 15 A Correct. 16 Q And so, this e-mail would have been 17 based on the limited public forum 18 policy, not the permit; correct? 19 A Correct. 20 MR. MILLS: Turn to 21 Exhibit 13, please. This is Exhibit 22 13. It's Bates number PLF000102. 23 24 By Mr. Mills: 25 Q Do you see this Exhibit 13 on the</p>	<p style="text-align: right;">Page 100</p> <p>1 it's outside of Salem. 2 Q Looking at the e-mail sort of in the 3 lower middle part of the page, at 1:42 4 p.m. -- my question is, what was the 5 Satanic Temple's understanding of the 6 statement, "We may also want to show it 7 here temporarily"? 8 A I -- I don't see the -- I -- I don't 9 think I'm seeing the same thing. 10 Q Oh, okay. I see that now. I thought 11 it's -- sorry. The 1:42 e-mail. Do 12 you see where I'm -- 13 A -- correct. We were going to hold it 14 at our Salem location until taking it 15 to Belle Plaine. 16 Q And that would include showing it as an 17 exhibit? 18 A That -- that would necessitate us 19 having it in an area of the house where 20 it would be -- where it would be 21 publicly viewable by people coming in 22 to the exhibits. 23 Q And that's what it means by 'show it 24 here'? 25 A Correct.</p>
<p style="text-align: right;">Page 99</p> <p>1 screen? 2 A Yes. 3 Q Did the Satanic Temple's directors 4 receive the e-mail dated June 23, 2017 5 at 4:19 p.m.? 6 A At -- at least one director did. 7 Q Do you have any reason to doubt both 8 directors received it? 9 A I do not. 10 Q Did Ash Astaroth forward to the Satanic 11 Temple's directors e-mails he had 12 exchanged with Adam Volpe? 13 A I -- I -- I believe so. 14 Q Does this e-mail string indicate that 15 the cube display was finished as of 16 June 23, 2017? 17 A Yes. 18 Q Where was the cube display located at 19 this time? 20 A It was with Adam Volpe, wherever he 21 constructed it. 22 Q Do you know where he constructed it? 23 A Somewhere in Massachusetts. 24 Q Was it in Salem? 25 A I don't think it's in Salem. I think</p>	<p style="text-align: right;">Page 101</p> <p>1 Q And lower -- down further on the bottom 2 of the page, there's a 7:08 p.m. 3 e-mail. Is that from a director of the 4 Satanic Temple? 5 A The 7:08 p.m. e-mail? 6 Q Yes. 7 A Correct. Yes. 8 Q And so, as of June 23, 2017, was the 9 Satanic Temple planning to take the 10 cube display to the Salem Gallery for 11 an exhibition before taking it to Belle 12 Plaine? 13 A The plan was to hold it at the Salem 14 property and then take it to Belle 15 Plaine. Yes. 16 Q Do you know for how long the Satanic 17 Temple planned to show the cube display 18 in the -- the gallery? 19 A No. The intention was to have it held 20 at the gallery up and to the point 21 where we were able to take it to Belle 22 Plaine. 23 I remember us trying to 24 work with the officials in Belle Plaine 25 to set up a time and date in which we</p>

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1 could install the monument onto the  
 2 park grounds.  
 3 MR. MILLS: I'd like to  
 4 turn to Exhibit 21, please.  
 5  
 6 By Mr. Mills:  
 7 Q I want to look at the e-mail toward the  
 8 bottom of the Exhibit 21. It's time  
 9 stamped 12:29 p.m. on July 11th, 2017.  
 10 Do you see that?  
 11 A Yes.  
 12 Q A director of the Satanic Temple sent  
 13 the e-mail dated July 11th, 2017?  
 14 A Correct.  
 15 Q And the -- the director's e-mail says,  
 16 "You can install the statue any day  
 17 from August 7 to August 13"; correct?  
 18 A Correct.  
 19 Q So, by July 11, 2017, the Satanic  
 20 Temple was not planning to place the  
 21 cube display in Belle Plaine's park  
 22 until sometime in August 7 through 13;  
 23 correct?  
 24 A Correct.  
 25 Q Was that timeframe to allow the Satanic

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1 Temple to show the cube display in the  
 2 Salem Gallery before moving it on?  
 3 A No. That was time for us to plan  
 4 actually driving the display across  
 5 country.  
 6 Q How long did you anticipate it would  
 7 take you to drive the display across  
 8 country?  
 9 A I -- I don't recall how many how many  
 10 -- how many hours that trip was  
 11 supposed to be.  
 12 Q Would it take a month?  
 13 A Well, it might take a month to clear  
 14 our schedules and organize that type of  
 15 cross country trip.  
 16 MR. MILLS: Let's go to  
 17 Exhibit 22, please.  
 18  
 19 By Mr. Mills:  
 20 Q Is the subject line of this e-mail  
 21 string, "Memorial to Salem"?  
 22 A Correct.  
 23 Q And that reference to memorial -- is  
 24 that the same cube display we've been  
 25 talking about today?

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1 A Correct.  
 2 Q These -- the e-mails sent at 1:00 p.m.  
 3 and 2:57 p.m. on July 15th, 2017 blind  
 4 copy a director of the Satanic Temple;  
 5 correct?  
 6 A Correct.  
 7 Q And when the e-mail says, "I was  
 8 wondering what you would need to get it  
 9 to Salem for a bit before we sent it to  
 10 Belle Plaine," what did the Satanic  
 11 Temple understand that to mean?  
 12 A Well, the -- the memorial was going to  
 13 come from Salem to Belle Plaine. And  
 14 we were getting it to Salem, and then  
 15 we were going to take it to Belle  
 16 Plaine.  
 17 Q And when the e-mail says, "I think we'd  
 18 like to have it here and show it until  
 19 we send it," what did the Satanic  
 20 Temple understand that to mean?  
 21 A That it would reside within the  
 22 gallery.  
 23 Q And it would be shown in the gallery?  
 24 A Yeah. It would be -- it would be  
 25 visible to the people coming to the

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1 gallery; correct.  
 2 Q And that's what it means by 'show it'?  
 3 A Correct.  
 4 Q So, it would be treated like an exhibit  
 5 while it's there?  
 6 A Correct.  
 7 Q An e-mail at -- at one o'clock p.m. on  
 8 July 15th, 2017 refers to the plaque  
 9 for folks who donated. Do you see that  
 10 there?  
 11 A Yes.  
 12 Q What is the Satanic Temple's  
 13 understanding of the plaque for folks  
 14 -- folks who donated?  
 15 A I think the -- I did not understand  
 16 that. The only plaque I know of is the  
 17 plaque that was on the memorial itself.  
 18 I don't -- I don't know what's meant by  
 19 'plaque for folks who donated'.  
 20 Q So, is there no plaque for folks who  
 21 donated in existence?  
 22 A Not that -- not that I'm aware of. But  
 23 I'm -- I'm not sure what is meant by  
 24 'plaque for the folks who donated'. I  
 25 -- I have to believe that he's -- he's

<p style="text-align: right;">Page 114</p> <p>1 A Correct.</p> <p>2 Q And scrolling down, if we could, it</p> <p>3 also lists Malcolm Jarry?</p> <p>4 A Correct.</p> <p>5 Q And gives an e-mail address</p> <p>6 satanictempleorg@gmail.com</p> <p>7 A Yes.</p> <p>8 MR. MILLS: I'm going to</p> <p>9 mark another exhibit. Exhibit 32.</p> <p>10 REPORTER'S NOTE: Whereupon,</p> <p>11 Plaintiff's Deposition</p> <p>12 Exhibit Number 32 was marked</p> <p>13 for identification.</p> <p>14 MR. MILLS: These are</p> <p>15 plaintiff's initial disclosures in this</p> <p>16 lawsuit.</p> <p>17 By Mr. Mills:</p> <p>18 Q We have Exhibit 32. Do you see it on</p> <p>19 the screen?</p> <p>20 Q Yes.</p> <p>21 Q And this is the Satanic Temple's</p> <p>22 initial disclosures?</p> <p>23 A Yes.</p> <p>24 MR. MILLS: And if we</p> <p>25 could scroll down, please, to the next</p>	<p style="text-align: right;">Page 116</p> <p>1 up there? It's Bates stamped PLF00033?</p> <p>2 A Yes.</p> <p>3 Q Is it the Satanic Temple's</p> <p>4 understanding --</p> <p>5 REPORTER'S NOTE: Whereupon,</p> <p>6 a discussion is conducted</p> <p>7 off the record.</p> <p>8 MR. MILLS: Let me try</p> <p>9 that again. Doing the best we can with</p> <p>10 the technology here. Okay. Try this</p> <p>11 again.</p> <p>12 By Mr. Mills:</p> <p>13 Q So, the redacted e-mail address -- is</p> <p>14 it the Satanic Temple's understanding</p> <p>15 that that redaction is of a Douglas</p> <p>16 Mesner e-mail address?</p> <p>17 A It may be.</p> <p>18 Q And that Douglas Mesner name is a</p> <p>19 pseudonym?</p> <p>20 A Yes.</p> <p>21 MR. MILLS: I'd like to</p> <p>22 turn to Exhibit 18, please.</p> <p>23</p> <p>24 By Mr. Mills:</p> <p>25 Q This is a -- a -- I'll refer to it as a</p>
<p style="text-align: right;">Page 115</p> <p>1 page?</p> <p>2</p> <p>3 By Mr. Mills:</p> <p>4 Q There's a heading. It's titled,</p> <p>5 "Individuals with Discoverable</p> <p>6 Knowledge." Do you see that there?</p> <p>7 A Yes.</p> <p>8 Q And the first name listed is Malcolm</p> <p>9 Jarry?</p> <p>10 A Correct.</p> <p>11 Q And the second name listed is Douglas</p> <p>12 Mesner?</p> <p>13 A Correct.</p> <p>14 Q Is Douglas Mesner a pseudonym?</p> <p>15 A Yes.</p> <p>16 Q So, Douglas -- okay. And that was a</p> <p>17 yes? Douglas Mesner is a pseudonym?</p> <p>18 A Yes.</p> <p>19 Q So, when...</p> <p>20 MR. MILLS: If -- if we</p> <p>21 could go to, for example, Exhibit 10?</p> <p>22 At Page 12, please.</p> <p>23</p> <p>24 By Mr. Mills:</p> <p>25 Q Do you see Exhibit 12, Page 10 pulled</p>	<p style="text-align: right;">Page 117</p> <p>1 Twitter string; is that fair?</p> <p>2 A I understand.</p> <p>3 Q Okay. And is it the -- is Lucien</p> <p>4 Greaves a spokesperson for the Satanic</p> <p>5 Temple?</p> <p>6 A Yes.</p> <p>7 Q And he -- he has authority to speak for</p> <p>8 the Satanic Temple on Twitter?</p> <p>9 A Yes, but not every tweet by Lucien</p> <p>10 Greaves is a statement on behalf of the</p> <p>11 Satanic Temple.</p> <p>12 Q Okay.</p> <p>13 MR. MILLS: I want to look</p> <p>14 at a tweet dated August 21, 2017, if we</p> <p>15 can zero in on that one. Print -- it's</p> <p>16 online. Do you see the -- the tweet</p> <p>17 dated August 21, 2017 by Lucien</p> <p>18 Greaves?</p> <p>19 A I do.</p> <p>20 Q Did he have authority to send this</p> <p>21 tweet on behalf of the Satanic Temple?</p> <p>22 A Well, no. That's just -- tweets by</p> <p>23 Lucien Greaves are tweets by Lucien</p> <p>24 Greaves himself.</p> <p>25 Q Okay. And -- and Lucien Greaves is a</p>

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1 I really have no idea how  
 2 we would search text messages; how we  
 3 would find specific topics in text  
 4 messages. Or how we could expect to  
 5 preserve text messages from four years  
 6 ago.  
 7 This, I genuinely do not  
 8 understand. If -- if there's something  
 9 about text messages I -- I uniquely  
 10 don't understand here, I'm willing to  
 11 hear it.  
 12 But as I sit here  
 13 listening to this now, these -- these  
 14 questions about text messages seem --  
 15 seem terribly unreasonable;  
 16 And maybe that's due to  
 17 some limited understanding of mine,  
 18 given how text messages are stored,  
 19 either preserved, or deleted, or not.  
 20 But my understanding of  
 21 text messages in my mind, they're very  
 22 transient and they don't exist for me  
 23 from one phone to the next.  
 24 And I don't believe that  
 25 there is a repository of -- of text

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1 messages where I could go back and --  
 2 and see, in hard copy, every single  
 3 text message with people.  
 4 I could be wrong, but in  
 5 reading the document and in -- in  
 6 seeing something like text messages,  
 7 that just seems to me something that is  
 8 making sure that there's no limitations  
 9 on the request, but not a serious  
 10 request that somebody can be thought to  
 11 fulfill after four years.  
 12 Q Did the Satanic Temple undertake any  
 13 effort at all to collect and produce  
 14 text messages?  
 15 A I have no capability as as far as I'm  
 16 aware to go back to text messages in  
 17 this time.  
 18 MR. MILLS: Let's turn to  
 19 the credit funding or fund-raising  
 20 documents.  
 21  
 22 By Mr. Mills:  
 23 Q What efforts did the Satanic Temple  
 24 undertake to collect and produce  
 25 documents related to the -- the

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1 fund-raising done in relation to the  
 2 cube display for Belle Plaine?  
 3 A We produced -- we produced the  
 4 documents we produced. The...  
 5 Q Did the Satanic Temple produce any  
 6 documents related to the -- the  
 7 fund-raising?  
 8 A Oh. We produced anything that was not  
 9 public facing, including the e-mails  
 10 that discussed fund-raising.  
 11 Q Where -- would there be -- have been  
 12 e-mails with Indiegogo to set up the  
 13 fund-raiser?  
 14 A No. Indiegogo is just kind of a  
 15 third-party site that manages  
 16 fund-raising.  
 17 You set up an account, and  
 18 then you use the back end page to set  
 19 the parameters for your incentives,  
 20 state the goal in what they call the  
 21 story behind the fund-raising campaign.  
 22 It doesn't require content  
 23 with representatives from Indiegogo.  
 24 Q Did the Satanic Temple make any efforts  
 25 to collect documents related to the

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1 Indiegogo fund-raising?  
 2 A Beyond the documents we produced, no.  
 3 Q Would the Indiegogo fund-raising  
 4 documents -- would they have mentioned  
 5 the cube display?  
 6 A Well, which -- which documents?  
 7 Q The -- the -- you said there was a  
 8 story that you put up. If I understand  
 9 the process correctly, on -- the  
 10 Indiegogo, you said there was a story  
 11 page?  
 12 A Right. Remember previously, you asked  
 13 if the Indiegogo page described the  
 14 monument. In -- in as such of that  
 15 page labelled 'Story', it describes the  
 16 monument and its purpose.  
 17 Q Does this page also mention Belle  
 18 Plaine?  
 19 A I believe so. Yes.  
 20 MR. MILLS: This has been  
 21 going on for an hour. Why don't we  
 22 take a five minute break?  
 23 THE VIDEOGRAPHER: The  
 24 time is now 1:26 p.m. We're going off  
 25 the record.

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1 is that right?  
 2 A Correct. Two that -- two specifically  
 3 that I'm aware of.  
 4 Q Okay. And before February 21, the City  
 5 indicated that they were opening the  
 6 park; is that right?  
 7 A Correct.  
 8 Q And the -- the organization wasn't of  
 9 importance.  
 10 In this case, they were  
 11 aware that the park itself going to be  
 12 open by February 21. They -- they were  
 13 aware of this; is that right?  
 14 A That was our understanding. Yes.  
 15 Q Okay. In terms of media -- social  
 16 media posts that Lucien Greaves  
 17 created, those are publicly viewable;  
 18 is that right?  
 19 A That's correct.  
 20 Q And are there any direct messages or  
 21 other non-publicly viewable information  
 22 associated with Lucien Greaves's  
 23 account that has anything to do with  
 24 this case?  
 25 A Not -- not that I'm aware of. No.

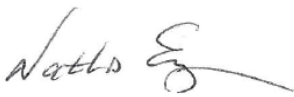
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1 Q Okay. And the Indiegogo website is  
 2 also publicly viewable; is that right?  
 3 A Correct.  
 4 Q That's searchable on the Indiegogo  
 5 website?  
 6 A It is.  
 7 Q Let's see if we can find that website  
 8 again. Do you still have that website  
 9 open?  
 10 A I do not. I think it was on the  
 11 computer that crapped out on me.  
 12 Q Okay.  
 13 A Let me -- I'll bring it up. Okay.  
 14 I've -- I've got it.  
 15 Q What is the title of this document?  
 16 A Well, the -- the campaign title for  
 17 this Indiegogo page is the Satanic  
 18 Temple Veteran's Monument.  
 19 Q Okay. Does the Satanic Temple have a  
 20 cell phone?  
 21 A No.  
 22 Q Does the Satanic Temple pay for Lucien  
 23 Greaves's cell phone?  
 24 A No.  
 25 Q Does the Satanic Temple pay for Lucien

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1 Greaves's data plan?  
 2 A No.  
 3 MR. KEZHAYA: No further  
 4 questions. Any redirect?  
 5 MR. MILLS: No. I'm --  
 6 I'm just reserving the right to come  
 7 back when we get more documents.  
 8 MR. KEZHAYA: Okay.  
 9 MR. MILLS: I'm not -- I'm  
 10 not going to ask more questions today.  
 11 Thank you.  
 12 MR. KEZHAYA: All right.  
 13 THE VIDEOGRAPHER: All  
 14 right. Time is 1:42 p.m. This is the  
 15 end of today's deposition.  
 16 (Whereupon, the deposition  
 17 terminated at 1:42 p.m.)  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 STATE OF MINNESOTA )  
 2 ) ss.  
 3 CROW WING COUNTY )  
 4  
 5  
 6 I, Nathan D. Engen do hereby  
 7 certify that the foregoing transcript in  
 8 the matter of The Satanic Temple vs. The  
 9 City of Belle Plaine, is true, correct  
 10 and accurate:  
 11 That said transcript was prepared  
 12 under my direction and control from my  
 13 stenographic shorthand notes.  
 14 That I am not related to any of  
 15 the parties in this matter, nor am I  
 16 interested in the outcome of this  
 17 action.  
 18  
 19 Witness my hand and seal this 16th day  
 20 of December.  
 21  
 22   
 23  
 24 Nathan D. Engen  
 25

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# Mills Decl. Ex. 4

**BELLE PLAINE CITY COUNCIL  
RESOLUTION 17-020**

**ESTABLISHING A POLICY REGARDING A LIMITED PUBLIC FORUM IN  
VETERANS MEMORIAL PARK**

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the City Council (the "Council") adopted Resolution 09-74 Approving A Concept Plan for Veterans Park on August 3, 2009; and

WHEREAS, a stone monument is located on the grounds of the park, constructed on public land, listing the names of Belle Plaine residents who gave their lives in service to their country in wars from the Indian War of 1812 through the Vietnam War; and

WHEREAS, the Council wishes to allow private parties access to Veterans Memorial Park for the purpose of erecting displays in keeping with the purpose of honoring and memorializing veterans; and

WHEREAS, the Council now desires to adopt this formal, written policy to codify the procedure for private parties to recognize, honor, and memorialize veterans by erecting displays at Veterans Memorial Park; and

WHEREAS, the Supreme Court of the United States has found that governmental entities are permitted to establish limited public forums permitting restrictions on speech that are reasonable in view of the purposes of the forum. *See, e.g., Capitol Square Rev. and Advisory Bd. v. Pinette*, 515 U.S. 753 (1995); and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Minnesota Constitutions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota, that the following written policy regarding Veterans Memorial Park is hereby adopted, to wit:

1. The City designates a limited public forum in Veterans Memorial Park for the express purpose of allowing individuals or organizations to erect and maintain privately owned displays that honor and memorialize living or deceased veterans, branch of military and Veterans organizations affiliated with Belle Plaine. This is an amendment to the concept plan approved on August 4, 2009.
2. Definitions. The following terms have the meanings attributed to them in this paragraph.
  - a. "Veterans' Organization" is any organization whose purposes include providing support or benefits to veterans, their dependents, or their families.
  - b. "Branch of Military" refers to Army, Navy, Marines, Air Force, Coast Guard, National Guard, Reserves and any other designated armed services of the United States of America.
3. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The fee for the application shall be set at \$100 for 2017. Starting in 2018, this fee shall be included in the City's Fee Schedule as set annually by Council resolution.





- The application fee shall not be pro-rated and is non-refundable. The application must include a description of the display, including its dimensions and construction materials.
4. The area for the limited public forum shall be that portion of Veterans Memorial Park that lies to the South of the Veterans Park Landscaping Sign. The area shall be 84 feet by 42 feet with lines parallel to the southernmost portion of the Veterans Park Landscaping Sign outer edge. No display may be placed within seven feet from any edge of the Veterans Park Landscaping sign, the edge of a paved pathway, or any other memorial or display. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The application must include a description of the display, including its dimensions and construction materials. No display may be installed without first obtaining a permit from the City.
  5. The City shall approve in writing and grant a permit to any party requesting to erect a display if and only if the display conforms to the following requirements, except that the City shall not allow more than ten (10) displays in the limited public forum at any given time:
    - a. Displays must be no larger than three feet wide by two feet deep by three feet tall.
    - b. Displays must be constructed of stone, concrete, metal, or some combination thereof.
    - c. Displays must serve the purpose of honoring and memorializing living or deceased veterans, military branch or Veterans organization affiliated with Belle Plaine, Minnesota.
    - d. Displays must be respectful and conform to Statues and City Code pertaining to public nuisance and decency.
  6. The City shall process requests in the order that they are received.
  7. Displays must be removed within a period of one (1) year from the date of approval. Prior to the expiration of the display period, the owner of the display may apply for another permit to display in the limited public forum. Such application will be treated the same as any other application, without any preference given.
  8. It shall be the responsibility of the requesting party to erect the display upon approval from the City and to keep the display in good repair at all times.
  9. The requesting party and not the City shall own any display erected in the limited public forum. The display must have liability coverage of \$1,000,000, as per city procedure, which coverage must list the City as an additional insured. A copy of the policy must be provided to the City prior to installation of the display.
  10. In the event of damage to a display, or if a display is in a state of disrepair, the City Administrator will give the owner of the display notice of said damage or disrepair and require the owner to repair the display within 30 days. If the owner fails to repair the display within the notice period, the City Administrator will order removal of the display.
  11. Displays constitute the speech of the individual or organization erecting the display and not the speech of the City.

12. The City shall erect a prominent disclaimer near or inside the limited public forum stating as follows: "The City of Belle Plaine has designated this area of Veterans Memorial Park a limited public forum, in order to accommodate privately owned displays that honor and memorialize veterans. Displays constitute the speech of the owners of the display, and not the City. The City does not endorse any speech, message or display herein."
13. In the event the City desires to close the limited public forum or rescind this policy, the City, through its City Administrator, may terminate all permits by giving ten (10) days' written notice of termination to Owner, within which period the owner must remove their display from city property.

The adoption of the foregoing resolution was duly moved by Mayor Meyer, and seconded by Councilmember Stier, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Meyer, Stier and McDaniel. Councilmember Chard was not present.

and the following voted against the same: Coop.

Whereupon said resolution was declared duly passed and adopted. Dated this 21<sup>st</sup> day of February, 2017.

ATTEST:

\_\_\_\_\_  
Christopher G. Meyer  
Mayor

\_\_\_\_\_  
Michael J. Votca  
City Administrator

# Mills Decl. Ex. 5



March 29, 2017

Reason Alliance Ltd.  
c/o The Satanic Temple  
64 Bridge Street  
Salem, MA 01970

**RE: Veterans Memorial Park Display Permit**

Mr. Mesner:

The City of Belle Plaine has approved your request for a permit to emplace a display within the Limited Public Forum at Veterans Memorial Park. As a reminder, the display must be placed by the owner of the display under the supervision of the public works department. The limited public forum area will be fully marked by April 3, 2017. Once the area is marked, we will be ready to supervise placement. Please make contact with me via e-mail at [mvotca@ci.belleplaine.mn.us](mailto:mvotca@ci.belleplaine.mn.us) or by phone at (952) 873-5553 to arrange a time for placement. All displays must be marked with a visible name of the owner and the permit number. Your permit number is LPF 17-02. This permit is good for one year from the date of this letter. You may reapply to place another display once the display under this permit is removed. Please contact me if you have any questions.

Best regards,



Michael J. Votca  
City Administrator

Enclosures



*Original Payment*

Act Year	Batch Name	Act Code	Dr/Cr Amt	Tran Date	Refer	Check/Receipt Date	Comments
2017	POS 030717	101-000000-036260	(\$100.00)	3/6/2017	142929	3/6/2017	LPF 17-02; LIMITED PUBLIC FORUM MONUMENT - REASON ALLIANCE LTD

*Not marked*

Exhibit "2"

TST v. City of Belle Plaine



City of Belle Plaine Phone: 952-873-5553  
218 N. Meridian Street Fax: 952-873-5509  
P.O. Box 129  
Belle Plaine, MN 56011

Fee: \$100.00

PERMIT # LPF 17-02

## Veterans Memorial Park Display Permit Application

Date: February 23, 2017

**Applicant** Individual or Organizations Name: Reason Alliance Ltd.

Address: c/o The Satanic Temple 64 Bridge Street City: Salem  
State: MA Zip Code: 01970 Phone: 617-863-6660  
E-mail: Info@thesatanictemple.com

**Description of Display** Dimensions: Height: 36 inches Width: 23 inches Length: 23 inches

Construction Materials: Steel

General Description of display: Black steel cube with embossed inverted pentagrams with inlaid gold on four sides. An inverted helmet rests on the top of the cube. A plaque on one side of the cube reads: "In honor of Belle Plaine veterans who fought to defend the United States and its Constitution"

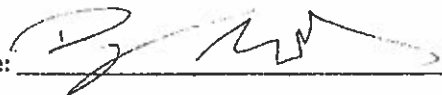
**Please include a drawing or picture of the display.**

Intended Veteran, Branch of Military, or Veterans Organization honored by display: All Belle Plaine veterans

If this display request is intended to honor and memorialize a veteran or veterans' organization associated with Belle Plaine, please provide a description of the association to Belle Plaine and documentation regarding veteran status. All Belle Plaine veterans are explicitly honored.

DOUGLAS MESNER  
~~DOUGLAS MESNER~~

\_\_\_\_\_ hereby affirm that I will comply with the Limited Public Forum Policy of the City of Belle Plaine, Minnesota, that any display that is erected upon approval of this permit is my property and constitutes speech of myself or my organization and not that of the City of Belle Plaine, and that I will indemnify the City against any and all claims, demands or liabilities arising from the issuance of this permit, or performance of or failure to perform in accordance with the Limited Public Forum Policy.

Applicant Signature: 

Date: 2/23/17

STATE OF NEW YORK  
COUNTY OF BRONX

This instrument was acknowledged before me on 23rd day of February, 2017 by

DOUGLAS MESNER

CEVIN SOLING  
NOTARY PUBLIC-STATE OF NEW YORK  
1506209140  
Qualified in Bronx County  
My Commission Expires July 20, 2017

  
\*\*\*Notary Public


\*\*\*Notary Stamp

My Commission Expires: 7/20/17

FOR OFFICE USE ONLY

**APPROVAL OF PERMIT**

Approved on this 29<sup>th</sup> day of March, 2017

  
City Administrator

Application Fee Paid

Copy of Certificate of Liability Insurance Provided

Concept sketch or drawing of display

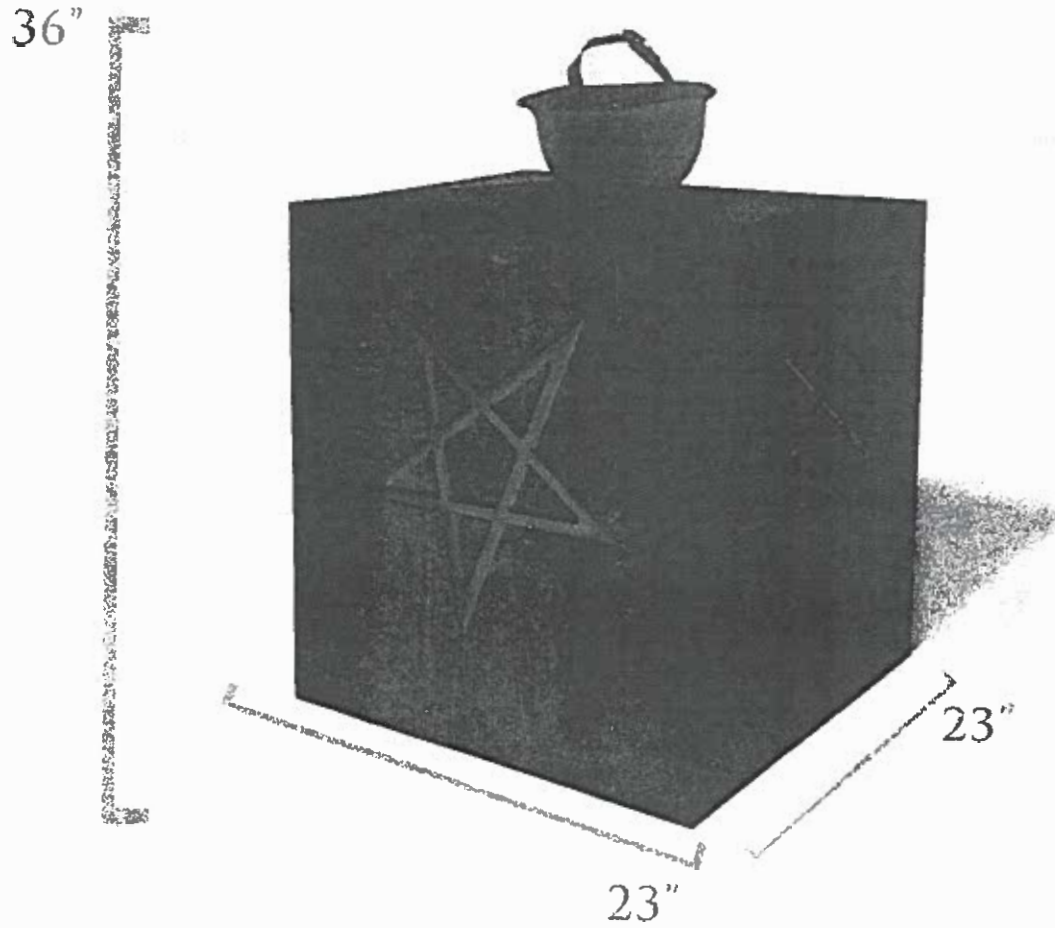
Copy mailed to applicant on 29 March 2017

# Mills Decl. Ex. 6



TST VETERANS MEMORIAL  
VETERANS MEMORIAL PARK  
BELLE PLAINE, MINNESOTA

BLACK STEEL RECTANGLE WITH EMBOSSED INVERTED  
PETAGRAMS WITH INLAID GOLD ON FOUR SIDES  
INVERTED  
HELMET IN BLACK STEEL



COPYRIGHT © ANDRES

EXHIBIT  
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# Mills Decl. Ex. 7



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/28/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MURRAY INSURANCE SERVICES 591 Sugar Road #2 Bolton, MA 01740 MA 01740	<b>CONTACT NAME:</b> Ron Murray <b>PHONE (A/C No. Ext):</b> (408)272-7981 <b>FAX (A/C No.):</b> (408)272-9543 <b>E-MAIL ADDRESS:</b> ronaldimurray@gmail.com <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A: Philadelphia Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Philadelphia Insurance Company		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Philadelphia Insurance Company															
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
<b>INSURED</b> Reason Alliance, Ltd 519 Somerville Ave #288 Somerville, MA 02143 MA 02143															

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	PHPK1557167	09/27/16	09/27/17	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Eq occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Eq accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> CC&JR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	<b>Abuse &amp; Molestation</b>		Y	PHPK1557167	09/27/16	09/27/17	Per Occurrence 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is also Named as Additional Insured.

<b>CERTIFICATE HOLDER</b> City of Belle Plaine 218 North Meridian St PO Box 129 Belle Plaine, MN 56011	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	--

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ACORD 25 (2016/03)

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EXHIBIT  
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# Mills Decl. Ex. 8

BELLE PLAINE CITY COUNCIL  
RESOLUTION 17-090

RESCINDING THE POLICY AND ELIMINATING THE LIMITED PUBLIC FORUM  
IN VETERANS MEMORIAL PARK

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the Park memorializes and honors resident veterans killed in service to their country in foreign wars from the Spanish American War through the Vietnam War; and

WHEREAS, the City Council (the "Council") adopted Resolution 17-020 on February 21, 2017 to establish a limited public forum in the Park to permit private memorials or displays expressing views in keeping with the Park's purpose; and

WHEREAS, the Resolution established a policy governing placement of memorials or displays in the Park and requiring application for a permit allowing such placement for 1-year; and

WHEREAS, the City Council has determined that allowing privately-owned memorials or displays in its Park no longer meets the intent or purpose of the Park; and

WHEREAS, the City Council has also determined that the continuation of the limited public forum may encourage vandalism in the Park, reduce the safety, serenity, and decorum of the Park, unnecessarily burden City staff and law enforcement, and negatively impact the public's health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota:

1. The policy established in Resolution 17-020 is rescinded and the limited public forum established in the Park is hereby eliminated. Private displays or memorials placed in the Park shall be removed within a reasonable period by the owner thereof or, upon notice to such owner, or they will be deemed abandoned and removed by the City.
2. All application fees paid for permits to place a memorial or display in the Park will be reimbursed to the applicant.
3. City staff is directed to take such other steps or actions necessary to implement this Resolution.

The adoption of the foregoing Resolution was duly moved by Councilmember Coop and seconded by Councilmember McDaniel, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Coop, McDaniel, Chard, Meyer and Stier.

and the following voted against: None.

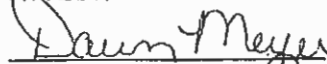
Whereupon said Resolution was declared duly passed and adopted.

Dated this 17<sup>th</sup> day of July, 2017.



Christopher G. Meyer  
Mayor

ATTEST:



Dawn Meyer  
Interim City Administrator

7/19/17  
mailed w/  
check





July 18, 2017

Reason Alliance LTD  
C/O The Satanic Temple  
64 Bridge Street  
Salem, MA 01970

Re: Veteran's Memorial Park ("Park")

Dear Sir/Madam:

Last evening, the City Council adopted Resolution No. 17-090 eliminating the limited public forum that had previously been established in the Park. A copy of the Resolution is enclosed. Also enclosed is a check in the amount of \$100.00 to fully reimburse the fee your organization paid to apply for a permit to locate a memorial in the Park.

Please contact me with any questions.

Very truly yours

Dawn Meyer  
Interim City Administrator

7/19/17  
mailed w/  
check

# Mills Decl. Ex. 9



The Satanic Temple <satanictempleorg@gmail.com>

## Memorial

13 messages

Tue, Feb 21, 2017 at 11:11 PM

To: Chris p Andres <chrispandres@gmail.com>  
Cc: Malcolm Jarry <satanictempleorg@gmail.com>, "to: carajeanne" <hrh.phhc@gmail.com>

Hello Chris --

I believe we'd like to commission the construction of the veteran's memorial regardless of whichever way the MN vote goes. How much would commissioning the construction of the piece be? It's already a piece of history. Let us know what the most equitable arrangement for this is.

Thank you!

Wed, Feb 22, 2017 at 12:30 PM

Chris p Andres <chrispandres@gmail.com>  
To: satanictempleorg@gmail.com, Cara Satan <Hrh.phhc@gmail.com>

So sorry I forgot to include everybody in my response .

Sent from my iPhone

Begin forwarded message:

**From:** Chris p Andres <chrispandres@gmail.com>  
**Date:** February 22, 2017 at 10:28:20 AM MST  
**To:** [REDACTED] <[REDACTED]>  
**Subject:** Re: Memorial

Hello [REDACTED],

Thank you , this is very exciting news .

I will get to work on the logistics ASAP .

I'll do my best to get everything worked out as fast as possible , and I'll get you the cost as soon as I can.

Thanks again,  
Chris .

Sent from my iPhone  
[Quoted text hidden]

Wed, Feb 22, 2017 at 12:42 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

----- Forwarded message -----  
From: "Chris p Andres" <chrispandres@gmail.com>  
Date: Feb 22, 2017 12:28 PM  
Subject: Re: Memorial  
To: [REDACTED]  
Cc:

EXHIBIT

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Hello [REDACTED]

Thank you , this is very exciting news .

I will get to work on the logistics ASAP .

I'll do my best to get everything worked out as fast as possible , and I'll get you the cost as soon as I can.

Thanks again,  
Chris .

Sent from my iPhone

> On Feb 21, 2017, at 9:11 PM, [REDACTED] > wrote:

>  
[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com> Wed, Feb 22, 2017 at 12:46 PM

To: [REDACTED]

I thought you just wanted to make miniatures. To building the statue itself is going to be thousands of dollars.

[Quoted text hidden]

---

[REDACTED] Wed, Feb 22, 2017 at 12:52 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Maybe. Let's see what his estimate is. We may want to crowd fund it. Still don't know the results of last night's meeting in Belle Plaine.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com> Wed, Feb 22, 2017 at 1:01 PM

To: [REDACTED]

Who was our contact there? So weird that we don't know anything.

[Quoted text hidden]

---

[REDACTED] Wed, Feb 22, 2017 at 1:02 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Our contact is FFRF. I'll email them. They may have postponed the vote or sent the proposal back for revision. With no word, I suspect one of those things happened.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com> Wed, Feb 22, 2017 at 1:03 PM

To: [REDACTED] >

I'd say that is most likely, although they did not know we were going to submit anything in advance, so rescheduling would have been very last minute which is very disruptive.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com> Wed, Feb 22, 2017 at 1:05 PM

To: [REDACTED] >

The meeting did happen and was 1 hour long. A little shorter than most.

<http://www.belleplainemn.com/city-council-meeting>

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com>

Wed, Feb 22, 2017 at 1:06 PM

To: [REDACTED] >

I am downloading the video from the meeting.

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com>

Wed, Feb 22, 2017 at 1:09 PM

To: [REDACTED]

From Mike Votca, City Administrator:

At our February 6, 2017 meeting the City Council requested the creation of a policy regarding a limited public forum at Veterans Memorial Park.

City Attorney Bob Vose sent me a Draft Document for Resolution 17-020 on Friday February 10. I made some initial updates to the resolution and sent it out for comment by the City Staff and City Council.

The policy creates a forum in the lower portion of Veterans Memorial Park south of the large Landscaping that spells out Veterans Park and north of the pond. This space in my estimation could accommodate up to 18 displays. Displays must conform to certain requirements of size and material.

One of the major legal items for this forum is distinguishing individual speech from that of the City. In order to achieve this, the displays will be the property of the requestor and insured by the requestor; The displays will only be permitted for one year; The City will mark the area with signage indicating that this area is a limited public forum and not speech of the City; The City will also mark the area to delineate the location of the forum.

The City will receive requests via an application. Applications will be processed in order of receipt. If we receive more applications than spaces available, a waitlist will be created. Applications on the wait list will be processed in order of receipt once an opening in the forum is created.

I have incorporated the comments I have received in to the policy as possible.

The City Attorney and I have attempted to create a policy that is defensible in court. I cannot guarantee that this would stand up to the supreme court's judgement.

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com>

Wed, Feb 22, 2017 at 1:12 PM

To: [REDACTED] >

Best as I can tell there was no discussion, they simply affirmed that they have 18 spaces for monuments and will review proposals on a first come - first serve basis. A waiting list will be created if there are more than 18.

[Quoted text hidden]

[REDACTED]  
To: Malcolm Jarry <satanictempleorg@gmail.com>

Wed, Feb 22, 2017 at 1:23 PM

Okay. I'll look into how to formally apply immediately. There is a \$100 application fee. We'll crowd fund. Hopefully, it doesn't detract from anything but increases funding overall due to high profile

[Quoted text hidden]

# Mills Decl. Ex. 10



The Satanic Temple <satanictempleorg@gmail.com>

### Belle Plaine, MN Veteran's Memorial - price quote

24 messages

Chris p Andres <chrispandres@gmail.com>

Wed, Mar 1, 2017 at 3:02 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>, carajeanne <hrh.phhc@gmail.com>

Hello All ,

I want to just say thank you again for this important and historical opportunity.

I have been working with a local metalsmith here in Albuquerque ( Iron Anvil ) to come up with the most economical price for the commission of the monument.

The price would be \$30,000.00 . This includes all material and initial delivery costs and of course Chris's fee as well as the artist and designer of the piece. The \$30,000.00 does not reflect the cost of actual installation, i.e. : pouring of concrete or creation of any additional structures to house the monument.

To begin fabrication a down payment of roughly \$10,000.00 will be required to cover the cost of initial materials and labor. The remaining balance could either be paid in one lump sum upon completion , or we can most likely work out an equitable payment arrangement.

I do not have a concrete time frame established for the piece , however I do not get the impression that it would be an overly lengthy process.

The piece will be created using plate steel with the black textured finish and with gold inside of each pentagram. The helmet is an M1 infantry helmet and will be cast in bronze and covered in a textured black patina.

Thank you all very much for your time and consideration of this proposal , and please let me know if you require any additional information .

Sincerely,  
Josh & Chris .

Sent from my iPad

image1.JPG  
2636K





**Malcolm Jarry** <satanictempleorg@gmail.com>

Wed, Mar 1, 2017 at 3:10 PM

To: [Redacted]

I have everything set to go out. We can't afford this, though.

[Quoted text hidden]

[Quoted text hidden]

Sent from my iPad

[Redacted]  
To: Malcolm Jarry <satanictempleorg@gmail.com>

Wed, Mar 1, 2017 at 3:34 PM

Shall we do a crowd funding effort?

[Quoted text hidden]

[Redacted]  
To: National Council <nationalcouncil@thesatanictemple.com>  
Cc: "to: carajeanne" <hrh.phhc@gmail.com>

Wed, Mar 1, 2017 at 3:43 PM

We're thinking of crowd-funding to make this memorial happen. It's a high bill to pay, and it probably won't generate the amount of media that helped us reach our Baphomet goal, or started our Reproductive Rights Lawsuits, but then, we have an exponentially larger audience now.

What are everybody's thoughts?

[Quoted text hidden]

[Quoted text hidden]

Sent from my iPad



**image1.JPG**  
2636K

**Sarah Ponto Rivera** <sarahpaulinapr@gmail.com>

Wed, Mar 1, 2017 at 5:54 PM

To: [Redacted] National Council <nationalcouncil@thesatanictemple.com>

Cc: "to: carajeanne" <hrh.phhc@gmail.com>

Fuck it, let's do it. Crowdfund. We wouldn't be able to do it without it.

(Unless you would see significant backlash from supporters/members if we weren't able to raise enough. Then if that's the case then we have more to lose.)

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com> Wed, Mar 1, 2017 at 6:03 PM  
 To: Sarah Ponto Rivera <sarahpaulinapr@gmail.com>  
 Cc: [REDACTED] National Council nationalcouncil@theatanictemple.com, "to carajeanne" <hrh.phhc@gmail.com>

I sent in the application today certified return receipt. The town council meeting where it was approved to open the grounds as an open forum was held on February 22nd and 10 monuments are permitted, presumably on a first come basis. I am assuming there aren't any issues. The application requires a \$100 fee and 1 million in liability insurance. The monuments are not donated to the City, but are owned by the entity erecting them. They are only up for 1 year and a request can be made that they all be taken down, in which case, we have 10 days to remove it.

Malcolm  
 [Quoted text hidden]

**nationalcouncil@thesatanictemple.com** <nationalcouncil@thesatanictemple.com> Wed, Mar 1, 2017 at 6:03 PM  
 To: Malcolm Jarry <satanictempleorg@gmail.com>

Thank you for reaching out to The Satanic Temple.

While we do check our messages regularly, you can expect a week's turnaround time for responses to most queries.

Due to the volume of email, questions that are answered on our website - TST's mission, our Seven Tenets, or how to join - may not receive a reply.

You can visit our website at [www.thesatanictemple.com](http://www.thesatanictemple.com).

If you are a chapter head or representative, your message will receive priority.

Ave Satanus,

The Satanic Temple National Council

**David Moses** <david@romeburning.com> Wed, Mar 1, 2017 at 6:31 PM  
 To: [REDACTED]  
 Cc: National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>

Something seems wrong. As someone who does a lot of fabrication work, my initial thought is that \$30K is a lot of money for a 2' x 3' metal box with a couple accents. If that drawing is to scale, the helmet would be under 8" across at its widest point. That's barely life size.

Granted, I don't do a lot of metal work but common sense says the Baphomet had to be sculpted, cast, and is well over 3 times the spatial volume of this and was spec'd to cost 1/3rd less at \$20K.

[Quoted text hidden]

[REDACTED] Wed, Mar 1, 2017 at 6:55 PM  
 To: David Moses <david@romeburning.com>  
 Cc: National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>

Actually, Baphomet ended up around \$100k. The initial crowd funding was for \$20k on Indiegogo, but that was mostly because we had no idea what we needed, but we were generating a lot of media that we knew we needed to capitalize on immediately. However, if your own estimates differ, outside a comparison to Baphomet, I'm interested to know more

[Quoted text hidden]

**carajeanne** <hrh.phhc@gmail.com> Wed, Mar 1, 2017 at 6:58 PM  
 To: [REDACTED]  
 Cc: David Moses <david@romeburning.com>, National Council <nationalcouncil@thesatanictemple.com>

Are we also crowd funding for legal for Arkansas, and how will we tie this in together? Or will that be separate?

[Quoted text hidden]

Wed, Mar 1, 2017 at 7:04 PM

To: "to: carajeanne" <hrh.phhc@gmail.com>  
Cc: National Council <nationalcouncil@thesatanictemple.com>, David Moses <david@romeburning.com>

I guess the big question here is one that can't clearly be answered, but is based on educated predictions for which I am not particularly well versed in related case studies: would crowd-funding for this monument subtract from our five raising for other projects? That seems the intuitive outcome. However, it could be that having this project active will generate more interest overall, and affirm that we are active players in an important battle, ultimately generating more interest in investors overall.

[Quoted text hidden]

**Greg T Stevens** <gregtstevens@gmail.com>

Wed, Mar 1, 2017 at 9:36 PM

To: [REDACTED]  
Cc: "to: carajeanne" <hrh.phhc@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, David Moses <david@romeburning.com>

Is the crowdfunding target \$10,000 or \$30,000?

G

[Quoted text hidden]

Wed, Mar 1, 2017 at 9:47 PM

To: Greg Stevens <gregtstevens@gmail.com>  
Cc: National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>, David Moses <david@romeburning.com>

Realistically, I think we'll need \$35k for costs on an incentive structure that will generate interest -- satanic dog tags, limited t-shirts, etc. We'll need to get that all made and shipped out, if we're going to do this. We could try with no incentives, but I think that wouldn't go over as well at all.

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com>

Thu, Mar 2, 2017 at 3:16 AM

To: [REDACTED]  
Cc: Greg Stevens <gregtstevens@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>, David Moses <david@romeburning.com>

I do think 30K is excessive IMHO. The quote notes that the price includes fees to the artist, etc. We could ask the local metal artist what he thinks it should cost.

Additional costs will include transporting the statue to MN and installation costs. Also, I got liability insurance, but I didn't get insurance for repair or replacement, which I would want if we get to erect the statue. That would be another cost.

[Quoted text hidden]

**nationalcouncil@thesatanictemple.com** <nationalcouncil@thesatanictemple.com>

Thu, Mar 2, 2017 at 3:16 AM

To: Malcolm Jarry <satanictempleorg@gmail.com>

[Quoted text hidden]

**Nikki Moungo** <nmoungo@gmail.com>

Thu, Mar 2, 2017 at 3:24 AM

To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: [REDACTED] Greg Stevens <gregtstevens@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>, David Moses <david@romeburning.com>

30K for a year's worth of grass? I can think of a lot of things to do with 30K to extend beyond a year!

[Quoted text hidden]

Malcolm Jarry <satanictempleorg@gmail.com>

Thu, Mar 2, 2017 at 3:57 AM

To: Nikki Moungo <nmoungo@gmail.com>

Cc: [redacted], Greg Steven gregt teven @gmail com , National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>, David Moses <david@romeburning.com>

We have to get the statue afterward and can then sell it or bring it to Salem.

[Quoted text hidden]

nationalcouncil@thesatanictemple.com <nationalcouncil@thesatanictemple.com>

Thu, Mar 2, 2017 at 3:57 AM

To: Malcolm Jarry <satanictempleorg@gmail.com>

[Quoted text hidden]

Shiva Honey <shivadetroit@gmail.com>

Thu, Mar 2, 2017 at 11:35 AM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Cc: Nikki Moungo <nmoungo@gmail.com>, David Moses <david@romeburning.com>, [redacted], Greg Stevens <gregtstevens@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, "to: carajeanne" <hrh.phhc@gmail.com>

Can we get a breakdown of all costs? How the 30k is being allocated? How much is estimated for transporation (I know that was a huge deal for Baphomet), insurance costs, and any additional elements?

Xox,  
S

[Quoted text hidden]

carajeanne <hrh.phhc@gmail.com>

Thu, Mar 2, 2017 at 11:48 AM

To: Shiva Honey <shivadetroit@gmail.com>

Cc: Malcolm Jarry <satanictempleorg@gmail.com>, Nikki Moungo <nmoungo@gmail.com>, David Moses <david@romeburning.com>, [redacted], Greg Stevens <gregtstevens@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>

The artist is working with a metalsmith in Albuquerque (Iron anvil) for the most economical price.

What we've been told is:

"\$30,000.00 - This includes all material and initial delivery costs and of course Chris's fee as well as the artist and designer of the piece."

"To begin fabrication a down payment of roughly \$10,000.00 will be required to cover the cost of initial materials and labor."

"The piece will be created using plate steel with the black textured finish and with gold inside of each pentagram. The helmet is an M1 infantry helmet and will be cast in bronze and covered in a textured black patina."

-C

[Quoted text hidden]

Shiva Honey <shivadetroit@gmail.com>

Thu, Mar 2, 2017 at 1:53 PM

To: carajeanne <hrh.phhc@gmail.com>

Cc: Nikki Moungo <nmoungo@gmail.com>, Malcolm Jarry <satanictempleorg@gmail.com>, [redacted], David Moses <david@romeburning.com>, Greg Stevens <gregtstevens@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>

Can we have Chris break down the 30k? For instance, what are material costs? Chris' fees? Artist and designer fees? I think this is what David and Malcolm are getting at. It's not an unreasonable request.

[Quoted text hidden]



**Sarah Ponto Rivera** <sarahpaulinapr@gmail.com>

Thu, Mar 2, 2017 at 8:52 PM

To: Shiva Honey <shivadetroit@gmail.com>, carajeanne <hrh.phhc@gmail.com>

Cc: David Mo e david@romeburning.com , [REDACTED] , Greg Steven <gregtstevens@gmail.com>, Malcolm Jarry <satanictempleorg@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, Nikki Moungo <nmoungo@gmail.com>

I agree, a breakdown would be helpful.

[Quoted text hidden]

---

**carajeanne** <hrh.phhc@gmail.com>

Thu, Mar 2, 2017 at 9:01 PM

To: Sarah Ponto Rivera <sarahpaulinapr@gmail.com>

Cc: Shiva Honey shivadetroit@gmail.com , David Mo e david@romeburning.com [REDACTED] , Greg Stevens <gregtstevens@gmail.com>, Malcolm Jarry <satanictempleorg@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, Nikki Moungo <nmoungo@gmail.com>

I've sent an email requesting the details

[Quoted text hidden]

---

**carajeanne** <hrh.phhc@gmail.com>

Thu, Mar 2, 2017 at 10:44 PM

To: Sarah Ponto Rivera <sarahpaulinapr@gmail.com>

Cc: Shiva Honey <shivadetroit@gmail.com>, David Moses <david@romeburning.com>, [REDACTED] , Greg Stevens <gregtstevens@gmail.com>, Malcolm Jarry <satanictempleorg@gmail.com>, National Council <nationalcouncil@thesatanictemple.com>, Nikki Moungo <nmoungo@gmail.com>

Chris will hopefully have his detailed invoice from the metal shop by late Monday and will do his best to have it over to us as soon as he can

On Thu, Mar 2, 2017 at 8:52 PM, Sarah Ponto Rivera <sarahpaulinapr@gmail.com> wrote:

[Quoted text hidden]

# Mills Decl. Ex. 11



The Satanic Temple <satanictempleorg@gmail.com>

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**Belle Plaine**

1 message

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[REDACTED] Thu, Apr 13, 2017 at 12:45 AM  
To: Chris p Andres <chrispandres@gmail.com>, David Moses <verite999@gmail.com>, Fred Mephisto <fred.mephisto@gmail.com>  
Cc: Malcolm Jarry <satanictempleorg@gmail.com>

Hello fellows –

The Belle Plaine veteran's memorial has been approved. We must move quickly.  
Mr Andres, I know you had been getting quotes from fabricators. I'm not sure how that's been coming along, but I thought a couple of our people in Atlanta might be able help.  
People in Atlanta, is producing this sculpture design something that's possibly within your production abilities?

Thanks



# Mills Decl. Ex. 12



April 2, 2017

**Bill To:**  
REASON ALLIANCE / TST  
64 Bridge Street  
Salem, MA 01970

### Invoice for Services

For the facilitation of the construction of a Veteran's Memorial Monument to be placed in Belle Plaine, MN. Work includes:

- Finding a designer and metalsmith to construct the monument and to assure the work adheres to guidelines set forth by Reason Alliance and TST and the City of Belle Plaine
- Communicating with all parties and assuring that everyone has all necessary resources to complete their tasks
- Working with the metalsmith through the process to assure timely delivery and that quality standards are met
- Resolving any other unforeseen issues that may arise during the design and construction process

FEE FOR SERVICES:     \$4,000

Spectacle Films, Inc.  
2 East Broadway Suite 901 New York, NY 10038  
212.807.0290 – info@spectaclefilms.com



# Mills Decl. Ex. 13



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

**Fwd: Answers from the designer**

27 messages

**Ash Astaroth** <ash.astaroth@gmail.com>To: Malcolm Jarry <satanictempleorg@gmail.com>, [REDACTED]  
<chrispandres@gmail.com>Fri, Apr 14, 2017 at 2:30 PM  
Chris p Andres

Here is what he is saying. Let me know your thoughts and I can respond

----- Forwarded message -----

From: **Adam** <adam.volpe@comcast.net>

Date: Fri, Apr 14, 2017 at 2:19 PM

Subject: Re: Answers from the designer

To: Ash Astaroth &lt;ash.astaroth@gmail.com&gt;

Hi Ash,

Hmm, aluminum would be nice for this project but it's just too soft, it would damage very easily so I'm scrapping that idea.

I've reached out to some people for quotes on some of the work (I'd want to CNC waterjet or plasma cut the pentagrams so they are perfect and identical on each side for example) so I don't have an exact figure but:

Assuming 1/4" plate mild steel, I'd estimate around \$3000. The pentagram inlays would be brass and I would like to use a professional pickup truck bed liner for the surface. That will give you the desired irregular surface texture in a flat black color. It will also be VERY durable and resistant to dents and scratches and even corrosion. The 1/4" thick steel will provide plenty of structural support and I may even weld in some internal cross braces just for an extra bit of insurance. A big man with a sledgehammer could probably chip it or dent it a bit but that's about it.

For even more strength I could actually use AR500 steel (AR == abrasion resistant). It is a hardened plate used in things like bulldozer blades and excavator buckets. In fact it's also used for armor plates and will even stop most bullets. It could basically survive anything at that point. The labor cost doesn't really change but the material cost would be about \$500 more making the total roughly \$3500.

In either case my best estimate on the weight is about 325-350lbs. Very heavy but a couple people could move it.

If price is a concern, thinner steel could be used, the bedliner idea (I'm guessing that's nearly \$500 on its own) could be scrapped, etc..

Thanks,  
Adam

---

**From:** "Ash Astaroth" <ash.astaroth@gmail.com>**To:** "Adam" <adam.volpe@comcast.net>**Sent:** Friday, April 14, 2017 12:47:09 PM**Subject:** Answers from the designer

I forwarded your questions, let me know if these answer them.

"Here are those specs -

---Plate steel , or aluminum - black in color with an irregular textured surface.

---m1 military helmet cast in steel/aluminum (whichever works best) also black, to be bolted/welded on top like an offering bowl.

---Each side needs an etched inverted pentagram w/ gold/brass/bronze guiding (whichever is most cost effective)

I am open to appropriate thicknesses and the depth of the etchings , I would defer to your expertise in such areas....

Does this answer most of

The questions? I believe as long as it ends up looking properly , the materials are variable....."

Also we expect it to be a vandal target so making it sturdy is a concern. Do you think you can approximate some costs for us based on your time and materials?

On Apr 13, 2017 3:38 PM, "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)> wrote:

Sure thing brother, email is probably easiest and simplest way yes. By the way I forgot to mention one other thing, if you wanted to trust me to accurately record my time I could simply work for a flat hourly rate plus materials. Just a option, I work pretty cheaply since this is a side job/hobby and I don't rely on it to pay the bills.

---

**From:** "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>

**To:** "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

**Sent:** Thursday, April 13, 2017 3:15:23 PM

**Subject:** Re: Hello from Salem Art Gallery

Let me get you in touch with the designing artist and maybe some other folks, these are great questions that we can get figured out. Is this the most reliable way to reach you?

On Apr 13, 2017 3:10 PM, "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)> wrote:

Hi Ash,

Good to hear from you, I hope things are well with you!

I'd certainly be interested in trying this one on for size. I have some questions:

1) The dimensions of the rectangle are 23" wide on each side it seems, but the height I'm a little uncertain on. Is the box 36" tall by itself, or does that include the helmet?

2) The pentagrams are gold, is that set in stone? I ask because that would add a lot to the cost (honestly I've never worked with gold in the first place for this reason alone). If you're open to substitution I would recommend brass as it has a similar appearance without an insane cost.



3) Are the pentagram inlays the same level as the surrounding steel surface, or are they embossed slightly below the surface (and if so, how deep?) I ask simply for labor cost reasons (if the inlays are on the same level as the rest of the surface it would be cheaper/easier to do).

4) Is mild steel a requirement? I only ask because while my planned black oxide patina does add some corrosion resistance, if this is going to be outside it's going to rust, period. It could be painted with a clearcoat to help with this but it's not going to last forever. A professional clearcoat job (similar to an automotive clearcoat) would be best but that adds to the cost of course. Alternatively, the construction could be done in aluminum or stainless steel for corrosion resistance but both materials cost more than normal mild steel so it's just another consideration.

5) Finally, I would plan to make the box hollow to save on cost and weight, do you have any idea how thick you'd want the walls of the box? I'd say a minimum of 1/8" thick, personally, up to about 1/2" thick. For reference, weight-wise, assuming the box is 23x23x36" the box would weigh roughly 150lbs for 1/8" thick and 600lbs for 1/2" thick. Obviously material and labor costs vary as a result as well. Personally if it were up to me I'd be somewhere in the middle (1/4"-3/8" thick). 1/8" thick walls would be plenty strong but a vandal could potentially dent it with a heavy hammer, which actually brings up another point, how strong you need it to be. Some internal crossbracing could be utilized to make it REALLY strong if needed (again, more cost considerations).

Alternatively, you could give me a budget and I could figure out the methods and materials best suited to match the price if you prefer.

Thanks,  
Adam

---

**From:** "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
**To:** "adam volpe" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
**Sent:** Thursday, April 13, 2017 1:50:53 PM  
**Subject:** Hello from Salem Art Gallery

Hello,

We met and I looked at your iron work quite a while back. I remember we were interested in showing your stuff if you had it available for us. We are still interested in showing anything you have available but we would also like to ask if you would be interested or have the capabilities to help us with a sculpture for one of our national campaigns. I will include details below but we are looking for estimates from artists for how much it would cost to produce the veterans memorial we designed and are proposing below. Please have a look and let me know if this looks like something within your abilities and an estimate to create it. If you have questions we can also get you in touch with the artist who designed the memorial. Let us know if this looks within your capabilities and if it is something you can take on and we look forward to hearing from you one way or another.

<http://www.patheos.com/blogs/friendlyatheist/2017/02/21/a-mn-town-wants-religious-war-memorials-so-satanists-offer-one-with-a-baphometric-bowl-of-wisdom/>

Sincerely,

Ash

---

**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Adam <adam.volpe@comcast.net>  
Bcc: atanictempleorg@gmail.com

Fri, Apr 14, 2017 at 4:00 PM

How soon would you be able to get started on this and when do you think you could complete it? We were talking that obviously we want the monument to last and be in its original state for as long as possible but a small amount of rust over time may actually be part of its design and we can write that into the press release as intentional. I don't think the designer would like to go with a clear coat at all so maybe working with the materials that will age/weather the best over time. We basically have a spot waiting to put it and as soon as we do I'm sure there will be a lot of attention on it.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Ash Astaroth <ash.astaroth@gmail.com>, [REDACTED]

Sat, Apr 15, 2017 at 1:06 AM

[REDACTED]

I will deal with the city of Belle Plaine. Can you respond to Adam and find out how long it will take and what advice he has about how to install the monument so that it will not be stolen?

M

[Quoted text hidden]

---

**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Malcolm Jarry <satanictempleorg@gmail.com>, [REDACTED]

Sat, Apr 15, 2017 at 1:32 AM

----- Forwarded message -----  
From: "Adam Volpe" <adam.volpe@comcast.net>  
Date: Apr 14, 2017 8:38 PM  
Subject: RE: Answers from the designer  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Hi Ash,

No problem. I actually have a few ideas in mind regarding the finish but I think we can work something out one way or another. A dull, mottled/textured black finish will be achievable one way or another. Clearcoat is nice but it's TOO nice and shiny which is why I almost never use it. Another side note, that AR500 steel is more rust resistant than regular mild steel which is a nice bonus, if you're considering it. I assume this is going to be outdoors, correct?

Regardless, the downside to me working for cheap as a side job is that I only work on nights and weekends when I have spare time. Further complicating this matter is the fact that I have two other commissions I'm currently working on and won't be done for about 4-6 weeks. Having said that, I am a fan of TST and its work and am willing to somewhat jump the line, so to speak. Realistically I can start on the process of acquiring materials and working on subcontracting the waterjet work this week if you want to give me a deposit. If there is too much lead time on the waterjet work I can electrochemically etch the pentagrams into the steel as I have done with other similar projects. Having said all of that, it's still going to take around a month I'm guessing.

Final note, keep in mind this is going to have to be shipped via freight due to the weight which will add a couple hundred dollars (I can handle it or you can if you prefer).

Thanks,

Adam

**From:** Ash Astaroth [mailto:ash.astaroth@gmail.com]  
**Sent:** Friday, April 14, 2017 4:00 PM  
**To:** Adam <adam.volpe@comcast.net>  
**Subject:** Re: Answers from the designer

How soon would you be able to get started on this and when do you think you could complete it? We were talking that obviously we want the monument to last and be in its original state for as long as possible but a small amount of rust over time may actually be part of its design and we can write that into the press release as intentional. I don't think the designer would like to go with a clear coat at all so maybe working with the materials that will age/weather the best over time. We basically have a spot waiting to put it and as soon as we do I'm sure there will be a lot of attention on it.

[Quoted text hidden]



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**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Malcolm Jarry <satanictempleorg@gmail.com>, [REDACTED]

Sat, Apr 15, 2017 at 1:51 PM

----- Forwarded message -----  
From: "Adam Volpe" <adam.volpe@comcast.net>  
Date: Apr 15, 2017 1:38 PM  
Subject: RE: Answers from the designer  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Sure thing brother. Lunatic side note, if you wanted to pay me extra I would be willing to give up a week's worth of vacation and dedicate it to this project. With 50-60 hours of work in a week I could knock it out (or at least the majority). I would probably forgo the CNC waterjet plan because I doubt they could accommodate me that fast, I'd just do my own electrochemical etchings instead.

Thanks,

Adam

**From:** Ash Astaroth [mailto:ash.astaroth@gmail.com]  
**Sent:** Saturday, April 15, 2017 12:48 PM  
**To:** Adam Volpe <adam.volpe@comcast.net>  
**Subject:** Re: Answers from the designer

Let me talk with the others and get back to you with some info. We are very interested in getting this done ASAP as we basically have a space to put it waiting for us.

On Fri, Apr 14, 2017 at 8:38 PM, Adam Volpe <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)> wrote:

Hi Ash,

No problem. I actually have a few ideas in mind regarding the finish but I think we can work something out one way or another. A dull, mottled/textured black finish will be achievable one way or another. Clearcoat is nice but it's TOO nice and shiny which is why I almost never use it. Another side note, that AR500 steel is more rust resistant than regular mild steel which is a nice bonus, if you're considering it. I assume this is going to be outdoors, correct?

Regardless, the downside to me working for cheap as a side job is that I only work on nights and weekends when I have spare time. Further complicating this matter is the fact that I have two other commissions I'm currently working on and won't be done for about 4-6 weeks. Having said that, I am a fan of TST and its work and am willing to somewhat jump the line, so to speak. Realistically I can start on the process of acquiring materials and working on subcontracting the waterjet work this week if you want to give me a deposit. If there is too much lead time on the waterjet work I can electrochemically etch the pentagrams into the steel as I have done with other similar projects. Having said all of that, it's still going to take around a month I'm guessing.

Final note, keep in mind this is going to have to be shipped via freight due to the weight which will add a couple hundred dollars (I can handle it or you can if you prefer).

Thanks,

Adam

**From:** Ash Astaroth [<mailto:ash.astaroth@gmail.com>]

**Sent:** Friday, April 14, 2017 4:00 PM

**To:** Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

**Subject:** Re: Answers from the designer

How soon would you be able to get started on this and when do you think you could complete it? We were talking that obviously we want the monument to last and be in its original state for as long as possible but a small amount of rust over time may actually be part of its design and we can write that into the press release as intentional. I don't think the designer would like to go with a clear coat at all so maybe working with the materials that will age/weather the best over time. We basically have a spot waiting to put it and as soon as we do I'm sure there will be a lot of attention on it.

[Quoted text hidden]



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Mon, Apr 17, 2017 at 1:42 PM

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Adam Volpe <adam.volpe@comcast.net>  
Bcc: satanictempleorg@gmail.com

Hello,

How much money you need for the deposit and to get you started on the monument so we can get that going ASAP?

On Fri, Apr 14, 2017 at 8:38 PM, Adam Volpe <adam.volpe@comcast.net> wrote:

Hi Ash,

No problem. I actually have a few ideas in mind regarding the finish but I think we can work something out one way or another. A dull, mottled/textured black finish will be achievable one way or another. Clearcoat is nice but it's TOO nice and shiny which is why I almost never use it. Another side note, that AR500 steel is more rust resistant than regular mild steel which is a nice bonus, if you're considering it. I assume this is going to be outdoors, correct?

Regardless, the downside to me working for cheap as a side job is that I only work on nights and weekends when I have spare time. Further complicating this matter is the fact that I have two other commissions I'm currently working on and won't be done for about 4-6 weeks. Having said that, I am a fan of TST and its work and am willing to somewhat jump the line, so to speak. Realistically I can start on the process of acquiring materials and working on subcontracting the waterjet work this week if you want to give me a deposit. If there is too much lead time on the waterjet work I can electrochemically etch the pentagrams into the steel as I have done with other similar projects. Having said all of that, it's still going to take around a month I'm guessing.

Final note, keep in mind this is going to have to be shipped via freight due to the weight which will add a couple hundred dollars (I can handle it or you can if you prefer).

Thanks,

Adam

**From:** Ash Astaroth [mailto:ash.astroth@gmail.com]  
**Sent:** Friday, April 14, 2017 4:00 PM  
**To:** Adam <adam.volpe@comcast.net>  
**Subject:** Re: Answers from the designer

How soon would you be able to get started on this and when do you think you could complete it? We were talking that obviously we want the monument to last and be in its original state for as long as possible but a small amount of rust over time may actually be part of its design and we can write that into the press release as intentional. I don't think the designer would like to go with a clear coat at all so maybe working with the materials that will age/weather the best over time. We basically have a spot waiting to put it and as soon as we do I'm sure there will be a lot of attention on it.

[Quoted text hidden]



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**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Adam Volpe <adam.volpe@comcast.net>  
Bcc: satanictempleorg@gmail.com

Mon, Apr 17, 2017 at 1:44 PM

Also, if we paid you a little extra to give up a week of PTO to use to work on it as you mentioned how much would you need for that?

On Sat, Apr 15, 2017 at 1:38 PM, Adam Volpe <adam.volpe@comcast.net> wrote:

Sure thing brother. Lunatic side note, if you wanted to pay me extra I would be willing to give up a week's worth of vacation and dedicate it to this project. With 50-60 hours of work in a week I could knock it out (or at least the majority). I would probably forgo the CNC waterjet plan because I doubt they could accommodate me that fast, I'd just do my own electrochemical etchings instead.

Thanks,

Adam

**From:** Ash Astaroth [mailto:[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)]  
**Sent:** Saturday, April 15, 2017 12:48 PM  
**To:** Adam Volpe <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

**Subject:** Re: Answers from the designer

Let me talk with the others and get back to you with some info. We are very interested in getting this done ASAP as we basically have a space to put it waiting for us.

On Fri, Apr 14, 2017 at 8:38 PM, Adam Volpe <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)> wrote:

Hi Ash,

No problem. I actually have a few ideas in mind regarding the finish but I think we can work something out one way or another. A dull, mottled/textured black finish will be achievable one way or another. Clearcoat is nice but it's TOO nice and shiny which is why I almost never use it. Another side note, that AR500 steel is more rust resistant than regular mild steel which is a nice bonus, if you're considering it. I assume this is going to be outdoors, correct?

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Final note, keep in mind this is going to have to be shipped via freight due to the weight which will add a couple hundred dollars (I can handle it or you can if you prefer).

Thanks,

Adam

**From:** Ash Astaroth [mailto:[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)]

**Sent:** Friday, April 14, 2017 4:00 PM

**To:** Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

**Subject:** Re: Answers from the designer

How soon would you be able to get started on this and when do you think you could complete it? We were talking that obviously we want the monument to last and be in its original state for as long as possible but a small amount of rust over time may actually be part of its design and we can write that into the press release as intentional. I don't think the designer would like to go with a clear coat at all so maybe working with the materials that will age/weather the best over time. We basically have a spot waiting to put it and as soon as we do I'm sure there will be a lot of attention on it.

[Quoted text hidden]



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**Ash Astaroth** <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>

To: Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

Bcc: [satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)

Mon, Apr 17, 2017 at 2:10 PM

I think we'd want to go with the extra weather resistance and such for the extra \$500. Let me forward that info on and see what we can do to get you started.

On Apr 17, 2017 2:07 PM, "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)> wrote:

Hi Ash,

\$500 up front is fine, you can paypal me at [adam.volpe@comcast.net](mailto:adam.volpe@comcast.net) if you like or if you prefer cash or check or whatever.

For the week of PTO, I'd take half of my actual pay for the week which is almost exactly \$1000. I think that's pretty fair?

Did you decide if you wanted to do 1/4" mild steel or \$500 extra for the AR500 (strength and corrosion resistance)? I will place the order today and pick it up at the mill in NH in a day or two so I can get started this weekend.

Thanks,

Adam

---

**From:** "Ash Astaroth" <ash.astaroth@gmail.com>  
**To:** "Adam Volpe" <adam.volpe@comcast.net>  
**Sent:** Monday, April 17, 2017 1:42:58 PM

[Quoted text hidden]

---

**Ash Astaroth** <ash.astaroth@gmail.com>

Mon, Apr 17, 2017 at 2:10 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>, [REDACTED] >

----- Forwarded message -----

From: "Adam" <adam.volpe@comcast.net>  
Date: Apr 17, 2017 2:07 PM  
Subject: Re: Answers from the designer  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Hi Ash,

\$500 up front is fine, you can paypal me at [adam.volpe@comcast.net](mailto:adam.volpe@comcast.net) if you like or if you prefer cash or check or whatever.

For the week of PTO, I'd take half of my actual pay for the week which is almost exactly \$1000. I think that's pretty fair?

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Thanks,  
Adam

---

**From:** "Ash Astaroth" <ash.astaroth@gmail.com>  
**To:** "Adam Volpe" <adam.volpe@comcast.net>  
**Sent:** Monday, April 17, 2017 1:42:58 PM

[Quoted text hidden]

---

**Ash Astaroth** <ash.astaroth@gmail.com>

Mon, Apr 17, 2017 at 2:15 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>, [REDACTED]

----- Forwarded message -----

From: "Adam" <adam.volpe@comcast.net>  
Date: Apr 17, 2017 2:13 PM  
Subject: Re: Answers from the designer  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Sure thing brother. Just let me know by say Thursday, that's probably the latest I can order the steel and have it for the weekend.



From: "Ash Astaroth" <ash.astaroth@gmail.com>

To: "Adam" <adam.volpe@comcast.net>

Sent: Monday, April 17, 2017 2:10:26 PM

[Quoted text hidden]

---

Ash Astaroth <ash.astaroth@gmail.com>

Mon, Apr 17, 2017 at 2:31 PM

To: Malcolm Jarry <satanic templeorg@gmail.com>, [REDACTED]

----- Forwarded message -----

From: "Adam" <adam.volpe@comcast.net>

Date: Apr 17, 2017 2:24 PM

Subject: Re: Answers from the designer

To: "Ash Astaroth" <ash.astaroth@gmail.com>

Cc:

OH! and if you want me to take next week off for sure let me know ASAP, I've gotta request it and don't want it to be last second (it already kinda is but sooner is better!)

---

From: "Ash Astaroth" <ash.astaroth@gmail.com>

To: "Adam" <adam.volpe@comcast.net>

Sent: Monday, April 17, 2017 2:10:26 PM

[Quoted text hidden]

---

[REDACTED] Mon, Apr 17, 2017 at 2:35 PM

To: Ash Astaroth <ash.astaroth@gmail.com>

Cc: Malcolm Jarry <satanic templeorg@gmail.com>

This one's your call, Malcolm. When's Belle Plaine expecting anything from us? Do we have a deadline?

[Quoted text hidden]

---

Malcolm Jarry <satanic templeorg@gmail.com>

Mon, Apr 17, 2017 at 7:54 PM

To: [REDACTED]

Cc: Ash Astaroth <ash.astaroth@gmail.com>

I sent out 1K just now, but that means we have to move fast with getting the fundraiser launched. Now that everything is in place and we have a rough timeline, I will let Belle Plaine know. Please note that we ALSO need the statue to have a plaque that reads: **"In honor of Belle Plaine veterans who fought to defend the United States and its Constitution"**

Let's get moving on all of our respective tasks.

Ash: let Adam know the money was sent and that he needs to also make a plaque and get an updated estimate on completion. Also, let Chris know we are fine with his fee.

[REDACTED] start laying out the text and stuff for the fundraiser including incentives and designs for that.

I will notify Belle Plaine and will finalize the insurance and will ask about Belle Plaine about installation requirements.

[Quoted text hidden]

---

Malcolm Jarry <satanic templeorg@gmail.com>

Mon, Apr 17, 2017 at 7:56 PM

To: [REDACTED]

[REDACTED] also, once the fundraiser is assembled we should have a press release ready to go. This would be the very first satanic monument on public grounds, so it is a historical event. Also, it should be noted that the council behaved professionally and expeditiously at all times. There were no shenanigans at any point. They were responsive and even preemptively notified us of the approval. Their behavior, at all times, to us was beyond reproach.

[Quoted text hidden]

**Malcolm Jarry** <satanictempleorg@gmail.com>

Mon, Apr 17, 2017 at 8:10 PM

To: [REDACTED]

What we need funds for:

Design of the monument by artist Chris Andres  
Construction of the monument by artist Adam Volpe  
Transporting the statue from Salem to Belle Plaine  
Installation of the statue for one year  
Removal and return of the statue to Salem  
Liability and Property Insurance  
Administration expenses

[Quoted text hidden]

Mon, Apr 17, 2017 at 10:55 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Cc: Ash Astaroth <ash.astaroth@gmail.com>

Do we have a final number on the crowd funded amount?

[Quoted text hidden]

Tue, Apr 18, 2017 at 1:24 PM

**Malcolm Jarry** <satanictempleorg@gmail.com>

To: [REDACTED]

35K

[Quoted text hidden]

Tue, Apr 18, 2017 at 1:26 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

For the Belle Plaine memorial? Why would we price it at 35k?

[Quoted text hidden]

Tue, Apr 18, 2017 at 1:30 PM

**Malcolm Jarry** <satanictempleorg@gmail.com>

To: [REDACTED]

Because we need to raise money - it is the first satanic monument on state property, so it is a historic achievement - and our costs are not simply the cost of the statue, but all of the operations that made it happen. If we only raise 20K, that is OK too.

[Quoted text hidden]

Tue, Apr 18, 2017 at 1:33 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

I think 20k makes more sense because 1) we really want to reach whatever amount we set, and 2) we don't want to set a goal that makes the fabricator and artist upset with their low bids

[Quoted text hidden]

Tue, Apr 18, 2017 at 1:39 PM

**Malcolm Jarry** <satanictempleorg@gmail.com>

To: [REDACTED]

The fabricator is Adam and he knows that TST needs funds for operations. How about 25K then?

There are real costs on top of creating which including PR.

[Quoted text hidden]

Tue, Apr 18, 2017 at 2:00 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Shit, I still think 20k might be high insofar as reachable goal is concerned. I'm not anticipating this will be really huge news, not like ASSC, which netted us 20. I know there were web issues, but that was international news a few times over. I am not against us getting 35 or 25, of course, but I like to set a goal we can get, especially if we're using IndieGogo, which takes a big cut if you don't reach your mark. Also, I don't think any of us know this Adam guy at all. We know Chris, but I still worry about both him and the fabricator knowing the full bill for design and production is like 6k whole we're funding for tens of thousands

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Tue, Apr 18, 2017 at 2:22 PM

To: [REDACTED]

The statue stories are easier for people to understand than some of the others. Many people didn't know about the Good News Club, so back story was something that needed explaining. I am really not worried about Adam and Chris. They understand TST is more than a statue and that more goes into making and installing a statue than just creating the statue. The only point that is cause for concern is not hitting our goal. Go with 20K, but in the description make it clear that monies about 20K will help support TSTs efforts in general.

[Quoted text hidden]

---

[REDACTED]

Tue, Apr 18, 2017 at 2:46 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Okay. But I also think we should present the breakdown to Ash, Chris and Adam before going live. We can justify 20k, but I don't want any question in their mind about that. Some of that might be hypothetical cost surrounding potential vandalism. We don't need to ask their approval, but I think we should present it with the question of whether or not they think there's anything we're missing that would justify a HIGHER amount. That way, I think, they become invested in the idea that we're on the level, and we don't have to worry about gossip that suggests otherwise.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Tue, Apr 18, 2017 at 3:48 PM

To: [REDACTED]

I think you are letting the tail wag the dog here. There are a lot of expenses involved in erecting and then removing a statue, insuring it, publicizing it, having a team apply for its inclusion and deal with correspondences, in addition to the cost and design of the statue. For \$4,500, anyone can design and build a statue and have it sit in their closet and no one will know or care. If we have to explain why we need more than the basic cost to create something to everyone we work with then maybe we pack up and forget it all. We aren't going to survive. I have put an insane amount of resources into TST and am swimming in debt. We don't have donors like FFRF or AU, and yet we are often more effective than them. Money is simply not coming in and if people want us to survive, then money has to come from somewhere. Generally, it comes from fundraising situations like these and we haven't had many in a while.

[Quoted text hidden]

---

[REDACTED]

Tue, Apr 18, 2017 at 4:25 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

I'm thinking of worst case scenarios and PR nightmares. If anybody who knows the real cost gossips disparagingly to anybody else that we far inflated the crowd funding and word gets out, that hurts our overall fundraising capability. If asked what justifies the amount, I'm certainly not at liberty to say that the inflation is going towards other debts completely unrelated to the Belle Plaine monument. During the fundraising for the monument, we can certainly push for general fundraising as well, and I'll bet there's a lot of carry-over of people donating to the general fund in response to the monument. We still haven't set up a web platform, integrated chapter merch on our site, or sent out a prospectus to potential investors. I think that will be our next round of money, but we need to do our best that our image is good.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Wed, Apr 19, 2017 at 2:28 PM

To: [REDACTED]

On top of the statue, there is also the cost for a base and having that base anchored. I am reaching out to Belle Plaine to see what they will permit.

[Quoted text hidden]

# Mills Decl. Ex. 14

Malcolm Jarry <satanictempleorg@gmail.com>

Mon, Apr 17, 2017 at 8:10 PM

To: [Redacted]

What we need funds for:

- Design of the monument by artist Chris Andres
- Construction of the monument by artist Adam Volpe
- Transporting the statue from Salem to Belle Plaine
- Installation of the statue for one year
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Mon, Apr 17, 2017 at 10:55 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

Cc: Ash Astaroth <ash.astaroth@gmail.com>

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Malcolm Jarry <satanictempleorg@gmail.com>

Tue, Apr 18, 2017 at 1:24 PM

To: [Redacted]

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[Quoted text hidden]

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To: Malcolm Jarry <satanictempleorg@gmail.com>

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To: [Redacted]

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To: Malcolm Jarry <satanictempleorg@gmail.com>

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Malcolm Jarry <satanictempleorg@gmail.com>

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To: [Redacted]

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[Redacted] >

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To: Malcolm Jarry <satanictempleorg@gmail.com>

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Malcolm Jarry <satanictempleorg@gmail.com>

Tue, Apr 18, 2017 at 3:48 PM

To: [Redacted]

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[Redacted]

Tue, Apr 18, 2017 at 4:25 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>

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[Quoted text hidden]

Malcolm Jarry <satanictempleorg@gmail.com>

Wed, Apr 19, 2017 at 2:28 PM

To: [Redacted]

On top of the statue, there is also the cost for a base and having that base anchored. I am reaching out to Belle Plaine to see what they will permit.

[Quoted text hidden]

# Mills Decl. Ex. 15



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

**Fwd: Insurance**

1 message

Ash Astaroth &lt;ash.astaroth@gmail.com&gt;

Tue, Jun 13, 2017 at 8:44 PM

To: [REDACTED] Malcolm Jarry &lt;satanictempleorg@gmail.com&gt;

----- Forwarded message -----

From: "Adam Volpe" &lt;adam.volpe@comcast.net&gt;

Date: Jun 13, 2017 8:35 PM

Subject: Insurance

To: "Ash Astaroth" &lt;ash.astaroth@gmail.com&gt;

Cc:

Hi Ash,

Just a side note, I think you mentioned you've insured the monument. You may want to insure it for more than I charged, I ended up estimating the cost way too low. The cost of the materials and consumables and tooling and such ate up all of the budget so I ended up putting in the 75 hours of labor for free. I only mention this because if a new one needs to be made again from insurance money it would need to be cost more. The mistake was mine, however it was a brutal project and I don't think I'd be willing to do it again without making any money. Something more like \$5k would be a reasonable amount to insurance it for I think. Just in case!

Thanks!

Adam

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EXHIBIT

12



# Mills Decl. Ex. 16



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

**Fwd: RE: Finished?**

2 messages

**Ash Astaroth** <ash.astroth@gmail.com>

Fri, Jun 23, 2017 at 4:19 PM

To: [REDACTED] Malcolm Jarry &lt;satanictempleorg@gmail.com&gt;

----- Forwarded message -----

From: "Adam Volpe" &lt;adam.volpe@comcast.net&gt;

Date: Jun 23, 2017 2:34 PM

Subject: RE: Finished?

To: "Ash Astaroth" &lt;ash.astroth@gmail.com&gt;

Cc:

Hi Ash,

It's as done as it's gonna get. It has the buriable (is that a word?) 6" tall base with 4 holes for ground anchors if needed. I've coated it in oil (rust resistance) and covered in a tarp and it's just sitting in my garage now.

Thanks,

Adam

**From:** Ash Astaroth [mailto:[ash.astroth@gmail.com](mailto:ash.astroth@gmail.com)]**Sent:** Friday, June 23, 2017 1:42 PM**To:** Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>**Subject:** Finished?

Is the monument 100% finished including the anchor? We would like to reach out to Belle Plaine if so and we may also want to show it here temporarily.

Virus-free. [www.avast.com](http://www.avast.com)**Malcolm Jarry** <satanictempleorg@gmail.com>

Fri, Jun 23, 2017 at 7:08 PM

To: Ash Astaroth &lt;ash.astroth@gmail.com&gt;

How much do we owe him and how can we get it over to the gallery and do we have a place for it there or should we not bother and just get it from him and take it to Minnesota in July?

[Quoted text hidden]



# Mills Decl. Ex. 17

Subject: RE: Memorial to Salem?  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Okay, well, I can use a crane to get it into my truck (and back out again), and I think using an appliance dolly might get it up the stairs. It's REALLY heavy though, I might have to play around with some ideas or even build a rig for two people to carry it. Since it's so heavy I'd have to hire another powerlifter to help me most likely (especially getting it through a doorway where space is tight). How soon are you thinking?

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 3:35 PM

[REDACTED]  
To: Ash Astaroth <ash.astaroth@gmail.com>  
Cc: Malcolm Jarry <satanictempleorg@gmail.com>

Shit. What is the weight? We should have some kind of platform on the floor to both preserve the floor, and to disburse the weight. I have no idea what is a safe load to put on our floors though.  
Malcolm, did we get some kind of estimate on this previously when considering having Baphomet indoors?

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 5:28 PM

**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

He said it was 400 pounds. That is the weight of two heavy men. There is no reason we need to check the floor load for that. Two very strong people can lift and carry that. It can also roll around on a dolly.

Any reason why we don't want it outside? Sure, some people might just come to look at it, but once people are here some will come inside give that we are a little bit out of the way.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 5:31 PM

[REDACTED]  
To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

It could go outside, but I feel it may actually be more convenient inside. Taking it in is a little bit of a bitch, but planting it outside will require the actual installation on some concrete base

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 6:03 PM

**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: [REDACTED]

I think that if we can get it inside we should. That way we can also keep it in good condition should we need it to still go somewhere. It wouldn't look bad on that front patch of lawn however so...

On Jul 15, 2017 5:28 PM, "Malcolm Jarry" <satanictempleorg@gmail.com> wrote:

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 6:16 PM

**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Ash Astaroth <ash.astaroth@gmail.com>  
Cc: [REDACTED]

It was designed to be outside. We have cameras and it is too heavy for anyone to run off with, so I would not feel uncomfortable about it being in the grass area. Inside is ok too, but requires some planning.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 7:21 PM

EXHIBIT  
14

To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

I still think it would need a concrete base outside, so inside may be more convenient overall, and it's an attraction that will bring return visitors indoors.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Sat, Jul 15, 2017 at 7:52 PM

To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

If you feel strongly about it being indoors, I am OK with that.

Let's not make any plans until Tuesday. If it is still going to go to MN, no sense making two trips unless that one to us can be handled easily.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 7:54 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

Yeah, good point. I actually do think there is some chance they'll vote against shutting down the forum.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Sat, Jul 15, 2017 at 7:56 PM

To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

I am sure they are aware there will be serious legal consequences. Because this could be legal, it is best if no one on our end discusses this matter online prior to the vote - or after if they decide to shut things down.

[Quoted text hidden]

# Mills Decl. Ex. 18



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

**Monument**

4 messages

**Ash Astaroth** <ash.astroth@gmail.com>

Wed, Jul 19, 2017 at 4:55 PM

To: Malcolm Jarry &lt;satanictempleorg@gmail.com&gt;, [REDACTED]

So to be clear, what should I tell Adam about getting the monument here? I'd like to get it here ASAP while the news is still hot. It will be a great attraction to add especially since Castiglias stuff leaves soon

Wed, Jul 19, 2017 at 5:00 PM

To: Ash Astaroth &lt;ash.astroth@gmail.com&gt;

Cc: Malcolm Jarry &lt;satanictempleorg@gmail.com&gt;

All the more reason to put it indoors, I think. Let's pick a spot on the floor and let's get a square of wood that we can staple felt (or some other non-abrasive cloth) around and tell him we want to dump it there. If he just wants to dump it outside the house, we'll figure out getting it in. If he needs us to pick it up, we'll get a van or pickup truck from Uhaul. Any chance we can get it by the weekend? I'm ready to fetch it as early as tonight. Maybe I can convince our Adam to drive...

[Quoted text hidden]

**Ash Astaroth** <ash.astroth@gmail.com>

Wed, Jul 19, 2017 at 5:02 PM

To: [REDACTED]  
Cc: Malcolm Jarry <satanictempleorg@gmail.com>

I'll ask and look for something to set under it.

[Quoted text hidden]

**Ash Astaroth** <ash.astroth@gmail.com>

Wed, Jul 19, 2017 at 10:28 PM

To: Malcolm Jarry &lt;satanictempleorg@gmail.com&gt;, [REDACTED]

----- Forwarded message -----

From: **Adam Volpe** <adam.volpe@comcast.net>

Date: Wed, Jul 19, 2017 at 10:12 PM

Subject: RE: Monument

To: Ash Astaroth &lt;ash.astroth@gmail.com&gt;

Hi Ash,

Unfortunately I'm at work all week and really don't have any availability. If you want to come by to pick it up you are welcome, however be aware that it would take probably 4 stout men to pick it up and lift it into a truck (it's right around 400lbs). If you can wait I can play around with the crane and possibly my appliance dolly this weekend and see if I can move it and bring it over Saturday or Sunday? My powerlifter friend is working until Monday so it'd have to be just me, is there anyone at the house on weekends who is reasonably strong? My biggest concern would be getting it up the stairs. I assume we can use the side stairs that is facing 90 degrees from the road? I seem to remember they were pretty shallow and looked like a nice straight shot into the house.

EXHIBIT  
15

Oh by the way, I discovered that I can create on-the-fly custom orders through my Etsy page which should give you the invoice you need. I can even do it in person with my phone apparently. I've never used it but it might be a good

option? Actually I may just be able to email it to you, do you want it to go to you or to someone else?

Thanks,

Adam

**From:** Ash Astaroth [mailto:[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)]  
**Sent:** Wednesday, July 19, 2017 5:05 PM  
**To:** Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
**Subject:** Monument

If we can get it delivered or picked up by this weekend we'd be into that. Let us know. Getting a uhaul and picking it up could be an option for us as well. If we could get it here and dropped either in the house or outside we can manage how it is displayed after that. Let us know what you need.



Virus-free. [www.avast.com](http://www.avast.com)



# Mills Decl. Ex. 19



# INVOICE

Paid

Adam Vo pe  
adam.vo pe@comcast.net

Invoice #: 0001  
Invoice Date: Ju 21, 2017  
Due date: Ju 21, 2017

Amount due:  
**\$0.00**

Bill To:

satan ctemp eorg@gma .com

Description	Quantity	Price	Amount
Baphomat c Bow of W sdom monument	1	\$2,600.00	\$2,600.00
		Subtota	\$2,600.00
		Tota	\$2,600.00
		Amount pa d	-\$2,600.00
		<b>Amount due</b>	<b>\$0.00 USD</b>

Notes

He o,  
The or g na pr ce was \$3500, I have added \$100 for the p aque recreat on w th updated anguage. You have a ready pre-pa d \$1000 up front so that eaves a ba ance of \$2600. Hope that makes sense :)

Thanks,  
Adam

EXHIBIT  
**16**

# Mills Decl. Ex. 20











EXHIBIT  
17

PLF000001

In honor of Belle Plaine veterans who served to  
defend the United States and its Constitution

# Mills Decl. Ex. 21

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**Athleists Talk** @AthleistsTalk · Sep 24, 2019

Please tell me these will be avail in the TST shop soon. I want an action figure to come complete with a true to scale & respectable veterans monument so I can act out its placement in **Belle Plaine**, MN from the comfort of our studio.

Also, skip knees that bend in submission

...









**Okta** @okta

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...








Promoted




**Evan Anderson** @tw0headedb0y · Dec 10, 2017

The Satanic Temple is suing the city of **Belle Plaine**, MN, after they closed their open forum due to protests over TST's desire to participate. [startribune.com/satanic-temple...](http://startribune.com/satanic-temple...) Read mine and [@LucienGreaves](#)'s review of the City Council's emails here:

...







**Lucien Greaves** @LucienGreaves · Aug 21, 2017

**Belle Plaine** emails related to Satanic monument request released via Freedom Of Information by [@MuckRock](#)

...




**MuckRock** @MuckRock · Aug 21, 2017

"Please say NO to Satan" Email capture Minnesota city's clash over a proposed Satanic war memorial buff.ly/2wrnWVV by [@tw0headedb0y](#)

...







**Ean Query** @eanquery · Jul 18, 2017

Retweeted [Lucien Greaves](#) ([@LucienGreaves](#)):

**Belle Plaine** voted to close their "free speech zone" for fear of a... [fb.me/zDZdM4ex](https://fb.me/zDZdM4ex)

...








ブロック・マダレーナ @MagdalenaBrock · Jul 18, 2017

[@LucienGreaves](#) if you haven't seen **Belle Plaine** city officials released a statement

...



**Jay Wexler** @SCOTUSHUMOR · Jul 18, 2017

Belle Plaine City Council issues a statement explaining its decision to close the public forum in Veterans Mem. Park [cbsloc.al/2uv1Tv5#.WW4n8...](https://cbsloc.al/2uv1Tv5#.WW4n8...)

...








**Lucien Greaves** @LucienGreaves · Jul 17, 2017

**Belle Plaine** voted to close their "free speech zone" for fear of a Satanic veterans' memorial. There will be no religious monuments.

...








**Lucien Greaves** @LucienGreaves · Jul 17, 2017

One has to wonder: Is there ever any order to a **Belle Plaine** meeting & do they always cut the live feed at an arbitrarily assigned "recess"?

...








**Lucien Greaves** @LucienGreaves · Jul 17, 2017

Man falling asleep as poorly mediated, disorganized **Belle Plaine** Council meeting plods tediously on.

[@SCOTUSHUMOR](#)

...










**Lucien Greaves** @LucienGreaves · Jul 17, 2017

**Belle Plaine** voting whether to close "free speech zone" in order to keep us out. Watch live, tweet your comments: [belleplainemn.com/city-council-m...](https://belleplainemn.com/city-council-m...)

...








**Lucien Greaves** @LucienGreaves · Jul 15, 2017

Replying to [@LucienGreaves](#)

I commented to Friendly Atheist about **Belle Plaine** seeking to close "open forum" to prevent TST veterans' memorial

[goo.gl/287Kz2](https://goo.gl/287Kz2)

...






EXHIBIT 18

# Mills Decl. Ex. 22





The Satanic Temple &lt;satanicempleorg@gmail.com&gt;

## Hello from Salem Art Gallery

4 messages

**Ash Astaroth** <ash.astroth@gmail.com>

Thu, Apr 13, 2017 at 1:50 PM

To: adam.volpe@comcast.net

Bcc: satanicempleorg@gmail.com

Hello,

We met and I looked at your iron work quite a while back. I remember we were interested in showing your stuff if you had it available for us. We are still interested in showing anything you have available but we would also like to ask if you would be interested or have the capabilities to help us with a sculpture for one of our national campaigns. I will include details below but we are looking for estimates from artists for how much it would cost to produce the veterans memorial we designed and are proposing below. Please have a look and let me know if this looks like something within your abilities and an estimate to create it. If you have questions we can also get you in touch with the artist who designed the memorial. Let us know if this looks within your capabilities and if it is something you can take on and we look forward to hearing from you one way or another.

<http://www.patheos.com/blogs/friendlyatheist/2017/02/21/a-mn-town-wants-religious-war-memorials-so-satanists-offer-one-with-a-baphometric-bowl-of-wisdom/>

Sincerely,

Ash

**Ash Astaroth** <ash.astroth@gmail.com>

Thu, Apr 13, 2017 at 3:15 PM

To: Adam &lt;adam.volpe@comcast.net&gt;

Bcc: satanicempleorg@gmail.com

Let me get you in touch with the designing artist and maybe some other folks, these are great questions that we can get figured out. Is this the most reliable way to reach you?

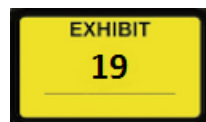
On Apr 13, 2017 3:10 PM, "Adam" <adam.volpe@comcast.net> wrote:

Hi Ash,

Good to hear from you, I hope things are well with you!

I'd certainly be interested in trying this one on for size. I have some questions:

- 1) The dimensions of the rectangle are 23" wide on each side it seems, but the height I'm a little uncertain on. Is the box 36" tall by itself, or does that include the helmet?
- 2) The pentagrams are gold, is that set in stone? I ask because that would add a lot to the cost (honestly I've never worked with gold in the first place for this reason alone). If you're open to substitution I would recommend brass as it has a similar appearance without an insane cost.
- 3) Are the pentagram inlays the same level as the surrounding steel surface, or are they embossed slightly below the surface (and if so, how deep?) I ask simply for labor cost reasons (if the inlays are on the same level as the rest of the surface it would be cheaper/easier to do).
- 4) Is mild steel a requirement? I only ask because while my planned black oxide patina does add some corrosion resistance, if this is going to be outside it's going to rust, period. It could be painted with a clearcoat to help with this but it's not going to last forever. A professional clearcoat job (similar to an automotive clearcoat) would be best but that adds to the cost of course.



Alternatively, the construction could be done in aluminum or stainless steel for corrosion resistance but both materials cost more than normal mild steel so it's just another consideration.

5) Finally, I would plan to make the box hollow to save on cost and weight, do you have any idea how thick you'd want the walls of the box? I'd say a minimum of 1/8" thick, personally, up to about 1/2" thick. For reference, weight-wise, assuming the box is 23x23x36" the box would weigh roughly 150lbs for 1/8" thick and 600lbs for 1/2" thick. Obviously material and labor costs vary as a result as well. Personally if it were up to me I'd be somewhere in the middle (1/4"-3/8" thick). 1/8" thick walls would be plenty strong but a vandal could potentially dent it with a heavy hammer, which actually brings up another point, how strong you need it to be. Some internal crossbracing could be utilized to make it REALLY strong if needed (again, more cost considerations).

Alternatively, you could give me a budget and I could figure out the methods and materials best suited to match the price if you prefer.

Thanks,  
Adam

---

**From:** "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
**To:** "adam volpe" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
**Sent:** Thursday, April 13, 2017 1:50:53 PM  
**Subject:** Hello from Salem Art Gallery

[Quoted text hidden]

---

**Ash Astaroth** <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
To: Malcolm Jarry <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)>, [REDACTED]

Thu, Apr 13, 2017 at 3:39 PM

----- Forwarded message -----

From: "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
Date: Apr 13, 2017 3:38 PM  
Subject: Re: Hello from Salem Art Gallery  
To: "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
Cc:

Sure thing brother, email is probably easiest and simplest way yes. By the way I forgot to mention one other thing, if you wanted to trust me to accurately record my time I could simply work for a flat hourly rate plus materials. Just a option, I work pretty cheaply since this is a side job/hobby and I don't rely on it to pay the bills.

---

**From:** "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
**To:** "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
**Sent:** Thursday, April 13, 2017 3:15:23 PM  
**Subject:** Re: Hello from Salem Art Gallery

[Quoted text hidden]

---

**Malcolm Jarry** <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)>  
To: Ash Astaroth <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>  
Cc: [REDACTED]

Fri, Apr 14, 2017 at 2:27 AM

Can you ask him to approximate what the cost for time and materials would be? Also, be sure to let him know that it will be a target for vandals, so it needs to be rugged.

[Quoted text hidden]

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A MN Town Wants Religious War Memorials, So Satanists Offer One With a “Baphometric Bowl of Wisdom” February 21, 2017 Hemant Mehta



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## A MN Town Wants Religious War Memorials, So Satanists Offer One With a “Baphometric Bowl of Wisdom”

[By Hemant Mehta](#)

February 21, 2017

At Veterans Memorial Park in Belle Plaine, Minnesota, there used to be a monument featuring a kneeling soldier in front of a Christian cross, a display that’s gone up (and come back down) in several cities. It wrongly suggests that only Christian veterans have given their lives for this country and church/state separation groups have argued it’s an example of the government promoting Christianity.



Back in October, the Freedom From Religion Foundation's **Rebecca Markert** [sent a letter](#) to the city attorney, acting on behalf of a local resident, saying the monument needed to come down for those reasons. It [seemed to do the trick](#).

**In its reply a few weeks later, the city attorney essentially admitted that the Belle Plaine Veterans Club put up the memorial without city approval.** The response said that the Belle Plaine City Council would consider at its next meeting how to deal with the matter.

FFRF has received word that the memorial statue was taken down Tuesday, Jan. 17...

Great! Problem solved. No lawsuit. No money. Just a warning leading to the city doing the right thing.

That lasted all of a couple of weeks.

After outcry from conservatives who say they love the Constitution but haven't even read the First Amendment, the Belle Plaine City Council [voted 3-2 earlier this month](#) to move forward with a resolution that would allow the monument to go back up.

**Nearly an hour of debate passed before the council narrowly approved the proposal 3-2 to designate a "limited public forum" at the park, which would accommodate up to five displays — religious or not — as long as they honor military veterans.**

It was a victory for the townspeople, many of whom argued that their religious freedom had been infringed upon when the cross was removed in early January. It will soon be returned to the memorial for fallen veterans.

To be clear, they voted to have their attorney draft a "limited public forum" resolution. But tonight's when they're actually voting on it.

Either way, it was a dumb move. It may be legal, sure, but if the resolution passes, the elected officials are all but guaranteeing this situation is going to get even more complicated.

FFRF has already said it'll apply to put up an atheist memorial:

Markert said the group will consider further legal action and **submit its own "Atheists in Foxholes" monument to honor veterans in the town.**

And today, members of The Satanic Temple are jumping into the fray with their own proposed monument:



“Presumably, the City Council expects a number or various faiths and religions to apply for the honor of representing the varying religious denominations of Americans who fought for this country. It is well-established law that limited public forums may not discriminate based on any viewpoint and must remain neutral, not endorsing one religion over another,” says attorney Stu de Haan for TST.

\_\_\_\_\_

...

TST’s proposed monument falls within the size and materials restrictions of the Belle Plaine monument protocols, and was designed by artist Chris P. Andres, who describes it as an “allusion to the cube of perfection of a master mason as a symbol of humanistic perfection through curiosity and reason. **The four pentagrams recall the four corners of the earth — they serve as a reminder to the viewer of the soldiers that sacrificed. The empty helmet is now a Baphometric bowl of wisdom, a void, a protective vessel of the mind and intellect — memories of the fallen can be psychically deposited, physical notes, names, fruit offering can be left in the monument — This monument produces an interaction...**”

Christians are going to love this. And if they don’t, they should vote against the [resolution tonight](#).

(Large portions of this article were published earlier)

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# Mills Decl. Ex. 23



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

**Re: Quick question**

3 messages

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Adam Volpe <adam.volpe@comcast.net>  
Bcc: satanictempleorg@gmail.com

Thu, Jun 22, 2017 at 3:01 PM

I would def still be interested in showing anything you have available, especially the lament configuration. Also, when you get a chance can you send over an invoice to us for the monument? We will also need your EIN# so we can send over a 1099 at the end of the year.

On Thu, Jun 22, 2017 at 12:43 AM, Adam Volpe <adam.volpe@comcast.net> wrote:

Hi Ash,

(Un)fortunately I sold pretty much everything except the Lament Configuration which you saw last time I came out I believe (aluminum and brass). I do have a giant sword from the anime/manga Berserk but I'm not sure if it fits what you're looking for. This is what it looks like: <http://imgur.com/a/GMIXo> and I do have a magnetic floor-standing display for it (it mounts the sword vertically, blade up so it doesn't take a ton of space). It's also sharp, I don't know how much that matters.

I do have some smaller items on my to-do list that you might like, but I have to finish some commissions first so it'll be at least a month or two away.

Thanks,

Adam

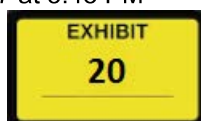
**From:** Ash Astaroth [mailto:[ash.astroth@gmail.com](mailto:ash.astroth@gmail.com)]  
**Sent:** Wednesday, June 21, 2017 4:53 PM  
**To:** Adam <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>  
**Subject:** Quick question

Do you still have art available we could show at the gallery?

Virus-free. [www.avast.com](http://www.avast.com)

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Adam <adam.volpe@comcast.net>  
Bcc: satanictempleorg@gmail.com

Thu, Jun 22, 2017 at 3:48 PM





Let me see what else we can do. Probably just need your social security # and address then. Is there still a way to create and email an invoice? If you ever use square for accepting funds (or PayPal) I think they both can do that.

----- Forwarded message -----

From: "Adam" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

Date: Jun 22, 2017 3:45 PM

Subject: Re: Quick question

To: "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>

Cc:

So unfortunately I really don't have anything like that. I don't have a business or anything, I just do stuff for cash for cheap. Any idea if there's an alternative way to handle the situation? We probably should have covered this originally but I didn't even think of it, I've never run into this before. It's gonna cost me \$1500 in taxes if I get a 1099 and I didn't make any profit to begin with so I'm a little concerned as you can probably guess :D

---

**From:** "Ash Astaroth" <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>

**To:** "Adam Volpe" <[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)>

**Sent:** Thursday, June 22, 2017 3:01:38 PM

**Subject:** Re: Quick question

[Quoted text hidden]

---

**Malcolm Jarry** <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)>

To: Ash Astaroth <[ash.astaroth@gmail.com](mailto:ash.astaroth@gmail.com)>

Fri, Jun 23, 2017 at 9:57 AM

OK no EIN or 1099 then. Just get us the invoice.

[Quoted text hidden]

# Mills Decl. Ex. 24



The Satanic Temple &lt;satanictempleorg@gmail.com&gt;

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**Belle Plaine Vets Park**

10 messages

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**Al Fahey** <publicworks@ci.belleplaine.mn.us>  
To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Tue, Jul 11, 2017 at 11:51 AM

Good Morning Malcolm,

I did not receive a response from you on my previous email and wanted to send another to make sure it was going to you. I will be available to assist you with the installation of the monument, but will require you to schedule the installation with me prior to arriving in Belle Plaine. If you are not ready yet that is fine, just wanted to know you are receiving my correspondences.

Thank you,

Alan Fahey  
Public Works Superintendent  
City of Belle Plaine  
952-873-6742

---

**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Al Fahey <publicworks@ci.belleplaine.mn.us>  
Cc: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Tue, Jul 11, 2017 at 12:29 PM

Dear Mr. Fahey,

Thank you so much for your reply and follow up.

We want to work with you to keep things as orderly and smoothly as possible and we are open to any recommendations and suggestions you might have.

I do not know if the installation needs to be on a weekday or weekend, but we will obviously adhere to the City's guidelines and rules. We can install the statue any day from August 7th to August 13th. Kindly let me know what date and time work during that window or if I need to put forth additional dates.

In addition, the statue has an anchor in its base that requires a small hole be dug underneath. Kindly apprise me of whether we can contract with anyone to assist with that or if the contractor needs any kind of special permit. If the City has anyone they commonly use for this kind of work, I'd appreciate the referral.

Again, I want to express my appreciation for the courtesy everyone has displayed.

Very truly yours,

Malcolm Jarry  
[Quoted text hidden]



**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Al Fahey <publicworks@ci.belleplaine.mn.us>  
Cc: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Thu, Jul 13, 2017 at 9:12 AM

Dear Mr. Fahey,

I was just writing to confirm that you received my email, and to find out if you are able to confirm which dates within the window proposed would work.

Thank you.

Very truly yours,

**Malcolm Jarry**  
[Quoted text hidden]

---

**Al Fahey** <publicworks@ci.belleplaine.mn.us>  
To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Thu, Jul 13, 2017 at 3:16 PM

Good Afternoon Mr. Jarry,

Yes, I did receive your email. Working on that week's schedule so I can assist you. as far as the anchor you refer to I should see a drawing of what that will look like. So far we have requested that the monuments be put in a slab of concrete slightly larger than the monument and at ground level so it is protected from mowing and vandalism. What are your thoughts?

Sincerely,

[Quoted text hidden]

---

**Dawn Meyer** <dmeyer@ci.belleplaine.mn.us>  
To: Malcolm Jarry <satanictempleorg@gmail.com>

Fri, Jul 14, 2017 at 11:05 AM

Mr. Jarry-

As a courtesy, I am writing to let you know the City Council will be considering the enclosed resolution, which would eliminate the Limited Public Forum in Veterans Memorial Park.

If you have any questions you may contact me at 952-873-5421, my schedule is booked the rest of the day, however I will be available Monday.

Thank you

Dawn Meyer

Interim City Administrator

**From:** Malcolm Jarry [mailto:satanictempleorg@gmail.com]  
**Sent:** Thursday, July 13, 2017 8:13 AM  
**To:** Al Fahey <publicworks@ci.belleplaine.mn.us>  
**Cc:** Dawn Meyer <dmeyer@ci.belleplaine.mn.us>  
**Subject:** Re: Belle Plaine Vets Park

Dear Mr. Fahey,

[Quoted text hidden]

[Quoted text hidden]



**4.13.X. Rescind Policy and Eliminating Limited Public Form.pdf**

48K

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**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Al Fahey <publicworks@ci.belleplaine.mn.us>  
Cc: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Fri, Jul 14, 2017 at 12:34 PM

Dear Mr. Fahey,

Here is the stand/anchor before it was attached to the cube (it's upside down): <http://i.imgur.com/GKIV6G3.jpg>

Here is a shot showing it attached: <http://i.imgur.com/qn5t2m1.jpg>

It has 4x ¾" holes at the corners to bolt it to some sort of ground anchor system. There are tons of ground anchor systems but we are planning on using this: <http://a.co/7DGGn7S>

The anchors are buried a few feet down and then attach them to the stand with steel cables rated for thousands of pounds.

The plan is to bury the entire base so it looks like the cube is just sitting on the ground, that way it hides the base, holes, and cables.

The digging work should not be all that extensive.

Let me know your thoughts. Obviously, we can work with you on this if you have other suggestions or recommendations.

Very truly yours,

Malcolm Jarry

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>  
To: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Fri, Jul 14, 2017 at 12:40 PM

Dear Ms. Meyer,

Thank you for the courtesy of forwarding me that information and for being so kind as to make yourself available for a brief discussion on Monday. As you and the Council are undoubtedly aware, The Satanic Temple has sunk considerable expenses into designing and constructing the monument after receiving written approval. I trust the City Council will take that into consideration when voting on this resolution.

Very truly yours,

Malcolm Jarry

[Quoted text hidden]

---

**Dawn Meyer** <dmeyer@ci.belleplaine.mn.us>  
To: Malcolm Jarry <satanictempleorg@gmail.com>

Tue, Jul 18, 2017 at 3:17 PM

Good Morning Mr. Jarry-

The resolution rescinding the limited public forum policy and eliminating the limited public forum area from Veteran's Park was passed last night at the City Council meeting.

This is email is to notify you that as per the resolution, the permit fee of \$100.00 will be refunded to you and that the public forum area has been eliminated. Please confirm the mailing address of 64 Bridge Street, Salem, MN 01970 for the refund to be sent.

Attached is the press release the City has issued.

Please let me know if you have any other questions.

Thank you

Dawn

[Quoted text hidden]



**July-18-2017-Statement.pdf**  
213K

---

**The Satanic Temple** <satanictempleorg@gmail.com>  
To: Dawn Meyer <dmeyer@ci.belleplaine.mn.us>

Tue, Jul 18, 2017 at 5:07 PM

Dear Ms. Meyer,

Thank you for the update. The address should have MA listed as the state rather than MN, otherwise, it is correct. Kindly address all mailings to my attention.

As you are undoubtedly aware, The Satanic Temple spent a great of time and money to construct the monument based on notice we received in writing from the Belle Plaine City Council. Does the City Council have any plans to offer fair restitution for our expenses and for damages? It would obviously be best for all concerned if a settlement can be reached without a protracted lawsuit.

Very truly yours,

Malcolm Jarry

The Satanic Temple  
64 Bridge Street  
Salem, MA 01970

[Quoted text hidden]

---

**Dawn Meyer** <dmeyer@ci.belleplaine.mn.us>  
To: The Satanic Temple <satanictempleorg@gmail.com>

Tue, Jul 18, 2017 at 5:21 PM

Mr. Jarry-

Thank you for the correction, I have updated the address.

Dawn Meyer

[Quoted text hidden]

# Mills Decl. Ex. 25





The Satanic Temple <satanicempleorg@gmail.com>

### Memorial to Salem?

12 messages

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Adam <adam.volpe@comcast.net>  
Bcc: satanicempleorg@gmail.com

Sat, Jul 15, 2017 at 1:00 PM

Hello,  
The memorial is big news right now and i was wondering what you would need to get it to Salem for a bit before we send it to Belle Plaine? Also, I think we already ordered the plaque for the folks who donated but I am trying to confirm that.

Let me know. I think we'd like to have it here and show it until we send it.

Ash

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Adam <adam.volpe@comcast.net>  
Bcc: satanicempleorg@gmail.com

Sat, Jul 15, 2017 at 2:57 PM

Let me confer but I think it would probably come in the building and be treated like an exhibit while it is here. I am still waiting to hear back on if we need help mounting the plaque from the donor. We'd be interested in getting it here as soon as possible, we can probably work out some of the display details once it gets here.

On Jul 15, 2017 2:54 PM, "Adam Volpe" <adam.volpe@comcast.net> wrote:

Hi Ash,

Sure thing. Do you want the plaque put on it first or would you rather have the memorial faster?

Regardless, would you leave it outside or in the building? Or in the shed? Just pondering for ideas on how to move it, depending on where it goes.

Thanks,

Adam

[Quoted text hidden]



Virus-free. [www.avast.com](http://www.avast.com)

**Ash Astaroth** <ash.astroth@gmail.com>  
To: Malcolm Jarry <satanicempleorg@gmail.com>, [REDACTED]

Sat, Jul 15, 2017 at 3:30 PM

----- Forwarded message -----  
From: "Adam Volpe" <adam.volpe@comcast.net>  
Date: Jul 15, 2017 3:12 PM



Subject: RE: Memorial to Salem?  
To: "Ash Astaroth" <ash.astaroth@gmail.com>  
Cc:

Okay, well, I can use a crane to get it into my truck (and back out again), and I think using an appliance dolly might get it up the stairs. It's REALLY heavy though, I might have to play around with some ideas or even build a rig for two people to carry it. Since it's so heavy I'd have to hire another powerlifter to help me most likely (especially getting it through a doorway where space is tight). How soon are you thinking?

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 3:35 PM

[REDACTED]  
To: Ash Astaroth <ash.astaroth@gmail.com>  
Cc: Malcolm Jarry <satanic templeorg@gmail.com>

Shit. What is the weight? We should have some kind of platform on the floor to both preserve the floor, and to disburse the weight. I have no idea what is a safe load to put on our floors though.  
Malcolm, did we get some kind of estimate on this previously when considering having Baphomet indoors?

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 5:28 PM

**Malcolm Jarry** <satanic templeorg@gmail.com>  
To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

He said it was 400 pounds. That is the weight of two heavy men. There is no reason we need to check the floor load for that. Two very strong people can lift and carry that. It can also roll around on a dolly.

Any reason why we don't want it outside? Sure, some people might just come to look at it, but once people are here some will come inside give that we are a little bit out of the way.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 5:31 PM

[REDACTED]  
To: Malcolm Jarry <satanic templeorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

It could go outside, but I feel it may actually be more convenient inside. Taking it in is a little bit of a bitch, but planting it outside will require the actual installation on some concrete base

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 6:03 PM

**Ash Astaroth** <ash.astaroth@gmail.com>  
To: Malcolm Jarry <satanic templeorg@gmail.com>  
Cc: [REDACTED]

I think that if we can get it inside we should. That way we can also keep it in good condition should we need it to still go somewhere. It wouldn't look bad on that front patch of lawn however so...

On Jul 15, 2017 5:28 PM, "Malcolm Jarry" <satanic templeorg@gmail.com> wrote:

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 6:16 PM

**Malcolm Jarry** <satanic templeorg@gmail.com>  
To: Ash Astaroth <ash.astaroth@gmail.com>  
Cc: [REDACTED]

It was designed to be outside. We have cameras and it is too heavy for anyone to run off with, so I would not feel uncomfortable about it being in the grass area. Inside is ok too, but requires some planning.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 7:21 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

I still think it would need a concrete base outside, so inside may be more convenient overall, and it's an attraction that will bring return visitors indoors.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Sat, Jul 15, 2017 at 7:52 PM

To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

If you feel strongly about it being indoors, I am OK with that.

Let's not make any plans until Tuesday. If it is still going to go to MN, no sense making two trips unless that one to us can be handled easily.

[Quoted text hidden]

---

Sat, Jul 15, 2017 at 7:54 PM

To: Malcolm Jarry <satanictempleorg@gmail.com>  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

Yeah, good point. I actually do think there is some chance they'll vote against shutting down the forum.

[Quoted text hidden]

---

**Malcolm Jarry** <satanictempleorg@gmail.com>

Sat, Jul 15, 2017 at 7:56 PM

To: [REDACTED]  
Cc: Ash Astaroth <ash.astaroth@gmail.com>

I am sure they are aware there will be serious legal consequences. Because this could be legal, it is best if no one on our end discusses this matter online prior to the vote - or after if they decide to shut things down.

[Quoted text hidden]

# Mills Decl. Ex. 26

Transaction details

April 17, 2017 at 7:46:16 PM EDT | Transaction ID: 60N677070H728884D

Payment sent to Adam Volpe

Gross amount

Payment Status: Completed

-\$1,000.00 USD

Payment Type: Personal Payment

Your Payment

Gross Amount -\$1,000.00 USD

PayPal Fee \$0.00 USD

Net Amount -\$1,000.00 USD

Paid to

Adam Volpe

The receiver of this payment is **Verified**

adam.volpe@comcast.net

Funding details

Funding Type: Bank Account

Funding Source: -\$1,000.00 USD - [REDACTED]

Backup Funding Source: VISA ending [REDACTED]



# Mills Decl. Ex. 27

Transaction details

July 21, 2017 at 9:07:26 PM EDT | Transaction ID: 3MV87613TE896443T

**Invoice Sent**

Gross amount

Payment Status: Completed

-\$2,600.00 USD

[View Invoice Details](#)

**Shipping address**

Malcolm Jarry  
 64 Bridge Street  
 Salem, MA 01970  
 United States  
 617-863-6660  
[Confirmed](#)

Order details	Quantity	Price	Subtotal
Baphomatic Bowl of Wisdom monument	1	\$2,600.00 USD	\$2,600.00 USD
Purchase Total			\$2,600.00 USD

**Your Payment**

Purchase Total	-\$2,600.00 USD
Gross Amount	-\$2,600.00 USD
PayPal Fee	\$0.00 USD
Net Amount	-\$2,600.00 USD

**Invoice ID** INV2-L9LK-KV3S-2YCE-8Z4K

**Paid to** Adam Volpe  
 The receiver of this payment is **Verified**  
 adam.volpe@comcast.net

**Funding details** Funding Type: Bank Account  
 Funding Source: -\$2,600.00 USD [REDACTED]  
 Backup Funding Source: VISA [REDACTED]

**Need help?**

Go to the Resolution Centre for help with this transaction, to settle a dispute or to open a claim.



# Mills Decl. Ex. 28





The Satanic Temple <satanictempleorg@gmail.com>

**Invoice from Adam Volpe (0001)**

1 message

**Adam Volpe** <service@paypal.com>  
Reply-To: Adam Volpe <adam.volpe@comcast.net>  
To: [REDACTED] <satanictempleorg@gmail.com>

Fri, Jul 21, 2017 at 5:16 PM

Hello, TST



Here's your invoice

Adam Volpe sent you an invoice for \$2,600.00 USD

Due on receipt

[View and Pay Invoice](#)

**Get more time to pay**

Simply select PayPal Credit at checkout and enjoy 6 months to pay. Subject to credit approval. [See terms](#). US customers only.



### Note from Adam Volpe

Hello, The original price was \$3500, I have added \$100 for the plaque recreation with updated language. You have already pre-paid \$1000 up front so that leaves a balance of \$2600. Hope that makes sense :) Thanks, Adam



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PayPal PPC000977:a44f96a0ab281

# Mills Decl. Ex. 29



The Satanic Temple <satanic templeorg@gmail.com>

# You just sent a payment to Adam Volpe for invoice 0001

1 message

service@paypal.com <service@paypal.com>  
To: [REDACTED] <info@thesatanic temple.com>

Fri, Jul 21, 2017 at 9:08 PM

July 21, 2017 18:07:28 PDT

Transaction ID:  
3MV87613TE896443T



## You just sent a \$2,600.00 USD payment

Hello TST,

Thanks for using PayPal. It may take a few moments for this transaction to appear in your account.

[View Your Invoice](#)

Invoice #0001

**Payment to:**  
Adam Volpe  
[adam.volpe@comcast.net](mailto:adam.volpe@comcast.net)

**Shipping address:**

64 Bridge Street  
Salem, MA 01970  
United States



Description	Quantity	Price	Amount
Baphomatic Bowl of Wisdom monument	1	\$2,600.00 USD	\$2,600.00 USD
Subtotal			\$2,600.00 USD
<b>Total</b>			\$2,600.00 USD
<b>Amount paid</b>			\$2,600.00 USD
<b>Amount due</b>			\$0.00 USD

Payment method



\$2,600.00 USD

RIGHT TO REFUND

You, the customer, are entitled to a refund of all moneys received for transmittal within ten days of receipt of a written request for a refund unless any of the following occurs: (a) the moneys have been transmitted and delivered to the person designated by you, the customer, prior to receipt of the written request for a refund; (b) instructions have been given committing an equivalent amount of money to the person designated by you prior to receipt of a written request for a refund; (c) PayPal, Inc. or its authorized delegate has reason to believe that a crime has occurred, is occurring, or may potentially occur as a result of transmitting the money as requested by you or refunding the money as requested; or (d) PayPal, Inc. is otherwise barred by law from making a refund.

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PayPal PPC000954:69b3e5746b804

# Mills Decl. Ex. 30

Transaction details

June 4, 2017 at 1:53:22 PM EDT | Transaction ID: 1NW75689PW094472F

Payment sent to [REDACTED]

Gross amount

Payment Status: Completed

-\$2,000.00 USD

Payment Type: Personal Payment

Your Payment

Gross Amount -\$2,000.00 USD

PayPal Fee \$0.00 USD

Net Amount -\$2,000.00 USD

Paid to

[REDACTED]

The receiver of this payment is **Verified**

[REDACTED]

Funding details

Funding Type: Bank Account

Funding Source: -\$2,000.00 USD - [REDACTED]

Backup Funding Source: VISA [REDACTED]



# Mills Decl. Ex. 31



Transaction details

July 1, 2017 at 2:55:26 PM EDT | Transaction ID: 5MW08445J2296593X

Payment sent to [REDACTED] Gross amount  
Payment Status: Completed -\$2,000.00 USD  
Payment Type: Personal Payment

**Your Payment**

Gross Amount - \$2,000.00 USD  
PayPal Fee \$0.00 USD  
Net Amount - \$2,000.00 USD

Paid to [REDACTED]  
The receiver of this payment is **Verified**  
[REDACTED]

**Funding details**  
Funding Type: Bank Account  
Funding Source: -\$2,000.00 USD - [REDACTED]  
Backup Funding Source: VISA [REDACTED]



# Mills Decl. Ex. 32



The Satanic Temple <satanictempleorg@gmail.com>

**You've got a money request**

1 message

service@paypal.com <service@paypal.com>  
To: [REDACTED] <info@thesatanictemple.com>

Wed, Apr 19, 2017 at 11:33 AM

Hello, TST



# Chris andres creations sent you a money request

NOTE FROM Chris andres creations:

“ This is a \$1000. 00 payment for the design fee of - The Belle Plaines, MN Veterans Memorial Monument as commissioned by The Satanic Temple . For : Chris P. Andres. ”

[Payment request details](#)

Transaction ID: U-98S490392G979624D

April 19, 2017



Amount requested

\$1,000.00 USD

Pay Now



[Help & Contact](#) | [Security](#) | [Apps](#)



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PayPal PPC001017:cf0a934a49b30

# Mills Decl. Ex. 33

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

The Satanic Temple,

Plaintiff,

vs.

City of Belle Plaine Minnesota,

Defendant.

Case No. 19-CV-01122 (WMW/LIB)

**PLAINTIFF’S RESPONSES TO  
DEFENDANT’S  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION**

**TO: Defendants City of Belle Plaine, Minnesota, by and through its counsel of record, Monte A. Mills and Samuel J. Clark of Greene Espel, PLLP, 222 S. Ninth Street, Suite 2200, Minneapolis, MN 55402.**

For its responses to Defendant’s Interrogatories and Requests for Production, Plaintiff The Satanic Temple (herein referred to as “TST”) states and alleges as follows:

**GENERAL OBJECTIONS**

All answers and responses are made without in any way waiving or intending to waive, but on the contrary, intending to preserve and preserving:

1. The right to object as to relevance, materiality, privilege, scope, and admissibility of evidence for any purpose in any subsequent proceeding or the trial of this or any other action.
2. The right to supplement or amend these Answers as this Plaintiff’s investigation, discovery, and preparation for trial continues.

3. Plaintiff objects generally to each Interrogatory and Request herein, and states that the answers and responses are based on the documents enclosed with Plaintiff's Responses to Interrogatories and Requests for Production, and previously throughout the litigation of this matter.
4. Plaintiff objects generally to each Interrogatory and Request herein to the extent that it seeks discovery of:
  - a. Information or documents constituting the work product of this Plaintiff or her attorneys;
  - b. Information generated or documents prepared in anticipation of litigation or for trial by or for this Plaintiff;
  - c. Information or documents not in the possession or control of this Plaintiff; and,
  - d. Information or documents that are or may become the subject of a protective order in this matter.
5. This Plaintiff objects to Defendant's Interrogatories and Requests for Production to the extent that they are vague, ambiguous, imprecise, incomprehensible, and utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of the Interrogatories and Requests for Production.

**ANSWERS TO INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all locations of the Display from June 2017 to the present.

**ANSWER:** The Display was delivered to TST's headquarters and has been there since it was created. See also, Plaintiff's answer to Interrogatory No. 6.

**INTERROGATORY NO. 2:** Identify the custodian or custodians of the Display from June 2017 to the present.

**ANSWER:** Adam Volpe, as the creator of the Display, and TST upon delivery.

**INTERROGATORY NO. 3:** Identify all uses or exhibitions of the Display from June 2017 to the present.

**ANSWER:** Plaintiff objects to the extent that the question is irrelevant to this litigation and not reasonably calculated to lead to admissible evidence. Subject to said objection, the Display has been placed in TST's headquarters since its construction.

**INTERROGATORY NO. 4:** Identify any person from whom a statement, whether written, oral, or recorded, has been taken by you or on your behalf concerning the allegations in the Complaint and for each statement, state the following:

- (a) The speaker;
- (b) The date the speaker issued the statement;
- (c) The person to whom the speaker issued the statement;
- (d) How the Plaintiff learned of the statement; and
- (e) Any witnesses to the statement.

**ANSWER:** Plaintiff objects to the extent the question is overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to the extent that



this Interrogatory seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Interrogatory to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to said objection, Plaintiff is not in possession of any such statements at this time, other than those provided in the document disclosures attached. Plaintiff will supplement these responses any further responsive statements or information become available and apparent.

**INTERROGATORY NO. 5:** State the name, address, and telephone number of each person known to you whom you believe has knowledge of any fact relating to the allegations in your Complaint, and for each such person set forth your understanding of the facts known by the person.

**ANSWER:** Plaintiff objects to the extent that this Interrogatory seeks “knowledge” as opposed to “personal knowledge” (i.e. to the extent is seeks disclosure of information protected by attorney client privilege or disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation). Plaintiff further objects to the extent that the requested information may become the subject of a protective order in this matter. Subject to said objections, the following individuals may have information relevant to this Interrogatory. Plaintiff will supplement these responses with any additional appropriate contact information when such information is acquired.

JoAnne Gil  
jacksmomjo@msn.com

Forced to leave Belle Plaine after retaliation from the community. Present at relevant Belle Plaine City Council meetings.

Adam Volpe  
adam.volpe@comcast.net  
Fabricator of the Display

Lucien Greaves  
doug.mesner@gmail.com  
Representative of TST

Ash Astaroth  
ash.astaroth@gmail.com  
May have relevant facts related to the present case.

Alex Medlin (“Lex Corey”)  
alexandermedlinii@gmail.com  
May have relevant facts related to the present case.

Chris P. Andres  
chrispandres@gmail.com  
Designer of the Display

Belle Plaine City Council Members (serving at times relevant to this case)  
Plaintiff not currently in possession of this contact information. This information is likely easily accessible for Defendant.

Malcolm Jarry  
Satanictempleorg@gmail.com  
May have relevant facts related to the present case.

**INTERROGATORY NO. 6:** Describe in detail the design and construction process of the Display, including the date that construction of the Display began and the date that construction of the Display was completed.

**ANSWER:** Construction for the Display began in April or May of 2017 and was completed in early July of 2017. Chris P. Andres and Adam Volpe designed and

fabricated the Display, respectively. Lucien Greaves oversaw the construction of the Display.

**INTERROGATORY NO. 7:** Describe in detail the relationship between Reason Alliance, Ltd. and Plaintiff.

**ANSWER:** Reason Alliance, Ltd. was founded for the purpose of promoting the tenets of The Satanic Temple. It serves as a non-profit fundraising entity for TST.

**INTERROGATORY NO. 8:** Describe in detail Plaintiff's and Reason Alliance, Ltd.'s involvement with the Display.

**ANSWER:** Plaintiff ordered the Display and Reason Alliance, Ltd., helped to raise funds to construct the Display.

**INTERROGATORY NO. 9:** Describe in detail all fund-raising activities of Plaintiff or Reason Alliance, Ltd., relating to the Display.

**ANSWER:** Plaintiff objects to this Interrogatory as vague and not properly limited as to time. Subject to and without waiving said objections, Plaintiff raised funds through contributions by individuals through the website IndieGogo.

**INTERROGATORY NO. 10:** Describe in detail all promotional activities of Plaintiff or Reason Alliance, Ltd., relating to the Display.

**ANSWER:** Plaintiff objects to this Interrogatory as wholly irrelevant to the claims set forth in this litigation. Plaintiff further objects to this Interrogatory as vague, specifically as to what constitutes "promotional activities," and not properly limited as to time. Subject to and without waiving said objections, Plaintiff truthfully answered questions that were asked by media outlets related to the

display (Plaintiff doesn't recall which outlets inquired), but did not otherwise "promote" the Display, aside from the posting on the IndieGogo site referenced in Interrogatory No. 9.

**INTERROGATORY NO. 11:** Identify: (a) the complete nature of all damages Plaintiff seeks from the City in this lawsuit; (b) the precise dollar amount which Plaintiff seeks as compensation for all such damages (including any compensation that Plaintiff seeks as reimbursement for interest, costs, disbursements, or attorney fees to which Plaintiff claims an entitlement); (c) a detailed explanation and accounting of how Plaintiff calculated the precise dollar amount to which she claims an entitlement; (d) a detailed explanation of how the damages are claimed to have been caused by the City's alleged conduct; and (e) the full name and address of all individuals who are said to have knowledge of facts or documents relating in any way to all such damages or the calculation of damages.

**ANSWER:**

(a) Plaintiff seeks all damages recoverable under law from the City for having to file this action to have their rights upheld.

(b) Plaintiff is evaluating the value of this case through the discovery process and will ask for an appropriate amount, based on this evaluation.

(c) Plaintiff will supplement upon the completion of the evaluation referenced in (b).

(d) Plaintiff will supplement upon the completion of the evaluation referenced in (b).

(e) Plaintiff objects to this part of the Interrogatory in that it seeks information that may be the subject of a protective order. Plaintiff further objects to this Interrogatory to the extent that it seeks discovery of documents prepared in anticipation of litigation or for trial. Subject to said objections, the following people will have knowledge of facts or documents relating in any way to all such damages or the calculation of damages:

Adam Volpe  
adam.volpe@comcast.net  
Fabricator of the Display

Lucien Greaves  
doug.mesner@gmail.com  
Representative of TST

Chris P. Andres  
chrispandres@gmail.com  
Designer of the Display

Belle Plaine City Council Members (serving at times relevant to this case)  
Plaintiff not currently in possession of this contact information. This information is likely easily accessible for Defendant.

**INTERROGATORY NO. 12:** Describe in detail what Plaintiff planned to do with the Display after the one-year Permit from the City expired on March 29, 2018, and the Display under the Permit had to be removed and could no longer be exhibited in Veterans Memorial Park.

**ANSWER:** Plaintiff expected that the permit would either be automatically renewed, or it would reapply for another permit.

**RESPONSES TO REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** All documents that you reviewed, identified or relied upon in response to any of the City's interrogatories.

**ANSWER:** Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Interrogatory to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 2:** All communications you have sent to or received from the City at any time from 2017 to the present.

**ANSWER:** See the communications included in Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 3:** All documents that you have collected from any non-party related to your allegations in the Complaint.

**ANSWER:** Plaintiff objects to this Request as work product to the extent it seeks documents that Plaintiff's counsel has collected documents. Plaintiff further objects that this Request is vague as to scope. Subject to and without waiving said objections, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 4:** All non-privileged documents that constitute, describe, reflect, or relate in any way to communications between

Plaintiff and any non-party related to your allegations in the Complaint, including but not limited to communications between Plaintiff and Reason Alliance, Ltd.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Interrogatory to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 5:** All recordings of interactions you have had with the City, or any other person concerning your allegations in the Complaint.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff objects, as the Request is vague as to the definition of "recordings". Plaintiff further objects to this Interrogatory to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, see Plaintiff's document disclosures, attached to these responses. To the extent "recordings" refers to audio or video recordings of a conversation or occurrence, Plaintiff is not in possession of any such recordings.

**REQUEST FOR PRODUCTION NO. 6:** All internal communications of Plaintiff or Reason Alliance, Ltd. relating in any way to Belle Plaine, Minnesota from 2017 to the present.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Request to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 7:** All internal communications of Plaintiff or Reason Alliance, Ltd. relating in any way to the Display from 2017 to the present.

**ANSWER:** Plaintiff objects to this Request as overly broad and overly burdensome. Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Request to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, and to the extent that any non-privileged, responsive internal communications exist, see Plaintiff's document disclosures, attached to these responses, including those related to Request For Production No. 1.



**REQUEST FOR PRODUCTION NO. 8:** All photos or images of the Display from June 2017 to the present.

**ANSWER:** Plaintiff objects to this Request as unduly burdensome. There are an unknowable number of photographs that may have included the statute. Plaintiff has made a good faith effort to locate them all, but there may well be more. For those responsive photos or images in Plaintiff's possession, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 9:** All documents that discuss or relate in any way to Belle Plaine, Minnesota.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Counsel in good faith does not understand what is meant by "relates in any way." Plaintiff objects to this Request to the extent that it seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Request to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to and without waiving said objections, all responsive documents in Plaintiff's possession can be found in the document disclosures attached to these responses.

**REQUEST FOR PRODUCTION NO. 10:** All documents that constitute, describe, reflect, or relate in any way to your Permit Application.

**ANSWER:** Plaintiff objects to this Request to the extent that the City of Belle Plaine is already in possession of any such documents. To the extent Plaintiff has any other responsive documents in its possession, see Plaintiff's document disclosures, attached to these responses.

**REQUEST FOR PRODUCTION NO. 11:** All documents that support, explain, describe, or in any other way relate to or pertain to any and all damages that you seek and/or claim in this action.

**ANSWER:** Plaintiff objects to this Request in that it seeks disclosure of mental impressions, conclusions, opinions, or legal theories of an attorney concerning the litigation. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, Plaintiff is evaluating the damages in this case through the discovery process, and will ask for an amount appropriate based on this evaluation. Any documentation responsive to this Request is included in the attached document disclosures, or will be supplemented when such documentation becomes available and apparent.

**REQUEST FOR PRODUCTION NO. 12:** All documents that constitute, describe, reflect, refer to, or relate in any way to the certificate of liability insurance referenced in paragraph 30 of your Complaint.

**ANSWER:** The only documents in Plaintiff's possession that relate to the certificate of liability were attached and filed along with Plaintiff's Complaint in this matter.

**REQUEST FOR PRODUCTION NO. 13:** All documents that constitute, describe, reflect, refer to, or relate in any way to insurance coverage related to the Display.

**ANSWER:** Documents related to the insurance coverage in this matter were attached to Plaintiff's Complaint. All other documentation in Plaintiff's possession responsive to this Request can be found in the attached document disclosures.

**REQUEST FOR PRODUCTION NO. 14:** All documents that constitute, describe, reflect, refer to, or relate in any way to all communications between Ron Murray, Murray Insurance Services, and the insured Reason Alliance, Ltd.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request in that it seeks disclosure of mental impressions, conclusions, opinions, or legal theories of an attorney concerning the litigation. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, the only documents responsive to this request in Plaintiff's possession were attached to Plaintiff's Complaint or can be found in the attached document disclosures.

**REQUEST FOR PRODUCTION NO. 15:** All documents that constitute, describe, reflect, refer to, or relate in any way to all communications between Ron Murray, Murray Insurance Services, and Plaintiff.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request in that it seeks disclosure of mental impressions, conclusions, opinions, or legal theories of an attorney concerning the litigation. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, the only documents responsive to this request in Plaintiff's possession were attached to Plaintiff's Complaint or can be found in the attached document disclosures.

**REQUEST FOR PRODUCTION NO. 16:** All communications or other documents that describe, reflect, refer to, or relate in any way to the design or construction of the Display.

**ANSWER:** All documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 17:** All communications with the artist(s) or vendor(s) that designed or constructed the Display, including but not limited to Chris Pandres and Adam Volpe of Pretty Hate Machining.

**ANSWER:** See attached document disclosures.

**REQUEST FOR PRODUCTION NO. 18:** All invoices from the artist(s) or vendor(s) for design or construction of the Display, and documents reflecting payment on the invoices.

**ANSWER:** All documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 19:** All documents that describe, reflect or relate in any way to funds raised in connection with or related to the Display.

**ANSWER:** All documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 20:** All documents that describe, reflect or relate in any way to promotional activities in connection with or related to the Display.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, all documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 21:** All documents that describe, reflect or relate in any way to merchandise sales in connection with or related to the Display.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, all documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 22:** All communications and documents that describe, reflect or relate in any way to storage, transport, use, exhibition, or maintenance of the Display.

**ANSWER:** Plaintiff objects to this Request as overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to this Request as it seeks information irrelevant to the subject matter of the action, which will be inadmissible at the trial of the action and which is not reasonably calculated to the discovery of admissible evidence. Subject to said objections, all documents responsive to this Request that are in Plaintiff's possession can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 23:** All documents identified in your initial disclosures or Complaint related to the Display.

**ANSWER:** All documents responsive to this Request that are in Plaintiff's possession were disclosed along with Plaintiff's Complaint or can be found in the attached document production.

**REQUEST FOR PRODUCTION NO. 24:** All statements made by parties and non-parties concerning this litigation or its subject matter.

**ANSWER:** Plaintiff objects to the extent the question is overly broad, overly burdensome, and not properly limited as to time. Plaintiff objects to the extent that this Request seeks disclosure of information protected by attorney client privilege. Plaintiff further objects to this Request to the extent that it seeks disclosure of mental impressions, conclusions, opinions or legal theories concerning the litigation. Subject to said objection, all documents responsive to this Request that are in Plaintiff's possession were disclosed along with Plaintiff's Complaint or can be found in the attached document production.

Date: September 24, 2020

/s/ Lucien Greaves

**AS TO FORM AND OBJECTIONS:**

Dated: September 24, 2020

**ROBERT R. HOPPER & ASSOCIATES, L.L.C.**

/s/ Jason S. Juran

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Robert R. Hopper, Esq. (MN # 208760)  
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**KEZHAYA LAW, PLC**

*/s/ Matthew A. Kezhaya*

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***ATTORNEYS FOR PLAINTIFF***



# Mills Decl. Ex. 34

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

**THE SATANIC TEMPLE,** )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
**CITY OF BELLE PLAINE,** )  
**MINNESOTA; etc., et al.,** )  
 )  
 Defendants. )  
\_\_\_\_\_ )

**Case No: 19-CV001122 (WMW/LIB)**

**PLAINTIFF THE SATANIC TEMPLE’S F.R.C.P. RULE 26(a)(1) INITIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(a) (1), Plaintiff THE SATANIC TEMPLE (“SATANIC TEMPLE” or “Plaintiff”), by and through counsel, hereby submits her Consolidated Initial Disclosures based upon the information reasonably available to her at the current time.

**I. INTRODUCTION**

The following disclosures are made based on the information reasonably available to Plaintiff as of September 1, 2019. SATANIC TEMPLE reserves the right to supplement and/or amend these disclosures, either through additional initial disclosures or through discovery responses. By making these disclosures, SATANIC TEMPLE does not represent that she is identifying every document, tangible thing, witness, or every material item possibly relevant to this lawsuit or her causes of action or proof thereof. In addition, SATANIC TEMPLE does not concede, in any manner or part, the relevance of any of the

following information. SATANIC TEMPLE does not waive any objection or the assertion of any applicable privilege and/or other proper bases upon which such information and/or documents may be withheld as discovery continues.

## **II. INDIVIDUALS WITH DISCOVERABLE KNOWLEDGE**

The following individuals are likely to have discoverable information that SATANIC TEMPLE may use to support its causes of action in this action:

1. Non-party Malcolm Jarry has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, specifically as they relate to the Constitutional and common law causes of action and damages asserted by Plaintiff herein.
2. Non-party Douglas Mesner has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, specifically as they relate to the Constitutional and common law causes of action and damages asserted by Plaintiff herein.
3. Defendant Councilman Cary Coop likely has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, as well as any defenses related thereto. Additionally, Defendant Coop likely has knowledge of the violations of the U.S. Constitution and the Minnesota Constitution and common law breaches causing damages to Plaintiff herein.
4. Defendant Councilwoman Theresa McDaniel likely has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this

action, as well as any defenses related thereto. Additionally, Defendant McDaniel likely has knowledge of the violations of the U.S. Constitution and the Minnesota Constitution and common law breaches causing damages to Plaintiff herein.

5. Defendant Councilman Ben Stier likely has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, as well as any defenses related thereto. Additionally, Defendant Stier likely has knowledge of the violations of the U.S. Constitution and the Minnesota Constitution and common law breaches causing damages to Plaintiff herein.

6. Defendant Councilman Paul Chard likely has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, as well as any defenses related thereto. Additionally, Defendant Chard likely has knowledge of the violations of the U.S. Constitution and the Minnesota Constitution and common law breaches causing damages to Plaintiff herein.

7. Defendant Mayor Christopher Meyer likely has knowledge of the allegations made in Plaintiff's Complaint and the factual and legal issues relating to this action, as well as any defenses related thereto. Additionally, Defendant Meyer likely has knowledge of the violations of the U.S. Constitution and the Minnesota Constitution and common law breaches causing damages to Plaintiff herein.

8. Any and all witnesses identified by the Defendants in their Initial Disclosures, discovery responses, or depositions.

9. Additional witnesses as may be identified during discovery and investigation in this cause.

**III. DOCUMENTS RELEVANT TO DISPUTED FACTS**

The following are documents the Plaintiff SATANIC TEMPLE may use to support her claims or defenses, other than those used solely for impeachment through discovery, SATANIC TEMPLE may learn of additional documents relevant to this action. SATANIC TEMPLE reserves the right to supplement the following list:

1. Records, correspondence, memos, photographs, videotapes, reports and all other documents concerning or relating to the permit application documents with Defendant City of Belle Plaine, MN.
2. Records, correspondence, memos, photographs, videotapes, reports and all other documents concerning or relating to emails and correspondence relating to the permit process.
3. Records, correspondence, memos, reports and all other documents concerning or relating to Plaintiff's insurance documents.
4. Records, correspondence, memos, reports and all other documents concerning or relating to permit payment documents.
5. Records, correspondence, memos, reports and all other documents concerning or relating to permit refund documents.

6. Records, correspondence, memos, photographs, videotapes, reports, notes, meeting minutes and all other documents concerning or relating to relating to Defendants' July 18, 2017 press release.
7. Records, correspondence, memos, photographs, videotapes, reports, notes, meeting minutes and all other documents concerning or relating to relating to Resolution 17-020.
8. Records, correspondence, memos, photographs, videotapes, reports, notes, meeting minutes and all other documents concerning or relating to relating to Resolution 17-090.
9. Records, correspondence, memos, photographs, videotapes, reports, plans, depictions and all other documents concerning or relating to SATANIC TEMPLE's Veterans Memorial Monument.
10. Records, correspondence, memos, photographs, videotapes, reports and all other documents concerning or relating to the design, materials and fabrication of the SATANIC TEMPLE's Veterans Memorial Monument.
11. Records, correspondence, memos, photographs, videotapes, reports, plans, depictions and all other documents concerning or relating to the Belle Plaine Veterans Club's Veterans Memorial display known as "Joe".
12. Records, correspondence, memos, reports and all other documents concerning or relating to Defendants insurance documents.
13. All documents produced or identified by any Defendant in their Initial Disclosures, discovery responses, or depositions.
14. All documents produced by third-parties relevant hereto.

15. Any documents protected by the attorney/client privilege or constituting attorney work product or other applicable state, or federal law privileges will not be produced.

#### **IV. COMPUTATION OF DAMAGES**

SATANIC TEMPLE claims the following damages:

1. Compensatory damages - general damages for out of pocket expenses and costs associated with the design, procurement, fabrication, construction and insurance of the SATANIC TEMPLE Veterans Memorial Display that are related to the injuries in question in the amount of not less than \$55,000.00 or such other amount as may be proved at trial.
2. Compensatory damages – special damages for financial injury, lost donations, charitable contributions and other lost organizational membership, publicity, good-will and other branding and opportunity cost damages in the amount of not less than \$350,000.00, or such other amount as may be proved at trial.
3. Punitive damages against individual Defendants pursuant to substantive and procedural due process violations under the Fourteenth Amendment and 42 U.S.C. §1983, and under Minn. Stat. 549.20 (2018), in an amount not less than \$1,000,000.00, or such other amount as may be awarded at trial.
4. Costs to date for service, copy and filing fees.
5. Attorneys' fees awardable under the Civil Rights Attorneys Fee Award Act of 1976, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc(a)(1).

**V. INSURANCE AGREEMENTS**

Plaintiff understands that Defendants are insured, through the League of Minnesota Cities Insurance Trust, which insurance may operate to satisfy part or all of any judgment against some or all Defendants that may be entered in that action or to indemnify or reimburse Defendant City of Belle Plaine, MN for payments made to satisfy any judgment awarded Plaintiff.

SATANIC TEMPLE further states that discovery is ongoing, and it reserves the right to supplement its disclosures as this action progresses in accordance with the Federal Rules of Civil Procedure and otherwise.

Dated: September 13, 2019.

/s/ W. Bruce DelValle

W. Bruce DelValle, Esquire

*Admitted pro hac vice*

Fein & DelValle PLLC

300 New Jersey Avenue, Suite 900

Washington, D.C. 20001

(202) 465-8727

*Counsel for Plaintiff.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2019, a copy of the foregoing Plaintiff The Satanic Temple's 26(a)(1) Initial Disclosures in **Case No: 19-CV001122 (WMW/LIB)** were provided to all counsel of record via electronic delivery pursuant to agreement of counsel.

/s/ W. Bruce DelValle

W. Bruce DelValle, Esquire.



# Mills Decl. Ex. 35



**MEMORANDUM**

<b>DATE:</b>	February 6, 2017
<b>FROM:</b>	Mike Votca, City Administrator
<b>AGENDA ITEM:</b>	Veterans Memorial Park
<b>BACKGROUND/ JUSTIFICATION:</b>	The City Council is holding a Special Meeting on February 3 at 4:30 pm. During the meeting the City Council will discuss options for memorials in Veterans Memorial Park. I will provide updated packet materials to staff after the meeting on the 3 <sup>rd</sup> and prior to the meeting on the 6 <sup>th</sup> for your review.
<b>FISCAL IMPACT:</b>	Unknown
<b>STAFF RECOMMENDATION:</b>	Approve council recommendation from 3 February Meeting.
<b>SIGNATURE:</b>	

# Mills Decl. Ex. 36

**BELLE PLAINE CITY COUNCIL  
REGULAR SESSION  
FEBRUARY 21, 2017**

**1. PLEDGE OF ALLEGIANCE.**

Mayor Christopher Meyer led those present in the Pledge of Allegiance.

**2. CALL TO ORDER. 2.1. Roll Call.**

The Belle Plaine City Council met in Regular Session on Tuesday, February 21, 2017 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Christopher Meyer called the meeting to order with Councilmembers Ben Stier, Cary Coop, and Theresa McDaniel present. Councilmember Paul Chard was not present.

Also present were City Administrator Mike Votca, Finance Director Dawn Meyer, Community Development Director Cynthia Smith Strack, City Engineer Joe Duncan, Police Chief Tom Stolee and City Attorney Bob Vose. Wanda Savage served as the video recording operator.

**3. APPROVAL OF AGENDA.**

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

**4. APPROVAL OF CONSENT AGENDA.**

**4.1. Regular Session Minutes of February 6, 2017.**

**4.2. Work Session Minutes of February 6, 2017.**

**4.3. Special Meeting of February 3, 2017.**

**4.4. Resolution 17-023 Order Final Plans and Specifications and Authorize Staff to Obtain Quotes for Components of the Downtown Uplighting Project.**

**4.5. Approve Temporary 3.2% Intoxicating Liquor License for Belle Plaine Baseball Association.**

**4.6. Resolution 17-024 Waive Application Fee for Administrative Subdivision.**

**4.7. Resolution 17-021 Appointing Bill Cable as a Volunteer Firefighter with the Belle Plaine Fire Department.**

**4.8. Resolution 17-026 Adopting Assessment for Water and Sewer Connection Fees for Ridgeview Medical Center.**

**4.9. Authorizing Contract with Safe Assure for Mandatory Employee Safety Training.**

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the consent agenda as follows: 4.1. Regular Session Minutes of February 6, 2017, 4.2. Work Session Minutes of February 6, 2017, 4.3. Special Meeting of February 3, 2017, 4.4. Resolution 17-023 Order Final Plans and Specifications and Authorize Staff to Obtain Quotes for Components of the Downtown Uplighting Project, 4.5. Approve Temporary 3.2% Intoxicating Liquor License for Belle Plaine Baseball Association, 4.6. Resolution 17-024 Waive Application Fee for Administrative Subdivision, 4.7. Resolution 17-021 Appointing Bill Cable as a Volunteer Firefighter with the Belle Plaine Fire Department, 4.8. Resolution 17-026 Adopting Assessment for Water and Sewer Connection Fees for Ridgeview Medical Center and 4.9. Authorizing Contract with Safe Assure for Mandatory Employee Safety Training. ALL VOTED AYE. MOTION CARRIED.

**5. DEPARTMENT REPORTS.**

**5.1. Ambulance Department.**

Ridgeview Ambulance provided a written monthly report. The Council acknowledged receipt of the Ambulance Department report.

Belle Plaine City Council  
Regular Session  
February 21, 2017

Page 2 of 5

## **5.2. Fire Department.**

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

## **5.3. Police Department.**

Police Chief Tom Stolee presented the 2016 Annual Report of the Police Department. The Council acknowledged receipt of the Police Department report.

## **5.4. Community Development Department.**

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

## **5.5. Administration Report.**

City Administrator Mike Votca was present. The Council acknowledged receipt of the Administration report.

## **6. PUBLIC HEARINGS.**

**6.1. Sign Variance. The City Council will consider public comment on a request by Ridgeview Medical Center for signage variances at Ridgeview Health Campus, 165 Commerce Drive West. The applicant proposes two monuments signs of 200 square feet each and on-site directional signs that are six square feet in area rather than the four square feet allowed under 1170.20, Subd. 11(H). The variances are part of a unified sign plan submitted to the City.**

Present were John Prondzinski, Vice President of Ridgeview Medical, and Bob Ackerwold of Sign Source.

Community Development Director Smith Strack explained the variance requests by Ridgeview Medical Center at Ridgeview Health Campus, 165 Commerce Drive West, include an increase in maximum square footage of two freestanding monument signs facing non-principal arterial roadways (Meridian Street South and Commerce Drive West) from 150 square feet to 200 square feet; and an increase maximum size (six sf proposed) and height (five feet proposed) of internal directional signs from four square feet and four feet respectively.

The request relates to Ridgeview Health Campus mixed use Planned Unit Development addressed at 125, 145, and 165 Commerce Drive West. The sign variance request has been submitted by Ridgeview Medical Center as fee owner of the real property contained within the Planned Unit Development. The Planning Commission recommended approval.

Mayor Meyer opened the public hearing at 7:04 p.m. and asked for public comment. No one spoke.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to close the public hearing at 7:05 p.m. ALL VOTED AYE. MOTION CARRIED.

### **1. Resolution 17-022 Approving Sign Variances for Ridgeview Health Campus at 165 Commerce Drive West.**

MOTION by Councilmember Coop, second by Mayor Meyer, to approve Resolution 17-022 Approving Sign Variances for Ridgeview Health Campus at 165 Commerce Drive West. ALL VOTED AYE. MOTION CARRIED.

**6.2. Ordinance 17-01, Home Occupation Signage. The City Council will hear public comment on proposed Ordinance 17-01, which, if approved, will amend Section 1107.16, Subd. 3(1)(G), Home Occupation Requirements, of the City Code. The proposed amendment would allow one (1) four (4) square foot nameplate sign relating to the home occupation provided it was non-illuminated and affixed to the dwelling wall. The current Code standard is one (1), one (1) square foot nameplate sign.**

Community Development Director Smith Strack explained the Planning Commission had discussed a standard contained in the city code relating to signs for home occupations. At this time the Code allows one, one square foot sign for a home occupation and the sign must be affixed to the dwelling unit wall. The Planning Commission reviewed sample code language from other cities in Scott County and developed language included in Ordinance 17-02 which proposes to expand the sign allowable home occupation sign size from one square foot to four square feet. The Commission also recommends adding language requiring signs to be comprised of high quality durable materials. Home occupation signs will still be limited to one in number and be required to be affixed to the dwelling. The Planning Commission recommended approval.

Mayor Meyer opened the public hearing at 7:07 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Coop, second by Councilmember Stier, to close the public hearing at 7:08 p.m. ALL VOTED AYE. MOTION CARRIED.

### **1. Adoption of Ordinance 17-01, Section 1107.16 Pertaining to Home Occupation Signage.**

MOTION by Councilmember Stier, second by Mayor Meyer, to adopt Ordinance 17-01, Section 1107.16 Pertaining to Home Occupation Signage. ALL VOTED AYE. MOTION CARRIED.

## **7. BUSINESS.**

### **7.1. Presentation of Claims.**

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the Presentation of Claims. ALL VOTED AYE. MOTION CARRIED.

### **7.2. Resolution 17-020 Veterans Park Limited Public Forum Policy.**

City Administrator Votca explained that at the February 6, 2017 meeting the City Council requested the creation of a policy regarding a limited public forum at Veterans Memorial Park. The policy creates a forum in the lower portion of Veterans Memorial Park just north of the pond. One of the major legal items for this forum is distinguishing individual speech from that of the City. In order to achieve this, the displays will be the property of the requestor and insured by the requestor; the displays will only be permitted for one year; the City will mark the area with signage indicating that this area is a limited public forum and not speech of the City; and the City will mark the area to delineate the location of the forum. The City will accept requests via an application process. Applications will be processed in order of receipt. If more applications are submitted than spaces available, a waitlist will be created. Applications on the wait list will be processed in order of receipt once an opening in the forum is created. The proposed policy was attached with City Administrator Votca's memo.

City Administrator Votca read a letter from Councilmember Chard, who was unable to attend tonight's meeting. Councilmember Chard stated that Alliance Defending Freedom should establish a retainer or escrow of funds prior to approval of the proposed Veterans Park Limited Public Forum Policy to pay for all

legal fees that the Belle Plaine City and taxpayers may incur on this issue. If this request cannot be met, Councilmember Chard requested action be tabled until additional information can be obtained.

Mayor Meyer recommended modifications to the proposed policy that included adding reference to the branches of military and other clarifying language.

Councilmember Coop expressed his position regarding the proposed policy. He strongly believes there should be no religious or non-religious symbols on city property. He cited similar situations that occurred in other cities and the outcome. Councilmember Coop believes the adoption of the proposed policy will be a “gamble” for the City.

MOTION by Mayor Meyer, second by Councilmember Stier, to approve Resolution 17-020 Veterans Park Limited Public Forum Policy with modifications as recommended as presented by Mayor Meyer. Councilmember Coop VOTED NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

**7.3. Resolution 17-025 Accept Plans and Specifications and Authorize Advertisement for Bids on the 2017 Street and Utility Improvement Project, including the Meridian Street Trail as an Alternate Bid.**

City Administrator Votca explained that at the July 25, 2016 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for the 2017 street improvement project. The hearing was held on August 15, 2016. The project consists of the reconstruction of street and utility improvements of West Main Street between Buffalo Street and Crest Street and Elk Street between Main Street and State Street. The Meridian Street Trail between Enterprise Drive and Century Street will be included as an alternate bid. The final plans and specifications have been prepared and the next step is for the Council to accept the final plans and specifications and authorize the advertisement for bids. Advertisement for bids will begin this week with the bid opening on Tuesday, March 28, 2017 at 11:00 a.m. at City Hall.

City Engineer Duncan explained that final plans and specifications have been prepared. The Meridian Street trail is included in the bid as alternate. The bid award will be presented at the April 3, 2017 Council meeting for action.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-025 Accept Plans and Specifications and Authorize Advertisement for Bids on the 2017 Street and Utility Improvement Project, including the Meridian Street Trail as an Alternate Bid. ALL VOTED AYE. MOTION CARRIED.

**8. ADMINISTRATION.**

**8.1. Upcoming Meetings.**

1. City/School District Joint Workshop, 6:00 pm, Friday, February 24.
2. Joint Planning-Belle Plaine Township, 7:00 pm, Wednesday, March 1.
3. Design Committee, 5:15 pm, Monday, March 6.
4. City Council, 6:30 pm, Monday, March 6.
5. Work Session, 6:45 pm, Monday, March 6.
6. Closed Personnel Committee, City Admin Performance Eval, 7:00 pm, Monday, March 6.
7. Destination 2040, Joint Planning, 5:30 pm, Wednesday, March 8.
8. Public Works, 9:00 am, Thursday, March 9.

The Council was reminded of the upcoming meetings as listed.

Belle Plaine City Council  
Regular Session  
February 21, 2017

Page 5 of 5

**9. ADJOURN.**

MOTION by Councilmember Stier, second by Mayor Meyer, to adjourn at 7:28 p.m. ALL VOTED AYE.  
MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary



# Mills Decl. Ex. 37

**BELLE PLAINE CITY COUNCIL  
RESOLUTION 17-020**

**ESTABLISHING A POLICY REGARDING A LIMITED PUBLIC FORUM IN  
VETERANS MEMORIAL PARK**

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the City Council (the "Council") adopted Resolution 09-74 Approving A Concept Plan for Veterans Park on August 3, 2009; and

WHEREAS, a stone monument is located on the grounds of the park, constructed on public land, listing the names of Belle Plaine residents who gave their lives in service to their country in wars from the Indian War of 1812 through the Vietnam War; and

WHEREAS, the Council wishes to allow private parties access to Veterans Memorial Park for the purpose of erecting displays in keeping with the purpose of honoring and memorializing veterans; and

WHEREAS, the Council now desires to adopt this formal, written policy to codify the procedure for private parties to recognize, honor, and memorialize veterans by erecting displays at Veterans Memorial Park; and

WHEREAS, the Supreme Court of the United States has found that governmental entities are permitted to establish limited public forums permitting restrictions on speech that are reasonable in view of the purposes of the forum. *See, e.g., Capitol Square Rev. and Advisory Bd. v. Pinette*, 515 U.S. 753 (1995); and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Minnesota Constitutions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota, that the following written policy regarding Veterans Memorial Park is hereby adopted, to wit:

1. The City designates a limited public forum in Veterans Memorial Park for the express purpose of allowing individuals or organizations to erect and maintain privately owned displays that honor and memorialize living or deceased veterans, branch of military and Veterans organizations affiliated with Belle Plaine. This is an amendment to the concept plan approved on August 4, 2009.
2. Definitions. The following terms have the meanings attributed to them in this paragraph.
  - a. "Veterans' Organization" is any organization whose purposes include providing support or benefits to veterans, their dependents, or their families.
  - b. "Branch of Military" refers to Army, Navy, Marines, Air Force, Coast Guard, National Guard, Reserves and any other designated armed services of the United States of America.
3. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The fee for the application shall be set at \$100 for 2017. Starting in 2018, this fee shall be included in the City's Fee Schedule as set annually by

Resolution 17-020  
Limited Public Forum Policy

Council resolution. The application fee shall not be pro-rated and is non-refundable. The application must include a description of the display, including its dimensions and construction materials.

4. The area for the limited public forum shall be that portion of Veterans Memorial Park that lies to the South of the Veterans Park Landscaping Sign. The area shall be 84 feet by 42 feet with lines parallel to the southernmost portion of the Veterans Park Landscaping Sign outer edge. No display may be placed within seven feet from any edge of the Veterans Park Landscaping sign, the edge of a paved pathway, or any other memorial or display. Interested parties must submit an application to the City Administrator to erect a display within the limited public forum. The application must include a description of the display, including its dimensions and construction materials. No display may be installed without first obtaining a permit from the City.
5. The City shall approve in writing and grant a permit to any party requesting to erect a display if and only if the display conforms to the following requirements, except that the City shall not allow more than ten (10) displays in the limited public forum at any given time:
  - a. Displays must be no larger than three feet wide by two feet deep by three feet tall.
  - b. Displays must be constructed of stone, concrete, metal, or some combination thereof.
  - c. Displays must serve the purpose of honoring and memorializing living or deceased veterans, military branch or Veterans organization affiliated with Belle Plaine, Minnesota.
  - d. Displays must be respectful and conform to Statues and City Code pertaining to public nuisance and decency.
6. The City shall process requests in the order that they are received.
7. Displays must be removed within a period of one (1) year from the date of approval. Prior to the expiration of the display period, the owner of the display may apply for another permit to display in the limited public forum. Such application will be treated the same as any other application, without any preference given.
8. It shall be the responsibility of the requesting party to erect the display upon approval from the City and to keep the display in good repair at all times.
9. The requesting party and not the City shall own any display erected in the limited public forum. The display must have liability coverage of \$1,000,000, as per city procedure, which coverage must list the City as an additional insured. A copy of the policy must be provided to the City prior to installation of the display.
10. In the event of damage to a display, or if a display is in a state of disrepair, the City Administrator will give the owner of the display notice of said damage or disrepair and require the owner to repair the display within 30 days. If the owner fails to repair the display within the notice period, the City Administrator will order removal of the display.
11. Displays constitute the speech of the individual or organization erecting the display and not the speech of the City.

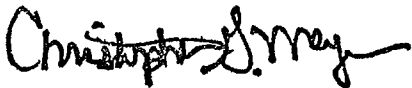
Resolution 17-020  
Limited Public Forum Policy

12. The City shall erect a prominent disclaimer near or inside the limited public forum stating as follows: "The City of Belle Plaine has designated this area of Veterans Memorial Park a limited public forum, in order to accommodate privately owned displays that honor and memorialize veterans. Displays constitute the speech of the owners of the display, and not the City. The City does not endorse any speech, message or display herein."
13. In the event the City desires to close the limited public forum or rescind this policy, the City, through its City Administrator, may terminate all permits by giving ten (10) days' written notice of termination to Owner, within which period the owner must remove their display from city property.

The adoption of the foregoing resolution was duly moved by Mayor Meyer, and seconded by Councilmember Stier, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Meyer, Stier and McDaniel. Councilmember Chard was not present.

and the following voted against the same: Coop.

Whereupon said resolution was declared duly passed and adopted. Dated this 21<sup>st</sup> day of February, 2017.



Christopher G. Meyer  
Mayor

ATTEST:



Michael J. Votca  
City Administrator

# Mills Decl. Ex. 38



**INFORMATION AND REQUIREMENTS FOR  
VETERANS MEMORIAL PARK LIMITED PUBLIC FORUM DISPLAY PERMIT**

- The City of Belle Plaine designated a limited public forum in Veterans Memorial Park for the express purpose of allowing persons or organizations to erect and maintain privately owned displays that honor and memorialize living or deceased veterans, branches of the military, or veterans' organizations affiliated with Belle Plaine.
- Displays constitute the speech of the individual or organization erecting the display and not the speech of the City.
- The forum is limited to ten displays.
- Displays must be constructed of stone, concrete, metal or some combination thereof.
- Displays may only be placed in the designated limited public forum area once a permit has been issued. The placement will be done by the owner of the display. The owner will place the display under the supervision of the Public Works Department. Damages to the park created by placement of the display will be restored at the expense of the display owner.
- Displays must not be larger than three feet wide by two feet deep by three feet tall.
- The application fee, whether or not the permit is approved is nonrefundable and will not be prorated.
- The display will remain the property of the person who erects the display. Therefore, the owner of the display must maintain liability coverage of \$1,000,000 and list the City of Belle Plaine as an additional insured.
- Displays must be removed after one year from the date of approval.
- In the event that the display is damaged or in disrepair the City Administrator will contact the owner of the display to have it repaired. If repair is not made within 30 days, the City Administrator will order removal and disposal of the display at the expense of the owner.
- You will be notified when the application is approved.
- The permit number and owner's name must be visible on the display for identification purposes.
- In the event the City desires to close the limited public forum or rescind this policy, the City, through its City Administrator, may terminate all permits by giving ten (10) days' written notice of termination to Owner, within which period the owner must remove their display from city property.

***Please contact us if you have any questions. Thank you.***

**City of Belle Plaine - 218 North Meridian Street - P.O. Box 129, Belle Plaine, MN 56011  
Phone 952-873-5553 Fax 952-873-5509**



City of Belle Plaine  
218 N. Meridian Street  
P.O. Box 129  
Belle Plaine, MN 56011

Phone: 952-873-5553  
Fax: 952-873-5509

Fee: \$100.00

PERMIT # LPF \_\_\_\_\_

## Veterans Memorial Park Display Permit Application

Date: \_\_\_\_\_

**Applicant**

Individual or Organizations Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Description of Display**

Dimensions: *Height:* \_\_\_\_\_ *Width:* \_\_\_\_\_ *Length:* \_\_\_\_\_

Construction Materials: \_\_\_\_\_

General Description of display: \_\_\_\_\_

**Please include a drawing or picture of the display.**

Intended Veteran, Branch of Military, or Veterans Organization honored by display \_\_\_\_\_

If this display request is intended to honor and memorialize a veteran or veterans' organization associated with Belle Plaine, please provide a description of the association to Belle Plaine and documentation regarding veteran status. \_\_\_\_\_

I \_\_\_\_\_ hereby affirm that I will comply with the Limited Public Forum Policy of the City of Belle Plaine, Minnesota, that any display that is erected upon approval of this permit is my property and constitutes speech of myself or my organization and not that of the City of Belle Plaine, and that I will indemnify the City against any and all claims, demands or liabilities arising from the issuance of this permit, or performance of or failure to perform in accordance with the Limited Public Forum Policy.

**Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
\*\*\*Notary Public

\*\*\*\*Notary Stamp

My Commission Expires: \_\_\_\_\_

FOR OFFICE USE ONLY

**APPROVAL OF PERMIT**

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
City Administrator

- Application Fee Paid
- Copy of Certificate of Liability Insurance Provided
- Concept sketch or drawing of display
- Copy mailed to applicant on \_\_\_\_\_.



# Mills Decl. Ex. 39

**Sandy Ellingson**

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**From:** Malcolm Jarry <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)>  
**Sent:** Thursday, June 29, 2017 1:34 PM  
**To:** Michael Votca  
**Cc:** Al Fahey  
**Subject:** Re: Veterans Memorial Display Permit

Dear City Administrator Votca:

We have completed work on our statue and would like to work with you to coordinate a date for installation. Please note that my organization believes that veterans fought to protect and preserve the liberties enshrined in the US Constitution and our participation in the limited forum is conceived to be an affirmation of these values. It is not our intent to take attention away from the sacrifices of veterans.

The City Council has displayed nothing but professional courtesy to us and it is our policy to do likewise by working with the City to make sure things go smoothly and as quietly as possible. We all want to honor veterans and none of us want differences of opinions regarding our statue's presence to divide a city. The good people of Belle Plaine can respectfully agree to disagree with regards to our presence and those who oppose its placement are probably best served by avoiding controversy beyond expressing their dissent.

Kindly let me know your thoughts on how we can best install the statue with a simple ceremony where order is maintained and attendees respect the solemnity of the event. We would like to work with the Council at every step.

Very truly yours,

Malcolm Jarry

On Thu, Apr 20, 2017 at 5:02 PM, Malcolm Jarry <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)> wrote:

Dear City Administrator Michael Votca,

I understand that the monument must be removed in one year and that its removal is our responsibility.

Thank you for your assistance.

Very truly yours,

Malcolm Jarry

On Thu, Apr 20, 2017 at 4:55 PM, Michael Votca <[mshotca@ci.belleplaine.mn.us](mailto:mshotca@ci.belleplaine.mn.us)> wrote:

Mr. Jarry,

This is a reasonable request. As you are aware these monuments are not permanent in nature, but are to be able to be removed. As long as the plate can be removed at a future time, that is fine with me.

Thanks,

Mike

**Michael Votca**

City Administrator

City of Belle Plaine

218 N. Meridian Street | Belle Plaine, MN 56011

P: [952.873.5553](tel:952.873.5553) | F: [952.873.5509](tel:952.873.5509)

[www.belleplainemn.com](http://www.belleplainemn.com)

<https://www.facebook.com/City-of-Belle-Plaine-290209567707123/>



**From:** Malcolm Jarry [mailto:[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)]

**Sent:** Thursday, April 20, 2017 3:50 PM

**To:** Michael Votca <[mvotca@ci.belleplaine.mn.us](mailto:mvotca@ci.belleplaine.mn.us)>

**Subject:** Re: Veterans Memorial Display Permit

Dear City Administrator Michael Votca,

Thank you for all of your timely correspondences and the professional way you have overseen this process. As you are evidently aware, veterans risked and sometimes gave their lives defending the United States and its Constitution, which includes defending pluralism. Our monument was designed to be respectful of these sacrifices, which includes recognizing the diversity of American beliefs. We would never want our monument standing alone on public property.

We are currently in the process of construction which will take between 6 to 8 weeks to complete. We have a question about installation, though. In order to prevent the statue from being picked up and hauled away, we need to

place a small base plate underneath that would raise it off the ground about 3 to 6 inches which would then be anchored to the ground. I don't imagine there should be any issues with this, but wanted to reach out to confirm.

Very truly yours,

Malcolm Jarry

On Thu, Mar 23, 2017 at 1:12 PM, Michael Votca <[mvotca@ci.belleplaine.mn.us](mailto:mvotca@ci.belleplaine.mn.us)> wrote:

To: Mr. Douglas Mesner,

The City of Belle Plaine has received your application for a display permit in Veterans Memorial Park. The City is currently working to mark the limited public forum area and erect signs in the limited public forum area. Once the construction is finished, we will send you notification of approval of your permit. Thanks you for your patience in this matter.

Thanks,

Mike

**Michael Votca**

City Administrator

City of Belle Plaine

218 N. Meridian Street | Belle Plaine, MN 56011

P: [952.873.5498](tel:952.873.5498) | F: [952.873.5509](tel:952.873.5509)

[www.belleplainemn.com](http://www.belleplainemn.com)





# Mills Decl. Ex. 40

**Sandy Ellingson**

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**From:** Malcolm Jarry <satanictempleorg@gmail.com>  
**Sent:** Tuesday, July 11, 2017 11:30 AM  
**To:** Al Fahey  
**Cc:** Dawn Meyer  
**Subject:** Re: Belle Plaine Vets Park

Dear Mr. Fahey,

Thank you so much for your reply and follow up.

We want to work with you to keep things as orderly and smoothly as possible and we are open to any recommendations and suggestions you might have.

I do not know if the installation needs to be on a weekday or weekend, but we will obviously adhere to the City's guidelines and rules. We can install the statue any day from August 7th to August 13th. Kindly let me know what date and time work during that window or if I need to put forth additional dates.

In addition, the statue has an anchor in its base that requires a small hole be dug underneath. Kindly apprise me of whether we can contract with anyone to assist with that or if the contractor needs any kind of special permit. If the City has anyone they commonly use for this kind of work, I'd appreciate the referral.

Again, I want to express my appreciation for the courtesy everyone has displayed.

Very truly yours,

Malcolm Jarry

On Tue, Jul 11, 2017 at 11:51 AM, Al Fahey <[publicworks@ci.belleplaine.mn.us](mailto:publicworks@ci.belleplaine.mn.us)> wrote:

Good Morning Malcolm,

I did not receive a response from you on my previous email and wanted to send another to make sure it was going to you. I will be available to assist you with the installation of the monument, but will require you to schedule the installation with me prior to arriving in Belle Plaine. If you are not ready yet that is fine, just wanted to know you are receiving my correspondences.

Thank you,

Alan Fahey  
Public Works Superintendent

City of Belle Plaine  
[952-873-6742](tel:952-873-6742)



# Mills Decl. Ex. 41

**Sandy Ellingson**

---

**From:** Dawn Meyer  
**Sent:** Friday, July 14, 2017 10:06 AM  
**To:** Malcolm Jarry  
**Subject:** RE: Belle Plaine Vets Park  
**Attachments:** 4.13.X. Rescind Policy and Eliminating Limited Public Form.pdf

Mr. Jarry-

As a courtesy, I am writing to let you know the City Council will be considering the enclosed resolution, which would eliminate the Limited Public Forum in Veterans Memorial Park.

If you have any questions you may contact me at 952-873-5421, my schedule is booked the rest of the day, however I will be available Monday.

Thank you

Dawn Meyer  
Interim City Administrator

**From:** Malcolm Jarry [mailto:satanicempleorg@gmail.com]  
**Sent:** Thursday, July 13, 2017 8:13 AM  
**To:** Al Fahey <publicworks@ci.belleplaine.mn.us>  
**Cc:** Dawn Meyer <dmeyer@ci.belleplaine.mn.us>  
**Subject:** Re: Belle Plaine Vets Park

Dear Mr. Fahey,

I was just writing to confirm that you received my email, and to find out if you are able to confirm which dates within the window proposed would work.

Thank you.

Very truly yours,

Malcolm Jarry

On Tue, Jul 11, 2017 at 12:29 PM, Malcolm Jarry <[satanicempleorg@gmail.com](mailto:satanicempleorg@gmail.com)> wrote:

Dear Mr. Fahey,

Thank you so much for your reply and follow up.

We want to work with you to keep things as orderly and smoothly as possible and we are open to any recommendations and suggestions you might have.

I do not know if the installation needs to be on a weekday or weekend, but we will obviously adhere to the City's guidelines and rules. We can install the statue any day from August 7th to August 13th. Kindly let me know what date and time work during that window or if I need to put forth additional dates.

In addition, the statue has an anchor in its base that requires a small hole be dug underneath. Kindly apprise me of whether we can contract with anyone to assist with that or if the contractor needs any kind of special permit. If the City has anyone they commonly use for this kind of work, I'd appreciate the referral.

Again, I want to express my appreciation for the courtesy everyone has displayed.

Very truly yours,

Malcolm Jarry

On Tue, Jul 11, 2017 at 11:51 AM, Al Fahey <[publicworks@ci.belleplaine.mn.us](mailto:publicworks@ci.belleplaine.mn.us)> wrote:

Good Morning Malcolm,

I did not receive a response from you on my previous email and wanted to send another to make sure it was going to you. I will be available to assist you with the installation of the monument, but will require you to schedule the installation with me prior to arriving in Belle Plaine. If you are not ready yet that is fine, just wanted to know you are receiving my correspondences.

Thank you,

Alan Fahey  
Public Works Superintendent  
City of Belle Plaine  
[952-873-6742](tel:952-873-6742)



**MEMORANDUM**

<b>DATE:</b>	July 17, 2017
<b>FROM:</b>	Dawn Meyer, Interim City Administrator
<b>AGENDA ITEM:</b>	Resolution 17-090 Rescinding the Policy and Eliminating the Limited Public Forum in Veterans Memorial Park.
<b>BACKGROUND/ JUSTIFICATION:</b>	<p>On February 21, 2017 the City Council adopted Resolution 17-020 Establishing a Policy Regarding a Limited Public Forum in Veteran Memorial Park.</p> <p>Attached is Resolution 17-090 Rescinding the Policy and Eliminating the Limited Public Forum in Veterans Memorial Park.</p>
<b>FISCAL IMPACT:</b>	None
<b>ACTION:</b>	Council may approve or deny Resolution 17-090 Rescinding the Policy and Eliminating the Limited Public Forum in Veterans Memorial Park.
<b>SIGNATURE:</b>	

**BELLE PLAINE CITY COUNCIL  
RESOLUTION 17-090**

**RESCINDING THE POLICY AND ELIMINATING THE LIMITED PUBLIC FORUM  
IN VETERANS MEMORIAL PARK**

WHEREAS, the City of Belle Plaine, Minnesota (the "City") owns and maintains Veterans Memorial Park to honor veterans who have served and sacrificed to protect the freedoms enjoyed by the citizens of this City; and

WHEREAS, the Park memorializes and honors resident veterans killed in service to their country in foreign wars from the Spanish American War through the Vietnam War; and

WHEREAS, the City Council (the "Council") adopted Resolution 17-020 on February 21, 2017 to establish a limited public forum in the Park to permit private memorials or displays expressing views in keeping with the Park's purpose; and

WHEREAS, the Resolution established a policy governing placement of memorials or displays in the Park and requiring application for a permit allowing such placement for 1-year; and

WHEREAS, the City Council has determined that allowing privately-owned memorials or displays in its Park no longer meets the intent or purpose of the Park; and

WHEREAS, the City Council has also determined that the continuation of the limited public forum may encourage vandalism in the Park, reduce the safety, serenity, and decorum of the Park, unnecessarily burden City staff and law enforcement, and negatively impact the public's health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Belle Plaine, Minnesota:

1. The policy established in Resolution 17-020 is rescinded and the limited public forum established in the Park is hereby eliminated. Private displays or memorials placed in the Park shall be removed within a reasonable period by the owner thereof or, upon notice to such owner, or they will be deemed abandoned and removed by the City.
2. All application fees paid for permits to place a memorial or display in the Park will be reimbursed to the applicant.
3. City staff is directed to take such other steps or actions necessary to implement this Resolution.

The adoption of the foregoing Resolution was duly moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, and after full discussion thereof and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: \_\_\_\_\_ and the following voted against: \_\_\_\_\_

Whereupon said Resolution was declared duly passed and adopted.

Dated this \_\_\_\_ day of July, 2017.

ATTEST:

\_\_\_\_\_  
Christopher G. Meyer  
Mayor

\_\_\_\_\_  
Dawn Meyer  
Interim City Administrator

# Mills Decl. Ex. 42

**BELLE PLAINE CITY COUNCIL  
REGULAR SESSION  
JULY 17, 2017**

**1. PLEDGE OF ALLEGIANCE.**

Mayor Christopher Meyer led those present in the Pledge of Allegiance.

**2. CALL TO ORDER. 2.1. Roll Call.**

The Belle Plaine City Council met in Regular Session on Monday, July 17, 2017 at 6:30 p.m. in the council chambers of City Hall, 218 North Meridian Street, Belle Plaine, MN. Mayor Christopher Meyer called the meeting to order with Councilmembers Paul Chard, Ben Stier, Cary Coop, and Theresa McDaniel present.

Also present were Interim City Administrator Dawn Meyer, Community Development Director Cynthia Smith Strack, Public Works Superintendent Al Fahey, City Engineer Joe Duncan, Police Chief Tom Stolee and City Attorney Bob Vose. Wanda Savage served as the video recording operator.

**3. APPROVAL OF AGENDA.**

MOTION by Councilmember Coop, second by Councilmember Stier, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

**4. APPROVAL OF CONSENT AGENDA.**

- 4.1. Regular Session Minutes of June 19, 2017.
- 4.2. Work Session Minutes of June 19, 2017.
- 4.3. Closed Personnel Minutes of June 19, 2017.
- 4.4. Committee of the Whole Minutes of June 19, 2017.
- 4.5. Resolution 17-084 Authorize the Close of Fund 534 and Transfer Remaining Balance.
- 4.6. Approve Temporary On-Sale Intoxicating Liquor License for Belle Plaine Fire Relief Association for Event on August 19, 2017.
- 4.7. Approve Large Assembly Permit for Belle Plaine Lions Club for Beep Ball Event at Tiger Park on August 6, 2017.
- 4.8. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Lions Club for Beep Ball Event at Union Square on August 6, 2017.
- 4.9. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Softball Fund Raising Event at Prairie Park on September 15-17, 2017.
- 4.10. Resolution 17-087 Accept Cash Donation from the Belle Plaine Chamber of Commerce for Pool Improvements and Downtown Improvements.
- 4.11. Resolution 17-085 Adopt Park Shelter Rental Policy.
- 4.12. Accept Resignation of Building Official Scott McCarty Effective August 2, 2017 and Authorize Interim Services and Advertising to Seek Candidates for Fill Vacancy.
- 4.13. Resolution 17-090 Rescind Policy and Eliminating the Limited Public Forum in Veterans Memorial Park.
- 4.14. Resolution 17-086 Accept Cash Donation from Friends of the Library for Library Improvements.
- 4.15. Accept Resignation of Administrative Assistant Patricia Krings Effective December 31, 2017 and Authorize Advertising to Seek Candidates to Fill Vacancy.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the consent agenda as follows: 4.1. Regular Session Minutes of June 19, 2017, 4.2. Work Session Minutes of June 19, 2017, 4.3. Closed Personnel Minutes of June 19, 2017, 4.4. Committee of the Whole Minutes of June 19, 2017,

Belle Plaine City Council  
Regular Session  
July 17, 2017

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4.5. Resolution 17-084 Authorize the Close of Fund 534 and Transfer Remaining Balance, 4.6. Approve Temporary On-Sale Intoxicating Liquor License for Belle Plaine Fire Relief Association for Event on August 19, 2017, 4.7. Approve Large Assembly Permit for Belle Plaine Lions Club for Beep Ball Event at Tiger Park on August 6, 2017, 4.8. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Lions Club for Beep Ball Event at Union Square on August 6, 2017, 4.9. Approve Temporary On-Sale 3.2% Intoxicating Liquor License for Belle Plaine Softball Fund Raising Event at Prairie Park on September 15-17, 2017, 4.10. Resolution 17-087 Accept Cash Donation from the Belle Plaine Chamber of Commerce for Pool Improvements and Downtown Improvements, 4.11. Resolution 17-085 Adopt Park Shelter Rental Policy, 4.12. Accept Resignation of Building Official Scott McCarty Effective August 2, 2017 and Authorize Interim Services and Advertising to Seek Candidates for Fill Vacancy, 4.13. Resolution 17-090 Rescind Policy and Eliminating the Limited Public Forum in Veterans Memorial Park, 4.14. Resolution 17-086 Accept Cash Donation from Friends of the Library for Library Improvements, and 4.15. Accept Resignation of Administrative Assistant Patricia Krings Effective December 31, 2017 and Authorize Advertising to Seek Candidates to Fill Vacancy. ALL VOTED AYE. MOTION CARRIED.

## **5. DEPARTMENT REPORTS.**

### **5.1. Community Services Department.**

Community Services Director Mindy Chevalier was present. The Council acknowledged receipt of the Community Services Department report.

### **5.2. Public Works Department.**

Public Works Superintendent Al Fahey was present. The Council acknowledged receipt of the Public Works Department report.

### **5.3. City Engineer Report.**

City Engineer Joe Duncan was present. The Council acknowledged receipt of the City Engineer report.

### **5.4. Ambulance Department.**

Ridgeview Ambulance Supervisor Doug Sweeney was present. The Council acknowledged receipt of the Ambulance Department report.

### **5.5. Fire Department.**

Fire Chief Matt Stier was present. The Council acknowledged receipt of the Fire Department report.

### **5.6. Police Department.**

Police Chief Tom Stolee was present. The Council acknowledged receipt of the Police Department report.

### **5.7. Community Development Department.**

Community Development Director Cynthia Smith Strack was present. The Council acknowledged receipt of the Community Development Department report.

### **5.8. Administration Report.**

Interim City Administrator Dawn Meyer was present. The Council acknowledged receipt of the Administration report.



Belle Plaine City Council  
Regular Session  
July 17, 2017

Page 3 of 9

**5.9. MnDOT Representatives – Update on TH169 Overlay Project.**

- 1. Jon Solberg, South Area Manager**
- 2. Diane Langenbach, South Area Engineer**

Mayor Meyer welcomed Jon Solberg, South Area Manager, and Diane Langenbach, South Area Engineer, of MnDOT.

Ms. Langenbach provided an overview of the proposed TH169 overlay project between Highway 282/TH169 in Jordan to Highway 19/TH169 south of Belle Plaine. The north section, Jordan to Belle Plaine, will be constructed 2018. The south section is planned for 2019. Details of the project include concrete overlay, reconfiguration at County Road 59 and extending certain turn lanes. The crossover lanes will be constructed later this year.

Mayor Meyer inquired about the 4-way stop sign at Main and Walnut/TH25 and the extension of acceleration and de-acceleration lanes at County Road 3/TH169. Ms. Langenbach explained that enhancements such as a larger stop sign and adding reflective tape to increase safety are planned for the Main Street/Walnut Street intersection. There will be an extension of the de-acceleration lanes, however not the acceleration lane.

Mayor Meyer thanked Ms. Langenbach and Mr. Solberg for the informative presentation.

**5.10. ACKNOWLEDGEMENT**

- 1. Green Step City Award – Diane McKeown**

Diane McKeown, on behalf of GreenStep Cities, presented awards for the City's completion of Step 1 and Step 2 of the program. Mayor Meyer accepted the award.

**5.11. VISITOR'S REQUEST.**

- 1. Water Bill Appeal – Dan Whitney, 418 South Street West.**

Dan Whitney, 418 South Street West, appealed the amount of his water bill. Council took no action and the bill remains as is.

**6.0. PUBLIC HEARINGS.**

**6.1. Liquor License – Ann Topic, dba Borough Bowl. The City Council will consider public comment on a request by Ann Topic, dba Borough Bowl, for an on-sale, off-sale and Sunday intoxicating liquor license at 235 South Ash Street.**

Interim City Administrator Meyer explained that Ann Topic, dba Borough Bowl, 235 South Ash Street, has requested approval of on and off sale and Sunday liquor licenses. Police Chief Stolee has conducted the required background investigation and recommends the City Council proceed with approval. The current liquor establishment at that address was operated by Ron Fry, HRF Management, LLC, and the City has obtained a written statement of his intent to sell the existing business to Ann Topic. Staff recommends approval of the liquor licenses with the conditions listed on proposed Resolution 17-079.

Mayor Meyer opened the public hearing at 7:08 p.m. and asked for public comment. There was no response.

MOTION by Councilmember Chard, second by Councilmember Coop, to close the public hearing at 7:09 p.m. ALL VOTED AYE. MOTION CARRIED.

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**6.1.a. Resolution 17-079 Liquor Licenses for Ann Topic, dba Borough Bowl, 235 South Ash Street.**

MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-079 Liquor Licenses for Ann Topic, dba Borough Bowl, 235 South Ash Street. ALL VOTED AYE. MOTION CARRIED.

**6.2. Variance Request. The City Council will consider public comment on a request by Troy Cornelius, 325 Elm Street North, Belle Plaine, MN for a variance from Section 1105.07, Subd. 5(3)(a) to reduce the minimum front yard setback from 30 feet to 26 feet in the R-3, Single and Two Family Residential District, and a variance to Section 1105.07, Subd. 5(4)(a) to allow a detached accessory structure to be placed in front of an existing dwelling. If approved the variance would accommodate a 900 square foot detached accessory structure at the subject property.**

Community Development Director Smith Strack explained that Troy Cornelius, owner of property at 325 Elm Street North, requests consideration of variances from Section 1105.07, Subd. 5(3)(a) to reduce the minimum front yard setback from 30 feet to 26 feet in the R-3, Single and Two Family Residential District. He also is requesting a variance from Section 1105.07, Subd. 5(4)(a) to allow a detached accessory structure to be placed in front of an existing dwelling. The configuration of the structures on the lot presents challenges. In addition, there are existing encroachment issues.

If granted, the variance will allow for the construction of a 25' X 36' (900 square foot) detached garage. The proposed detached garage would replace an existing shed in the front yard. The dwelling is addressed on Elm Street and setback 62 feet from the front property line. A front yard setback of 26 feet is proposed so as to retain an existing mature tree on site. The remaining performance standards are met, including separation from adjacent buildings and side, rear yard setbacks. The existing dwelling, constructed in 1860, is placed almost entirely within the Court Street right of way. The proposed structure conforms with lot coverage requirement.

Community Development Director Smith Strack listed the criteria for determining action on the variances. Staff recommends approval of a variance to Section 1105.07, Subd. 5(4)(a) thereby allowing the proposed detached accessory structure to be located in front of the building line of an established dwelling. Staff does not have a recommendation regarding the front yard setback variance (Section 1105.07, Subd. 5(3)(a)) due to relatively small degree of variance requested versus value of mature trees. The Planning Commission recommended approval of Comprehensive Plan Amendment and Rezone.

Mayor Meyer opened the public hearing at 7:13 p.m. and asked for public comment.

Troy Cornelius, applicant, requested approval of the variances.

MOTION by Councilmember Coop, second by Councilmember Chard, to close the public hearing at 7:14 p.m. ALL VOTED AYE. MOTION CARRIED.

**6.2.a. Resolution 17-080 Approve Variance to Allow a Detached Accessory Structure to be Placed in Front of an Existing Dwelling at 325 Elm Street North.**

MOTION by Councilmember Coop, second by Councilmember Stier, to adopt Resolution 17-080 Approve Variance to Allow a Detached Accessory Structure to be Placed in Front of an Existing Dwelling at 325 Elm Street North. ALL VOTED AYE. MOTION CARRIED.

**6.2.b. Resolution 17-081(A) Approve a Four (4) Foot Variance to a Required Front Yard at 325 Elm Street North.**

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Councilmember Chard commented that he understands the variance request is to save a large tree. The foundation for the proposed structure will be placed near the tree line and questioned whether the tree will survive.

MOTION by Councilmember Coop, second by Councilmember McDaniel, to ADOPT Resolution 17-081(A) Approve a Four (4) Foot Variance to a Required Front Yard at 325 Elm Street North. Councilmembers Coop and McDaniel VOTED AYE. Councilmembers Meyer, Chard and Stier VOTED NAY. MOTION FAILED.

MOTION by Councilmember Chard, second by Councilmember Stier, to DENY a four (4) foot variance to a required front yard at 325 Elm Street North and to direct Staff to prepare a resolution for adoption at the next Regular Session. Councilmembers Chard, Stier, Meyer and McDaniel VOTED AYE. Councilmember Coop VOTED NAY. MOTION CARRIED.

**6.3. Comprehensive Plan Amendment and Rezoning Request. The City Council will consider public comment on a request by Troy M. Schrom, d.b.a. Schrom Construction and Dennis Moriarty on behalf of John E. Fogarty Estate (Property Owner). Schrom Construction requests consideration of a minor Comprehensive Plan amendment and rezoning for property at Church Street and Aspen Lane. The property is currently planned for and zoned as I-C Industrial Commercial. The Applicant requests rezoning to R-7 Mixed Housing. If approved, the requests will allow consideration of a 24-unit, two story apartment building on the subject property.**

Community Development Director Smith Strack explained that Troy M. Schrom d.b.a. Schrom Construction proposes a two story, 24-unit apartment building at Aspen Lane and Church Street on approximately 1.45 acres currently owned by the John E. Fogarty Estate. The building footprint is approximately 10,000 sf fronting on Aspen Lane North with parking east of the structure access from State and Church Streets. The proposed development requires rezoning from I-C Industrial Commercial to R-7 Mixed Housing. The development is consistent with the Comprehensive Plan in many respects, although the future land use map will need updating to reflect change from commercial/industrial to multiple family housing. If plan amendment is authorized and rezoning approved, then the Applicant will move forward with platting the property (currently subject to registered land survey) and site plan approval.

The proposed planned land use is medium density residential. The proposed Comprehensive Plan amendment has been approved for minor (administrative) processing under Metro Council policies. A local public hearing is required, but the adjacent jurisdiction review requirement has been waived and Met Council staff will act internally on the amendment. The proposed administrative amendment applies to approximately 1.45 acres. Overall, the proposed apartment is consistent with Comprehensive Plan policies and associated systems plans transportation, parks/trails, economic development, utilities, housing, land use). The locale is transitional with a variety of potential uses possible. Infill of existing lots with a full complement of urban services is prioritized under the 2008 Plan.

Community Development Director Smith Strack explained the R-7 Mixed Housing (Medium to High Density) Residential District is intended to provide a district which allows for a full and complete range and intermixing of residential activities, and to accommodate development areas which existed prior to the establishment of this Ordinance. The Planning Commission recommended approval.

Troy Schrom, Schrom Construction, addressed the City Council and asked for approval. He explained there is a need for workforce housing in Belle Plaine and is supported by the recent housing market study. The site is shovel ready, therefore more favorable than the adjacent R-7 zoned property to the north. Mr. Schrom said that the City will receive water and sewer connection fees in the amount of \$190,000.

Mayor Meyer opened the public hearing at 7:31 p.m. and asked for public comment.

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Mayor Meyer read a letter dated July 11, 2017 from Jerry and Christine Plambeck, 840 East State Street, stating their opposition to the Comp Plan Amendment and rezone request.

Brian Grant, 781 State Street East, asked why the developer is seeking construction on the subject site when other R-7 properties are available. He also had concerns that the manager of the apartment complex will be available only on a part-time basis. The apartment complex would add 144 vehicle trips per day to this area. He said the stop sign is not being observed, with many drivers going through it without stopping, creating great danger for young children.

Ed Fogarty, 1155 Fall Circle, Chaska, MN, co-owner of the property, spoke in support of the project. He explained that he worked with Schrom Construction on the six duplexes that were recently built along Church Street and believes the apartment complex will provide needed housing for the City.

Ray Knutson, 820 State Street East, stated there is no need for rezoning because of available R-7, multi-family zoning adjacent to the subject property. The neighborhood will lose its character. The site of the proposed apartment complex is unfavorable due to its close proximity to Genesis and its chemical storage tanks. The traffic flow configuration of the apartment building will cause headlights to shine into his home.

Gwen Knutston, 820 State Street East, expressed concern for the safety of young children in the neighborhood due to increased traffic. She said no one stops at the stop sign, which is a safety concern. She also said that vehicle headlights will shine into her living room as a result of tenants leaving the apartment complex.

Jim Connolly, 320 Oak Street North, thanked Mr. Schrom for his willingness to make an investment in Belle Plaine. He asked if the project would generate enough property tax to offset the increase in emergency services. He believes the developer should pay the traffic improvements at the intersection of Main Street and Aspen Lane. He supports requiring a traffic study to be done at the developer's cost. He was opposed to rezoning the property and commented on the vote by the Planning Commissioners, which passed with only two votes to approve. He commented on the six duplexes as to the lack of lawn sprinklers and questioned the classification at Scott County taxation.

Nick Zwick, 860 State Street East, was opposed to the rezone. He expressed concern for the safety of young children and the loss of small-town character.

MOTION by Councilmember Coop, second by Councilmember Stier, to adjourn at 7:59 p.m. ALL VOTED AYE. MOTION CARRIED.

**6.3.a. Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane.**

MOTION by Mayor Meyer, second by Councilmember Chard, to approve Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane. Councilmembers Chard, Stier, and McDaniel VOTED NAY. Mayor Meyer and Councilmember Coop VOTED AYE. MOTION FAILED.

Councilmember Chard explained that he spoke with Mr. Schrom and Ed Fogarty at length about the proposed project. He suggested utilizing the existing R-7 parcel which would require the extension of State Street to the east. Councilmember Chard commented that traffic concerns will be associated with either parcel. Mayor Meyer acknowledged that traffic is always a concern. Schrom Construction made a decision to provide needed housing options in the City. As with any project, the City will carefully review and make contingencies as required, including a traffic study at the expense of the developer. A commercial development at the proposed site may present increased disruptive issues for residents than

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a housing complex. Councilmember Stier agreed that a traffic study is needed to address the Main Street and Aspen Lane intersection. Councilmember Coop admitted that he was struggling as to a decision on this matter. He commented that the results of a traffic study will assist in his final decision as to the project. He has spoken with apartment dwellers who were in favor of having the apartment complex that would provide rental options. Councilmember Chard suggested tabling action until further discussion on the extension of State Street East. Community Development Director Cynthia Smith Strack explained the 60-day rule regarding zoning requests. City Attorney Vose explained the Council must take action as to approve, deny or table. The applicant will need to extend the 60-day review period.

MOTION by Mayor Meyer, second by Councilmember McDaniel, to TABLE action on Resolution 17-082 Minor Comprehensive Plan Amendment for Schrom Construction for Property at Church Street and Aspen Lane to allow time for further research on the extension of State Street East by Council and Staff. ALL VOTED AYE. MOTION CARRIED.

**6.3.b. Adoption of Ordinance 17-09, An Ordinance Rezoning Certain Property at Church Street and Aspen Lane from I-C Industrial Commercial to R-7 Mixed Housing.**

MOTION by Mayor Meyer, second by Councilmember Chard, to TABLE action on the adoption of Ordinance 17-09, An Ordinance Rezoning Certain Property at Church Street and Aspen Lane from I-C Industrial Commercial to R-7 Mixed Housing to allow time for further research on the extension of State Street East by Council and Staff. ALL VOTED AYE. MOTION CARRIED.

**7. BUSINESS.**

**7.1. Presentation of Claims.**

1. **Pay Request No. 6 and Final by Chard Tiling & Excavating, Inc. for \$24,359.44 for the 2016 Street Improvement Project.**
2. **Pay Request No. 2 and Final by Allied Blacktop for \$9,433.72 for the 2017 Pavement Maintenance Project.**
3. **Pay Request No. 2 by Wm Mueller & Sons for \$459,796.98 for the 2017 Street Improvement Project.**

MOTION by Councilmember Coop, second by Councilmember McDaniel, to approve the Presentation of Claims, Pay Request No. 6 and Final by Chard Tiling & Excavating, Inc. for \$24,359.44 for the 2016 Street Improvement Project, Pay Request No. 2 and Final by Allied Blacktop for \$9,433.72 for the 2017 Pavement Maintenance Project, and Pay Request No. 2 by Wm Mueller & Sons for \$459,796.98 for the 2017 Street Improvement Project. ALL VOTED AYE. MOTION CARRIED.

**7.2. Resolution 17-083 Approving Final Plat for Buesgens Commercial Center.**

Community Development Director Smith Strack explained that in 2016 the City received a Scott County CDA grant to assist with platting of Buesgens Commercial Center as a means of creating shovel ready commercial lots. The plat differs from others in that a development project is not driving platting of the property. The City Council previously approved a preliminary plat for Buesgens Commercial Center. A development agreement has been approved by the Council. The plat is a four lot, four block subdivision of property. The Planning Commission reviewed the final plat at a regular meeting June 12, 2017 and recommended Council approval.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-083 Approving Final Plat for Buesgens Commercial Center. ALL VOTED AYE. MOTION CARRIED.

**7.3. School District Request to Waive Permit Fees for Softball Complex.**

Interim City Administrator Meyer explained the Belle Plaine School District has submitted a building permit application to construct a Softball Complex.

The permit fees for the School District's building that has a valuation of \$130,00.00 total \$11,483.70. Included in this are the Permit Fee of \$1,278.00 and Plan Review of \$830.70. The Permit and Plan Review fees are associated with staff time and internal expenses, the State Surcharge is a pass through fee that must be submitted to the State of Minnesota, the Tracer Box and Meter Fees are direct costs for the equipment the City supplies for structures, the Sewer and Water Connection fees are related to the cost of infrastructure and its maintenance. Staff recommends the Permit and Plan Review fees totaling \$2,108.70 which are associated with staff time and internal expenses be waived, as in-kind due to the City's partnership with the School District.

Mayor Meyer welcomed Dr. Ryan Laager, Superintendent of Belle Plaine Schools.

Dr. Laager asked for consideration of waiving permit fees associated with the construction of a building to service the School's softball complex.

Councilmember Coop was opposed to waiving or reducing the fee. He explained that City residents also pay School District taxes, creating additional burden on City taxpayers for fees waived or reduced.

MOTION by Councilmember Stier, second by Councilmember Chard, to waive the permit fee of \$1,278.00 and the plan review fee of \$830.70 for a total of \$2,108.70 as requested by the Belle Plaine School District for the construction of a building at their softball complex located at 1101 Commerce Drive West. Councilmember Coop voted NAY. ALL OTHERS VOTED AYE. MOTION CARRIED.

**7.4. Resolution 17-088 Approving Plans and Specifications for the Block 102/104 Alley Improvement Project and Authorize Advertisement for Bids.**

Interim City Administrator Meyer explained that at the May 1, 2017 meeting, the City Council accepted the preliminary engineering report and called for the public hearing for Block 102 and Block 104 alley improvement project. The hearing was held on June 5, 2017. The project consists of bituminous for the alley ways and storm sewer improvements for Block 104. The final plans and specifications have been prepared and the next step is for the Council to accept the final plans and specifications and authorize the advertisement for bids. Advertisement for bids will begin soon with the bid opening on Thursday, August 17, 2017 at 11:00 a.m. at City Hall. The bid opening date is contingent upon Scott County review, with an alternate bid opening date of August 31<sup>st</sup>.

MOTION by Councilmember Coop, second by Councilmember Stier, to approve Resolution 17-088 Approving Plans and Specifications for the Block 102/104 Alley Improvement Project and Authorize Advertisement for Bids. ALL VOTED AYE. MOTION CARRIED.

**7.5. Resolution 17-89 Accepting Preliminary Report for the 2018 Street Improvement Project and Call for Hearing.**

City Engineer Duncan provided the preliminary report and a presentation on the proposed 2018 street improvement project. The construction area includes Oakwood Circle, Robert Circle and Oakwood Drive north of South Street West. The total estimated cost of the project is \$945,720.00, with no sidewalks planned for the area. The preliminary hearing is slated for August 21, 2017.

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MOTION by Councilmember Coop, second by Councilmember Chard, to approve Resolution 17-89 Accepting Preliminary Report for the 2018 Street Improvement Project and Call for Hearing. ALL VOTED AYE. MOTION CARRIED.

**8. 8. ADMINISTRATION.**

**8.1. Upcoming Meetings.**

- 1. Design Committee, 5:15 pm, Monday, July 24.**
- 2. City Council, 6:30 pm, Monday, August 7.**
- 3. Work Session, 6:45 pm, Monday, August 7.**
- 4. Public Safety, TBD.**
- 5. Public Works, 9:00 am, Thursday, August 10.**

The Council was reminded of the upcoming meetings as listed.

**9. ADJOURN.**

MOTION by Councilmember Coop, second by Mayor Meyer, to adjourn the Regular Session at 8:50 p.m. ALL VOTED AYE. MOTION CARRIED.

Respectfully submitted,

Patricia Krings  
Recording Secretary

# Mills Decl. Ex. 44



## Administrator

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**From:** Dawn Meyer  
**Sent:** Tuesday, July 18, 2017 2:17 PM  
**To:** Malcolm Jarry  
**Subject:** RE: Belle Plaine Vets Park  
**Attachments:** July-18-2017-Statements.pdf

Good Morning Mr. Jarry-

The resolution rescinding the limited public forum policy and eliminating the limited public forum area from Veteran's Park was passed last night at the City Council meeting. This is email is to notify you that as per the resolution, the permit fee of \$100.00 will be refunded to you and that the public forum area has been eliminated. Please confirm the mailing address of 64 Bridge Street, Salem, MN 01970 for the refund to be sent.

Attached is the press release the City has issued.

Please let me know if you have any other questions.

Thank you  
Dawn

**From:** Malcolm Jarry [mailto:satanictempleorg@gmail.com]  
**Sent:** Friday, July 14, 2017 11:40 AM  
**To:** Dawn Meyer <dmeyer@ci.belleplaine.mn.us>  
**Subject:** Re: Belle Plaine Vets Park

Dear Ms. Meyer,

Thank you for the courtesy of forwarding me that information and for being so kind as to make yourself available for a brief discussion on Monday. As you and the Council are undoubtedly aware, The Satanic Temple has sunk considerable expenses into designing and constructing the monument after receiving written approval. I trust the City Council will take that into consideration when voting on this resolution.

Very truly yours,

Malcolm Jarry

On Fri, Jul 14, 2017 at 11:05 AM, Dawn Meyer <[dmeyer@ci.belleplaine.mn.us](mailto:dmeyer@ci.belleplaine.mn.us)> wrote:

Mr. Jarry-

As a courtesy, I am writing to let you know the City Council will be considering the enclosed resolution, which would eliminate the Limited Public Forum in Veterans Memorial Park.

If you have any questions you may contact me at [952-873-5421](tel:952-873-5421), my schedule is booked the rest of the day, however I will be available Monday.

Thank you

Dawn Meyer

Interim City Administrator

**From:** Malcolm Jarry [mailto:[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)]  
**Sent:** Thursday, July 13, 2017 8:13 AM  
**To:** Al Fahey <[publicworks@ci.belleplaine.mn.us](mailto:publicworks@ci.belleplaine.mn.us)>  
**Cc:** Dawn Meyer <[dmeyer@ci.belleplaine.mn.us](mailto:dmeyer@ci.belleplaine.mn.us)>  
**Subject:** Re: Belle Plaine Vets Park

Dear Mr. Fahey,

I was just writing to confirm that you received my email, and to find out if you are able to confirm which dates within the window proposed would work.

Thank you.

Very truly yours,

Malcolm Jarry

On Tue, Jul 11, 2017 at 12:29 PM, Malcolm Jarry <[satanictempleorg@gmail.com](mailto:satanictempleorg@gmail.com)> wrote:

Dear Mr. Fahey,

Thank you so much for your reply and follow up.

We want to work with you to keep things as orderly and smoothly as possible and we are open to any recommendations and suggestions you might have.

I do not know if the installation needs to be on a weekday or weekend, but we will obviously adhere to the City's guidelines and rules. We can install the statue any day from August 7th to August 13th. Kindly let me know what date and time work during that window or if I need to put forth additional dates.

In addition, the statue has an anchor in its base that requires a small hole be dug underneath. Kindly apprise me of whether we can contract with anyone to assist with that or if the contractor needs any kind of special permit. If the City has anyone they commonly use for this kind of work, I'd appreciate the referral.

Again, I want to express my appreciation for the courtesy everyone has displayed.

Very truly yours,

Malcolm Jarry

On Tue, Jul 11, 2017 at 11:51 AM, Al Fahey <[publicworks@ci.belleplaine.mn.us](mailto:publicworks@ci.belleplaine.mn.us)> wrote:

Good Morning Malcolm,

I did not receive a response from you on my previous email and wanted to send another to make sure it was going to you. I will be available to assist you with the installation of the monument, but will require you to schedule the installation with me prior to arriving in Belle Plaine. If you are not ready yet that is fine, just wanted to know you are receiving my correspondences.

Thank you,

Alan Fahey  
Public Works Superintendent  
City of Belle Plaine  
[952-873-6742](tel:952-873-6742)

# Mills Decl. Ex. 45



**7-18-2017**  
**For Immediate Release**

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## **Press Release**

### **07/18/17 Statement from the City of Belle Plaine**

Last night, the Belle Plaine City Council voted to rescind a resolution enacted in February, 2017, that allowed individuals or organizations to place and maintain privately-owned displays in a designated space of the city-owned Veterans Memorial Park.

As called-for in the resolution, owners of all privately-owned Park displays currently located in the Park's designated space are now being given 10 days' notice to remove the displays. Our local veterans organizations are supportive of this action.

The original intent of providing the public space was to recognize those who have bravely contributed to defending our nation through their military service. In recent weeks and months, though, that intent has been overshadowed by freedom of speech concerns expressed by both religious and non-religious communities.

The debate between those communities has drawn significant regional and national attention to our city, and has promoted divisiveness among our own residents.

While this debate has a place in public dialogue, it has detracted from our city's original intent of designating a space solely for the purpose of honoring and memorializing military veterans, and has also portrayed our city in a negative light.

Therefore, the Council believes that it is in the best interests of our Belle Plaine community to rescind the resolution, and bring this divisive matter to closure.