

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

In Re the Marriage of:
Sheena E. Greitens and
Eric R. Greitens

SHEENA E. GREITENS,
Petitioner,

v.

ERIC. R. GREITENS,
Respondent.

Case No. 20BA-FC00579

**PETITIONER'S RESPONSE TO RESPONDENT'S MOTION FOR ENTRY OF
APPROPRIATE ORDER AND MOTION FOR FAMILY ACCESS AND REQUEST
FOR TRANSFER OF CASE TO TRAVIS COUNTY, TEXAS**

COMES NOW Petitioner, Sheena Greitens, and for her Response to Respondent's Motion for Entry of Appropriate Order and Motion for Family Access, states as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Deny.
6. Admit.
7. Admit that Respondent restates the allegations set forth in paragraphs 1 – 6; Petitioner restates her responses thereto.
8. Admit that there exists a dispute regarding the interpretation/implementation of the Parenting Plan; however, Petitioner has insufficient knowledge regarding the basis of Father's information or beliefs relative to Petitioner's Amended Motion and Affidavit in Support Thereof filed on 3/21/22 and as such denies the remaining allegations set forth in paragraph 8. In further answer, Petitioner states that

Respondent's Motion to Quash specifically challenged Petitioner's pleading seeking this Court's Order finding that neither the parent or the children, nor the children and one parent have a significant connection with Missouri and that substantial evidence is no longer available in Missouri concerning the children's care, protection, training, and personal relationships; or in the alternative finding that the State of Texas is a more appropriate forum, that Missouri is an inconvenient forum under the circumstances, and declining to exercise jurisdiction herein. Petitioner's filings on March 21, 2022 were responsive to this challenge that was also articulated in open court and those filings can hardly be characterized as "extraneous".

9. Admit.

10. Admit that the parties have been unable to resolve their disputes, but deny the remaining allegations in paragraph 10. In further answer, Petitioner has requested, in writing, on at least eight (8) prior occasions that Respondent participate in mediation in order to privately resolve their disputes. Respondent has refused Petitioner's requests for dispute resolution made in October 2020, December 2020, four requests in January 2021, February 2021, March 2021, and April 2021. For Respondent to now allege, under oath, that a Court Order is required for the parties to mediate ignores the fact that the Judgment of Dissolution he quotes in paragraph 9 of his Motion already requires mediation, and constitutes an existing Order of the Court that he has persistently ignored and with which he has refused to comply. Petitioner has been and remains willing to participate in mediation.

11. Admit.

12. Deny. In further answer, Petitioner has requested on at least eight (8) prior occasions that Respondent participate in mediation in order to privately resolve their disputes. Respondent has refused Petitioner's requests for dispute resolution made in October 2020, December 2020,

four requests in January 2021, February 2021, March 2021, and April 2021.

13. Admit that Lynne Harris has a long history of close association with Petitioner and Respondent; Petitioner is without sufficient information with which to admit or to deny the remaining allegations in paragraph 13 and therefore denies same. In further answer, Petitioner has historically placed great value on privacy and alternative dispute resolution; clearly, her repeated requests for Respondent to participate in this process reflect her sincere belief that the assistance of a skilled third-party was necessary, appropriate, and of potential significant benefit to the family. How a return to her services now would be of substantial assistance to this family, in light of the fact that, while Respondent seeks to keep the court proceedings secret, he is simultaneously engaged in an ongoing public media assault on the Petitioner and her family, is difficult to envision.
14. Petitioner restates her responses to Respondent's allegations set forth in paragraphs 1 – 6 herein.
15. Admit.
16. Deny.
17. Admit.
18. Deny. In further answer, Petitioner did not deny Father visitation at all, nor did she arbitrarily cancel Respondent's January 13–17 visit as implied by Respondent; rather, her compliance with school and CDC guidelines for unvaccinated individuals, and with airline carrier rules, outright prohibited this visit from occurring. Moreover, Respondent agreed that the January 13-17 visit would not occur as set forth in Exhibit 1, and he has failed to and refused to make up his visit in the manner provided by the parties' judgment.
 - a. *Petitioner denies that in January 2022 Petitioner cancelled the children's trip to Missouri.* Respondent's visit between January 13–17, 2022 did not occur by the agreement of the parties, as set forth

in Exhibit 1, which is attached hereto and incorporated herein by reference.

Petitioner denies that the parenting plan requires her to bring the children to Missouri during one of three alternative dates suggested by Respondent. In further answer, the parties' judgment simply does not provide Respondent with the right to unilaterally dictate that a make-up visit occur or that it only occur in Missouri; instead it provides as follows:

“In the event that a trip to Missouri must be cancelled or postponed, for example, in the case of a child’s illness, the trip will be rescheduled within 120 days between three alternative dates provided by Father. In the alternative, Mother may pay for Father’s flight to Austin to exercise parenting time as a substitute for a rescheduled trip. If father cancels a trip/period of visitation, then Mother will not be compelled to reschedule the trip. In the latter event, Mother may keep the children, or if she cannot, then Father will be responsible for providing the needed child care.”

Petitioner admits that she has declined to bring the children to Missouri during one of three alternative dates suggested by Respondent. In further answer, Petitioner and Respondent agreed that the January 13–17 visit not occur as previously stated. It certainly could be argued that Petitioner is not required to reschedule the trip under the terms of the parenting plan. However, Petitioner has not sought to avoid rescheduling of this visit as detailed herein below.

This visit did not occur in Missouri because Respondent refused to allow the children to receive the COVID-19 vaccine, and as a result, beginning on January 12, 2022, Jacob was quarantined after being exposed to his teacher who tested positive for infection with COVID-19. Because he was unvaccinated and exposed to a

positive case, Jacob was required to quarantine at home and was not allowed to return to school for at least 5 days.¹ Although Petitioner and the children were booked on a flight on Southwest Airlines to Missouri for Respondent's visitation over the upcoming weekend (January 13–17, 2022), they were not allowed to fly, per Southwest Airlines rules and then-current CDC guidelines, as a result of Jacob's exposure.²

As previously stated, immediately upon receiving the news of Jacob's exposure and mandatory quarantine, Petitioner texted Respondent to let him know what was happening. Petitioner also made arrangements to take time off work and canceled a work-related trip planned over the weekend the children were scheduled to stay with Respondent, so that she could stay home with Jacob for the duration of his quarantine.

Petitioner immediately suggested that Respondent come to Austin for his visit so his visit wouldn't be delayed at all.³ However, Respondent refused, stating:

Hi Sheena,
The Parenting Plan is clear. It is a legal order.
The terms are laid out with clarity in the event that a trip to Missouri must be postponed. I have followed the order, and have provided you with three alternative dates.
If you do not comply, you are in violation of a legal order.
Thank you,
Eric⁴

Petitioner responded to the foregoing correspondence, explaining why she had proposed that Respondent exercise his alternative to visit with the children in Texas instead of requiring all of them to fly to him. (Specifically, she noted that rescheduling the visit to occur in

¹ See Petitioner's Exhibit 2 attached hereto and incorporated herein.

² See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html> and [Domestic Travel During COVID-19 | CDC](https://www.swamedia.com/releases/release-a6993bfb808d84f772b8f111c71c462c-southwest-launches-sale-extends-open-middle-seats-and-adds-health-declaration-for-customers) and <https://www.swamedia.com/releases/release-a6993bfb808d84f772b8f111c71c462c-southwest-launches-sale-extends-open-middle-seats-and-adds-health-declaration-for-customers>

³ See Petitioner's Exhibit 3 which is attached hereto and incorporated herein by reference.

⁴ See Exhibit 4.

Missouri would require Petitioner to take off additional days from work, in addition to those already taken for purposes of caring for the children during the required quarantine, and would also require the children to miss additional days of school.) She also renewed her offer for Respondent to exercise or make up his parenting time in Austin at her expense. Again, Respondent ignored this option.⁵ Later, Respondent vaguely proposed that, at some point “in the coming months,” Petitioner pay for his flight to Austin so that he could then take the boys to a space launch in Florida conducted by his company, Axiom Space.⁶ Since the date of that email (January 22, 2022), no further detail has been provided by Respondent and no further reference to this has been made by Respondent.

Petitioner denies that Respondent was denied visitation between January 13 and January 17, 2022.

- b. Admit that Petitioner has declined to bring the children to Missouri during one of the three alternative dates suggested by Father; Petitioner re-states her response set forth above in paragraphs 18 and 18(a). Petitioner proposed that Respondent not actually miss his January 13–17 visit, and has subsequently and repeatedly invited Respondent to exercise his make-up time in Texas at her expense, as provided in the parenting plan. Petitioner denies that she has conditioned her own compliance on matters beyond the scope of the Joint Parenting Plan.*

19. Admit that Respondent has provided alternative dates for his visitation to be rescheduled in Missouri but denies all remaining allegations in paragraph 19.
20. Deny. In further answer, since the beginning of 2022, Mother has made trips at her own expense to Missouri, Florida, and California to

⁵ See Exhibit 4 and Exhibit 5.

⁶ See Exhibit 5 which is attached hereto and incorporated herein.

facilitate the children's visitations with Respondent. When the children's mid-January visit to Missouri had to be cancelled for the reasons outlined herein, she offered compensatory time in Austin at her own expense.

21. Admit that parties to court judgments are required to comply therewith, but denies that the case cited by Respondent stands for the proposition stated. In further answer, in *DRP v. MPP*, it was stipulated by the parties that their teenage daughter had not participated in visitation with the Father for a period of eight months although the judgment provided him with alternating weekend, some midweek, alternating holidays, and summer parenting time. The trial court found that Mother did nothing to encourage the daughter to visit with Father, appeared at her school to pick her up when it was Father's day to do so, and even allowed the daughter to hide in her vehicle and to refuse to go with Father; these facts, together with others, led the trial court to find that mother created the circumstances that encouraged the daughter to refuse to participate in parenting time. The Western District affirmed the trial court's judgment finding that the Mother intentionally and contumaciously orchestrated the daughter's refusal to attend parenting time through the encouragement and facilitation of such defiance. In reaching its conclusion the Western District drew a contrast between the Mother in *Shanks v. Shanks*⁷ who routinely complied with an interstate visitation plan until the child objected to the interference the visitation caused with the his participation in athletics and he expressed fear of his Father. In response, and instead of doing nothing to facilitate the visitation, the Mother in *Shanks* explained to the child that she had to comply with the court order and even offered to accompany the child to encourage him to visit his Father. Likewise, the Western District differentiated the Father in *In re Marriage of S.G.*⁸ from the Mother in *DRP v. MPP* because, while Father cancelled a weekend visit after the child became

⁷ 603 SW2d 46 (Mo.App. WD 1980)

⁸ 824 SW2d 109 (Mo.App. ED 1992)

upset with Mother after an injury in her home occurred, he also scheduled an appointment with the child's therapist for the child, Mother, and Father and resumed visitation after the appointment. The holding of the Western District in *DRP v. MPP* requires a parent to exercise reasonable efforts in good faith in order to facilitate visitation and parenting time in compliance with an order of a Court and cannot sit idly by if a child refuses to participate in that visitation with the other parent.

Unlike in *DRP v. MPP*, Petitioner could not provide visitation in Missouri over the weekend of January 13-17 without violating the child's school guidance and CDC guidance, as well as outright lying to the air carrier. She immediately offered for Respondent to visit the children in Texas so that his visitation would not be delayed at all, and he refused. She offered to pay for him to make up his visit in Texas, as provided by the terms of the parties' Judgment, and he refused. Petitioner has, in good faith, not only complied with the judgment itself, but attempted to facilitate Respondent's visitation with the children so it would not be missed at all. There is no alignment of the facts in *DRP v. MPP* with the facts in this case and it is therefore inapplicable and irrelevant to this case and the issues before this Court.

22. This paragraph contains no allegations of fact and as such admission or denial is not appropriate. To clarify the matters at issue, Petitioner denies that the Respondent should be awarded any attorney's fees or costs. Although arguably not required, Petitioner has never disputed that the Respondent should exercise a period of compensatory visitation in accord with the terms of the parties' parenting plan; however, Respondent has refused to do so. Petitioner and Respondent are already ordered by the terms of their judgment to comply with the provision of the parenting plan preventing both parents from saying or doing anything in the presence or hearing of the children to diminish their love of affection for the other parent, preventing both parents from speaking negatively about the other, encouraging family members and friends to refrain from making negative

comments about the other parent in front of or in the hearing of the children, to-wit, paragraph 2 of the judgment specifically states, "...the parties are ordered to perform the terms [of the Joint Parenting Plan]." Petitioner concedes that she has made sworn statements in support of her request to transfer this litigation to the State of Texas that are negative; they are also true.

The Respondent stated that "the last thing children need is for their parents' disputes to trend on social media." Petitioner agrees, and that is why she has declined countless media requests for comment and interviews; she has not issued any press releases, she has not appeared on any television shows or radio shows, and she has not advertised her attorney as "being available for interviews".⁹

Conversely, the Respondent has launched an all-out, calculated, and purposely public attack on the Petitioner – outside of the confines of the courtroom, off the witness stand, and notably without being under oath. He has deliberately disseminated these attacks via social media, on the radio, by video and television appearance, by email, and through his political connections, including a news outlet that is his former employer. Because of who the Respondent is, his notoriety in the State of Missouri, and the fact that he is actively engaged in a Senate campaign, it is no surprise that media outlets here are interested in this court case and the filings herein. This is precisely why the Petitioner has sought this Court's order to move this litigation to the State of Texas. It seems that this is also precisely why the Respondent wishes to keep this case in Missouri – this is perhaps the only place in the United States where the Respondent believes that he can effectively leverage his influence to punish the Petitioner for speaking the truth, to intimidate her into retreating into silence once again, and doing so in the name of protecting the children.

⁹ See Exhibit 6.

23. Petitioner has incurred attorney's fees in the preparation and presentation of this Response. Pursuant to RSMo 452.355, Petitioner requests an order requiring Respondent to pay all of her attorney's fees and court costs incurred herein.
24. Respondent has failed to state a claim upon which relief may be granted and as such, his Motion should be dismissed.
- a. While Respondent's Motion is titled a Motion for Appropriate Order and Motion for Family Access, the prayer requests that Petitioner "appear and show cause why she should not be held in **contempt** of Court...". Conversely, the title of Respondent's Motion and the paragraphs therein include requests germane only to a Motion for Family Access. It is unclear which Motion Respondent seeks to pursue; regardless, Respondent has failed to plead the essential elements of either a Motion for Contempt or for a Motion for Family Access and as such, it should be dismissed entirely.

Failure to state a claim for contempt:

- b. The elements of civil contempt are knowledge of a court order or decree entered for the benefit of a party and intentional violation of such order or decree.¹⁰ In child custody and visitation cases, the element of willfulness must be present in the act of disobedience to a court order before a court imposes the harsh sanction of contempt upon a parent.¹¹
- c. A party can only be punished for civil contempt for failing to do something which that party is required to do by a court order.¹² Furthermore, the original order must be so specific and definite as to leave no reasonable basis for doubt of its meaning, and the court

¹⁰ Chemical Fireproofing Corp. v. Bronska, 553 S.W.2d 710, 716 (Mo.App.1977).

¹¹ Shanks v. Shanks, 603 S.W.2d 46, 48 (Mo.App.1980).

¹² State ex rel. Rosener v. Lasky, 552 S.W.2d 728, 730 (Mo.App.1977). Bandelier v. Bandelier, 800 S.W.2d 1, 2 (Mo.App.1990).

may not by implication include requirements not specified in the order.¹³

- d. Here, the provision of the Court's Order that the Respondent appears to allege Petitioner to have violated is as follows:

“In the event that a trip to Missouri must be cancelled or postponed, for example, in the case of a child’s illness, the trip will be rescheduled within 120 days between three alternative dates provided by Father. In the alternative, Mother may pay for Father’s flight to Austin to exercise parenting time as a substitute for a rescheduled trip. If father cancels a trip/period of visitation, then Mother will not be compelled to reschedule the trip. In the latter event, Mother may keep the children, or if she cannot, then Father will be responsible for providing the needed child care.”

- e. As set forth in the Exhibits attached hereto and incorporated herein, Petitioner has offered to pay for Father's flight to Austin to exercise parenting time as a substitute for the subject visitation, which is specifically authorized by the parties' Judgment. Respondent has failed to exercise this alternative, and his choice not to do so is his alone. Respondent's interpretation of the parties' judgment would lead this Court into error, in that it would have to conclude that the only way for Petitioner comply with the parties' judgment is to capitulate to the Respondent's demands. That conclusion would require the Court to ignore the second sentence of the relevant provision set forth above, and the parties' existing joint legal custody arrangements. It is clear that the Respondent does not prefer to exercise make-up visitation in Austin; however, Respondent's preference neither constitutes this Court's Order, nor comports therewith.

¹³ Carter County R-1 School Dist. v. Palmer, 627 S.W.2d 664, 665 (Mo.App.1982).

- f. As a practical matter, the visit at issue was to have ended on January 17, 2022. The operative provision of the parties' judgment only requires that the visit be made up within 120 days; this time period doesn't expire until mid-May 2022 and as such, the time for Respondent to make-up his visit has not expired.

Failure to state a claim for family access

- g. RSMo 452.400(3) provides that "[i]f custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, legal separation or judgment of paternity."
- h. There is no dispute that Respondent did not exercise visitation between January 13 – 17, 2022. However, Respondent's motion fails to plead that there was no good cause for this. Moreover, as set forth in Exhibit 4, Respondent agreed to miss this weekend of visitation. It can hardly be said that good cause was lacking when the parties were in agreement.
- i. The Respondent has alleged, at best, that the Petitioner has not agreed to his preferred make-up visitation. Respondent's Motion fails to allege that the Petitioner has violated the parties' judgment at all. Respondent's Motion makes absolutely no reference to the portion of the parties' judgment which provides that "**[i]n the alternative, Mother may pay for Father's flight to Austin to exercise parenting time as a substitute for a rescheduled trip.**" The absence of reference to this provision constitutes a tacit admission that the judgment has not been violated by Petitioner. Without affirmatively pleading that the Petitioner has both refused make-up visitation in Missouri and also refused make-up visitation in Texas,

Respondent's Motion lacks the essential element of a family access motion that there has actually been a violation of the Judgment.

25. In further answer, Missouri is an inconvenient forum under the circumstances and the court of the State of Texas is a more appropriate forum. Petitioner incorporates by reference the allegations set forth in her Affidavit in Support of First Amended Motion for Appropriate Order pursuant to UCCJEA filed herein, *haec verba*. Since the date of the filing of her Affidavit, additional facts have arisen to which Petitioner swears as set forth below:

- a. Eric responded to my sworn affidavit by asking the court to seal the case on the grounds that he would suffer "irreparable harm to his reputation and his candidacy." While he is concerned for the reputational damage he might suffer from testimony and evidence provided under oath, he has launched a public campaign to destroy my reputation outside the courtroom. For example on Friday 3/25, Eric's campaign manager advertised that Eric had done twelve different media interviews that day;¹⁴ on March 29, a lawyer for Eric held a press conference in DC, and on 3/30 his campaign issued a press release saying that this attorney was available for press interviews.¹⁵ Eric has also begun a fundraising campaign by leveraging his public response to the allegations I made in my Affidavit.¹⁶
- b. In doing so, Eric has proven true one of the core concerns articulated in my first Affidavit: that he would use his public platforms and political influence in Missouri to "destroy the credibility of someone with whom he is engaged in adverse litigation" and that he would attack "my character as an individual, as a mother, and as a professional outside the courtroom." He is engaged in this pursuit

¹⁴ See Petitioner's Exhibit 7.

¹⁵ See Petitioner Exhibit 8,

¹⁶ See Petitioner's Exhibits 9, 10.

right now, and his public campaign to do so is full of misrepresentations and falsehoods. Because this is so public, I am desperately worried about how it could impact the legal process, and feel immense pressure to respond to set the record straight -- or else risk my silence, or delay in responding, being construed as an endorsement of the truth of Eric's false public statements.

- c. In his first public response last Monday, 3/21,¹⁷ Eric attacked me as "deranged" and falsely claimed that I have a "documented history of mental illness." This is untrue. The only mental health assistance I have sought or received was in the period from January 2018 to April 2020, first to find out if my marriage was salvageable, and then to cope with the traumatic consequences of Eric's behavior. I sought this assistance to ensure that my children had as much stability as possible during a period of chaos that was imposed on me and our children solely by Eric's personal and professional choices. I have no regrets about seeking the support that we needed during the some of the most difficult times in my adult life, even in the face of Eric's public and hurtful attacks.
- d. By Friday, 3/25, in contravention of his own statements on Monday, Eric was claiming that he would "never ever say anything bad about [my boys'] mother. I don't do it in private... and I will certainly never do it in public."¹⁸ He then suggests that others are taking advantage of me, which I find particularly offensive. The only person who has ever sought to exploit me or our children for political gain is Eric, which is why our current order has a provision requiring us to strive to protect the privacy of our children and to keep photographs, videos, and other visual depictions of them out of the public domain.

¹⁷ See Petitioner's Exhibits 11, 12.

¹⁸ See 5:30 mark in the "Full Interview" at https://fox2now.com/news/missouri/exclusive-eric-greitens-addresses-ex-wifes-abuse-allegations/?utm_medium=referral&utm_source=t.co&utm_campaign=socialflow

Eric has repeatedly claimed in his public interviews¹⁹ that no-one would agree to the custody arrangement that is on file if the coercion and violence I described in my sworn affidavit were true. He also claims that these allegations have never been reported;²⁰ in fact, they were reported to multiple lawyers, therapists, and our mediator, in 2018 and afterward. I will provide contemporaneous documentation of the relevant communications, as well as photographic evidence of my child's 2019 injuries, to the court at the appropriate time. Faced with ongoing coercion on Eric's part and his threats to weaponize the very law enforcement and legal systems that would finalize our divorce,²¹ I saw a move away from Missouri as the best -- indeed only -- way to protect me and our children for the long-term. In order to get out of Missouri, and be allowed to start a new life with even the possibility of privacy, security, and safety, I had to make concessions that I did not want to make. And, although in hindsight it seems irrational, I had hope that after the divorce, and with several states' distance, Eric could become the person and parent that our sons deserved -- that maybe he would learn from what had happened and the immense pain he had put all of us through, and that maybe after the trauma had subsided, the parenting plan could work. Unfortunately, those hopes were not borne out, and the order has proven to be unworkable, which is why I filed almost a year ago to modify it in Texas court. Eric's willingness to weaponize a parenting plan which codified my good-faith attempt to facilitate what I hoped would be a healthy post-divorce relationship between Eric and our children, in order to attack me as the mother of his children with a

¹⁹ See Petitioner's Exhibits 13, 14, 15(audio), 16, 17, 18(audio).

²⁰ See Petitioner's Exhibit 8.

²¹ In April 2018, the month in which I was knocked to the ground by Eric, a state legislator asked the Director of Public Safety to investigate claims of domestic violence and erratic behavior on Eric's part at our Innsbrook home. To my knowledge, this request was declined by the Director, who Eric had appointed. See Exhibit 19.

series of bizarre and false allegations, is a public example of the problems that led me to file to modify the order in the first place, and a good example of why I concluded privately last year that an order premised largely upon Eric's and my ability to reach mutual agreement is, in these circumstances, impossible.

- e. Since I filed my motion in Texas, I have tried to avoid the situation I am now in. There was never a question that this would be a difficult process, but I did everything I could do to make it as private as possible until there were no other choices left. As my written requests for mediation show, I have entreated Eric over and over again to resolve our differences privately through mediation, and he has consistently refused. Eric was very difficult to serve, and I was unable to get him to agree to move this case to Texas, all of which has caused further delay and resulted in the timing of this particular step in the process. The timing and nature of the current decision before the court is due to Eric's unwillingness to engage privately with my concerns for our children, not some bizarre and imaginary political conspiracy.
- f. Eric has also stated in multiple interviews²² that "the children spend the majority of their time" or "most of their free time" with him. This is not accurate, as the evidence provided in my affidavit on the number of days the children have spent with each parent in each state attests. Additionally, in the first 90 days of 2022, the children have spent 18 days with Eric, and 72 with me: 20% is not "a majority."
- g. Eric claimed in two separate statements on Monday that he would be filing for full custody²³ -- in other words, filing to take custody away from me. This is consistent with his past threats to take the children

²² See Petitioner's Exhibits 13, 14, 15 (audio), 16, 17, 18 (audio).

²³ See Petitioner's Exhibits 11, 12, 20.

away from me if I said anything to anyone about his behavior, as well as with a larger pattern of trying to use possession of the children to coerce and punish me, which impelled my original request to modify the custody order in Texas.

- h. In addition to what he said he *would* do, Eric claimed in an interview with Steve Bannon on Tuesday that “I’ve applied for full custody of my children.”²⁴ That statement wasn’t true then, and it isn’t true now.
- i. Eric stated in an interview with Marc Cox that “they’ve lost two court cases already,”²⁵ referring to me. Again, this is complete nonsense. So far, no contested issue has been presented to any judge for decision that has been finally resolved by judicial decision.
- j. An attorney retained by Eric has stated that I committed perjury.²⁶ Again, this is not true. It is an attempt to retaliate against and intimidate me simply for telling the truth in a sworn affidavit containing the evidence that the court is required under Missouri law to consider in deciding jurisdiction.
- k. Eric’s out-of-court statements are professionally damaging to my work in public policy and national security. He has repeatedly claimed that I spent spring break in Washington, DC to plan a political attack orchestrated by “political operatives,” naming Senator Mitch McConnell and Karl Rove.²⁷ He said that “they” wrote the affidavit and that it was distributed to the press in Washington, DC.²⁸ None of these claims are true. I went to Washington, DC to discharge my responsibilities as a paid employee and fellow at the American

²⁴ See comments beginning at 4:35 in video at <https://twitter.com/ericgreitens/status/1506027006089211914?s=21> (Petitioner’s Exhibit 21 (audio))

²⁵ See Petitioner’s Exhibit 22 at 10:00.

²⁶ See Exhibit 6 and

<https://twitter.com/EricGreitens/status/1509271818435276801?s=20&t=L9fBY5roKJf5a7pAPPHoYw>.

²⁷ See Petitioner’s Exhibits 17, 21, 22, 24, 25.

²⁸ See Exhibit 18 at 5:00.

Enterprise Institute,²⁹ and my conversations there were about American national security and U.S. policy towards China - subjects about which I publish frequently and testified last year to the Senate Armed Services Committee.

1. I drafted the previously filed affidavit. Neither Karl Rove, nor Mitch McConnell, nor any other so-called political operatives drafted it for me. The only person I have been “victimized” by is Eric. I did not discuss the contents of my affidavit with anyone other than my counsel until after it was to be initially filed on 16 March 2022.³⁰ I did text my immediate family after the filing to give them a heads-up,³¹ as several of them have been surprised by distressing information that ended up in the press before, and I did not want that to happen to them again. I know -- from the multiple requests for comment I have received from media outlets since 2018, and especially since the launch of Eric’s Senate campaign -- that reporters focused on the Missouri Senate race are following our custody case number and have been aware of the request to modify that has been pending since July 2021; I have repeatedly declined to comment. Recently, my attorney and I received multiple inquiries from reporters who saw filings appear on CaseNet on the evening of March 18 (Friday), and who emailed my attorney asking for a copy. We did not respond to these inquiries, did not provide the requested copies, and have issued no public statement other than the one I made on Twitter Tuesday (3/22) saying that I would not litigate these claims outside of the courtroom.³²
- m. I am employed full-time, and am also the sole adult responsible for the day-to-day parenting of our two children in

²⁹ See Petitioner’s Exhibits 26, 27, and <https://www.aei.org/profile/shecna-chestnut-greitens/>.

³⁰ Exhibit 28.

³¹ Exhibit 29.

³² Exhibit 28.

Austin. Eric is not required to pay regular child support as part of our original agreement, meaning that it is especially important that his attacks do not threaten my work and my ability to be the main financial support for our sons. My credibility is important in every aspect of my professional life, and essential to the maintenance of the trust placed in me by my students, my colleagues and supervisors, and those members of the government that I routinely advise. I don't want to have to choose between telling the truth in support of my legal position and staying silent to protect myself and my family – but that is the position in which I now find myself, while this case remains in Missouri and Eric engages in an extended public campaign to damage my reputation and my credibility. So far, news outlets in Austin have largely ignored the fray in Missouri. However, the longer the question of where this case should be decided is pending, the more likely it becomes that what is happening in Missouri will become of interest even in Texas. Eric's public response seeks to reach Missourians who will vote in the upcoming election; he has no incentive to disseminate the kind of attacks he has released in Missouri to the media in the State of Texas, because no one in Texas can vote for Eric, or against Eric.

- n. Eric has not only made false and damaging claims about my professional employment, but has also retaliated against my sister, Catherine, including his attorney's recent statements that she had "suborned perjury."³³ Catherine lived in our home in Missouri for almost two years when my children were young; Joshua and Jacob are very attached to her, and it would be very upsetting for them to hear the untrue public attacks Eric has launched against her.

³³ See Exhibits 6, 17, and <https://twitter.com/EricGreitens/status/1509271818435276801?s=20&t=L9fBY5roKJF5a7p\APPHoYw>.

- o. Eric's behavior since 3/21 is consistent with several patterns that I have previously experienced. When his political future is at risk, he becomes erratic, unhinged, coercive, and threatening. He accuses me of things that are untrue and generates conspiracy theories about me collaborating with his "enemies," when I have done no such thing. He uses words like "nasty" and "vicious" to describe my behavior, and threatens to try to take my children away. He did each of these things in June 2018, leading me to leave our home with my children out of fear for our safety, and he has done each of them again this week and last week. The video that he posted on 3/25 is a particularly troubling demonstration of his mental state when he perceives his political life to be under threat.³⁴
- p. I would like to continue to restrict my comments on this to the courtroom, but it will be difficult to do so if we cannot resolve the question of where this case should be decided until May 27, because I expect I will have to go through two months of untrue public attacks on my character, motherhood, and professionalism.
- q. We have not yet been able to reach agreement on a summer schedule for the children, and I believe it would be in their best interest for my modification request, filed 8 months ago, to be resolved as soon as possible.

WHEREFORE, having fully Responded, Petitioner prays the Court enter its Orders:

- I. Finding and determining that neither the child nor the child and one parent have a significant connection with this State and that substantial evidence is no longer available in this state concerning the children's care, protection, training, and personal relationships; or in the alternative

³⁴ See Exhibit 30 and <https://twitter.com/EricGreitens/status/1507440378563153920?s=20&t=yeN5CQkcl5RK6W3tyBQ8A>.

- II. Finding that the State of Texas is a more appropriate forum, that Missouri is an inconvenient forum under the circumstances, and declining to exercise jurisdiction herein; or in the event that the Court declines to do so, in the alternative
- III. Dismissing Respondent's Motion; or in the alternative
- IV. Overruling Respondent's Motion; and
- V. Awarding Petitioner her attorney's fees and court costs incurred herein; and
- VI. Granting to the Petitioner such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys or parties of record in the above action through the electronic filing system pursuant to Supreme Court Rule 103.08:

On Thursday, March 31, 2022 by:

_____/s/Sheryl Phillips_____

Respectfully Submitted,



Helen L. Wade, #56402
Harper, Evans, Wade & Netemeyer
401 Locust Street, #401
Columbia, MO 65201
(573)442-1660
(573)874-8961 - fax
hwade@lawmissouri.com
Attorney for Petitioner

STATE OF TEXAS)
)
COUNTY OF TRAVIS) S.S.

COMES NOW Sheena E. Greitens, being of lawful age and after being duly sworn, states that she has read the foregoing Response and Counter-Motion and hereby swears and affirms that the facts stated herein are true and correct to the best of her present knowledge and belief.

Sheena E. Greitens
Sheena E. Greitens

30 March 2022
Date

Subscribed and sworn before me on this 30th day of March, 2022

LN
