

Mary Cummins' comment on the Second Court of Appeals of Texas Opinion
Mary Cummins vs Amanda Lollar, Bat World Sanctuary

I reported Amanda Lollar of Bat World Sanctuary for animal cruelty and other violations. She was investigated and found to have caused bats "pain, suffering and death," and "violated the Animal Welfare Act" as per the main USDA veterinarian in posted government documents. The Texas Veterinary Board stated she committed "animal cruelty" and is the one who told me to report her. Texas Health Department and Texas Parks & Wildlife reprimanded her for other violations of law.

Amanda Lollar of Bat World Sanctuary frivolously sued me for defamation in retaliation for reporting her to authorities. At trial they did not show the elements of defamation or breach of contract. They stated they had no proof of any financial damages or causation by me. I argued Lollar was a limited public figure, I am media as a blogger and I was commenting about matters of public concern. Rabid bats have been found at her facility as per a public article she co-authored. Plaintiffs also stated in trial that my reports to authorities were not defamation but fair and privileged. Every word I stated came directly from my reports.

Nevertheless, I lost the trial. I was never even told which phrases they thought were defamatory before or during the trial. I didn't see their supposed "defamation" until I saw the court order two months after the trial. Most items in the court order were posted by Plaintiffs, their attorney, government agencies or people other than me.

I appealed. I won the breach of contract claim and other claims. I lost on the defamation claim. Even though Lollar's attorney proudly stated at trial that Lollar was a "world renown bat expert written about in 12 media articles," Appeals court stated she was not a limited public figure. Appeals court also ruled that I was not media even though I've been an author for over 20 years writing newspaper, magazine articles, books, manuals and blogs. They ruled that bats, rabies are not issues of public concern. The appeals court also ruled that "defamation is assumed" and doesn't have to be proven. They stated I defamed Lollar with malice. Every word I stated is the absolute truth backed up with photos, videos and pages of government documents from FOIA requests. At least they threw out the court order which was unconstitutional prior restraint. I am appealing to the Supreme Court of Texas.

I was sued twice previously for defamation. I reported people for securities fraud. I represented myself in those cases and won both. I don't believe this case had much to do with the law or evidence. I believe it has more to do with the fact Plaintiffs' attorney and his wife also an attorney have had very close relationships with all these judges for over 30 years. In fact before one hearing in the court room Plaintiffs' attorney told me "I've known this Judge for many years. He'll sign anything I put in front of him." And he did.

Appellant's appeal brief

http://www.marycummins.com/mary_cummins_appeal.pdf

Appellees' reply brief

http://www.marycummins.com/appellee_reply_brief.pdf

Appellant's reply to their reply brief

<http://www.marycummins.com/marycumminsreplybrief.pdf>

Amicus brief submitted on my behalf by Public Citizen attorney Paul Alan Levy

http://www.animaladvocates.us/cummins_amicus_brief.pdf

Amicus brief submitted on my behalf by The Cambodia Wildlife Sanctuary and Elephants in Crisis.org attorney David Casselman

http://www.animaladvocates.us/mary_cummins_v_bat_world_sanctuary_amicus_letter.pdf

Link to appeal and Court of Appeals documents

<http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV&coa=coa02>

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