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COURT OF APPEALS  
SECOND DISTRICT OF TEXAS

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SECOND DISTRICT OF TEXAS

1  
February 13, 2013

REPORTER'S RECORD

February 13, 2013

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DEBRA SPISAK, CLERK

TRIAL COURT CAUSE NO. 352-248169-10

DEBRA SPISAK, CLERK

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COURT OF APPEALS NO. 02-12-00285-CV

4

VOLUME 2 OF 6

5

BAT WORLD SANCTUARY, ET AL.\*

IN THE DISTRICT COURT

6

VS.

352ND DISTRICT COURT

7

8

MARY CUMMINS

TARRANT COUNTY, TEXAS

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TRIAL ON MERITS

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JUNE 11, 2012

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On the 11th day of June, 2012, the following

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proceedings came on to be heard in the above-entitled

20

and numbered cause before the Honorable William Brigham,

21

Judge Presiding, held in Tarrant County, Texas.

22

Proceedings reported by machine shorthand.

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CAROLYN H. GAYALDO, CSR

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Deputy Official Reporter

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352nd District Court

Tarrant County, Texas

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A P P E A R A N C E S

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## ALPHABETICAL WITNESS LIST

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1 (Monday, June 11, 2012, 9:00 a.m.)

2 **PROCEEDINGS**

3 THE COURT: I will announce that my name  
4 is William Brigham. I've been assigned by Judge Jeff  
5 Walker, Presiding Judge of the 8th Administrative  
6 Judicial Region, to hear this case today. And the style  
7 of the case is Bat World Sanctuary, et al versus Mary  
8 Cummins, Number 352-248169-10.

9 Announcements from the Plaintiff?

10 MR. TURNER: Plaintiff is ready, Your  
11 Honor.

12 THE COURT: Defendant?

13 MS. CUMMINS: Defendant is ready.

14 THE COURT: I didn't hear you.

15 MS. CUMMINS: Defendant is ready.

16 THE COURT: Thank you.

17 You're Mr. Randy Turner?

18 MR. TURNER: Yes, Your Honor.

19 THE COURT: Opening statement,  
20 Mr. Turner?

21 **PLAINTIFF OPENING STATEMENT**

22 MR. TURNER: I would like to make a brief  
23 opening statement, Your Honor.

24 This is a defamation case where my  
25 clients, Amanda Loller and Bat World Sanctuary, are

1 seeking damages and injunctive relief. As a background  
2 to the case, Amanda Lollar runs Bat World Sanctuary.  
3 It's a 501(c)3 nonprofit organization that rescues and  
4 rehabilitates bats. It's -- It's her passion. She's  
5 been doing it for about 18 years.

6           Bat World Sanctuary over the years has  
7 grown and grown, and now it's become, basically, the  
8 largest bat sanctuary in the world. They -- Bat  
9 World -- it's in Mineral Wells, their facility is.  
10 They -- They have various programs. In addition to  
11 rescuing and rehabilitating orphaned bats, they have  
12 educational programs where they go out and speak to  
13 schools.

14           Ms. Lollar has written books on bats.  
15 She is one of the foremost authorities in the world on  
16 bats.

17           Bat World has an internship program where  
18 they bring in interns from all over the United States,  
19 and even other countries, who come in to learn about the  
20 rescue and care and treatment and rehabilitation of  
21 bats.

22           These interns range from Ph.D.s in  
23 biology, to veterinarians that -- she has had several  
24 veterinarians come and intern with her. In addition to  
25 interns, she has volunteers that -- that work -- I say

1 she, Bat World has volunteers. Bat World, like most 501  
2 -- 501(c)3s operates on a shoestring budget. Amanda  
3 Lollar takes no salary. Her life is bats and Bat World.

4 In 2010, Mary Cummins applied for an  
5 internship with Bat World and she was accepted. And she  
6 came to Mineral Wells where she began her internship.  
7 While she was there she decided that, for whatever  
8 reason she didn't like Bat World. She didn't like --  
9 she felt the work she was doing was beneath her. And --  
10 And she decided to leave early.

11 She went back to California, where she  
12 lives, and she started posting on the Internet highly  
13 negative and critical things about Amanda Lollar and Bat  
14 World. I should back up and say that when she came to  
15 Bat World she signed a contract. And in the contract,  
16 among other terms, was -- was the agreement that she  
17 would not publish any photographs or videotapes that  
18 were -- that she made at Bat World without express  
19 permission from -- from Bat World.

20 So she goes back to California and she  
21 starts posting highly critical and negative and  
22 defamatory statements on the Internet about Amanda  
23 Lollar and Bat World. Additionally, she started posting  
24 photographs that -- without Bat World's permission.

25 There was a liquidated damages clause in



1 the contract of \$10,000 if -- if the contract was  
2 breached. Amanda Lollar hired -- Amanda Lollar retained  
3 me to file a lawsuit against Mary Cummins, and we did  
4 so. Almost immediately after the lawsuit was -- lawsuit  
5 was filed, the -- the -- a firestorm opened up from  
6 Ms. Cummins.

7 She began a campaign, that has now lasted  
8 well over a year, of constant defamation statements of  
9 horrific things about Amanda Lollar and Bat World,  
10 accusing her of criminal activity, animal cruelty.  
11 This -- In addition to posting things all over the  
12 Internet in blogs and websites, she started writing --  
13 she started a campaign of complaining to government  
14 agencies about Ms. Lollar and Bat World, accusing --  
15 accusing them of cruelty to animals, neglect.

16 This went to the District Attorneys,  
17 Attorney General, Health Department, the Veterinary  
18 Medical Board, the Texas Department of Health -- I mean,  
19 on and on. Of course, this triggered lots of  
20 investigations by these agencies of Bat World and Amanda  
21 Lollar. These investigations all resulted in a clean  
22 bill of health.

23 Mary Cummins, as the Court will find out,  
24 is -- I call her an Internet genius. The woman knows  
25 how to manipulate the Internet. She's manipulated the

1 Internet in such a way that when you Google Amanda  
2 Lollar's name, the first few hits on the first page are  
3 defamation by Mary Cummins.

4 This conduct on the part of the defendant  
5 has caused an unbelievable amount of stress and mental  
6 anguish and anxiety to Amanda Lollar. Bats are her  
7 life. And -- And she's basically been destroyed on the  
8 Internet.

9 She -- it's -- it's -- We'll go into that  
10 more, but in addition to the emotional impact that this  
11 defamation has had on Ms. Lollar, it's caused a huge  
12 financial downturn in Bat World's revenue. Bat World  
13 gets its revenue from donations by members, from grants  
14 from foundations, they do a little bit of merchandising.  
15 The -- And we will show the Court how the -- the  
16 donations and the -- and the grants from foundations  
17 have -- have hugely dropped.

18 There are foundations now that won't even  
19 talk to her. They won't even return her phone calls,  
20 because they -- everybody -- the whole world has gotten  
21 the word that she's cruel to animals. We are going ask  
22 the Court to -- in the -- in the course of this trial,  
23 we're going to -- we're going to show the Court -- we  
24 are going to show the Court all about Bat World, how it  
25 works. We've got video, photographs.

1           We are going to ask the Court at the  
2 conclusion of this trial to award damages to Amanda  
3 Lollar for mental anguish for the defamation that --  
4 that she's been subject to. We're going to ask the  
5 Court to asses punitive damages against Mary Cummins for  
6 this malicious defamation. We're going to ask the Court  
7 to order her to pay my attorney's fees.

8           Now, I am working on this case pro bono,  
9 but the case law is crystal clear, a plaintiff can still  
10 be entitled to recover attorney's fees even though the  
11 lawyer is working pro bono. Additionally, we're going  
12 to ask the Court to make the -- enter a permanent  
13 injunction ordering Mary Cummins to take down from the  
14 Internet the defamatory statements.

15           The Court already did a temporary  
16 injunction, but we're going to ask the Court to make it  
17 permanent. I'm going to show the Court that since the  
18 entering of the temporary injection, the defamation has  
19 continued on and on and on. It hasn't stopped. We're  
20 going to ask the Court to enjoin her and make her take  
21 down this defamation, because she -- there is no  
22 adequate remedy to fix this situation. As long as this  
23 stuff stays on the Internet, Bat World is going to  
24 suffer and Amanda Lollar is going to suffer.

25           When we're putting on our evidence, I'm

1 going to have -- it's going to come out that some of  
2 this defamation appears on websites and -- and places on  
3 the Internet other than her blog and her website. I'm  
4 going to bring the Court an -- an expert witness on  
5 information technology, an Internet expert, and he's  
6 going to testify and he is going to explain to the Court  
7 how she made that happen. She caused all of these  
8 things to appear on all of these websites all over the  
9 Internet, all that defamation.

10 I'm not sure how long the trial is going  
11 to last. I think the first two witnesses are going to  
12 take quite awhile, it's going to be Amanda Lollar and  
13 Mary Cummins. But I think it will move fairly quickly  
14 after that. We have a couple of depositions and then a  
15 couple more witnesses.

16 Thank you.

17 THE COURT: Thank you.

18 Ms. Cummins?

19 **DEFENDANT'S OPENING STATEMENT**

20 MS. CUMMINS: Good morning, Your Honor.  
21 I'm Mary Cummins. And I went to Bat World Sanctuary in  
22 the hopes of learning more about bats in order to help  
23 bats. Instead, I witnessed animal cruelty, animal  
24 neglect, violations of the Health Code, violations of  
25 Texas Parks & Wildlife Regulations --

1 THE REPORTER: You're going to have to  
2 slow down.

3 MS. CUMMINS: Okay. I'm sorry.

4 And violations of the Animal Welfare Act.  
5 Because of this, I left early. I returned home and I  
6 reported them to the authorities. I reported -- I made  
7 my first report July 2nd of 2010. Now, I reported them  
8 to authorities to help protect animals and public  
9 safety.

10 In retaliation for my reports to  
11 authorities, I was frivolously and maliciously sued for  
12 breach of contract and defamation. I am here today to  
13 show the Court that these accusations are completely  
14 untrue.

15 Now, I have gone through the Police  
16 Academy and the Humane Academy to become a humane  
17 officer to protect animals against animal cruelty and  
18 neglect. I'm very familiar with the laws and  
19 regulations. I've been trained to identify animal  
20 cruelty and neglect. I have been trained how to take  
21 reports, how to collect evidence, and how to give them  
22 to authorities.

23 I'm also a licensed wildlife  
24 rehabilitator specializing in all small mammals,  
25 including bats. I do coyotes, bobcats, raccoons, foxes,

1 all the way down to bats. I also run a nonprofit animal  
2 rescue group in Los Angeles called Animal Advocates.

3 While my mother, grandfather, and great  
4 grandfather were all born and lived here, I'm a citizen  
5 of the State of California.

6 Amanda Lollar is also a wildlife  
7 rehabilitator, and she rehabs bats in Mineral Wells,  
8 Texas. Now, earlier her attorney had stated that she  
9 runs the largest bat sanctuary in the world, and  
10 that's -- just to show that the difference in  
11 perception, she has 300 bats in her sanctuary. The  
12 largest bat sanctuary in the world -- and I want to give  
13 you the World Book of Record -- is 1.8 to 2.5 million  
14 bats. That is the disparity in perception here.

15 And she has stated under oath that she  
16 has not gone past the 9th grade, that she is not a  
17 veterinarian, yet she performs surgery on bats, surgery  
18 sometimes on conscious bats. She admits she has never  
19 taken any classes in animal care, and she's learned what  
20 she knows through the, quote, unquote, The school of  
21 life, and quote and unquote, Trial and error.

22 She even stated that she taught herself  
23 how to perform surgery on bats, how to amputate wings.  
24 She stated that sometimes when she uses anesthesia she  
25 doesn't use it properly or legally and sometimes the

1 bats die.

2                   Now, people have been complaining about  
3 Ms. Lollar for about 18 years, ever since she started.  
4 In her first manual in 1994, she recommended freezing  
5 bats to death, which is not just illegal but is also  
6 inhumane and animal cruelty. And also for the past 18  
7 years the Health Department of the City of Mineral Wells  
8 and other people in Mineral Wells have been complaining  
9 about her buildings. They have been complaining about  
10 the -- about the smell and the accumulation of guano.

11                   In fact, back in 1999 a rabid bat  
12 directly next door to Ms. Lollar's sanctuary bit a  
13 toddler on the cheek and that toddler had to go -- the  
14 bat tested positive for rabies and the toddler and had  
15 to be -- go through a string of injections.

16                   Now, I'm also going to be bringing forth  
17 a witness named Casey Minton, she's also a wildlife  
18 rehabilitator who does small mammals, including bats.  
19 And she lives and operates here in Fort Worth, Texas.  
20 She also interned at Bat World Sanctuary when I was  
21 there in June of 2010. And she will verify what I'm  
22 telling you today, and she will agree that she witnessed  
23 what I witnessed when she was there.

24                   She also left the internship early in  
25 disgust because of what she witnessed. She was bitten

1 by mites and lice and ended up making some complaints  
2 with the Health Department.

3           Now, I was invited to be an intern at Bat  
4 World Sanctuary in 2010, and I witnessed her using drugs  
5 improperly. I witnessed her possessing giving rabies  
6 vaccinations to bats, which is illegal. I found a  
7 one-wing bat that had died under her desk. It had been  
8 dead a couple of days at least.

9           Legally we must check every bat, every  
10 animal every day. She obviously had failed to do so. I  
11 saw a severely malnourished Pallid bat. It was shaking  
12 and it crawled out of its roost to beg for food and I  
13 gave it food. I noticed that she had all of the dogs  
14 debarked.

15           Now, as soon as I left the internship  
16 early, within days I reported her to authorities. In  
17 retaliation for my reporting her to authorities,  
18 plaintiffs have filed this frivolous and malicious  
19 lawsuit against me. They have also libeled and defamed  
20 me calling me a convicted felon, a convicted criminal.  
21 And I have never been charged with or convicted of a  
22 crime in my entire life.

23           They have stated I have sabotaged  
24 doctors. I was convicted of forgery and theft. They  
25 have libeled me all over the Internet, to my family, to



1 my friends, to my colleagues, to anyone who would  
2 listen. I was forced to file a federal lawsuit against  
3 them in California for libel and defamation. Now, they  
4 intentionally libeled me to the government agencies in  
5 the hope that they would disregard my complaints.

6 Now, while plaintiffs' lawyer tried to  
7 say that they received a clean bill of health, that is  
8 not the truth. The agencies did investigate and they  
9 did find problems. They were not cleared of all  
10 charges. In fact, the Health Department for the State  
11 of Texas gave them a long laundry list of regulations  
12 and instructions that they have to file, changes they  
13 have to make.

14 THE COURT: Just a minute, Ms. Cummins.  
15 You-all settle down over here, please.

16 Go ahead.

17 MS. CUMMINS: And also every since I've  
18 made complaints, I was not the only person making  
19 complaints. I have got a stack of complaints from  
20 individuals for the past 18 years that have been  
21 complaining. The Health Department for the City of  
22 Mineral Wells has been complaining for years, so has the  
23 City Manager.

24 And even just recently, in June of 2011,  
25 there were more complaints. This is after my

1 complaints. More complaints about the smell of guano  
2 and guano all over the streets. And Ms. Lollar has  
3 decided on her own accord, she wrote an e-mail to the  
4 City stating, I can't be distracted by all these  
5 complaints. I'm running a world-class organization.  
6 I'm going to leave town. Well, she finally sold her  
7 building or sold -- transferred it in December and the  
8 new owner in January had to gut the entire the building.  
9 That's how bad the condition of the building was.

10 Now, in their complaint they state that I  
11 signed a contract. I did not sign a contract.

12 THE COURT: Just a minute, Ms. Cummins.  
13 There is a gentleman in the back of the room that's  
14 shaking his head and nodding back and forth. There is  
15 going to be no more of that. Do you understand? Cut it  
16 out.

17 Go ahead.

18 MS. CUMMINS: They stated that I signed a  
19 contract, and I did not sign a contract. When Plaintiff  
20 Lollar was asked under oath, Where did I sign the  
21 contract? She doesn't seem to remember. It was in my  
22 bedroom, it was in the mailroom, it was in her old  
23 office. She doesn't remember when I arrived at Bat  
24 World. She doesn't remember when I left.

25 She states I was there four to seven

1 days. I was there ten days. And also, there were --  
2 there were no other witnesses except for Ms. Lollar, and  
3 her own handwriting expert stated that she doesn't think  
4 that I signed it. My handwriting expert states that I  
5 didn't sign it.

6 Now, plaintiffs contend that I breached  
7 this supposed contract by supposedly sharing proprietary  
8 and copyrighted data by posting photos and videos. They  
9 state that I did not have permission to take or post  
10 photos or videos. Again, that is completely untrue.

11 I have the intern rules, which Ms. Lollar  
12 gave to me when I arrived, which give me permission to  
13 take and post photos. Not only that, but she instructed  
14 and encouraged me to take and post the photos. I even  
15 have e-mail conversations back and forth where she  
16 thanks me for taking and posting the photos.

17 And nothing -- none of this was  
18 copyrighted because it's a process. I haven't copied  
19 any words from her book. I haven't, like, reposted her  
20 book. And none of this could be proprietary, because  
21 she has a how-to book. How To Care For Bats, which she  
22 sells publicly, and she's posted portions of it on the  
23 Internet. Nothing that I posted could be proprietary  
24 because she hasn't tried to keep any of the information  
25 secret. She's spread it herself.

1                   Now, plaintiffs stated that I defamed  
2 them. I reported them to government agencies. Those  
3 were privileged statements, those were fair reports.  
4 Most of the statements that they include in their  
5 complaint were made anonymously. They were made by  
6 third parties. In fact, their own expert had stated, No  
7 one will ever know who made any of those statements.

8                   Plaintiff has also not proven the falsity  
9 of any of the statements that I made. In fact,  
10 plaintiffs' own words and evidence will show that my  
11 statements are the truth.

12                   Plaintiffs have stated that I have caused  
13 them financial damages. Now, the year before I went to  
14 Bat World Sanctuary they made approximately \$95,000.  
15 The year after, supposedly when they were damaged, they  
16 have made almost \$175,000. They have made almost twice  
17 as much money when they're trying to say that they have  
18 been damaged. Clearly they have not been damaged.

19                   And then besides this, they have shown no  
20 causation. They have not shown that what I have said  
21 has caused them any damage. In fact, I have not caused  
22 any damage. And if anyone is to blame for any of the  
23 damage to her reputation, it is plaintiff herself.

24                   Not only have the -- the City and the  
25 Health Department been making complaints for 18 years

1 against Ms. Lollar and Bat World Sanctuary, but so have  
2 bat experts, true bat experts, who have Ph.D.s, who have  
3 gone to college, who have actually taken classes. They  
4 have stated in their books that people should not do  
5 what Amanda Lollar says when it comes to anesthesia or  
6 when it comes to gluing broken bones.

7           Now, the evidence that I will soon  
8 produce for you will show that I did not defame  
9 plaintiffs. I did not sign a contract. I did not share  
10 proprietary or copyrighted data. Plaintiffs have not  
11 suffered any financial damages as a result of my own  
12 actions. All of my actions were legal and in the public  
13 interest, besides covered under the Freedom of Speech.  
14 What I have written about plaintiffs is the absolute  
15 truth.

16           I'm here today without an attorney  
17 because I can't afford one. I will be representing  
18 myself to the best of my ability, but I'm not a lawyer.  
19 I will take the stand and testify to exactly what  
20 happened. I will present to you physical evidence  
21 supporting all of my statements and witnesses. Based  
22 on this evidence and my legal arguments, I shall ask  
23 that you will find in my favor and award costs, fees,  
24 and any other amounts that may be proper.

25           Thank you.

1 THE COURT: Thank you, Ms. Cummins.

2 You stated you're not an attorney?

3 MS. CUMMINS: Yes.

4 THE COURT: I have observed in the  
5 pleadings that you have filed as pro se. You have every  
6 right to represent yourself, but you also have the  
7 responsibility of following all the rules and procedures  
8 and Rules of Evidence in the State of Texas.

9 Do you understand that?

10 MS. CUMMINS: Yes.

11 THE COURT: I do not recommend that you  
12 represent yourself against a good legal counsel, which  
13 we have in this case. But you will be required to  
14 follow all of the rules of evidence, rules of procedure,  
15 and also the lawyers creed, which is very significant in  
16 the State of Texas.

17 Do you understand that?

18 MS. CUMMINS: Yes.

19 THE COURT: All right. You may call your  
20 first witness.

21 MR. TURNER: Amanda Lollar, Your Honor.

22 THE COURT: Raise your right hand to be  
23 placed under oath.

24 (Witness sworn.)

25 THE COURT: Thank you.

1                   Please be seated and please use the  
2 microphone.

3                   MR. TURNER: Your Honor --

4                   THE COURT: I want both parties to know  
5 that Carolyn Gayaldo is the court reporter in this court  
6 today. She is here. Do you understand?

7                   MR. TURNER: Yes, Your Honor.

8                   THE COURT: Our other court reporter has  
9 been summoned for jury service upstairs in another  
10 court.

11                   Go ahead.

12                   MR. TURNER: Before we begin, Your Honor,  
13 I just wanted to inquire, does the Court want to follow  
14 Judge Sudderth's -- the rules that she has for the  
15 352nd, specifically questioning the witness from counsel  
16 table and -- and not --

17                   THE COURT: Use the microphone, please.

18                   MR. TURNER: You want it at the  
19 microphone?

20                   THE COURT: Yes.

21                   MR. TURNER: Okay. And what about  
22 approaching the witness? Should we ask permission for  
23 that?

24                   THE COURT: Just -- I know what you're  
25 doing when you come up here.

1 MR. TURNER: Okay.

2 THE COURT: So if you want to approach  
3 the witness, I know how to control that, so just without  
4 going --

5 MR. TURNER: Okay.

6 THE COURT: -- all the -- may I do this  
7 and may I do that? Just do it, as long as you're  
8 complying with the lawyers creed.

9 MR. TURNER: Thank you, Your Honor.

10 **AMANDA LOLLAR,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 BY MR. TURNER:

14 Q. State your name for the record, please.

15 A. Amanda Lollar.

16 Q. And what town do you live in, Ms. Lollar?

17 A. Mineral Wells, Texas.

18 Q. Where did you grow up?

19 A. Well, I'm -- I'm a military kid. My father  
20 was in the military, so I grew up in various places  
21 throughout the United States. And we -- he retired in  
22 Mineral Wells when I was 12, so I have lived there off  
23 and on since 12 years old.

24 Q. Okay. Can you tell about your educational  
25 background?



1           A.    I went through -- I did complete the 9th grade  
2 and I dropped out of school in the 10th grade due to  
3 family issues.  And I received my GED when I was 15.

4           Q.    Can you tell us about your employment history?

5           A.    I have worked as a dental assistant, as a  
6 manager for various stores, I had a furniture business,  
7 I had a cleaning service, I was a forklift driver, a  
8 welder.  And I worked for a prosthodontist, which is a  
9 specialized dentist, works for cancer patients and  
10 mental patients and things along those lines.

11          Q.    When did you first become interested or  
12 involved with bats?

13          A.    When -- When I had my furniture business, I  
14 was on the way, one morning in 1989, to make a deposit  
15 in our bank and I noticed a small bat laying on the  
16 sidewalk with all fours in the air.  And I -- I didn't  
17 know what it was.  I thought it might be a bat and then  
18 looked closer and decided it was and that it was  
19 injured.

20                           And I had been led to believe all my life  
21 that bats were basically vermin, that they're akin to a  
22 roach or a rat or something like that.  But I could tell  
23 that it was suffering.  It was about 100 degrees  
24 outside.

25                           It was on its back, so I -- I didn't want

1 to see it suffer, regardless of what it was. So I got a  
2 newspaper from the bank and scooted it on to -- on the  
3 newspaper with a toe of -- with my shoe. And put it --  
4 took it back to our storeroom in our furniture store and  
5 put it in a box.

6 I -- I assumed it was dying of rabies.  
7 At the time I thought all bats had rabies. So I put it  
8 in a box with a little bit of water and -- and a dead  
9 roach and a piece of apple, because I had no idea what  
10 they ate, and then went to the library to check out a  
11 book on bats to find out a little bit more about them,  
12 because I was so curious about them. And discovered  
13 that everything I thought I knew about bats wasn't true.

14 And that because of the misconceptions  
15 and myths over -- over these animals for decades that we  
16 humans have almost succeeded in killing off one of the  
17 best species we have as far as insect control.

18 So I decided to take her home and try to  
19 heal her wing and set her free. But her injury was  
20 permanent, so she ended up staying with me for about a  
21 year and a half, for the rest of her life. And I just  
22 completely fell in love with this species and decided to  
23 liquidate my furniture business to create a sanctuary  
24 and rescue them.

25 Q. What year was that?

1           A.     That was in 1989, was when I found the first  
2 bat, and then I liquidated the furniture business in  
3 1994.

4                     I continued to rescue bats and get more  
5 and more involved in their conservation, and then  
6 decided to start a nonprofit. And we needed a place to  
7 house the rehabilitated bats, so I liquidated the  
8 business to create the sanctuary.

9           Q.     And how did you become educated about bats?

10           A.     Well, when I was searching I realized there  
11 was no school for bats, you know, to learn anything  
12 about bats. You can -- There is a -- You can go to  
13 college for biology. There is no what would be  
14 chiropterology studies. And there is very limited  
15 literature on how to care for them.

16                     And so I -- I started -- I contacted my  
17 veterinarian with the rescued bats we found. We began  
18 to experiment with different medications for different  
19 ailments, you know, such as, you know, infections from  
20 bite wounds or various illnesses, pneumonia, things  
21 along those lines, parasite control as far as, you know,  
22 using domestic medications or medications intended for  
23 domestic animals.

24                     We scaled down medications, we scaled  
25 them back up. We kept trying to get appropriate doses

1 for the species. Insectivorous bats are extremely  
2 small, but their metabolisms are akin to a hummingbird,  
3 and so --

4 Q. Were you -- Were you doing all this under  
5 the --

6 A. Under the guidance --

7 Q. -- working with the veterinarian?

8 A. Yes. Under the guidance of my veterinarian.  
9 And it turned out that -- that for the -- for the size  
10 of the species, for size of the bat, the medication  
11 still has to be almost 30 times higher than would be  
12 appropriate, because of their metabolism. So we just --  
13 we made some significant discoveries that led to me  
14 writing a book on the rehabilitation of insectivorous  
15 bats.

16 The only book that was out there was --  
17 was not very informative, and I found it lacking quite a  
18 bit, so I wanted to have more information to spread the  
19 knowledge so that we could save more animals.

20 Q. So was this a learning process for your  
21 veterinarian as well?

22 A. Yes, it was.

23 Q. At that time, were there any veterinarians who  
24 had particularized knowledge of -- in -- in bats?

25 A. Not to my knowledge. And I have searched for

1 years trying to find someone. Since then, we have had  
2 several veterinarians, but at the time there was --  
3 there was no one that I could find, after years of  
4 searching.

5 Q. Now, when you -- I understand that it  
6 gradually grew from when you started it in 1989; is that  
7 correct?

8 A. Yes.

9 Q. And how did -- did -- Did other people get  
10 involved with Bat World when you -- when you were  
11 starting? And when did you incorporate?

12 A. We actually didn't incorporate until 2010. We  
13 were a non -- 501(c)3, nonprofit association. And then  
14 we incorporated, but only in the State of Texas in 2010.

15 Q. So did you -- from, say, 1989 until 2010, was  
16 Bat World just you, or were there other people that got  
17 involved?

18 A. There were a lot of other people that got  
19 involved. After the first few years, I -- I was  
20 studying the colonies downtown that used various  
21 buildings throughout the downtown area of Mineral Wells,  
22 because the -- the town is -- a lot of the older  
23 buildings are in a dilapidated state.

24 There is huge colonies of bats in a lot  
25 of those buildings downtown. And one building in

1 particular I noticed they were using that building quite  
2 a bit, so I contacted the building owner and he allowed  
3 me access to the upper floor so I could study the  
4 colony. And then at one point, about a year later, he  
5 said that he was going to sell the building and he  
6 wanted all those bats out even if he had to kill them.

7           So I bought the building to protect the  
8 bats. And since then, we have made numerous  
9 improvements on the building to -- to -- but back to  
10 your original question. After I bought the building, I  
11 discovered that there was a nursery colony, which means  
12 there were -- there were a lot of orphans from the  
13 building that needed to be rescued.

14           So I created a -- an internship program  
15 geared around the time -- the period of time when those  
16 mother bats were having babies, because that's when I  
17 saw the most injuries, the most orphans. And the  
18 internship program was in a specific time of the year so  
19 we -- that people come and learn how to take care of --  
20 of insectivorous bat pups, pregnant mothers, injuries,  
21 illnesses, et cetera.

22           So I started the internship program in  
23 the year 2000, and since then we have had over 400  
24 people from around the world; Conversation scientists  
25 from China, people from the UK, Canada, Costa Rico,

1 Germany, Sweden, all over the world.

2 Q. Okay. Let me back up to -- to -- up until  
3 that -- up until -- up until 2000, was Bat World -- were  
4 you -- were you Bat World? Was there anybody else on  
5 the board -- you weren't incorporated, but -- so it was  
6 just you and the interns up until 2000?

7 A. No. Even with an association, you still have  
8 a board of directors. You operate as -- as well -- in  
9 the same capacity as an incorporation.

10 Q. Okay.

11 A. So we were -- we had -- we've had a board of  
12 directors all those years. We've had -- I've had  
13 various volunteers that came in. We also started -- I  
14 started a rescue center -- satellite program, and now we  
15 have -- I think we have 15 satellites across the U.S.,  
16 which are also rescue centers for Bat World. They're  
17 Bat World rescue centers.

18 Q. And today -- as of today you have -- does  
19 your -- is Bat World a corporation?

20 A. It's a -- We are incorporated in the State of  
21 Texas, but we have not yet incorporated as a nonprofit.

22 Q. Okay. Do you have a board of directors?

23 A. Yes.

24 Q. And what is your position with the  
25 corporation?

1 A. I'm president.

2 Q. And do you have -- does Bat World have  
3 members?

4 A. Yes, we have a membership.

5 Q. How many members do you have?

6 A. About a thousand.

7 Q. When did you first start getting members?

8 A. That was probably about the year 1999 was when  
9 I -- we first started creating a magazine or  
10 publications and had the memberships because of that.

11 Q. Do you have any employees?

12 A. No.

13 Q. Do you receive a salary from Bat World?

14 A. No, I don't.

15 Q. How do you live?

16 A. I -- the -- I still own the building that the  
17 organization is located in. And in order to make the  
18 building payment and to have my own personal living  
19 expenses and pay my life insurance policy, I charge the  
20 organization rent. The organization would have to pay  
21 rent no matter what building they were in.

22 The rent is \$1,500. 900 of that goes to  
23 the building payment. \$150 of that goes to my life  
24 insurance policy, and every bit of the -- and Bat World  
25 Sanctuary is the sole beneficiary to that policy. And



1 the remainder I actually use out of my pocket to pay  
2 people to come in and help once in a while, but that --  
3 they're not actually employees of Bat World. They're  
4 people that I pay out of my pocket to help me out in  
5 running the sanctuary when I run into problems and need  
6 more help.

7 Q. So out of the \$1,500 per month in rent, 900  
8 goes toward the building payment, 150 goes toward life  
9 insurance on your life, which -- which lists Bat World  
10 as the beneficiary, correct?

11 A. Yes.

12 Q. So that's 1,050, and that -- that -- that  
13 leaves you \$450 left over?

14 A. Yes.

15 Q. And it's your testimony that you -- you live  
16 on that? I mean, you buy your food and gas and  
17 everything with that?

18 A. My husband buys my food and -- and a lot of  
19 personal items. That money I do use for personal items.  
20 I also use that money to help my father who is in  
21 nursing care. And I -- I also have a -- a credit card  
22 bill I use -- I have to pay with that amount. It's  
23 usually around 200 a month on my credit card bill.

24 Q. And I should have asked you this before. But  
25 what is your husband's name?

1 A. Larry Crittenton.

2 Q. And how long have you and Larry been married?

3 A. Almost ten years.

4 Q. Where do you and Larry live?

5 A. We live in the sanctuary. When I -- When I  
6 liquidated the business, there was not enough money for  
7 me to continue to live in my home, so I -- I moved into  
8 an upper floor of the sanctuary that was an office at  
9 one time. I converted it to a bedroom. And -- And have  
10 lived up there ever since.

11 Q. So you live in a bedroom above the sanctuary  
12 where all the bats live?

13 A. Yes. It's -- It's only a small section.  
14 It's -- It's like a loft over the -- over the building.  
15 It's very small.

16 Q. And can you tell the Court what exactly does  
17 Bat World do?

18 A. We are -- We provide sanctuary for bats that  
19 have been retired from zoos, confiscated or rescued from  
20 the exotic pet trade, rescued from zoos and research.  
21 And we have -- and bats that have been orphaned and  
22 injured in the wild. So we provide lifetime sanctuary  
23 for those bats.

24 And we're also a rehabilitation center  
25 where injured and orphaned bats come in that need --

1 just simply need to be treated and released. We treat  
2 and release anywhere from 500 to a thousand bats a year.  
3 We have approximately 350 nonreleasable bats. Most of  
4 those are extremely small.

5           They're housed in large flight cages  
6 inside the -- the -- the building. And our sanctuary is  
7 also accredited by the Global -- verified by the Global  
8 Federation of Animal Sanctuaries and accredited by the  
9 American Sanctuary Association. We're the only  
10 sanctuary that -- bat sanctuary that's ever been  
11 accredited.

12           Q.    So the way you decide which bats get released  
13 is basically a matter of health? If they're able to get  
14 rehabilitated back to where they can live in the wild,  
15 they go; if they don't, they stay at your place?

16           A.    Yes. If -- If they can exhibit the -- the  
17 skills needed to fly adequately enough to forage for  
18 insects and avoid predators, then they're released.

19           Q.    And so about how many bats -- I understand it  
20 probably fluctuates, but how many bats do you have  
21 today?

22           A.    About 350.

23           Q.    As far as being -- Let me ask it this way: Is  
24 there a sanctuary in the world that has more bats than  
25 you do?

1           A.    Not -- Not in the true definition of a  
2 sanctuary.

3           Q.    Okay.

4           A.    We're --

5           Q.    Can you explain that?

6           A.    A wildlife sanctuary is normally a place where  
7 captive animals have come to -- to, you know -- to get  
8 life and perpetuity, so that they're taken care of  
9 and -- and cared for, because they can't go back to the  
10 wild.

11                        There are other places that may be called  
12 sanctuaries, but they don't have any captive bats. They  
13 don't provide medical attention to bats and they don't  
14 have -- they don't have both fruit and insectivorous  
15 bats on the premises.

16           Q.    Can you explain the difference briefly  
17 between -- You have two types, fruit and insectivorous.  
18 I assume fruit bats eat fruit, insectivorous eat  
19 insects; is that right?

20           A.    Yes. Fruit bats are frugivorous and they --  
21 they only eat fruit and they drink -- also drink nectar.  
22 Insectivorous bats just solely eat insects. And there  
23 is a huge difference in the size.

24           Q.    Where do you -- What kind of breakdown do you  
25 have out of the 350 or so? How does that breakdown?

1           A.     About 125 of those are insectivorous bats and  
2 the remainder are fruit bats.

3           Q.     And do you -- you -- you feed all of these  
4 bats every day; is that correct?

5           A.     Yes.   Some of them have to be hand fed twice a  
6 day because they have dental issues and they can no  
7 longer eat on their own.

8           Q.     How many hours a day do you spend feeding  
9 bats?

10          A.     Probably about four to six hours a day.

11          Q.     And then how do you spend the rest of your  
12 day?

13          A.     The four to six hours is divided into morning  
14 and evening to -- to accommodate the bats' routine of --  
15 of waking, you know, not being -- they're nocturnal, so  
16 you don't want to feed them during the day.  You feed  
17 them early in the morning and then late at night.  So  
18 the remainder of the day and the middle of the day is  
19 spent raising funds for the organization, answering  
20 e-mails from around the world about bats that people  
21 have found they need help with, promoting our  
22 organization as much as we can through Facebook, through  
23 videos, writing for funds, answering rescue calls, going  
24 to pick up injured and orphaned bats that need help, and  
25 --

1 Q. Do you have any educational programs?

2 A. We have -- We hold educational programs during  
3 the summer, and we spent four to six weeks teaching  
4 interns from around the world during -- during that  
5 period of time, during the summer months.

6 Q. And do you sometimes go around to, like, grade  
7 schools or high schools and -- and put on  
8 demonstrations?

9 A. We give -- I personally don't go out, but my  
10 vice president and -- and some of other satellites go  
11 out and do in-school programs, Cub Scouts, nature  
12 groups, wildlife groups. They -- They go and sometimes  
13 they take bats with them and sometimes they don't. Just  
14 to educate and -- and try to spread the word about bats,  
15 how beneficial they are and how vital they are to the  
16 ecosystem.

17 Q. Do you breed bats, Amanda?

18 A. I do not breed bats. We -- In fact, all of  
19 our fruit bats are neutered as -- as soon as they become  
20 of age. We purposely rescue pregnant fruit bats as much  
21 as possible when zoos close, because we don't want those  
22 bats to enter the exotic pet trade and reproduce. And  
23 when that happens sometimes we end up with a male pup  
24 that needs to be neutered, so therefore, we do neuter --  
25 we neuter all the fruit bats. We still end up with --

1 with bats that need to be neutered.

2 Our insectivorous colony, I've been  
3 involved in a behavioral study with that colony. I was  
4 involved for over a decade on the reproduction habits of  
5 *Tadarida brasiliensis* Mexican, which is a -- which is  
6 the Brazilian Free-tailed bat.

7 Q. When say you knew -- Well, let me ask this:  
8 Do you sometimes deliver bats?

9 A. When?

10 Q. During birth.

11 A. Yes. When there is a problem with one of the  
12 insectivorous bats, in particular, because of their size  
13 they -- they -- they sometimes run into difficulty  
14 giving birth. One of the things that I've discovered  
15 with our wild sanctuary was I -- I would find mothers  
16 that were down and trying to give birth. And they would  
17 run into a lot of difficulty.

18 The pups are -- are huge with -- in size  
19 compared -- Well, they're about a third the size of  
20 the -- the adult mother. And those adult mothers are  
21 only about two to two and a half inches. That's their  
22 full-grown size. So -- But they're pups are anywhere  
23 from one-quarter to one-third of the size of the mother,  
24 which is the equivalent of a 120 woman having a 40-pound  
25 baby. So naturally they run into problems when they

1 give birth.

2                   And a lot of times the pups become lodged  
3 in the birth canal, and if the pup isn't extracted, then  
4 the mother dies. So I have developed a procedure with  
5 my veterinarian that allows me to save those mothers.  
6 If I find the bat too late, the pup has already died in  
7 the birth canal, but the mother can at least be saved.

8                   So I have saved over -- well over a  
9 hundred mothers that would have died if -- had I not  
10 intervened and helped them out.

11           Q.     The procedure that you're -- that you  
12 intervene with is it called an episiotomy?

13           A.     Yes.

14           Q.     Is it similar to a human episiotomy?

15           A.     It's very similar to a human episiotomy.

16 Episiotomies aren't normally done on dogs and cats, so  
17 it's not a procedure that's often practiced in -- in  
18 veterinarian clinics. The anatomy of a bat --

19                   THE REPORTER: Can you slow down, please?

20                   THE WITNESS: I'm sorry. The anatomy of  
21 a bat is -- is much different than a dog or a cat. And  
22 so they're -- they're designed more like -- like humans,  
23 basically, and so -- so you would -- you would use an  
24 episiotomy procedure like you would a human.

25           Q.     Now, one of the big issues we're here on today



1 is -- is an episiotomy, a video of an episiotomy; is  
2 that correct?

3 A. Correct.

4 Q. Do you know anybody in the world who has done  
5 more episiotomies on bats than you have?

6 A. No, I don't.

7 Q. And once again, when you were developing this  
8 episiotomy technique, you were working with your  
9 veterinarian?

10 A. Yes, I was. The -- The reason the procedure  
11 came about was early on when I was first learning a lot  
12 about bats and -- and their different ailments and  
13 problems, and -- one of my captive bats was pregnant,  
14 and she -- she was not releasable.

15 And my veterinarian was not -- he -- he  
16 was on vacation. And I noticed that she was trying to  
17 give birth and -- but I didn't -- I didn't know what to  
18 do. I could tell there was -- I just -- I thought maybe  
19 she had an extremely long labor. And she ended up  
20 lasting about two days. And by the time he got back --  
21 he got back early one morning, and I immediately called  
22 and ran her down there to him. And he did an episiotomy  
23 on her and extracted the pup, but it was too late,  
24 because her uterus had already ruptured.

25 And had I known at the time what was

1 going on, I could have saved her. But it took her two  
2 days to die, which is an excruciating death. And that's  
3 when I said, Can you please teach me how to do this?  
4 Because I -- I you know, I don't want this to happen  
5 again in case you're not in town.

6 Q. Out of this hundred or so episiotomies that  
7 you have done, what is your success rate?

8 A. 99 percent.

9 Q. Okay. Now, as far as -- Well, let me ask  
10 about the neutering. Do you do that as well?

11 A. No. My veterinarian neuters all of the fruit  
12 bats.

13 Q. Okay. Now, giving an -- doing an episiotomy  
14 on a bat, are you required to be a veterinarian to do  
15 that?

16 A. No.

17 Q. Is -- You're not practicing veterinary  
18 medicine without a license?

19 A. No, I'm not.

20 Q. Okay. And because people are allowed to --  
21 that only applies if you're treating someone else's  
22 animals; is that correct?

23 A. From -- From my understanding. I'm also not  
24 charging anybody, so --

25 Q. Okay. But various government agencies are

1 fully aware that you treat these bats; is that correct?

2 A. Yes. I have actually published it in several  
3 books and shared those books with the government  
4 agencies.

5 Q. I want to talk briefly about your internship  
6 program. Can you tell us the types of people that come  
7 to your internship program?

8 A. We -- We get requests to attend from wildlife  
9 rehabilitators, biologists, conservation scientists,  
10 veterinarians, zoologists, researchers, teachers.

11 Q. And they're from all over the United States?

12 A. All over the world.

13 Q. Okay. And who does the teaching of these  
14 interns?

15 A. I do.

16 Q. And what types of things do you teach them?

17 A. How to stable -- We teach how to stabilize  
18 wing fractures, how to recognize dental issues,  
19 abscessed wounds, parasite control, both internal and  
20 external, episiotomies, dehydration, starvation, how to  
21 treat those things.

22 How -- How to hand raise orphans, diet,  
23 nutrition. Maintaining insect bat -- insect colonies or  
24 insect foods for the insectivorous bats. I have a diet  
25 that I developed with a Ph.D. nutritional scientist, a

1 milk formula specifically for insectivorous bat pups  
2 and -- as well as a diet that I developed that has  
3 been -- that is nutritionally adequate for convalescing  
4 bats. That's -- that -- What we call at Bat World  
5 Sanctuary the complete soft food diet.

6           And that's also being used around the  
7 world. That's -- We teach that and people take this  
8 knowledge and use it in their part of the world to save  
9 bats.

10           Q.    How are the internships funded?

11           A.    They -- At one point, we actually -- the  
12 interns paid to attend. And then in 2010, we received  
13 an offer from a charitable trust to fund a grant-funded  
14 internship, and that was going to continue for quite  
15 sometime.

16                   And that's the first year that we were  
17 actually funded by a foundation who expressed an  
18 interest in -- in helping us teach more people, and so  
19 they have been funded through --

20           Q.    Okay. So Bat World is a 501(c)3 nonprofit  
21 corporation. Does it derive income from member  
22 donations?

23           A.    Yes. We have members that -- that donate on a  
24 regular basis. And that -- Yes.

25           Q.    Okay. And so you have got member donations,

1 grants. Are there any other sources of income for Bat  
2 World?

3 A. We have what's called an Adopt-a-Bat program  
4 that is an educational tool. And we share the stories  
5 of the individual bats we have rescued. And teachers  
6 are a -- I'm sorry. I can't think of the word.

7 They're -- Teachers really enjoy the  
8 package. And we derive a large portion of our income  
9 from -- from schools who use this package -- these  
10 packages for educational items with schools. Teachers  
11 teach a bat unit, and a lot of times they will have  
12 their classes at our website and vote on the bat that --  
13 that they like the most and they will sponsor that bat  
14 for one year for \$30. And --

15 Q. Are there any other -- okay. Sorry.

16 A. Sorry.

17 Q. Any other sources of income?

18 A. We do sell our T-shirts online and -- and my  
19 book.

20 Q. Okay.

21 A. My latest book.

22 Q. Where do the interns stay when they come to  
23 Mineral Wells?

24 A. The -- They -- They stay offsite as well as in  
25 our -- in our building. We have two rooms specifically

1 for interns.

2 Q. Okay.

3 A. As well as a shower and bathroom facilities.

4 Q. Was Mary Cummins an intern?

5 A. Yes. We had 12 positions in the internship.

6 And we had two extra positions that weren't part of the  
7 internship that were -- we gave to wildlife  
8 rehabilitators and Mary -- Ms. Cummins was one of those  
9 that was not part of grant-funded internship. She was  
10 one of the extra. We gave -- We had 12 positions for  
11 the internship and we had two extra. And she was one of  
12 the extra that we gave.

13 Q. And have you gotten good reviews and feedback  
14 from your interns?

15 A. Yes, I have. We -- At the end of every  
16 internship, we have our interns fill out an evaluation  
17 form. They're allowed to do that anonymously, so they  
18 can give us their honest opinion of what they thought.  
19 And we use that so we can make improvements, if we need  
20 to, in our -- in our teaching abilities or any --  
21 anything that we need to improve on. And we -- we've --  
22 we have those from -- for the past ten years.

23 Q. Did you bring those today?

24 A. Yes, I did.

25 Q. Do you have box of them?

1 A. Yes, I do.

2 Q. And are there hundreds of them?

3 A. Yes.

4 Q. Okay. And are they all positive?

5 A. Yes.

6 MR. TURNER: Your Honor, we're not going  
7 to introduce those into evidence. I just wanted to  
8 elicit that testimony from the witness.

9 Q. (BY MR. TURNER) Is Bat World certified by the  
10 State of Texas as a wildlife rehabilitator?

11 A. We are -- I am licensed with the State of  
12 Texas to rehabilitate Insect -- to rehabilitate bats.

13 Q. Okay. And is a license required to  
14 rehabilitate bats?

15 A. Yes, it is.

16 Q. Can wild bats be kept by anyone without a  
17 permit?

18 A. No.

19 Q. Are veterinarians allowed to keep wild bats  
20 if -- if a bat -- if I find a bat on the sidewalk and I  
21 take it to my vet, can he just rehabilitate that bat?

22 A. No. He's required to actually turn it over to  
23 a wildlife rehabilitator within 48 hours.

24 Q. Have -- Have you ever been inspected by --  
25 Well, who issues the rehabilitation permit?

1 A. Texas Parks & Wildlife.

2 Q. And do they ever inspect you?

3 A. Yes.

4 Q. Okay. And has Bat World always passed those  
5 inspections?

6 A. Yes.

7 Q. Has your permit ever been suspended or  
8 revoked?

9 A. No.

10 Q. Have you ever been reprimanded by Texas Parks  
11 & Wildlife?

12 A. No.

13 Q. Is Bat World certified or accredited by any  
14 wildlife or conservation organizations?

15 A. We are accredited by the American Sanctuary  
16 Association and verified by the Global Federation of  
17 Animal Sanctuaries. In -- In fact, I wrote the  
18 standards for accreditation for the Global Federation of  
19 Animal Sanctuaries. I wrote the guidelines that they  
20 will use to accredit other facilities.

21 Q. Now, you have published some books on bats; is  
22 that correct?

23 A. Yes.

24 MR. TURNER: Let me just have all these.

25 Q. (BY MR. TURNER) I'm going to show you what's



1 been marked as Plaintiffs' Exhibit Number 1, and ask you  
2 if you can identify that?

3 A. That's -- That's one of my first -- That's my  
4 second book actually.

5 Q. And what's it called?

6 A. It's called Captive Care and Medical Reference  
7 for the Rehabilitation of Insectivorous Bats.

8 MR. TURNER: We will offer Plaintiffs'  
9 Exhibit 1.

10 MS. CUMMINS: Do I get a copy?

11 THE COURT: Is there an objection to  
12 Plaintiffs' Number 1?

13 MS. CUMMINS: Yes. The objection I don't  
14 get a copy.

15 THE COURT: If that's your only  
16 objection, it will be overruled.

17 MR. TURNER: Do you want them up here,  
18 Judge?

19 THE COURT: Plaintiffs' Number 1 is  
20 admitted.

21 (Plaintiffs' Exhibit Number 1 was  
22 admitted.)

23 Q. (BY MR. TURNER) Now, that's the first  
24 edition?

25 A. Yes. There is a second edition. It's the

1 red. It's a -- Yeah. The same title, but it's the  
2 second edition. It has a red cover.

3 Q. Okay. But you didn't bring that today?

4 A. No. Unfortunately, I gave it away about a  
5 year ago.

6 Q. It's the same as that one, it's just updated?

7 A. It's the same with updated methods.

8 Q. I'm showing you now Plaintiffs' Exhibit Number  
9 3 and ask if you can identify that?

10 A. That's my latest book. It's Standards and  
11 Medical Management for Captive Insectivorous Bats.

12 MR. TURNER: We'll offer Plaintiffs'  
13 Exhibit Number -- Did I call it -- It's Number 3. I may  
14 have called it something --

15 THE COURT: You called it 2.

16 MR. TURNER: Okay.

17 THE COURT: So is it 2 or 3?

18 MR. TURNER: Can I call it 3, Your Honor?

19 THE COURT: You can call it whatever you  
20 wish.

21 MR. TURNER: Thank you, sir.

22 MS. CUMMINS: I will object because I  
23 don't have a copy of this book.

24 THE COURT: Plaintiffs' 3 is admitted.

25 (Plaintiffs' Exhibit Number 3 was

1 admitted.)

2 Q. (BY MR. TURNER) And I'm showing you now  
3 what's been marked as Plaintiffs' Exhibit Number 4, and  
4 ask you what that is?

5 A. These are the standards that we wrote for the  
6 Global Federation of Animal Sanctuaries so that they  
7 could inspect and accredit other bat sanctuaries around  
8 the world. We wrote the first standards for  
9 insectivorous, frugivorous, nectivorous, and  
10 sanguivorous bats.

11 MR. TURNER: We will offer Plaintiffs'  
12 Exhibit 4, Your Honor.

13 MS. CUMMINS: I will object. I've never  
14 seen it, and I don't have any time to read any of this.

15 THE COURT: Overruled. Plaintiffs' 4 is  
16 admitted.

17 (Plaintiffs' Exhibit Number 4 was  
18 admitted.)

19 Q. (BY MR. TURNER) And Plaintiffs' Exhibit  
20 Number 5, what is that?

21 A. That's the first book that I wrote. That's  
22 the story of the little bat that I found that I named  
23 Sunshine that started the entire organization.

24 Q. And it's called Bat in my Pocket?

25 A. Yes, A Memorable Friendship.

1 Q. And there was a forward or an introduction  
2 written by Dr. Patricia Brown Berry. Who is  
3 Dr. Patricia Brown Berry?

4 A. She is one of the foremost authorities on --  
5 on -- Well, wild -- wild bat populations and  
6 conservation.

7 Q. Is she a research biologist at the University  
8 of California?

9 A. Yes, she is.

10 MR. TURNER: We will offer Exhibit 5.

11 MS. CUMMINS: No objection.

12 THE COURT: 5 is admitted.

13 (Plaintiffs' Exhibit Number 5 was  
14 admitted.)

15 Q. (BY MR. TURNER) And Number 6, Plaintiffs'  
16 Exhibit Number 6, what is that?

17 A. That's our cookbook that we wrote as a  
18 fundraiser, the -- it's called Bats in the Pantry. And  
19 it contains recipes that have ingredients that are  
20 brought to us by bats.

21 Q. When you say, Ingredients that are brought to  
22 us by bats, what does that mean?

23 A. Well, the book is actually designed as an  
24 educational tool as well, because most people don't  
25 realize that we -- we receive -- or we benefit from

1 fruit bats greatly, as well as insectivorous bats,  
2 because they protect our crops.

3 And fruit bats bring us over 450  
4 different commercial products, and -- as well as 80  
5 different medicines. And a lot of those products we use  
6 and eat or consume and -- and they enhance our lives in  
7 many ways.

8 Q. So every recipe in this book is made with some  
9 type of vegetable that exists because of bats?

10 A. A vegetable or a fruit.

11 Q. Okay.

12 A. Or a grain.

13 Q. Okay. Okra, black beans, zucchini?

14 A. Yes.

15 MR. TURNER: We will offer Plaintiffs'  
16 Exhibit Number 6.

17 MS. CUMMINS: No objection.

18 THE COURT: Plaintiffs' 6 is admitted.

19 (Plaintiffs' Exhibit Number 6 was  
20 admitted.)

21 Q. (BY MR. TURNER) How many of those have --  
22 have you -- Do you sell those books?

23 A. Yes. We -- We no longer sell them, but we did  
24 sell them for several years.

25 Q. Okay. Now, Bat World -- Bat World also puts

1 out a magazine; is that correct?

2 A. Yes.

3 Q. And I'm showing you Plaintiffs' Exhibit Number  
4 7, what is that?

5 A. That is our -- our Bat World magazine that we  
6 put out two to three times a year --

7 Q. Okay.

8 A. -- to our members.

9 MR. TURNER: We will offer Exhibit 7.

10 MS. CUMMINS: No objection.

11 THE COURT: Plaintiffs' 7 is admitted.

12 (Plaintiffs' Exhibit Number 7 was  
13 admitted.)

14 Q. (BY MR. TURNER) And I'm showing you  
15 Plaintiffs' Exhibit Number 8. What is this?

16 A. This is a magazine put out by Bat Conservation  
17 International, and this is an article that they included  
18 in -- in one of their magazines about Bat World  
19 Sanctuary.

20 Q. Okay. And so you're discussed in this  
21 articles; is that correct?

22 A. Yes, there is -- I think a three or four-page  
23 article about our -- our rescue efforts and our  
24 sanctuary in that magazine.

25 MR. TURNER: We will offer Plaintiffs'

1 Exhibit 8.

2 MS. CUMMINS: No objection.

3 THE COURT: Plaintiffs 8 is admitted.

4 (Plaintiffs' Exhibit Number 8 was  
5 admitted.)

6 Q. (BY MR. TURNER) Now, I'm going to show you  
7 what's been marked as Plaintiffs' Exhibit Number 10.  
8 What is that?

9 A. This is a magazine produced by Texas Parks &  
10 Wildlife, and there is an article in this magazine about  
11 our rescue efforts and our sanctuary. It actually shows  
12 photos of our wild sanctuary as well.

13 Q. So this is a statewide publication --

14 A. Yes.

15 Q. -- for the public?

16 A. Yes, it is.

17 MR. TURNER: We will offer Plaintiffs'  
18 Exhibit Number --

19 Q. (BY MR. TURNER) Before I -- we have marked  
20 with a yellow -- with a green sticky here the article  
21 about you?

22 A. Yes.

23 MR. TURNER: We will offer Plaintiffs'  
24 Exhibit 10.

25 MS. CUMMINS: No objection.

1 THE COURT: Plaintiffs' 10 is admitted.  
2 (Plaintiffs' Exhibit Number 10 was  
3 admitted.)

4 Q. (BY MR. TURNER) And what is Plaintiffs'  
5 Exhibit Number 11?

6 A. This is another article by Bat Conservation  
7 International, and it's -- it's about our behavioral  
8 study that on -- on -- excuse me -- on Brazilian  
9 Free-tailed bats. And we discovered -- my coauthor and  
10 I discovered that Brazilian Free-tailed bats have 25  
11 different vocalizations they use to communicate. And --  
12 And the researcher now believes they use syntax based on  
13 our initial studies.

14 Q. Who is Bat Conservation International?

15 A. They're a worldwide conservation organization  
16 based in Austin, Texas. We work together in different  
17 ways. They do conservation efforts for wild bat  
18 colonies and bat house research projects, et cetera. We  
19 do on-the-ground education and rescue of individual bats  
20 and provide sanctuary for bats.

21 Q. So you're -- you're well aware -- I mean,  
22 you're well known among the bat experts of the United  
23 States?

24 A. Yes.

25 Q. Is your reputation important to you?



1 A. Extremely important.

2 MR. TURNER: We will offer Exhibit 11.

3 MS. CUMMINS: No objection.

4 THE COURT: Plaintiffs' 11 is admitted.

5 (Plaintiffs' Exhibit Number 11 was  
6 admitted.)

7 Q. (BY MR. TURNER) Now I'm showing you  
8 Plaintiffs' Exhibit Number 12. And what is this?

9 A. This is a Scholastic News --

10 THE COURT: It's a what?

11 THE WITNESS: It's called Scholastic  
12 News. It's a -- It's a magazine for -- it's a  
13 children's publication that's distributed in -- in  
14 schools throughout the United States. And one of --  
15 they did an article on Bat World, and it was distributed  
16 everywhere across the United States in their magazine.

17 Q. (BY MR. TURNER) And the article about --  
18 And -- And it talks about you in there, correct?

19 A. Yes. It's about Bat World and about -- and  
20 about me.

21 MR. TURNER: And we will offer  
22 Exhibit 12, Your Honor.

23 MS. CUMMINS: No objection.

24 THE COURT: Admitted.

25 (Plaintiffs' Exhibit Number 12 was

1 admitted.)

2 Q. (BY MR. TURNER) So you have two types of  
3 publications. You have publications that go to sort of  
4 specialists in the profession like your book on Captive  
5 Care and Management, et cetera; and then you also have  
6 publications that go to the general public; is that  
7 correct?

8 A. That's correct. We -- We write both popular  
9 and scientific literature about bats as well.

10 Q. And then I'm showing you Exhibit Number 13.  
11 What is that?

12 A. This is another article about -- published in  
13 Bat Conservation International's magazine and it's also  
14 about the behavioral study that my -- myself and my  
15 coauthor were involved in.

16 MR. TURNER: We offer Plaintiffs' 13,  
17 Your Honor.

18 MS. CUMMINS: No objection.

19 THE COURT: Plaintiffs' 13 is admitted.  
20 (Plaintiffs' Exhibit Number 13 was  
21 admitted.)

22 Q. (BY MR. TURNER) And I'm down to my last two.  
23 What is Exhibit Number 14?

24 A. This is a -- a book called Radical Virtues  
25 written by Richard White, he's a fairly well-known

1 author, and he devoted a section to -- to me in --  
2 regarding my rescue of Sunshine. It's in his section  
3 under compassion. And he was -- basically describes the  
4 rescues of Sunshine and the compassion it took to rescue  
5 a malign species --

6 Q. And this is -- I'm sorry.

7 A. -- that most people regard as a -- as  
8 basically not worth rescuing.

9 Q. And this is a popular -- this was a book for  
10 popular publication not for -- it was just for the  
11 general public?

12 A. Yes. It's sold in book stores.

13 MR. TURNER: We will offer Exhibit 14.

14 MS. CUMMINS: No objection.

15 THE COURT: Plaintiffs' 14 is admitted.

16 (Plaintiffs' is Exhibit Number 14 was  
17 admitted.)

18 Q. (BY MR. TURNER) And lastly, I am going to  
19 show you what's been marked as Plaintiffs' Exhibit  
20 Number 15, and ask you what that is?

21 A. This is a book produced by Best Friends in the  
22 UK, it's a animal charity. They have an article about  
23 Bat World inside their magazine as well. And it's --  
24 it's published across -- across the UK.

25 Q. And does this article reference you?

1           A.     Yes.  It references me, as well as Bat World  
2 Sanctuary.

3                   MR. TURNER:  We will offer Plaintiffs'  
4 Exhibit 15.

5                   MS. CUMMINS:  No objection.

6                   THE COURT:  Plaintiffs' 15 admitted.

7                           (Plaintiffs' Exhibit Number 15 was  
8                           admitted.)

9                   MR. TURNER:  Your Honor, at this time --  
10 Well, excuse me.

11           Q.     (BY MR. TURNER)  Amanda, did you -- do you  
12 have a DVD that -- that was filmed that was -- shows the  
13 facilities at Bat World, what you do with the bats,  
14 that would -- that would assist the Court in  
15 understanding what goes on out there, what it looks  
16 like?

17           A.     Yes.  I made a -- a movie for -- to upload  
18 online.  It shows our facility as well as our day-to-day  
19 activities and --

20           Q.     And that wasn't made specifically for this  
21 trial, you already had it?

22           A.     I already had it.  Yes, it existed previously  
23 and I -- I edited it so that it would be a little bit  
24 shorter for the Court.  There is two videos I spliced  
25 together for the Court.

1 MR. TURNER: Your Honor, could we take a  
2 five-minute recess to set up the audio/visual equipment?

3 THE COURT: Yes.

4 MR. TURNER: Thank you.

5 THE COURT: It's now ten past 10:00. We  
6 will reconvene at 20 minutes past 10:00.

7 (Break from 10:10 a.m. to 10:20 a.m.)

8 THE COURT: Be seated, please.

9 MR. TURNER: Your Honor, at this time we  
10 would like to play the DVD that Ms. Lollar mentioned.

11 THE COURT: Now, tell me what I'm looking  
12 at.

13 MR. TURNER: Okay.

14 Q. (BY MR. TURNER) Ms. Lollar, this is a DVD  
15 that you've made at Bat World; is that correct?

16 A. That's correct.

17 Q. And it shows your facility, the operations at  
18 the facility, your care and -- and treatment of bats at  
19 the facility?

20 A. That's correct.

21 Q. And do you know approximately how long this  
22 video is?

23 A. The first video is approximately 11 minutes  
24 and the second video is about four minutes.

25 Q. Okay. We're going to speed through some of

1 this, but I may ask you during the video to explain  
2 things.

3 (Beginning of video.)

4 Q. That's the -- That's the front of your  
5 building?

6 A. Yes, it is.

7 Q. What are we looking at right here?

8 A. That's my office, and then the -- we're  
9 walking through now to look at -- to the portion of the  
10 fruit bats' flight cage.

11 Q. Is this the common area between the two types  
12 of bats?

13 A. Yes. There is -- That's basically a hallway  
14 that's -- divides the flight cages. We tried to set  
15 everything up and simulate a natural habitat to make the  
16 bats feel as comfortable as possible. The fruit bats'  
17 cages are 16 feet wide and 55 feet long.

18 Q. If you would, you can go ahead and just feel  
19 free to tell us what we're looking at as we go through  
20 this. Okay?

21 A. The kitchen is -- is noticed through the --  
22 through the door that just -- I actually turned and  
23 walked into the fruit bats' flight cage in this scene.  
24 And this is during the morning cleaning routine. It's  
25 about 8:00 in the morning and --

1 Q. What's on the floor?

2 A. That's vinyl. It's four-inch high density  
3 foam covered with vinyl that can be swept and mopped.  
4 Some of the fruit bats that we receive have injured toes  
5 and don't hang upside down well. One of the reasons  
6 they become injured in zoos is because they drop to hard  
7 concrete floors. So we have our floors padded in case  
8 anybody falls, because the bats that are there are --  
9 those are already in bad shape. And if they fall, they  
10 don't get hurt.

11 And here I'm -- I'm just giving a little  
12 treat of honeydew melon. They get that -- receive  
13 honeydew melon in their food every night, but they --  
14 they like a little hand -- hand-fed treats. And during  
15 the process of doing this, I also do a check on each  
16 bat.

17 Some of the bats, because of the  
18 conditions they have come from, are too shy to take a  
19 piece of fruit, but I can -- I can at least observe  
20 everybody. So everyone in the sanctuary gets a cursory  
21 exam, a visual exam every day. Some twice a day.

22 Q. Now, do these bats have names?

23 A. That particular bat there is Peekabo. She's  
24 very popular. She's one of our adopt-a-bats. And she  
25 was a hand-raised orphan that just kind of became

1 enamored with people. And she's very -- I'm sorry. I  
2 can't think of the word. Animated. She is very  
3 animated and comical, so we use her a lot videowise for  
4 education, because she opens up a lot of minds as far as  
5 how bats really do have a lot of personality and they're  
6 very affectionate, they're actually very charming.

7 Q. Now, do you -- is this how you feed all of the  
8 bats, each bat gets fruit by hand or --

9 A. No. We actually go through about 50 pounds of  
10 fruit a night. And -- Well, excuse me. Let me -- Let  
11 me go back on that. That's before it's chopped up and  
12 prepared. The bats have -- They have food dishes that  
13 are dispersed throughout the night. They self feed on  
14 their own from dishes throughout the flight cage.

15 This is just what I do during my daily  
16 check. I -- I give treats and I check the bats at the  
17 same time. And a lot of them really look forward to the  
18 treats, as you can tell.

19 This is the insectivorous bats' flight  
20 cage. It also has a padded floor, but because they're a  
21 lot -- they don't weigh near as much, the floor isn't as  
22 thick with padding.

23 Q. And do you have to clean this floor every day?

24 A. Every day. We -- Because the floor is padded  
25 we can't clean it in a traditional way, so we lay sheets



1 across the floor that are gathered up and shaken out and  
2 washed and then laid back down.

3 Q. This is your kitchen where you prepare the  
4 bats' food?

5 A. Yes. It was a storeroom previously when it  
6 was the furniture store, that was that storeroom.  
7 That's their nightly ration.

8 Q. What is he scooping right there?

9 A. He was putting a vitamin, mineral supplement  
10 on the food.

11 Q. What is -- What is the food?

12 A. That's a mixture of banana, honeydew, peaches,  
13 pears, apples, figs, grapes, strawberries, blackberries  
14 and it's assorted fruits. It depends on what's in  
15 season and what's more plentiful.

16 Q. Did you used to get your food donated to you  
17 by a local merchant?

18 A. We actually had a grocery store that gave us  
19 what they call throwaways. The throwaways aren't really  
20 what they -- you know, what it sounds like. They might  
21 be an apple with a small bruise that wouldn't be  
22 considered sellable, so that goes into the pile with the  
23 throwaways. And they would save our -- their groceries  
24 or their throwaways for us and we would end up with  
25 enough bananas and apples and -- and melons to last all

1 the time. We actually had excess. And so we would cut  
2 that excess up and freeze it.

3 Q. What kind of bats are these in here?

4 A. Those are fruit bats.

5 Q. And that's your husband there?

6 A. Yes. They get excited at dinner time. They  
7 usually come out and -- and fly around. Those bats have  
8 a large wingspan. It makes them look bigger than they  
9 really are. Those -- Those are some of the smaller  
10 species of fruit bats, and they're only about  
11 three inches long, body -- body length.

12 Q. So those are --

13 A. Those are mealworms, and that's an  
14 insectivorous bat being hand-fed a worm. Because we  
15 can't go out and catch live food for them, moths and  
16 mosquito's and things, we -- insect -- excuse me.  
17 Mealworms are a standard diet for any insectivorous  
18 animal in captivity. They're used by zoos and nature  
19 centers and others for various species of reptiles and  
20 birds and bats included.

21 Q. So what are we walking up to here?

22 A. This is a miniature cave that I have designed  
23 specifically for the crevice flying bats, and these are  
24 little free-tailed bats. They're the most common kind  
25 of bats we have in Texas. They are very shy and

1 secretive. They're not at all like fruit bats, and so  
2 they have to be housed in a completely separate way.

3           The design there is a -- it holds fabric  
4 roosting pouches that can be washed every day. Every  
5 day I check every single insectivorous bat. Some of  
6 them have to be hand-fed, so they're gathered and placed  
7 into the -- what's called a bat hut, that's what I'm  
8 putting them in right now. Then they're hand fed and --  
9 and put back into the roosting pouch.

10           Q.    What are you doing here?

11           A.    I'm hand feeding the Bat World Sanctuary  
12 complete soft food diet. And that's Iris who is eating.  
13 And that's Van Gogh.

14           Q.    So you're able to tell the difference between  
15 these bats?

16           A.    Because of the behavioral study that I did, I  
17 can tell the difference in -- in their faces. Some of  
18 them have injuries that make them easily identifiable,  
19 such as Van Gogh. He had his ear burned off by -- with  
20 a lighter by some children. So he only has one ear. So  
21 he is not releasable because he can't echolocate  
22 properly.

23                        He always gets excited and likes the  
24 insides of the mealworms, so he runs up and he gets his  
25 little treat.

1           Q.    How many bats do you get, say, in a month from  
2 the public?

3           A.    If I were to average it out -- because it  
4 varies with the season.  For instance, we get more bats  
5 in February and March than we do in -- in May.  I would  
6 say probably ten to twenty-five.

7           Q.    What are you injecting in this bat?

8           A.    That's called lactated ringer solution.  It's  
9 actually an electrolyte.  Because of the high metabolism  
10 in Insectivorous bats they cannot be hydrated orally.  
11 Once they're fluid deficit, they have to have injections  
12 of electrolytes in order to survive.

13          Q.    And once again, injecting the bats, you were  
14 trained by a veterinarian?

15          A.    Yes, I was.  My hands are dirty in this scene  
16 because I had just rescued this little starving orphan  
17 from an attic and I wanted to treat him as quickly as  
18 possible.  He has to be cleaned up as well.

19                    I have a camera that enables me to look  
20 through the viewfinder and record my procedures, so  
21 when -- when an injury or an illness comes in that I  
22 think can be recorded and shared so that people could  
23 benefit and learn by that and treat bats in their part  
24 of the world, I do that.

25                    And that's -- he was -- that was his

1 first -- Well, when he came in, I immediately recorded  
2 without cleaning up my hands first. That's an orphaned  
3 straw-colored flying fox.

4 Q. How many types of bats do you have by species?

5 A. Species. I would have to stop and think about  
6 it. I think maybe ten different species.

7 Q. This -- This video is on the Internet?

8 A. Yes. It's on our YouTube channel. And the  
9 next one coming up is also on our YouTube channel.

10 Q. How many hits did this -- so he was rescued  
11 after a zoo closure?

12 A. Yes.

13 Q. And he was an orphan?

14 A. Yes.

15 Q. How many hits did this YouTube video have that  
16 we're looking at?

17 A. We put this out in November of last year, and  
18 it went viral, which was extremely lucky for us. And we  
19 have ended up with over a million hits on it now.

20 Q. A million people have seen this video?

21 A. Yes, over a million now.

22 Q. What kind of bat is Drac?

23 A. He's called a Carollia, which is -- common  
24 name is the short-tailed fruit bat. I'm using an  
25 eyeshadow applicator tip that has been removed from the

1 wand, the plastic wand, to feed him. That's something I  
2 developed after trying to figure out how to allow tiny  
3 little bat pups to nurse and feel comfortable without  
4 shoving something hard in their mouth like an  
5 eyedropper.

6 Q. This is your invention?

7 A. Yes. It's better for them and it's easier for  
8 us. They can do what's natural and they can actually --  
9 they hang onto the little foam tip when they're done  
10 eating like a pacifier, and then spit it out when  
11 they're ready. It's much more nurturing than using a  
12 catheter or an eyedropper or a syringe.

13 Q. How old is this little guy?

14 A. He is less than 24 hours old in this photo --  
15 I mean, this video.

16 Q. And, Amanda, how -- how long do -- do bats  
17 live in captivity?

18 A. Gosh. A species like -- like him, he can live  
19 up to 25 years.

20 Q. I guess it would be shorter in the wild  
21 because there is predation?

22 A. Yes, it -- it could be. There have been some  
23 insectivorous bats that have been recorded at 44 years  
24 old.

25 Q. He is just rocking himself here?

1 A. Yes.

2 Q. And how is he doing today?

3 A. He's doing great. They need to be encouraged  
4 to groom. And sometimes if they -- if they're not  
5 grooming you help them along with a little bit of  
6 brushing, it encourages them to finish the job. So it's  
7 part of the -- the -- just the hand-rearing process is  
8 encouraging them to groom and be healthy. If they don't  
9 have a healthy coat, then they don't usually survive.

10 Q. Is he much bigger now than he was in this  
11 video?

12 A. He is not too much bigger. Full grown of this  
13 species is about three inches long.

14 Q. Is he healthy? Does he have any wounds or  
15 injuries?

16 A. No, he's doing great. He still rocks.

17 Q. He still does this?

18 A. Yes. On the flight cage ceiling, I catch him  
19 every once in awhile. It's just a little quirk of his  
20 personality. And this -- that's why the video went  
21 viral, because he just -- just a little bit different.

22 (End of video.)

23 Q. (BY MR. TURNER) Okay. Thank you.

24 Amanda, can you tell us about any other  
25 awards or recognitions that you've received for your

1 work with bats?

2 A. I was nominated -- Well, I was one of the top  
3 ten finalists in the Animal Planet Hero of the Year  
4 award in 2008. And then in 2009, I was nominated for  
5 the Indy Prize, which is the world's most coveted  
6 conservation award. It's a hundred thousand dollar  
7 prize.

8 They have entries from around the world,  
9 it's global. And -- And there were -- they narrow that  
10 down to 30 people in the end. And then those 30 people  
11 are voted on. And I was -- I was one of the -- one of  
12 those 30, which is very significant. It's -- It's the  
13 equivalent of being nominated for the Oscars. Just  
14 being nominated is huge. It's a huge accomplishment  
15 just to be nominated.

16 I also received the Doris Day Animal  
17 Kindred Spirit Award in 2007, I believe.

18 Q. Okay. Animal Planet Hero of the Year award.  
19 Animal Planet is the television series?

20 A. Yes. Every year they have nominees that are  
21 entered and they -- that's also, of course, thousands of  
22 entries come in and they narrow that down and -- to  
23 top -- to ten finalists. And then the public is allowed  
24 to vote on those ten finalists.

25 Q. Have you done any work for the International



1 Wildlife Rehabilitation Council?

2 A. Yes. I've actually worked with them as well  
3 as the National Wildlife Rehab Council. I developed  
4 standards for the National Wildlife Rehab Council in the  
5 early 2000s. And the International Wildlife  
6 Rehabilitation Council I have done several seminars for  
7 them, teaching seminars on bats.

8 Q. When did you first come in contact with Mary  
9 Cummins?

10 A. In June of 2010.

11 Q. And what were the -- what kind of contact did  
12 you have with her?

13 A. She attended -- she -- Well, she applied for  
14 our internship and -- and was accepted. I -- We based  
15 our decision on her Internet profile. She seemed to be  
16 very -- a very compassionate person at the time. She  
17 seemed to be somebody that we thought could take the  
18 knowledge and spread it and -- and do some good with it.

19 We encourage everyone who comes to spread  
20 the knowledge, what they've learned, so that other  
21 people with -- other rehabilitators in their community  
22 so more bats can be saved.

23 Q. So how long was the internship supposed to  
24 last that you accepted her for?

25 A. Two weeks.

1           Q.    And what was she supposed to do during those  
2 two weeks?

3           A.    She was supposed learn how to care for  
4 orphaned and injured bats.  That year we had a huge  
5 population of orphans come in.  We had more than normal,  
6 so we spent -- spent a little bit longer than normal  
7 caring for orphan bats.

8                         She was also supposed to learn to -- how  
9 to recognize signs of dehydration, how to hydrate  
10 properly, how to maintain insectivorous food colonies,  
11 which would be the mealworms, nutrition, treating  
12 injuries, episiotomies, signs and symptoms of pesticide  
13 poisoning and rabies, parasite control, housing,  
14 environmental enrichment.  And then the internship also  
15 required that each student submit a case study and -- at  
16 the end of the internship.

17          Q.    Did you require or -- and do you still require  
18 any type of vaccination certificate before you let  
19 somebody intern?

20          A.    No one can attend our internship that has not  
21 been vaccinated.  So we either get proof -- visual proof  
22 by someone showing us their vaccination record.  Some  
23 people don't want to share their doctors -- or their  
24 private information with the vaccination record, so we  
25 just require they show it to us, or they -- some people

1 actually send us a copy.

2 Q. Now, this is rabies vaccination?

3 A. Yes. Everyone who attends has to be -- have  
4 pre-exposure rabies vaccination and have an adequate  
5 titer.

6 Q. What is that?

7 A. That is the -- That is the amount of  
8 antibodies you have in your bloodstream. You have to  
9 have a titer level of .5 or greater in order to be  
10 sufficiently protected in case you're bitten by a bat  
11 that may have rabies.

12 Q. How do you spell titer?

13 A. T-i-t-e-r.

14 Q. Okay. So if your titer level is below -- goes  
15 below a certain amount, then you -- you -- your --  
16 you're unprotected?

17 A. You're -- Yeah. A booster is required.

18 Q. Okay. Now, do you have and did you have all  
19 of your interns sign a contract before they began their  
20 internship?

21 A. Yes, they did. They signed a contract as well  
22 as a waiver.

23 Q. And did you ask Mary Cummins to sign the  
24 contract?

25 A. Yes, I did.

1 Q. Now, is this a form contract that -- that you  
2 use for all interns, or do you change it up?

3 A. It's -- Yes, it's the same -- the same  
4 contract for every intern.

5 Q. And did Mary Cummins sign the contract?

6 A. Yes, she did.

7 Q. When did she sign the contract?

8 A. It was shortly after she arrived. Probably  
9 within a few hours.

10 Q. Okay. It was the same day she arrived?

11 A. Yes. Yes.

12 Q. I'm going to show you Plaintiffs' Exhibit  
13 Number 16, and ask you if you can identify this?

14 A. Yes, that is the contract that -- that she  
15 signed. She neglected to fill her name out at the top,  
16 so I -- I wrote her name in at the top while she was  
17 there. And I unfortunately misspelled her name and put  
18 a G on the end. And then she signed at the bottom.

19 Q. Okay. And you watched her sign her name?

20 A. Yes, I did.

21 MR. TURNER: We will offer Plaintiffs'  
22 Exhibit 16.

23 MS. CUMMINS: I will only object because  
24 I didn't sign it.

25 THE COURT: Objection is overruled.

1 Plaintiffs' 16 is admitted.

2 (Plaintiffs' Exhibit Number 16 was  
3 admitted.)

4 Q. (BY MR. TURNER) Now, in the contract, there  
5 is a liquidated damages clause -- Well, before I get to  
6 that.

7 Does the contract prohibit her from  
8 publishing any photographs or videos that she takes  
9 at -- that are taken at Bat World without your  
10 permission or Bat World's permission?

11 A. Yes. We -- We encourage students to take  
12 photographs while they're there for their own learning  
13 opportunities, but if they're going to share those  
14 photographs over the Internet, then they need to --  
15 they're required to get permission first.

16 Q. And why do you care? Why do you have that  
17 provision in there?

18 A. We don't want any photographs to be taken out  
19 of context. We want to make sure that -- that bats --  
20 because bats have such a negative contention, most  
21 people still believe the negative things about bats. We  
22 want all of the pictures that are published about our  
23 sanctuary to be positive, to represent bats in a  
24 positive light.

25 Q. Are some of the things there at Bat World

1 proprietary as well?

2 A. Yes. There are certain things that are  
3 proprietary.

4 Q. And if somebody was to take photographs of Bat  
5 World and then publish them without your permission,  
6 would there be any way for you to put an exact dollar  
7 value on the photographs that they published without  
8 your permission?

9 A. I -- I could only base it on -- on some of the  
10 information that is -- the knowledge that -- that might  
11 be shared would be valuable. We -- I've been hired as a  
12 consultant with -- in different capacities, and -- and  
13 if my knowledge is freely shared along those lines,  
14 then -- then it would -- it would decrease the amount of  
15 value that my consultation would have.

16 Q. How much have you charged in the past for  
17 consultation?

18 A. \$15,000.

19 Q. Okay. And is \$10,000 your estimate of the  
20 approximate amount that you would charge someone to  
21 randomly show these videos or pictures?

22 A. Yes. Yes.

23 Q. So, in your mind, the \$10,000 has some bearing  
24 to the actual damages that you would suffer if  
25 photographs were published randomly without your

1 approval?

2 A. Yes.

3 Q. Tell us how Ms. Cummins' internship went.

4 A. It started off fine, but rapidly declined as  
5 the internship progressed. Ms. Cummins didn't really  
6 follow directions.

7 We had specific chores that each intern  
8 was to accomplish in order to -- to learn how to  
9 sufficiently care for an insectivorous bat, or any  
10 animal, you need to learn proper husbandry techniques.  
11 That includes cleaning cages, maintaining its food,  
12 preparing its food; not only just feeding it.

13 It -- She failed to follow a lot of the  
14 directions. She didn't want to clean cages. She didn't  
15 really pay attention to the -- the -- the itinerary that  
16 was laid out for her. And it was very difficult to keep  
17 up.

18 She had left cage doors open a few times.  
19 The bats that are -- the insectivorous -- or the orphan  
20 pups, because there are so many that we have in the  
21 summer, the only way that we can count them or -- or  
22 make sure that everyone is accounted for is to have a  
23 board on the wall that has -- it's a dry erase board.  
24 And each species is outlined and each -- each bat is  
25 counted for.

1                   When a new orphan comes in, he goes up  
2 with just a single mark and they're all marked off in a  
3 series of five. So if we have -- or groups of five.  
4 That way we can tell at a glance exactly how many pups  
5 are in each cage and exactly who needs to be fed.

6                   Those pups are counted off according to  
7 the count on the board. They're counted into a bat hut  
8 to be fed. They're fed and then they're counted back  
9 into the cage to make sure, because they're so  
10 incredibly tiny they're easy to misplace -- well, not to  
11 misplace, but to overlook. So the only way we can be  
12 accurate is to count -- is to make sure that those --  
13 those counts are extremely accurate.

14                   And -- And the count was never right. I  
15 was never sure who was getting fed, who wasn't. I found  
16 an entire bat hut full of orphan bats one morning on the  
17 internship table that had never been fed, had never even  
18 been put up. They were still waiting for their meal  
19 from the night before.

20                   Q. Did you express any of this dissatisfaction to  
21 Ms. Cummins?

22                   A. Yes, I did.

23                   Q. Was there another intern there with her at  
24 this same time that she became friends with?

25                   A. Yes. Her name was Kay Singleton.



1           Q.    Did you have problems with Kay Singleton as  
2 well?

3           A.    Yes, I did.  Every intern is required to -- to  
4 fill out a waiver stating that they are in good physical  
5 and mental health before they attend.  And when -- Each  
6 intern is required to go to the wild sanctuary with me  
7 soon after their internship or their arrival.  The wild  
8 sanctuary -- we go to clean the building, to also check  
9 for orphans and injured bats.

10                         And -- And it's designed so that the  
11 intern can learn how to spot an orphan or -- there is a  
12 difference between telling if a pup is orphaned or  
13 whether it's just simply wandered away from the colony.  
14 So there are certain things to watch for to know.

15                         So Kay Singleton accompanied me to the  
16 wild sanctuary.  It's extremely hot up there.  After we  
17 were finished sweeping, I noticed that her face was  
18 extremely red and I said, Are you okay?  Are you sure  
19 you're all right?  She said, Well, I'm really not  
20 supposed to get hot, because my doctor told me I had --  
21 because I've had two heatstrokes and I'm not supposed to  
22 get hot.

23                         And I said, Well, you know, you didn't  
24 tell us about this before we started and you knew we  
25 were going to be -- she was warned ahead of time about

1 how hot the building would be. So for that reason, I  
2 said, You're not going to be able to go to the wild  
3 sanctuary any more, because I don't want to take a  
4 chance on something happening.

5 After we got back to the Bat World  
6 facility --

7 THE REPORTER: Okay. Slow down, please.

8 THE WITNESS: Sorry. After we got back  
9 to the Bat World facility, she immediately wanted to  
10 find her inhaler, and -- which sent up another red flag,  
11 because we weren't aware that she had asthma.

12 So that put a big crimp in the whole  
13 intern schedule. And so we had one intern, basically,  
14 that was only going to be assigned to certain duties.

15 THE COURT: Slow down.

16 THE WITNESS: Because she -- Because she  
17 couldn't go to the wild sanctuary any more. And it was  
18 a few days later that Kay was not happy and wanted to go  
19 home. And -- Well, actually, she said she was going to  
20 go home. And I -- I -- and she accused me of calling  
21 her fat. And I -- she said that -- well, let me back  
22 up.

23 Q. (BY MR. TURNER) Well, let me just stop you  
24 right there.

25 A. Sorry.

1 Q. So you had a falling out with this Kay  
2 Singleton?

3 A. Yes, I did.

4 Q. And you -- And you and Mary Cummins had had  
5 sort of a falling out, correct?

6 A. Yes. Mary Cummins and Kay Singleton sort of  
7 teamed up and -- and decided that they didn't really  
8 like the internship. At least it appeared to me that  
9 they didn't like anything that was going on, as far as  
10 the internship rules and the duties they were assigned.

11 Q. I'm going to show you what we have marked as  
12 Plaintiffs' Exhibit Number 17. And I just want you to  
13 look through that and tell me what it is.

14 A. These are the -- the websites that are owned  
15 and controlled -- owned and/or controlled by Mary  
16 Cummins. And these are her -- her daily writings -- or  
17 I should say, almost daily writings about me and this  
18 case and Bat World.

19 Q. So these are all things that Mary Cummins has  
20 posted on the Internet?

21 A. Yes. About me.

22 Q. Now, let me back up. She left early before  
23 her internship was over; is that correct?

24 A. Yes.

25 Q. Do you remember how long she was there?

1           A.     I believe she was there six days.

2           Q.     Okay.  And so she left -- Was it unexpectedly?  
3 Did she tell you she was going to leave, or how did that  
4 happen?

5           A.     Actually, that has to go back to Kay, because  
6 Kay disclosed to me that she also had COPD and emphysema  
7 and I told her she was going to have to leave, that we  
8 couldn't have her on the premises, and that she wasn't  
9 honest about her health condition.  And Mary just stated  
10 at that time she was also -- she was going to leave with  
11 Kay.  She wasn't happy.

12          Q.     Okay.  So you kicked Kay Singleton out of the  
13 program?

14          A.     Yes.

15          Q.     And Mary Cummins went with her?

16          A.     Yes.

17          Q.     Or left when she left?

18          A.     Yes.

19          Q.     When she went back to California, is that when  
20 she started posting the things on the Internet that are  
21 in Exhibit 17?

22          A.     Yes.

23          Q.     And that's when the negative -- the negative  
24 statements and the criticisms showed up on the Internet?

25          A.     Yes.  It started with comments about -- that

1 my dogs were neglected and mistreated, one of them  
2 couldn't walk and she was forced to drag herself around  
3 on the floor. That -- That I have a trap, neuter,  
4 release program in the back of the facility for the  
5 stray cats. And she had comments about how the cats  
6 were all mangey and flea bitten and had abscessed teeth  
7 and that I didn't know what I was doing. That the  
8 facility had bedbugs, roaches, ants, mites, the captive  
9 colonies were infested with mites.

10 MR. TURNER: We will offer into evidence  
11 Plaintiffs' Exhibit Number 17. A copy has been  
12 furnished to Ms. Cummins.

13 MS. CUMMINS: I only object because it  
14 hasn't been authenticated.

15 THE COURT:: If that's your only  
16 objection, it will be overruled.

17 (Plaintiffs' Exhibit Number 17 was  
18 admitted.)

19 Q. (BY MR. TURNER) Did photographs and  
20 videotapes start showing up on the Internet?

21 A. Yes. The photographs were -- some of the  
22 captive colony. One in particular that I found very  
23 disturbing was a Pallid bat that had been retired from  
24 research from Texas A&M University, and due to the  
25 experiments she was subjected to she had cancer. And we

1 had a special little house that we had -- or a little  
2 foam bed that she slept in all covered up. And -- And  
3 she -- she felt very safe and secure in that little bed.  
4 And her food and water was right beside her.

5           Mary took a picture of the Pallid bat  
6 held in an upright position, like a hotdog, which was  
7 very -- probably painful to the bat, because she has  
8 cancer of the face. And that's not -- you can't be in a  
9 position you don't want to be in when you're -- when  
10 you're suffering. And -- Although, she was on pain  
11 management.

12           She posted that out over the Internet  
13 that it's a dying, sick, skinny old Pallid bat at Bat  
14 World Sanctuary. And made it look like we were guilty  
15 of doing that to that bat when in -- in reality she was  
16 in the last stages her life.

17           She posted photos of the dogs and said  
18 they were mistreated and neglected.

19           And she posted a video that was designed  
20 to educate the students, Mary and Kay, about how to --  
21 how to recognize neurological symptoms in a bat. This  
22 was an orphaned bat pup that had no teeth. I was  
23 holding him in my bare hands, he had neurological  
24 symptoms. There is no way to save an animal that has  
25 those type of symptoms. I was getting ready to humanely

1 euthanize him. And she posted on the Internet that I  
2 was holding a rabid bat in my bare hands and that I was  
3 using drugs illegally to euthanize him --

4 Q. Okay.

5 A. -- things along those lines.

6 Q. I'm showing you Plaintiffs' Exhibit Number 20  
7 and I will ask you what those are?

8 THE COURT: What was the number?

9 MR. TURNER: 20. Sorry, Your Honor.

10 THE WITNESS: This -- These are pictures,  
11 photographs that Mary Cummins took while she was at --  
12 during the internship that she also posted without my  
13 permission. Some of these bats are being held in  
14 positions that are very uncomfortable. This little red  
15 bat orphan has his tongue sticking out the side because  
16 he is not comfortable.

17 They're all held upright, which is not  
18 the way they like to be held. It would be the same way  
19 as someone holding us by our feet and taking a picture.

20 Q. (BY MR. TURNER) Because their -- Because they  
21 hang upside down?

22 A. Yes.

23 Q. So -- So these -- and then these -- These  
24 photographs in Exhibit 20 were put on the Internet?

25 A. Yes, they were.

1 Q. Would you have ever allowed someone to post  
2 photographs like the ones you've described of bats being  
3 held improperly? Would you have ever allowed those to  
4 be posted on the Internet?

5 A. Not at all. These depict -- This -- This  
6 shows improperly handling, stress to an animal. If  
7 our -- If our name is on a picture such as those, it  
8 makes our facility look bad.

9 Q. And that's one reason you have that clause in  
10 your contract, is you don't want photographs like this  
11 to get out there and damage your reputation?

12 A. Exactly. And I had no idea those photographs  
13 were being taken. Most of those photographs were taken  
14 when I was not present. I would not have allowed anyone  
15 to handle bats in that manner.

16 MR. TURNER: We offer Plaintiffs'  
17 Exhibit 20, Your Honor.

18 MS. CUMMINS: No objection.

19 THE COURT: Plaintiffs' 20 is admitted.

20 (Plaintiffs' Exhibit Number 20 was  
21 admitted.)

22 Q. (BY MR. TURNER) She took a videotape, which  
23 you described earlier, of an old, sick Pallid bat?

24 A. Yes.

25 Q. And she posted that on the Internet?





1 in to film this without my knowledge, she -- the bat was  
2 probably on the edge, and she probably scooted the  
3 entire roost over. Ms. Cummins later posted that --  
4 that the bat was hanging on the edge or about to topple  
5 over. And I believe she said she either fell into the  
6 trash can or almost fell in if she -- and if she hadn't  
7 been there the bat would have been thrown away.

8 MS. CUMMINS: I would like to object,  
9 because there is sound on the video and they didn't play  
10 it.

11 THE COURT: Overruled.

12 THE WITNESS: And there -- there is not  
13 even a trashcan in that. That's the flight cage, there  
14 is no trashcan in the flight cage. And the bat doesn't  
15 sit on the edge like that. It's way away from the edge  
16 so it doesn't fall.

17 MR. TURNER: Your Honor, at this time we  
18 would like to offer into evidence the videotape -- the  
19 DVD that we just played, Exhibit Number 33.

20 MS. CUMMINS: As long as it's admitted  
21 with the sound. You need to give the original. Is  
22 there sound on that?

23 MR. TURNER: We can replay it again. Do  
24 you want to replay it again with the sound?

25 MS. CUMMINS: Yeah.

1 MR. TURNER: I apologize.

2 THE COURT: That's not the same video  
3 that you showed earlier?

4 MR. TURNER: No, Your Honor. I don't  
5 know how that's -- why that's showing. Well, in the  
6 interest of time, we're just going to offer the  
7 videotape without the sound.

8 MS. CUMMINS: The sound is really vital,  
9 it's important what I say. I would like to object if it  
10 doesn't have the sound. That's not the original video.  
11 That's something they've altered and doctored and  
12 edited.

13 THE COURT: Overruled. Plaintiffs' 33 is  
14 admitted.

15 (Plaintiffs' Exhibit Number 33 was  
16 admitted.)

17 Q. (BY MR. TURNER) Now, another videotape that  
18 was made by Ms. Cummins and posted on the Internet.

19 (Discussion off the record.)

20 Q. (BY MR. TURNER) And I'm going to play -- I'm  
21 going to play this video and ask you what it is.

22 (Beginning of videotape.)

23 Q. (BY MR. TURNER) What is that?

24 A. These are red bat orphans. They're hanging  
25 from a bat hut, which is a Bat World sanctuary design.

1 It's a small tent-like enclosure that we -- we use to  
2 house insectivorous -- or excuse me -- red bat pups in  
3 particular because they have very delicate feet.

4 (End of videotape.)

5 Q. (BY MR. TURNER) And Mary Cummins posted that  
6 video, what we just watched, on the Internet?

7 A. I believe so.

8 Q. And did she have your permission to do that?

9 A. No.

10 MR. TURNER: At this time we will offer  
11 Plaintiffs' Exhibit 21 into evidence, which is the video  
12 we just watched.

13 MS. CUMMINS: My only objection is that  
14 sound was not played.

15 THE COURT: Plaintiffs' 21 is admitted.

16 (Plaintiffs' Exhibit Number 21 was  
17 admitted.)

18 MR. TURNER: Do you have the next one?

19 (Beginning of videotape.)

20 Q. (BY MR. TURNER) I'm going to play another  
21 video, and I'm going to ask you what this one is. This  
22 is Exhibit 22. What are we looking at?

23 A. This is a red bat orphan who is being held in  
24 an unnatural position. He's struggling. You can tell  
25 he does not want to be held that way. He would much

1 rather be upside down.

2                   And Ms. Cummins has her thumb into his  
3 throat, which is not a comfortable position. It looks  
4 like she's actually squeezing him a little harder to  
5 make him hold still.

6           Q.    Would you have ever allowed that videotape to  
7 be on the Internet?

8           A.    No.

9           Q.    Did you give Ms. Cummins permission to put  
10 that videotape on the Internet?

11          A.    No.

12          Q.    But that showed up on the Internet?

13          A.    I believe so.

14                   MR. TURNER: We will offer Plaintiffs'  
15 Exhibit Number 22 into evidence, which is the one we  
16 just watched.

17                   MS. CUMMINS: I will object, again,  
18 because the sound is missing. And I'm pretty sure that  
19 you can hear Amanda Lollar in the background. She is  
20 sitting right next to me watching me.

21                   THE COURT: Plaintiffs' 22 is admitted.

22                           (P Plaintiffs' Exhibit Number 22 was  
23                           admitted.)

24           Q.    (BY MR. TURNER) Were you sitting next to Mary  
25 Cummins when that video was made?



1 untrue?

2 A. Untrue.

3 Q. And again, I want to read -- I will represent  
4 to you that it's a statement that was in an e-mail.

5 This -- Referring you to, This woman is breeding bats.

6 Most of the babies are stillborn. When I was there, I

7 picked up at least two rabid bats a day in her

8 sanctuary. She threw them into the regular trash.

9 Trash bags are right next to her feral cat colony.

10 Are those statements true or untrue?

11 A. Untrue.

12 Q. Those were made by Mary Cummins?

13 A. Yes.

14 Q. And the first statements I read were made by  
15 Mary Cummins, as well, correct?

16 A. Yes.

17 Q. Now, you filed a lawsuit -- you filed a  
18 lawsuit against Ms. Cummins in November of 2011; is that  
19 correct?

20 A. Yes. I believe we filed it in September and  
21 she was served in November.

22 Q. Okay. Okay. So you filed suit in September,  
23 she was served in November. After -- And you sued her  
24 for defamation and for breach of contract; is that  
25 correct?

1 A. That's correct.

2 Q. After the lawsuit was filed, did you start  
3 hearing about complaints that she had filed against you  
4 with various law enforcement agencies?

5 A. Yes. There -- She -- As far as I understand,  
6 she made one initial complaint to my U.S.D.A. officer  
7 after she left the internship. And my U.S.D.A. officer  
8 told me that when the complaint landed on her desk, she  
9 actually burst out laughing, because --

10 Q. Okay. Well, without going into what she told  
11 you --

12 A. Okay. Sorry.

13 Q. -- did -- did you find out about any other  
14 complaints after the suit was filed?

15 A. No other complaints. My U.S.D.A. officer  
16 investigated the complaint --

17 Q. So Ms. Cummins never complained to the State  
18 Board of Veterinary Medical Examiners, she never  
19 complained to the District Attorney, she didn't file any  
20 complaints with anybody?

21 A. No, not until May of --

22 Q. Well, I'm asking --

23 A. Sorry.

24 Q. -- after you filed the lawsuit. You filed the  
25 lawsuit, right?



1 A. Yes.

2 Q. After suit was filed, were there some  
3 complaints filed by her against you?

4 A. Yes. Yes. After we -- I'm sorry. I  
5 misunderstood. After we filed the lawsuit, we just --  
6 we became just deluged with complaints that were coming  
7 in. And people were letting me know that there was  
8 defamation all over the Internet. It was just showing  
9 up everywhere after we filed suit.

10 Q. So you started -- did you start getting calls  
11 from law enforcement and other government agencies --

12 A. Yes.

13 Q. -- about complaints that had been filed  
14 against you?

15 A. Yes.

16 Q. And did these law enforcement agencies come  
17 out and investigate these complaints?

18 A. Yes, they did. My -- My city manager, the  
19 health inspector, Texas Parks & Wildlife, and U.S.D.A.  
20 actually did a complete legal investigation, five-hour  
21 investigation.

22 Q. Did any of these investigations result in any  
23 kind of negative finding about you or Bat World?

24 A. None whatsoever.

25 Q. Were you cleared of all charges in these

1 investigations?

2 A. Yes.

3 Q. Now, after you filed the lawsuit -- which was  
4 some nine months after she left; is that correct?

5 A. That's correct.

6 Q. After you filed the lawsuit, a video of you  
7 performing an episiotomy on a bat showed up on the  
8 Internet; is that correct?

9 A. That's correct.

10 Q. How many deliveries -- I think I asked you  
11 this -- you think you've done maybe a hundred  
12 episiotomies?

13 A. Yes.

14 Q. How many total deliveries have you done?

15 A. That would be the only --

16 Q. Okay.

17 A. That would be it.

18 Q. That's the only time you get involved in the  
19 deliveries, if it needs an episiotomy?

20 A. Yes.

21 Q. And did Ms. Cummins post -- Let me back up.

22 She filmed you performing an episiotomy;  
23 is that correct?

24 A. Yes. I encouraged her to film it for learning  
25 purposes.

1 Q. And then nine months after she left Bat World,  
2 and not long after you sued her, the video showed up on  
3 the Internet; is that correct?

4 A. That's correct.

5 Q. But she had added some captions to the video;  
6 is that correct?

7 A. That's -- Yes, that's right.

8 Q. Now, I would like to play for you the -- a  
9 videotape. This was written by Ms. Cummins; is that  
10 correct?

11 A. That's correct.

12 (Beginning of videotape.)

13 Q. (BY MR. TURNER) She said, You cut the vagina  
14 with scissors three times and the bat convulses near the  
15 end and then passes out from shock.

16 Is that what happened?

17 A. No.

18 Q. What are you doing here?

19 A. The first incision was made actually not in  
20 the vagina, but just along the edge of the opening, not  
21 the vagina tissue itself. And that -- the first  
22 incision was -- you always start small. You don't want  
23 to make a large incision, you want to just make the  
24 smallest incision possible, and then you increase the  
25 size of that incision as necessary.

1                   The incision wasn't large enough, so I  
2 had to go in and make a tiny -- another incision. All  
3 told, the incision was probably a millimeter in length.

4           Q.    Now, early on -- Earlier in the DVD, she said  
5 that you did not give the bat pain relief. Is that --  
6 Is that what you saw on there?

7                   What are you doing right here?

8           A.    That's Cetacaine, that's actually a numbing  
9 agent. It's a very powerful anesthetic, topical  
10 anesthetic. And the bat also had oral pain medication.

11                   She is jerking a little bit, but that's  
12 not convulsing. She doesn't want to be held, of course,  
13 she wouldn't want that procedure. She doesn't  
14 understand that it's saving her life. So any animal in  
15 that position is going to struggle some what.

16                   You can't use a general anesthesia to --  
17 to basically completely anesthetize the bat because that  
18 also affects the fetus. And if the fetus is still  
19 alive, you want to make sure you try to save it. So  
20 there is no way to know if the fetus is alive or dead  
21 until after it's extracted.

22           Q.    And once again, you -- this is how you have  
23 done a hundred of these things?

24           A.    Yes.

25           Q.    And all with the approval of your veterinarian

1 in Mineral Wells?

2 A. Yes. I'm not -- I'm not pulling --

3 Q. Okay. She says here, You can't tell the  
4 difference between the foot and the baby's head. She  
5 pulls too much and the bat's vagina and uterus prolapse.

6 Is that what it says?

7 A. Yes.

8 Q. Is that what happened?

9 A. Not at all.

10 Q. First, let me ask you what prolapse means?

11 A. Prolapse means that -- that the entire uterus  
12 would extrude from the vaginal opening and would need to  
13 be tucked back inside before -- before the incisions  
14 were closed. I was afraid she might prolapse, so I  
15 mentioned that fear.

16 I did not mistake the bat's head for a  
17 foot. It's impossible to tell when the baby is enclosed  
18 in the sack exactly what it is, if it's a head or a  
19 foot. As you can see it's -- it's -- it's about the  
20 size of peanut. And it's really difficult to tell until  
21 it's actually out of the -- the birth sack.

22 Now, what's coming out now is the  
23 afterbirth. I'm pulling extremely gently because I  
24 don't want her to prolapse.

25 Q. And it says, Mom passes out from shock and

1 later dies.

2 A. Yes. The bat was not passed out. She was  
3 anesthetized.

4 Q. Okay. We will talk about these statements in  
5 a minute.

6 It says you accidently glued her vagina  
7 shut?

8 A. That's not true.

9 Q. Okay. So you did use an anesthetic?

10 A. Typical procedure is after the pup is  
11 extracted, with the mother conscious in order to -- to  
12 make sure the pup might also survive, there is no way to  
13 close the -- those tiny incisions without anesthetizing  
14 her. So she's placed under general anesthesia and at  
15 that time her incisions are closed with either sutures  
16 or -- excuse me -- a glue called Glue Sure, which is  
17 actually made for -- in replacement of sutures.

18 And she was anesthetized and cleaned up  
19 and Glue Sure was used -- was applied. She woke up --

20 Q. What was applied?

21 A. Glue Sure, which is a tissue adhesive.

22 And she regained consciousness after she  
23 was anesthetized and was fine. She ate and drank  
24 that -- that night, and she was released about two weeks  
25 later -- two to three weeks later.

1 Q. Okay.

2 A. Her pup was stillborn.

3 Q. So the statement that you didn't administer  
4 pain relief, that was a lie?

5 A. That was a lie.

6 Q. The statement that you pulled too much and the  
7 vagina and uterus prolapsed, that was a lie?

8 A. That was a lie.

9 Q. The statement that mom passes out from shock  
10 and later dies, that was a lie?

11 A. That was a lie.

12 MR. TURNER: We offer into evidence  
13 Exhibit 23, which is the DVD that we just watched.

14 MS. CUMMINS: I will object because, one,  
15 there was a problem with the video, it seemed to have  
16 been corrupted. And number two, the audio is missing.  
17 And the audio is very important, because she admits to  
18 her mistakes she is making on the video.

19 THE COURT: Overruled. Plaintiffs' 23 is  
20 admitted.

21 (Plaintiffs' Exhibit Number 23 was  
22 admitted.)

23 THE REPORTER: What number was it?

24 MR. TURNER: Oh, 23.

25 THE REPORTER: Thank you.

1 Q. (BY MR. TURNER) So this video basically  
2 accused you of animal cruelty?

3 A. Yes.

4 Q. How did you feel when you saw that this video  
5 was on the Internet?

6 A. I was mortified. I was horrified.

7 Q. Have you ever -- Had you ever been accused of  
8 animal cruelty before?

9 A. Never.

10 Q. Now, this video showed up on several websites;  
11 is that correct?

12 A. Yes, it showed up on dozens of websites.

13 Q. Dozens of websites. And some of those  
14 websites were controlled by Mary Cummins; is that  
15 correct?

16 A. Correct.

17 Q. I want to read some more statements, and ask  
18 you if they're true. Did a statement show up on the  
19 Internet that -- or let me back up.

20 Let me ask you about this statement and  
21 it refers to the episiotomy video:

22 Below is a video of Amanda Lollar of Bat  
23 World Sanctuary performing surgery on a bat, an  
24 episiotomy. She's not a veterinarian. She gave it no  
25 local anesthesia. She did a double diagonal episiotomy.



1 You never do double -- you never do diagonal  
2 episiotomies because they cause much more damage.

3           After doing a double episiotomy, the baby  
4 starts to emerge, Lollar mistakes its head for a foot.  
5 She even says she hopes she didn't cut the baby when she  
6 was cutting mom. After the baby emerges, Lollar pulls  
7 the umbilical cord. The bat's vagina and uterus  
8 prolapse.

9           Are any of those statements true?

10          A. I am not a veterinarian. That statement is  
11 true.

12          Q. Okay.

13          A. I did voice several concerns during the  
14 episiotomy, because I'm trying to teach and I want  
15 people to understand how you need to be cautious, how --  
16 but there -- there was no -- there was no mistake made  
17 in the procedure. The procedure was -- was -- it  
18 saved -- it saved her life.

19                 And I did voice opinions throughout the  
20 episiotomy video about what I was doing and what I was  
21 seeing. And I did that so I could teach the two interns  
22 that were there, which would be Ms. Cummins and Kay  
23 Singleton.

24          Q. Fortunately the mom passed out unconscious at  
25 this point. Lollar pushed her vagina back inside her,

1 then proceeded to glue the incisions. Her eyes aren't  
2 that good, she glued the vagina shut. The mom survived  
3 for an hour after the surgery. I went back to check her  
4 again and she was gone. I assumed she died and Lollar  
5 tossed her into the trash with all the other dead bats.

6 Is any of that true?

7 A. Absolutely not.

8 Q. Now, this was an e-mail that she sent to the  
9 U.S.D.A., correct?

10 A. I believe so.

11 Q. And these -- these statements that I just read  
12 to you, were they sent to dozens of humane  
13 organizations, wildlife organizations around the United  
14 States?

15 A. Yes. They were sent to list serves, Wild  
16 Rehabilitation list serves, Humane Society, PETA, there  
17 was -- there was dozens and dozens and dozens of my  
18 peers received that e-mail, including U.S. Fish &  
19 Wildlife Service, the entire City of Mineral Wells, the  
20 District Attorney of Mineral Wells. There is -- There  
21 is so many it's hard to remember everybody.

22 Q. Okay. She also e-mailed the District Attorney  
23 of Palo Pinto County complaining about you; is that  
24 correct?

25 A. That's correct.

1 Q. Did it say that, I witnessed severe animal  
2 cruelty and neglect while at Bat World Sanctuary in  
3 Mineral Wells? I filed reports with the U.S.D.A., Texas  
4 Parks & Wildlife, which control her permits, they are  
5 investigating. I also filed reports with the Health  
6 Department and the Texas Veterinary Board.

7 And you were contacted by -- were you  
8 contacted by the Palo Pinto D.A.?

9 A. No. I was contacted by the City of Mineral  
10 Wells, I believe, he was working through them.

11 Q. Did a statement on the Internet -- Was there a  
12 statement that appeared on the Internet that you -- that  
13 accused you of yanking molars out of a bat without pain  
14 relief?

15 A. Yes.

16 Q. And how do you respond to that allegation?

17 A. It's not true. I -- I actually developed a  
18 method to extract abscessed teeth from micro bats as  
19 pain free as possible. They're prone to dental problems  
20 in captivity. And you cannot completely render them  
21 unconscious with general anesthesia because the cone  
22 that you would use to place over their face to knock  
23 them out would be directly in your way, so you wouldn't  
24 be able to extract the tooth.

25 It takes, literally, a second to extract

1 the tooth. And it takes about 15 minutes, depending on  
2 the health of the bat, five to fifteen minutes to render  
3 it unconscious. So it's not practical and it's not safe  
4 to anesthetize a bat under general anesthesia just to  
5 extract a tooth.

6                   So the method that I use involved  
7 Cetacaine as well, that's a very powerful topical  
8 anesthetic that's designed just for mucus membranes and  
9 it's used on -- for dental extractions. I -- You apply  
10 the Cetacaine and then do the extraction, which takes  
11 seconds, and then the procedure is over.

12           Q.    And did you develop this method in conjunction  
13 with your veterinarian?

14           A.    Yes.

15           Q.    What is his name, by the way?

16           A.    Tad Jarrett, DVM.

17           Q.    And he's a vet in Mineral Wells?

18           A.    Yes.

19           Q.    Have you ever yanked molars out of a bat  
20 without using any type of pain anesthesia?

21           A.    No.

22           Q.    Did Mary Cummins also publicly accuse you of  
23 having and using controlled substances even though you  
24 don't have a -- excuse me -- even though you don't have  
25 a DEA license?

1 A. Yes.

2 Q. Now, what is Isoflurane?

3 A. Isoflurane is a -- it's an inhalant anesthetic  
4 that is used -- it's very commonly used in -- in  
5 veterinarian practice, in wildlife rehabilitation  
6 centers, through biologists in the field. It's very,  
7 very -- it's widely accepted and widely used.

8 Q. Is that a controlled substance that you need  
9 to have a DEA license for?

10 A. No.

11 Q. In fact, all -- virtually all wildlife  
12 rehabilitators have it, don't they?

13 A. Yes. They are able to procure it through  
14 their veterinarian that they work with. It's not  
15 something you can just purchase, but you can purchase it  
16 through your veterinarian.

17 Q. Did Mary Cummins also report to the Texas  
18 Health Department that unvaccinated people at Bat World  
19 had been bitten by bats?

20 A. I believe so.

21 Q. Is that true?

22 A. No.

23 Q. Did she also report you to the Internal  
24 Revenue Service for what she said was using a nonprofit  
25 corporation as your own piggy bank?

1 A. She stated that she did report us, yes.

2 Q. And she told the IRS that you were paying your  
3 personal expenses out of the nonprofit?

4 A. Yes.

5 Q. Is any of that true?

6 A. No.

7 Q. Now, she contacted the Kenneth A. Scott  
8 Charitable Trust and told them negative things about Bat  
9 World; is that correct?

10 A. That's correct.

11 Q. Is that the charitable trust that you were  
12 discussing earlier in your testimony?

13 A. Yes. They -- They will not even return our  
14 phone calls now. They -- They are -- They were -- We  
15 had high hopes and they were very positive about funding  
16 our internship from now on. And they won't even return  
17 our phone calls.

18 Q. So after hearing from Ms. Cummins, they won't  
19 even call you back?

20 A. No.

21 Q. Did she also -- Did Ms. Cummins also post on  
22 the Internet that you posted a death threat against her  
23 on her Yahoo group?

24 A. Yes, she did.

25 Q. Was that true?

1 A. No.

2 Q. Did you ever threaten Ms. Cummins with death?

3 A. No, not at all.

4 Q. Did Cummins also -- Did Ms. Cummins also  
5 report on the Internet that you were in violation of  
6 your rehabilitator permit by allowing bats to breed?

7 A. Yes.

8 Q. Was that true?

9 A. No.

10 Q. You don't allow bats to breed?

11 A. No, I do not.

12 Q. Does some breeding take place?

13 A. Accidentally occasionally it does, because  
14 it's -- they're not like domestic animals. You can't  
15 monitor exactly when they're ready to be neutered, and  
16 so occasionally an accident does happen.

17 Q. Did Ms. Cummins also post on the Internet that  
18 you tried to extort her and that you sent her threats of  
19 extortion?

20 A. Yes.

21 Q. Is that true?

22 A. No.

23 Q. Did Ms. Cummins also post on the Internet that  
24 Amanda Loller of Bat World Sanctuary found guilty of  
25 illegally breeding bats at her facility?

1 A. Yes.

2 Q. Is that true?

3 A. No.

4 Q. What would be the affect if the bat  
5 conservation community out there in the United States  
6 thought that you had been convicted of illegally  
7 breeding bats?

8 A. It -- They -- No one would want to work with  
9 me any more. They --

10 Q. Did Ms. Cummins post on the Internet that  
11 there was a rabies complaint against Bat World  
12 Sanctuary?

13 A. Yes.

14 Q. And did she say that the mother of a child who  
15 was bitten filed a complaint against Bat World?

16 A. Yes.

17 Q. Is that true?

18 A. No.

19 Q. Did she -- Did Ms. Cummins also post on the  
20 Internet that you were committing fraud on donors?

21 A. Yes.

22 Q. Is that true?

23 A. No.

24 Q. Did she also post on the Internet that you let  
25 anyone play with and handle the bats?



1 A. Yes.

2 Q. Is that true?

3 A. No.

4 Q. By the way, do you have a protocol for when  
5 you take bats to a school to be looked at? Are there  
6 any safeguards to keep people from being bitten?

7 A. Yes. There -- we -- There is numerous  
8 safeguards. No one is allowed to handle or touch the  
9 bats.

10 In fact, I wrote the guidelines for the  
11 use of live bats during educational programs. Those  
12 guidelines were actually approved by -- or reviewed by  
13 the health -- or public health officials as well as  
14 Danny Brass, who is a foremost authority and author of  
15 several books on bats.

16 Q. So you -- you don't let the public play with  
17 bats up there in Mineral Wells?

18 A. Absolutely not.

19 Q. Did Ms. Cummins also post on the Internet that  
20 Amanda Lollar makes the volunteer buy the rabies vaccine  
21 from her and then ships it to their state?

22 A. Yes.

23 Q. Is that true?

24 A. No.

25 Q. Did she also post on the Internet, When I was

1 at Bat World I was bitten many times a day by the wild  
2 bats without gloves. Some turned out to be rabid. I  
3 asked Lollar if I should be concerned. She told me she  
4 could give me a rabies booster shot. I declined because  
5 she's using rabies vaccines made for animals not humans,  
6 plus she's not a doctor.

7 Is that true?

8 A. Yes, she stated that on the Internet.

9 Q. Okay. So she -- she put that on the Internet?

10 A. Yes.

11 Q. On her website, her blog?

12 A. Yes. But the statement is not true.

13 Q. Okay. You don't give people rabies shots?

14 A. No. We have a nurse practitioner -- we have a  
15 doctor's office that accepts us on a walk-in basis and a  
16 nurse practitioner administers the vaccine.

17 Q. Did Ms. Cummins also post on the Internet that  
18 you own property and collect welfare and that is  
19 illegal?

20 A. Yes, she posted that.

21 Q. Are you on welfare?

22 A. No.

23 Q. Have you ever been on welfare?

24 A. No.

25 Q. Have you ever committed welfare fraud?

1 A. No.

2 Q. Now, she also posted on the Internet that  
3 Amanda Lollar has a dog that can't walk and drags  
4 herself around on the floor.

5 Is that true?

6 A. No.

7 Q. Amanda, what happens now if we -- if we --  
8 during the lunch, we go look on the Internet and we  
9 Google Amanda Lollar and we look for -- we just Google  
10 your name, what kinds of things do we see?

11 A. Well, it autogenerates -- it autocompletes.  
12 If you type in Amanda Lollar, it autocompletes to give  
13 you several choices on what -- which Amanda Lollar site  
14 do you want to go to.

15 One says, Amanda Lollar Bat World. One  
16 just -- One says, Amanda Lollar info, or something like  
17 that. One says, Amanda Lollar cruelty. One says,  
18 Amanda Lollar commits animal cruelty. So among your  
19 choices, I believe three of those are -- are that I  
20 commit animal cruelty.

21 Q. Well, what if you don't click on one of those  
22 autocompletes and you just click on Amanda Lollar, do  
23 you get anything on the Internet that Ms. Cummins has  
24 put up?

25 A. Yes, you do.

1 Q. Like what?

2 A. One of the things that comes up is a site, I  
3 believe -- well, her own personnel website, for one,  
4 that talks about the cruelty. That's up there on the  
5 first page. That her -- her blog about me that's about  
6 a hundred pages long now. It comes up and talks about  
7 what a horrible person I am. Basically that I hack bats  
8 to death and that I use drugs illegally. And, of  
9 course, commit animal cruelty, neglect.

10 There is another site that has the  
11 picture of the -- that was shown on the episiotomy  
12 video. It's the picture of the bat after she was  
13 anesthetized. And I believe she was waiting to be  
14 cleaned up when -- when Mary snapped that picture. And  
15 that picture is on the website with the caption of  
16 Amanda Lollar killed this bat with the headline of  
17 Amanda Lollar commits animal cruelty at Bat World  
18 Sanctuary.

19 Q. Amanda, were all of these things that you just  
20 described put on the Internet after this Court signed a  
21 temporary injunction in this case?

22 A. Yes. In fact, I got most of those items  
23 removed from the temporary injunction myself because  
24 Ms. Cummins did not take them down. I went to the web  
25 host providers and used the injunction to take them down

1 myself.

2 Q. You sent them a copy of the injunction and  
3 they removed it?

4 A. Yes. Because she did not.

5 Q. But this stuff was still up there on the  
6 Internet?

7 A. These are new items that are on the Internet.

8 Q. Okay. Amanda, did Bat World suffer any  
9 financial effects as a result of these statements that  
10 have been posted on the Internet and these e-mails that  
11 have been sent around the world?

12 A. Yes.

13 Q. Tell us about the financial problems that this  
14 has caused.

15 A. We -- Our donors -- We suffered about a  
16 40 percent decrease in public donations within just a  
17 few months. And I had to remortgage our building to  
18 keep going. And our Adopt-a-Bat sponsorship packages  
19 that were order by teachers, we used to sell -- or we  
20 used to receive three or four orders a day, we ended up  
21 getting two a month maybe.

22 We -- There was one point when there was  
23 only \$200 left in our bank account, and I didn't know  
24 how I was going to go pay the electric bill. And  
25 another wildlife rehab organization folded and they gave

1 us enough money to survive for a while. There was  
2 also -- one of our donors, who had died a year previous,  
3 left some money for us in her estate, otherwise we  
4 wouldn't -- wouldn't have made it. We wouldn't have  
5 made it through the year. We would have had to fold.

6 Q. And then, I guess, the -- the trust, the grant  
7 money that you had gotten before, that -- that was no  
8 more?

9 A. That will never happen again, I'm sure.

10 Q. I'm going to show you what's been marked as  
11 Exhibit Number 36, and ask you what this is?

12 A. This is -- This is our revenue from 2007 to  
13 2011. It's a tower chart that shows our revenue. And  
14 it shows the revenue we brought in each year, and then  
15 in 2011 it shows the revenue that -- the amount that was  
16 dropped.

17 Q. So --

18 A. This is our public support and our -- and our  
19 grant money revenue.

20 Q. Okay. So this is donations from the public  
21 and grant money?

22 A. Yes.

23 Q. 2007 about 135,000, then it dropped down to  
24 124,000, then 144,000, then 132,000. And what was it in  
25 2011?

1           A.     72,289.

2                   MR. TURNER:  We will offer Exhibit --  
3 What Exhibit number was that?  We will offer Exhibit  
4 Number 36 into evidence, Your Honor.

5                   MS. CUMMINS:  This says 34.

6                   MR. TURNER:  Oh.  What number are we on?

7                   THE WITNESS:  It's 36.

8                   MS. CUMMINS:  No objection.

9                   THE COURT:  Plaintiffs' 36 is admitted.

10                   (Plaintiffs' Exhibit Number 36 was  
11                   admitted.)

12           Q.     (BY MR. TURNER)  Now, Bat World actually --  
13 According to that chart in -- in -- Well, let me ask it  
14 this way.  Are those the actual numbers that -- from --  
15 that Bat World took in during those years?

16           A.     No.  We actually took in more.

17           Q.     Okay.  Well, I'm going to get to that.

18           A.     Okay.

19           Q.     Are those the actual numbers that Bat World  
20 took in from grants and foundations during those years?

21           A.     From grants.

22           Q.     And membership?

23           A.     And memberships and Adopt-a-Bats.

24           Q.     Okay.  You also have another source of income  
25 at Bat World and that would be grant -- would be what?

1           A.     The source of income that we had in 2011, it  
2 was unexpected, was the woman who left money to Bat  
3 World in her estate. The wildlife center that closed  
4 and left money to Bat World. Of course, I remortgaged  
5 the building. That was income that would not have  
6 normally been there.

7                     We also had to get loans, about \$12,000  
8 on a credit card. Then -- Then at the very end of the  
9 year, in November, the Little Drac video went viral and  
10 basically helped us survive.

11           Q.     Okay. So the \$72,000 -- The chart that --  
12 that we're looking -- talking about now those were  
13 memberships and grants. And that's the money that you  
14 have -- that's the money that you have all the time,  
15 correct?

16           A.     That's the money that I spent the past 18  
17 years --

18           Q.     Okay.

19           A.     -- getting -- working so that we would have  
20 that steady source from now on.

21           Q.     Now, you actually took in more money in 2011  
22 then what's on that chart, but that's -- that's because  
23 you had these unexpected things happen, you had the  
24 person died and you had the wildlife rehab close and  
25 give you some money. So -- but as far as the effect



1 that we think has happened to Bat World because of  
2 defamation, that's reflected on that exhibit?

3 A. Yes.

4 Q. Because you can't count on rehabbers folding  
5 and people dying; is that correct?

6 A. No.

7 Q. You can only count on the revenue that's shown  
8 in this exhibit?

9 A. Exactly.

10 Q. When you said you remortgaged the building, I  
11 thought you owned the building?

12 A. Oh, I apologize. The wild sanctuary building  
13 is a separate building from Bat World and that was the  
14 building we remortgaged, and then --

15 Q. Okay.

16 A. -- ultimately we sold part of the building at  
17 the end of the year to also help survive.

18 Q. So we have been talking about the financial  
19 effects on Bat World. How has this affected you  
20 personally? I understand that Bat World pays you 1,500  
21 a month for rent, but with the Bat World revenue down,  
22 has this caused any hardship on you personally?

23 A. I have used my credit card to help the  
24 organization and I have taken loans from my father. And  
25 these are all personal finances that I have -- I have

1 used to try to keep the organization afloat.

2 Q. And you've plowed that into Bat World?

3 A. Yes.

4 Q. Is Bat World going to make it?

5 A. I don't know. I don't know. We have been  
6 entering contests to try to secure finances. If we can  
7 win contests forever that's -- that's a big gamble. I  
8 have no idea if we're going to survive this. It's --  
9 It's so devastating I can't even think that far ahead.

10 Q. Amanda, how has this affected you emotionally?

11 A. I'm sorry. I'm humiliated. I'm humiliated.  
12 I have worked for 20 years trying to make people  
13 appreciate an animal that nobody likes, tried to get  
14 people to treat an animal that most people think of with  
15 disdain, and I wanted them to think of it with  
16 compassion.

17 I have worked so hard to try to have zoos  
18 and research institutions treat bats with respect and  
19 give them the enrichment they deserve and captive  
20 environments and no one will even -- I'm sure this has  
21 ruined it. It's ruined it because who would -- who  
22 would listen to someone who they think might be cruel  
23 and not even --

24 (Witness crying.)

25 THE COURT: Does she need some time to

1 regain her composure?

2 MR. TURNER: Yes, Your Honor.

3 THE COURT: Let's take an early lunch  
4 break. It's now ten minutes until 12:00. We will take  
5 a lunch break until 1:30.

6 MR. TURNER: Thank you.

7 THE COURT: You may step down,  
8 Ms. Lollar.

9 (Lunch break from 11:50 a.m. to 1:30  
10 p.m.)

11 THE COURT: Your client back up here.

12 MR. TURNER: Yes, Your Honor.

13 Go on and take the stand.

14 THE COURT: You understand you remain  
15 under oath?

16 THE WITNESS: Yes, I do.

17 THE COURT: Please be seated.

18 Q. (BY MR. TURNER) Ms. Lollar, I think when  
19 we -- before we broke for lunch, you were talking  
20 about -- talking about how these statements and things  
21 on the Internet have affected you emotionally. But I  
22 want to change gears and go back to complaints about Bat  
23 World that have been made by others besides Ms. Cummins.  
24 You started Bat World 18 years ago; is  
25 that correct?

1 A. That's correct.

2 Q. Now, over the course of those -- Let me say --  
3 Let me ask. When you started Bat World, 18 years ago,  
4 did Mineral Wells have many bats?

5 A. Yes. There is -- There is a huge population  
6 of bats in the downtown area, because the buildings are  
7 so old and delapidated so it's allowed bats to inhabit  
8 the crawlspaces in buildings -- dozens of buildings in  
9 the downtown area, including the Baker Hotel.

10 Q. And, in fact, you're across the street from  
11 the old Baker Hotel?

12 A. Yes, I am.

13 Q. Is that still empty?

14 A. It is except for the hundred thousand bats  
15 that live in the ceramic tile roof.

16 Q. Okay.

17 THE COURT: Except for what?

18 THE WITNESS: The bats -- There is about  
19 a hundred thousand bats that live in the ceramic tile  
20 roof of the Baker Hotel, so it's empty except for those.

21 Q. (BY MR. TURNER) And do they also live in  
22 other nooks and crannies around town, other buildings?

23 A. Yes. Yes, they do. They live behind signs  
24 and in bat houses that we have also put up, and in -- in  
25 the crawlspaces of other buildings as well.

1           Q.     So long before Bat World was there, Mineral  
2 Wells had, what some people might consider, a bat  
3 problem?

4           A.     Yes.

5           Q.     Now, once you showed up, when you started this  
6 bat sanctuary, did some people start blaming you for the  
7 long-existing bat problem?

8           A.     Yes.  There were -- There is basically three  
9 individuals in -- in the -- in Mineral Wells that  
10 seem -- appear to have complaints.  They don't -- They  
11 don't like bats and they don't like the fact that I  
12 rescue them, apparently.

13          Q.     Was there a problem with bat guano on the  
14 sidewalks before Bat World ever got there?

15          A.     Yes.  There still is the problem with -- with  
16 that -- with the bats -- with the buildings where  
17 they're occupied there's still guano on the sidewalks.  
18 I don't own those buildings.

19          Q.     And at one time did you put little bat  
20 structures on buildings at the request of or -- or at  
21 the request of owners of businesses?

22          A.     We had a bat house project going on, and there  
23 were about a -- probably two dozen businesses that  
24 participated.  And it was a conservation effort that was  
25 also publicized in -- in Bat Conservation

1 International's magazine. We mounted bat houses on  
2 various buildings downtown and painted the bat houses to  
3 match the signage on the businesses. And -- So --  
4 and -- it was -- it was a great community effort that  
5 went on.

6                   Then when the business closed or moved,  
7 and the bat house remained with someone else's logo on  
8 it, of course --

9                   THE COURT: Slow down.

10                   THE WITNESS: -- of course, the new  
11 business owner didn't want the bat house.

12                   Also, if people weren't -- if people  
13 didn't regularly maintain underneath the bat houses and  
14 sweep the sidewalk, then sometimes guano accumulated and  
15 those -- the people that don't really like bats would  
16 end up complaining. And they would always complain  
17 about me, even though the bat house wasn't on my  
18 building and I didn't own the bat house.

19                   Q. Now, when you bought a building -- you bought  
20 a building that was inhabited already by thousands of  
21 bats; is that correct?

22                   A. That's correct. I bought the building which  
23 we call our wild sanctuary in order to protect the  
24 colony of bats that had existed in that building about  
25 40 years before I purchased the building. And after I

1 bought it, we began the stages to clean it up, because  
2 it -- it -- there was big accumulation of guano in the  
3 upper floor.

4           So we -- It took us about a year, but we  
5 ended up removing all told about 6,000 pounds of guano  
6 from the crawlspace of that building. And put a new  
7 roof on the building, painted the outside, fixed it up,  
8 installed some ventilation, solar powered ventilation,  
9 fans, and did quite a bit of improvement on the building  
10 to -- to make it -- basically make it look much better.  
11 And stabilized the foundation, et cetera, installed new  
12 carpet in the interior.

13           And we rented the bottom floor as an  
14 office. And the bats were allowed to inhabit the upper  
15 floor. Of course, with the Baker Hotel being across the  
16 street, and there are so many bats in the roof of the  
17 Baker Hotel, that anytime there is a smell now from  
18 anywhere in the downtown area, because the public -- or  
19 the people know that we have the wild bat sanctuary, no  
20 matter where the -- where the smell is coming from, it's  
21 still blamed on our building.

22           Q. I want to talk again about the financial  
23 situation of Bat World. Before the posts by Ms. Cummins  
24 all over the Internet, did you have a source -- did you  
25 have a donor who gave your -- Bat World fruit?

1           A.     We had a grocery store that contributed fruit  
2 to us on a regular basis, every -- every week, sometimes  
3 twice a week, we would go pick it up. They stored it in  
4 a special bin for us. And this consisted of an apple  
5 with maybe a bruise, bananas that were too old to sell,  
6 but still, you know -- still good enough for  
7 consumption.

8                             And after the defamation started  
9 occurring on the Internet, we started to notice that in  
10 this bin of fruit that was specifically there for us, we  
11 would find jalapeno peppers, trash, chewing tobacco that  
12 had been spit out. It was -- It was really disgusting  
13 what would happen. Most of the fruit was not even  
14 useable unless we used -- tried to wash it with soap and  
15 water.

16                             And then at one point the store owner  
17 told us we were no longer allowed to have the fruit.  
18 And about a month ago I ran into a person that worked  
19 there previously, and she said that it was because of  
20 defamation they had seen on the Internet that they  
21 decided not to give us fruit any more.

22           Q.     Are you now having to buy fruit; And if so,  
23 what's the cost?

24           A.     We're now buying the fruit and we're getting  
25 it wholesale. And the cost is about 30,000 a year.



1 Q. Was there recently a Facebook post by  
2 Ms. Cummins, in fact last week, concerning you being  
3 kicked out of downtown?

4 A. Yes. Her post basically said that there were  
5 so many complaints to the Health Department that I was  
6 being evicted from the building, and that they were  
7 moving my personal belongings out of the building and  
8 they had gutted the building.

9 Q. Is that -- Is any of that true?

10 A. No.

11 Q. What happened?

12 A. We -- We sold the bottom half of building to a  
13 man who is in the process of remodeling.

14 In the bottom half of the building, we  
15 had stored garage sale items that we used to sell for  
16 the organization. And when we sold the building, we  
17 contacted a local church to come and pick those items  
18 up. And this -- the new owner moved those boxes and  
19 belongings out on to the sidewalk for the church to come  
20 and pick up. And one of the people who regularly  
21 complains about Bat World saw that and called the police  
22 because it was unsightly.

23 And the police not knowing that that --  
24 that there was a legitimate reason for that to happen,  
25 they ended up writing, unfortunately, that the building

1 was being gutted, when there was no -- there is no truth  
2 to that claim at all.

3 Q. In any event, you weren't evicted from the  
4 building and the City of Mineral Wells was not ejecting  
5 you from the City?

6 A. No.

7 Q. As had been posted by Ms. Cummins; is that  
8 correct?

9 A. That's correct.

10 Q. Amanda, when you -- we were talking earlier  
11 about the emotional effect that this has had on you,  
12 these defamatory posts. How does it affect you in terms  
13 of going downtown, your neighbors, your fellow people  
14 from Mineral Wells?

15 A. I don't -- don't really go out any more. I  
16 don't go to Walmart. I don't go any place that I think  
17 someone may see me and know what's been posted on the  
18 Internet. I don't -- I just don't socialize. I don't  
19 go out to eat very often at all. And I just -- I just  
20 feel humiliated to go anywhere.

21 Q. Have you told us about all of the financial  
22 effects that this has had on you personally?

23 A. No. We -- I did place loans on my personal  
24 credit card for about 12,000. We had to add Internet  
25 security, more -- we had to build a more secure website

1 because of the constant attacks on -- Ms. Cummins was  
2 placing on us and our website. And that was about  
3 \$2,000.

4                   We -- I was forced to move to a new web  
5 host provider after Ms. Cummins repeatedly complained to  
6 the -- the host provider that we were posting  
7 copyrighted infringement on our website. I had to get a  
8 GO Trust seal, which is a seal that shows your website  
9 is secure, after Ms. Cummins posted that our -- the  
10 sales from our website aren't secure and that I -- I  
11 assumed from that that people's credit card information  
12 could be accessed. That was \$500.

13                   The -- I had to create websites and press  
14 releases to try to -- positive websites and press  
15 releases to try to counteract some her defamation. That  
16 was approximately \$2,800.

17                   And I had to get loans to pay electric  
18 bills and veterinarian bills, and that amounted to  
19 \$4,900. The total is 23,400 of my personal expenses.

20                   MR. TURNER: Thank you. Pass the  
21 witness.

22                   Oh, wait a second. Can I withdraw that,  
23 Judge?

24                   Judge, I would like to, at this time,  
25 play the episiotomy video with sound that the Court saw

1 earlier. This will be with sound and without the  
2 captions. In other words, it's the raw video, okay?  
3 I'm going to try to back it up.

4 (Beginning of video clip.)

5 Q. (BY MR. TURNER) What are you doing here,  
6 Amanda?

7 A. I'm making a small incision in the peritonea  
8 tissue to enlarge the opening to try to coax the -- the  
9 pup out. I'm trying to coax the pup out without pulling  
10 or tugging so it doesn't cause her more stress.

11 We were taking pictures for my book so we  
12 could share it. Share the procedure so that other  
13 people could understand the procedure better and --

14 Q. Let's not talk so we can hear the -- Is the  
15 Cetacaine for the pain?

16 A. Yes.

17 Q. Who is holding the camera?

18 A. Mary Cummins.

19 Q. I'm not real sure --

20 (Video stops.)

21 MR. TURNER: Okay. It's 241. Judge, I'm  
22 going to eject this and try to back up to 241 again. It  
23 worked last night.

24 I'm rebooting my computer. Let's use  
25 your DVD player. I can't even get it out.

1 (Discussion between attorney and  
2 bailiff.)

3 (Video playing.)

4 (Video stops.)

5 MR. TURNER: Well, there is obviously a  
6 problem with this DVD, so I won't be able to play the  
7 rest of it. Maybe Ms. Cummins has something we can play  
8 it on.

9 Pass the witness.

10 THE COURT: You may proceed, Ms. Cummins.

11 MS. CUMMINS: Your Honor, well, number  
12 one, last week I called the court reporter (sic) to ask  
13 how long the trial would last, so I could schedule my  
14 witness and no one has gotten back to me. Is there any  
15 way you can ask the plaintiffs' attorney how many days  
16 they need, so I --

17 THE COURT: Maybe you can get together  
18 with Mr. Turner and tell me how much time each of you  
19 will need. And if you do that, the Court will make a  
20 decision.

21 MS. CUMMINS: Okay. I also asked that --

22 THE COURT: Will you please use the  
23 microphone, Ms. Cummins, in the middle.

24 **CROSS-EXAMINATION**

25 BY MS. CUMMINS:

1 Q. Okay. Earlier today you stated that you wrote  
2 your first manual in 1994 because there weren't any  
3 other good resources out there; is that correct?

4 A. That's correct.

5 Q. In your first manual, don't you also refer to,  
6 cite, and suggest reading, quote, A few other manuals of  
7 other people such as the Maintenance of Bats in  
8 Captivity, by Sue Barnard, Bats of America, Advances in  
9 the Study of Bats, The Bats of Texas, Communications --

10 THE REPORTER: Can you speak up, please?

11 MS. CUMMINS: Is this -- Can you hear me?  
12 Is this on?

13 THE REPORTER: It's on. I'm just having  
14 a hard time hearing you.

15 THE COURT: Speak up.

16 MS. CUMMINS: Okay.

17 THE COURT: You're sort of mumbling.

18 Q. (BY MS. CUMMINS) The Ecological and  
19 Behavioral Methods for the Study of Bats.

20 Now, those books were already in  
21 existence before you wrote yours; is that correct?

22 A. That's correct.

23 Q. And did you read Sue Barnard's 1990 and 1991  
24 book Bats in Captivity?

25 A. Yes, I did.

1 Q. Did you also refer to her in your first manual  
2 stating, That some information is gathered from  
3 published works including Sue Barnard's text, The  
4 Maintenance of Bats in Captivity?

5 A. Yes, I did.

6 Q. So there were other bat manuals available at  
7 the time; is that correct?

8 A. There are not -- They were not the same as the  
9 manual I wrote. They're -- There are numerous books  
10 available, but they are not what -- they are not the  
11 same as what I have written.

12 Q. So you believe that your manual written in  
13 1994 is superior to all the other manuals written before  
14 then?

15 A. No, I don't believe that.

16 Q. Earlier you talked about satellites for Bat  
17 World, such as Bat World San Diego, Bat World  
18 Mid-Cities. Do you run those satellites?

19 A. Those satellites are all under the direction  
20 of our MOU, our memorandum of understanding, for Bat  
21 World Sanctuary. They all adhere to our Bat World's  
22 guidelines and recommendations.

23 Q. So what does it mean to be a satellite of Bat  
24 World? Do you provide any funding? Do you help them  
25 out with babies? What do you do?

1           A.    We provide educational literature to them. We  
2 provide websites within our website. We provide any  
3 kind of guidance they need, help with letters to city  
4 officials. We help them with publications, et cetera.

5           Q.    So -- But these are still independent  
6 organizations, correct?

7           A.    They're not independent organizations. They  
8 operate under our umbrella. They are -- Basically, it's  
9 like different branches of a church would be probably  
10 the easiest way to describe it. It's still the same  
11 church, but there are different branches in different  
12 spots.

13          Q.    But wouldn't the main church also provide  
14 funding for branches of a church?

15          A.    It depends on how their system is set up.  
16 They -- I suppose they could.

17          Q.    But you don't provide funding to these other  
18 satellites?

19          A.    It depends on their need and what -- what  
20 comes up. We do if we can. It depends on -- different  
21 situations. For the most part they raise their own  
22 funds, because they operate under our nonprofit  
23 umbrella. They are also -- can seek donations on their  
24 own under our nonprofit umbrella.

25          Q.    Are any of these other organizations that are



1 their own independent nonprofits?

2 A. No.

3 Q. Earlier you stated that Bat World Sanctuary  
4 doesn't have any employees; is that correct?

5 A. That's correct.

6 Q. But then you also stated that you were paying  
7 someone out of your own pocket to work for Bat World; is  
8 that correct?

9 A. That's correct.

10 Q. Did she give you a W-2?

11 A. No. These -- These are individuals that I use  
12 for short periods of time for different jobs, so it  
13 would essentially be contract labor.

14 Q. So you didn't take out any taxes from the  
15 money that you gave to them?

16 A. No. They do that on their end.

17 Q. You stated earlier you don't receive a salary  
18 from Bat World; is that correct?

19 A. That's correct.

20 Q. But you received \$1,500 a month in rent from  
21 Bat World; is that correct?

22 A. That's correct.

23 Q. Do you report that income?

24 A. Yes.

25 Q. Earlier you said that you are the largest bat

1 sanctuary of your type, meaning unreleasable  
2 insectivorous and fruit bats; is that correct?

3 A. That's correct. We're the largest  
4 rehabilitation sanctuary/teaching center.

5 Q. Did you know that the Houston Zoo they have a  
6 bat enclosure with insectivorous bats and fruit bats  
7 maybe ten times the size of yours and they have over 450  
8 bats? Have you ever heard of them before?

9 A. I don't believe that they can maintain  
10 insectivorous bats in captivity.

11 Q. They have been doing it since 19 -- Do you  
12 realize they have been doing it since before you  
13 started?

14 A. I'm not aware of that. I would have a hard  
15 time believing that.

16 Q. So you're not aware of the Houston Zoo who has  
17 over 450 bats?

18 A. I do believe the Houston Zoo has bats, but I  
19 don't believe they have insectivorous bats.

20 Q. Did you ever hear that they are one of first  
21 places that were able to successfully breed  
22 insectivorous bats?

23 A. I've never heard of that.

24 Q. So you're not cognizant of every other bat  
25 sanctuary in the world?

1 A. No, I've never claimed to be.

2 Q. Then how can -- Then how can you state that  
3 you are the largest bat sanctuary of this type if you  
4 don't know all the other bat sanctuaries in the world?

5 A. A zoo is not a sanctuary. A zoo is -- is a --  
6 is a zoo. It's not a sanctuary. There is two different  
7 meanings for that.

8 Q. Now, would you agree that a sanctuary takes in  
9 unwanted -- unreleasable and unwanted -- let's say --  
10 bats? Is that a sanctuary?

11 A. That would be my definition.

12 Q. So if the Houston Zoo were to take in  
13 unreleasable insectivorous bats and unreleasable fruit  
14 bats, wouldn't you agree that they're also a sanctuary?

15 A. Well, I do believe they actually use those  
16 bats to put on display and derive income from. And true  
17 sanctuaries don't make money off the animals they're  
18 caring for.

19 Q. Earlier you stated that you're accredited by  
20 the American, I believe, Sanctuary Association and the  
21 Global Federation of Animal Sanctuaries; is that  
22 correct?

23 A. That's correct.

24 Q. Have you ever heard of the AZA, the American  
25 Zoo Accreditation?

1 A. Yes, I have.

2 Q. Are you accredited with AZA?

3 A. No, because we are not a zoo.

4 Q. Do you -- Do you know that the AZA accredits  
5 zoos and sanctuaries?

6 A. I wasn't aware of that.

7 Q. Have you ever applied to AZA?

8 A. No. I have never been -- had the desire to be  
9 part of a zoo.

10 Q. Now, the American Sanctuary Association and  
11 the Global Federation of Animal Sanctuaries these are  
12 small independent organizations made up a few people,  
13 and they have probably -- how many sanctuaries do you  
14 believe that they have accredited?

15 A. I would have to look on their websites to see.  
16 I -- I believe that they are probably, maybe, hundreds.  
17 I do know the Global Federation of Animal Sanctuaries  
18 accredits sanctuaries around the world.

19 They actually go there to inspect these  
20 sanctuaries and have very stringent methods that they  
21 use to accredit these different places, so they have  
22 very stringent guidelines you have to abide by.

23 Q. Did you have to pay anything to be accredited  
24 by the Global Federation of Animal Sanctuaries?

25 A. No.

1 Q. Is there an inspection fee?

2 A. No.

3 Q. Application fee?

4 A. No. We were actually inspected by the past  
5 president of In Defense of Animals.

6 Q. Earlier you said that you have -- all of your  
7 fruit bats are neutered; is that correct?

8 A. That's correct.

9 Q. Are all of your insectivorous bats neutered?

10 A. No.

11 Q. You -- Do you have a permit with the Texas  
12 Parks & Wildlife Department to rehabilitate native  
13 insectivorous bats?

14 A. Yes, I do.

15 Q. Is part of your permit -- does it state that  
16 you are not allowed to let them breed?

17 A. I believe it states we're not allowed to  
18 purposely breed, barter, or sell. Accidental breedings  
19 aren't considered a violation of the permit.

20 Q. Are you positive that's what your permit says?

21 A. I -- I believe that's what it says.

22 Q. Earlier you stated that you, in the past, have  
23 bred insectivorous bats for a breeding study; is that  
24 correct?

25 A. I actually didn't breed them. It was a

1 reproduction study. It was allowed to occur naturally.

2 Q. Did you have a permit to do that?

3 A. I worked with -- with Bat Conservation  
4 International at the time. There was -- I don't believe  
5 there was a permit required. It was -- It was whole  
6 knowledge Texas Parks & Wildlife that they were actually  
7 conducting the study that ended up being published in  
8 the Southwestern Naturalist.

9 Q. Earlier you said -- Let me ask you, how many  
10 episiotomies have you done?

11 A. Probably close to a hundred. I haven't  
12 counted.

13 Q. And you said that 99 percent of them were  
14 successful; is that correct?

15 A. That's correct.

16 Q. Was the one that I watched the only  
17 unsuccessful one?

18 A. That was a successful episiotomy.

19 Q. So that outcome was successful?

20 A. The pup was already deceased. There was no  
21 way to save it. The mother survived and was later  
22 released. She would have died without intervention, so,  
23 yes, it was 100 percent successful.

24 Q. Have you ever neutered bats yourself?

25 A. No.

1 Q. Have you ever stated in World Bat Online, the  
2 Yahoo group, that you have neutered bats?

3 A. I might have done that for demonstration  
4 purposes. I don't recall actually.

5 Q. So you did neuter a bat?

6 A. A neutered a deceased -- or a specimen.

7 Q. Did you neuter any live bats?

8 A. No.

9 Q. Did you ever state that in the Yahoo group?

10 A. I'm not sure if I did or not. I don't recall  
11 ever neutering a live bat.

12 Q. Are you a licensed veterinarian?

13 A. No, I'm not.

14 Q. Do you have a Ph.D.?

15 A. No, I do not.

16 Q. Do you have a master's degree?

17 A. No, I do not.

18 Q. Do you have a college degree?

19 A. No.

20 Q. Do you have a high school diploma?

21 A. No. I have a GED. I received the GED when I  
22 was 15.

23 Q. What was the last year of schooling that you  
24 actually finished?

25 A. Ninth grade.

1 Q. Do you remember in your November 8th, 2011,  
2 deposition that you said you actually completed the  
3 tenth grade?

4 A. If I did, I was mistaken. I assumed the  
5 question was what was the last year you attended, not  
6 completed.

7 Q. Do you believe you're practicing veterinary  
8 medicine without a license?

9 A. No, I do not.

10 Q. What -- Do you believe surgery is veterinary  
11 care?

12 A. In some instances, yes.

13 Q. Is an amputation surgery?

14 A. It could -- Yes, it is.

15 Q. Have you amputated bats' wings?

16 A. Yes, I have.

17 Q. So you have just admitted that you perform  
18 surgery -- performed surgery, correct?

19 A. Life-safing procedures is what I would call  
20 it.

21 Q. Earlier you stated that the Bat World  
22 insectivorous diet is something that you invented; is  
23 that true?

24 A. That's true.

25 Q. There weren't other diets for bats in



1 captivity before you came around?

2 A. There were numerous diets that weren't  
3 nutritionally complete before the Bat World Sanctuary  
4 soft food diet existed.

5 Q. So you are saying that all the previous diets  
6 were not nutritionally complete, and it was -- the bats  
7 didn't fair well on it?

8 A. Those diets would not maintain an  
9 insectivorous bat for a long period of time without some  
10 nutritional deficiencies occurring. Our diet can  
11 maintain an insectivorous bat for life, for two decades,  
12 if necessary, without any -- any signs of nutritional  
13 deficiencies.

14 Q. So you're saying that all the experts who  
15 wrote --

16 THE COURT: Ms. Cummins -- would you  
17 please be seated. We have -- Please be seated.

18 (Break in proceedings.)

19 THE COURT: Ms. Cummins, I want you to  
20 realize it's not anything that you were doing.

21 MS. CUMMINS: Okay.

22 THE COURT: There was a guy distracting  
23 me right over your shoulder.

24 You may proceed, Ms. Cummins.

25 Q. (BY MS. CUMMINS) So are you saying that all

1 the many experts, the bat veterinary specialists, the  
2 bat Ph.Ds, the bat scientists and researchers who have  
3 been feeding bats for many years before you ever saw a  
4 bat, you're saying that all their diets were deficient?

5 A. I tried using some of the diets that they --  
6 that -- from those various -- the various literature for  
7 researchers and found them -- found the bats end up  
8 suffering nutritional problems over a period of several  
9 months. So I started working with a nutritional --  
10 Ph.D. nutritional scientist to devise a diet that would  
11 be nutritionally complete.

12 Research environments don't keep captive  
13 colonies for long periods of time or give them  
14 sanctuary. They keep them for short periods of time to  
15 do their research. So in doing so a diet that's  
16 deficient would work for those purposes, but it won't  
17 work for long, long periods of time.

18 Q. So are you saying that all of these many, many  
19 experts who have been caring for bats many years before  
20 you ever saw a bat were not able to take care of bats  
21 properly with a proper diet before you?

22 A. I don't believe a research environment -- I  
23 can actually say I do not believe a research environment  
24 can properly maintain insectivorous bats for long  
25 periods of time, that they run into dental -- have

1 dental problems or run into other problems in captivity.  
2 I don't believe those animals are -- I don't believe a  
3 lot of funding is spent on those animals to keep them  
4 alive. I believe they're probably euthanized, because  
5 it's not cost effective for the research, so --

6 Q. Okay. Researchers aside, what about other  
7 people who have bat sanctuaries where they have kept  
8 bats alive for many years?

9 A. I don't know what diets they might be using.

10 Q. Okay. So you're not positive now that you  
11 have invented the ultimate insectivorous bat diet?

12 A. I am positive that we have invented a diet  
13 that is nutritionally sound for insectivorous bats.  
14 It's being used around the world. And it's -- it's been  
15 reviewed by researchers and scientists. It was  
16 developed by a Ph.D. nutritional scientist and myself.

17 Q. Earlier you said that after the interns -- how  
18 many years have you had interns at Bat World Sanctuary?

19 A. We have had interns as well as workshop  
20 attendees since the year 2000.

21 Q. How long have you had -- I'm not talking about  
22 the bat boot camp -- I'm talking regular internships,  
23 like what I experienced?

24 A. We have had those internships off and on for  
25 about -- about ten years.

1 Q. Earlier you said that after an intern is done  
2 you give them a form to fill out to let you know how  
3 things went. And you said all of them -- all  
4 100 percent were positive?

5 A. Yes.

6 Q. Did I write one?

7 A. You did not complete the internship, so you  
8 didn't get the evaluation.

9 Q. Did Kay Singleton write one?

10 A. She also did not complete the internship, so  
11 she also did not get an evaluation.

12 Q. So are you now saying that not every single  
13 intern finished that, I guess, assessment report?

14 A. People who left early did not. Of course, you  
15 and Kay Singleton did not fill out an evaluation,  
16 because you both left early.

17 Q. Okay. So I just want to be clear that not  
18 100 percent of all the interns left positive reviews for  
19 you?

20 A. All of the -- 100 percent of all the interns  
21 who did leave an evaluation left positive evaluations.

22 Q. Do you have a permit for fruit bats?

23 A. A permit isn't needed for fruit bats.

24 Q. Well, is it considered an exotic pet?

25 A. No, they're not considered pets.

1 Q. So you currently only have a permit for native  
2 insectivorous bats?

3 A. That's all that's required, yes.

4 Q. Do you have a permit for flying foxes?

5 A. Yes, I do.

6 Q. When did you get that permit?

7 A. We received that permit in October of 2011 --  
8 2011 after a tropus giganteus, a giant flying fox, was  
9 transferred -- was retired to us from the Calgary Zoo.

10 Q. Do you remember November 8th, 2011, in your  
11 deposition when I asked if you had a Fish & Wildlife  
12 permit and you said no?

13 A. I don't believe we had received the permit  
14 yet. We had -- We had applied for the permit in  
15 October, but I don't believe we had received it quite  
16 yet.

17 Q. Now, Exhibit Number 1, which you submitted is  
18 a copy of your, I believe, 1998 book, which you wrote  
19 with Barbara French; is that correct?

20 A. Barbara French was a co-author, yes.

21 Q. Okay. Now, you haven't gone past the ninth  
22 grade, but Barbara French has gone to college, has gone  
23 to graduate school, and she wrote parts of an  
24 encyclopedia and she taught biology to graduate  
25 students; is that correct?

1           A.    I'm not sure what her past is.

2           Q.    Isn't that in her biography, which is in the  
3 book?

4           A.    I'm -- I'm not sure.  I haven't -- I haven't  
5 read the biography in quite some time.  I don't believe  
6 her biography is in the book.

7           Q.    How much of the 1998 book did Barbara French  
8 actually write?

9           A.    She -- I contributed the knowledge and she  
10 contributed some of the scientific literature, the  
11 references.  And she contributed the parts in the book  
12 that were concerning her own rehab facility.

13          Q.    Earlier you stated that Dr. Patricia Brown  
14 Berry wrote the intro to your, I guess, fiction book, A  
15 Bat in My Pocket; is that correct?

16          A.    It's a nonfiction book.  Yes, she did write  
17 the forward.

18          Q.    And why didn't she write the forward to your  
19 current bat rehab book?

20          A.    I actually contacted her about reviewing the  
21 book.  I did not ask her to write a forward, because I  
22 have had several other world renowned professors, bat  
23 professors and researchers review the book, and I just  
24 have not yet had a chance to send her the book, but she  
25 has already agreed to review it.  But I have not asked

1 her to write a forward.

2 Q. Just so I'm clear. Did you ask her to review  
3 the book?

4 A. Yes.

5 Q. When was that?

6 A. I believe the fall, maybe, of 2010, or the  
7 spring of 2011.

8 Q. Did she respond back?

9 A. Yes.

10 Q. Did she respond back in writing?

11 A. Yes.

12 Q. What did she say?

13 A. She said she would be happy to review the  
14 book. That she was looking forward to it.

15 Q. You submitted as Exhibit 11, an article about  
16 the vocalization of Mexican free-tailed bats in Bat  
17 Conservation International's magazine; is that correct?

18 A. That's correct.

19 Q. Now, that article was also written with  
20 Barbara French, correct?

21 A. Yes. Barbara French was working with -- at  
22 BCI, or Bat Conservation International, at the time and  
23 she was one of their writers for the magazine, so it was  
24 natural that she write the article.

25 Q. You submitted Exhibit Number 15, which is a

1 magazine from Our Best Friends in the UK, autumn 2009.  
2 And you are quoted on one page in that magazine, and one  
3 of the quotes attributed to you is, Bats don't carry  
4 rabies. Is that what you wrote?

5 A. That's probably what I wrote, yes.

6 Q. Is that the truth?

7 A. Bats don't carry rabies. They can contract it  
8 like any other mammal, but they don't carry it all the  
9 time. That's a misconception. In fact, less than  
10 one-half of one percent of all the bats -- of bats --  
11 wild bat populations will contract rabies. They don't  
12 carry it. They're not natural reservoirs.

13 Q. But if they have rabies, aren't they carrying  
14 it?

15 A. Yes.

16 Q. Yes.

17 A. And if a skunk has rabies, he's also carrying  
18 it.

19 Q. Okay. I just wanted to be clear that -- so  
20 when you say bats don't carry rabies, you don't actually  
21 mean that. You just mean that not every single bat  
22 carries rabies?

23 A. I mean -- I mean, that they don't -- not every  
24 single bat carries rabies is exactly what I mean.

25 Q. Okay.



1 A. They're not asymptomatic carriers.

2 Q. Don't you still have that phrase on your  
3 website?

4 A. Yes, I believe so.

5 Q. Didn't the Health Department of Texas tell to  
6 you remove it?

7 A. I don't believe so.

8 Q. Earlier we saw a video, I believe it was the  
9 second one which was four minutes long, where you said  
10 it was an orphaned straw-flying fox. Was that an  
11 orphaned straw-flying fox?

12 A. No. That's the short-tailed fruit bat is what  
13 I said on the second video.

14 Q. Did you say that one of the bats -- there was  
15 an orphan straw-flying fox?

16 A. Yes. On the first video.

17 Q. Was it?

18 A. Yes.

19 Q. It wasn't an orphaned straw fruit bat?

20 A. There's several common names. The scientific  
21 name is Eidolon helvum, but the scientific -- the common  
22 names can range from straw-colored fruit bat,  
23 straw-colored flying fox, straw fruit bat.

24 Q. So do you have a permit for that because it's  
25 a flying fox?

1           A.    It was -- It was a common name.  I didn't mean  
2 it as an actual flying fox.

3           Q.    Okay.  Earlier you stated that you developed  
4 the feeding methods that are in your book; is that  
5 correct?

6           A.    That's correct.

7           Q.    Did you develop all of them?

8           A.    Yes.

9           Q.    In your deposition, November 8th, 2011, you  
10 stated that you developed the V position for feeding  
11 bats, and before that all of the bats got formula on  
12 their chin, got some sort of dermal infection and died;  
13 is that true?

14          A.    That's true.

15          Q.    So you believe before you invented this  
16 feeding position in 1998 -- I believe, maybe 2005, all  
17 red baby tree bats died?

18          A.    I -- I didn't say that I believed they all  
19 died.  I believe that the feeding position I developed  
20 helps them to survive, because it avoids formula getting  
21 on their coats, which ends up with ulcerated dermatitis  
22 and a subsequent systemic infection that kills them.

23          Q.    But didn't you say in your November 8th  
24 deposition that before you developed that feeding that  
25 they died?

1 A. Many did, yes. I've seen it.

2 Q. Now, you post -- you showed us a video of  
3 Little Drac and he was rocking in the video. Is that  
4 what we saw?

5 A. Yes.

6 Q. Didn't you get many, many posts and comments  
7 on your YouTube channel stating that that's a sign of  
8 stress in an animal?

9 A. I believe out of the 600 or so comments that  
10 we received two of them mentioned that they wondered if  
11 it might be stress induced, or if he was rocking to  
12 perhaps the heartbeat or pulse in my hand.

13 Q. Do you believe that rocking is a sign of  
14 stress in animals?

15 A. No, I don't.

16 Q. Earlier you said you were nominated for the  
17 Animal Plant award in 2008; is that true?

18 A. That's true.

19 Q. Did you win?

20 A. No.

21 Q. Earlier you said you were nominated for the  
22 2009 Indy Prize; is that true?

23 A. That's true.

24 Q. Did you win?

25 A. No.

1 Q. Earlier you stated you give classes for the  
2 International Wildlife Rehabilitation Council; is that  
3 true?

4 A. That's true.

5 Q. When did you give those classes?

6 A. The last one, I believe, was in 2009.

7 Q. Have you ever written an article for IWRC?

8 A. I think I have. I'm not sure. I don't  
9 recall. I have written numerous articles, so I don't  
10 remember.

11 Q. Earlier you stated the first time you ever had  
12 any contact with me was June of 2010; is that true?

13 A. That's the first time I had any physical or  
14 upclose, I guess, human contact outside of e-mail.

15 Q. What other contact did we have before that?

16 A. You e-mailed me or maybe I e-mailed you back  
17 in 2008 or 9, I believe, when we -- there was a problem  
18 with the milk formulas -- the commercial milk formulas  
19 being used to raise orphan wildlife, because many people  
20 believed it was tainted. And we had discussed -- we had  
21 a few discussions about that, and then we subsequently  
22 sent the formula in and found that it was tainted. But  
23 that was the only communication that you and I had up  
24 until you applied for the internship.

25 Q. Was that September of 2009?

1 A. It could have been, yes.

2 Q. Now, didn't you contact me because I posted my  
3 lab results of the analysis of the Esbilac formula  
4 online?

5 A. I -- I don't remember if you posted the  
6 results, but I -- I knew at the time. We were also  
7 waiting on results and I wanted to share information, so  
8 that maybe we could disseminate the information together  
9 and help people avoid catastrophes by feeding tainted  
10 formula to orphans.

11 Q. Didn't you then write about me in your  
12 magazine, about my test results and what I have done  
13 with the FDA to try to get them to go after this company  
14 for selling tainted formula?

15 A. I may have. I don't remember. I do -- I do  
16 recall that we wrote about the formula, and I might have  
17 included a few sentences that you had also suspected  
18 that there was tainted formula. That was before we ever  
19 met.

20 Q. Earlier you stated that you don't let anyone  
21 volunteer or intern at Bat World Sanctuary unless they  
22 show their proof of vaccination card; is that true?

23 A. That's true.

24 Q. Did I show you mine?

25 A. No. Because Kate Rugroden was taking all of

1 the -- she was heading up the applications and the  
2 vaccinations to -- she basically was initiating all the  
3 interns for me that year.

4 Q. Did you get a copy of my vaccination record?

5 A. We don't get copies of every record, because  
6 that's personal information, so we rely on the students  
7 who either show us their vaccination record and if they  
8 want to give us a copy, they're -- they're welcome to do  
9 so.

10 Q. Did I show anyone my vaccination record?

11 A. I don't know what you did with anyone else. I  
12 wasn't there.

13 Q. Didn't you state that you don't let anyone  
14 volunteer and intern until you see proof of vaccination?

15 A. I state that we don't let anyone intern or  
16 work with the bats or come to our workshops. We have  
17 many volunteers that aren't vaccinated because they  
18 don't have hands-on contact with the actual bats.

19 Q. Was I an intern at Bat World Sanctuary?

20 A. Yes, you were an intern. You weren't --

21 Q. Did I have --

22 A. I'm sorry. You weren't -- You weren't part of  
23 the grant-funded internship, but you were definitely an  
24 intern and were part of that program.

25 Q. Did I handle any of the bats?

1 A. Well, yes, you did.

2 Q. Do you have any knowledge of whether I've been  
3 vaccinated or not?

4 A. Kate Rugroden took all of your information and  
5 I relied on her report to state that you were  
6 vaccinated.

7 Q. So now you're stating that someone could come  
8 and be an intern and you wouldn't necessarily see their  
9 vaccination card, you would not necessarily have proof  
10 that they were vaccinated?

11 A. When I have someone else handling that aspect  
12 of the program for me, I rely on them to give me the  
13 report.

14 Q. So you wouldn't know whether or not I have a  
15 vaccination card or not?

16 A. I wouldn't know whether or not you had told  
17 Kate that you were or were not vaccinated or showed her  
18 anything, because I wasn't there.

19 Q. Do you remember telling the Texas Health  
20 Department after you reported that that every single  
21 intern showed you proof of their vaccination?

22 A. It was my understanding that everyone that  
23 came to our internship had shown their vaccination. We  
24 have copies of many of those vaccination records for  
25 people.

1 Q. But you don't have a copy of mine, do you?

2 A. Apparently you just showed it to

3 Ms. Rugroden --

4 Q. I don't have one.

5 A. -- a copy.

6 Q. I don't have a vaccination certificate. No  
7 one ever saw it.

8 A. Then you must have said you were -- or stated  
9 you were vaccinated and given your titer on the  
10 application. Again, I wasn't there, so I'm not sure. I  
11 just relied on our program director to give me the  
12 information.

13 Q. Do you know what my titer is?

14 A. I have no idea.

15 Q. Did I post it on the application?

16 A. That's been almost two years ago, so I would  
17 have to check the -- the actual application to see.

18 Q. So back to what you were saying originally  
19 that you make sure everyone is vaccinated before they  
20 become an intern, that's not true, is it?

21 A. Personally I don't make sure if I have another  
22 program director heading up that aspect of the program.  
23 I rely on my program director to make sure.

24 Q. You submitted as Exhibit Number 16, the  
25 contract. And you stated that the contract specifically



1 prohibits me from taking and posting videos and photos;  
2 is that correct?

3 A. That's correct.

4 Q. I would like to show you the contract and ask  
5 you where it says that.

6 Can I use the Exhibit 16 up there because  
7 it's clearer? It's one page in a plastic sheet. My  
8 copy is very small. That's it.

9 After you read it, if you could just tell  
10 me where it says I'm not allowed to take or post videos  
11 or photos.

12 A. The second paragraph. Should I read it aloud?

13 Q. Yes, please.

14 A. It is understood that the data, techniques,  
15 results, anecdotal information provided to trainee  
16 during their internship at Bat World -- or at BWS -- is  
17 proprietary and is copyrighted as intellectual property  
18 by BWS. Trainee agrees not to distribute, share,  
19 publish, or sell this information without obtaining  
20 prior permission from BWS.

21 Q. So it -- the contract states that -- that the  
22 intern shall not share or publish this information.

23 Where does it say share or publish photos  
24 and videos?

25 A. That would be the data, techniques, results,

1 or anecdotal information. Photographs would be a part  
2 of all of that. Photographs would be considered data as  
3 well as techniques.

4 Q. Why didn't you include that into the contract?

5 A. The data encompasses photos, et cetera.

6 Q. Now, I'm not entering this as an exhibit yet,  
7 but does this look like a copy of your manual?

8 A. That's one of the draft copies, I believe.

9 Q. Is your manual a book about how to take care  
10 of bats?

11 A. It's a manual on how to maintain large  
12 colonies of insectivorous bats in captivity, as well as  
13 rehabilitate and release insectivorous bats.

14 Q. So would you agree with me that it's a manual  
15 how to rehabilitate bats, how to take care of bats in  
16 captivity?

17 A. Yes. It's -- It's actually a -- It's a  
18 husbandry guide, it's a -- it's a medical reference,  
19 it's -- it's numerous things wrapped up into -- wrapped  
20 into one book.

21 Q. So wouldn't you agree that it's a how-to book?

22 A. I would not agree that it's a how-to book.  
23 It's a specialized book.

24 Q. Doesn't this book tell you how to treat  
25 captive insectivorous bats, how to rehabilitate bats?

1           A.     It -- It tells you how to do numerous  
2 lifesaving things to save bats, to house them, to take  
3 care of them.

4           Q.     Now, you stated that my photos and videos show  
5 proprietary data; is that true?

6           A.     Some of those videos are, yes, and photos.

7           Q.     Now, isn't proprietary data that you want to  
8 keep secret, not share with the public?

9           A.     I'm -- Yes, it is. But it's also data that's  
10 included in the book that's for sale. We would -- We  
11 would hope that people would purchase the book, which  
12 would bring money into benefit organization. So if the  
13 information is freely accessed, the entire book is  
14 freely accessed to people, then they are not going to  
15 want to purchase it.

16          Q.     But this book you have available for people to  
17 buy on the Internet, correct?

18          A.     Correct.

19          Q.     And you have sold copies of this book,  
20 correct?

21          A.     Correct.

22          Q.     So the information in this book is now public,  
23 correct?

24          A.     For those who want to purchase it. But I  
25 would like to add that because of your defamation the

1 sales in that book have dropped tremendously. Hardly  
2 anyone buys the book because of your defamation.

3 Q. When I was at Bat World Sanctuary, didn't you  
4 tell me that you have never made a profit on any of your  
5 books?

6 A. I don't make a personal profit. The profit  
7 goes to the organization.

8 Q. So you're now saying that in the past you have  
9 made a profit selling the physical books?

10 A. We have always made a profit selling the  
11 books. Bat World makes the profit. I don't make the  
12 profit. I give all of the -- I write the book for the  
13 organization, so the organization can profit.

14 Q. Now, you stated that me posting videos and  
15 photos is me sharing copyrighted data; is that true?

16 A. That's -- Part of it's true, yes. Not exactly  
17 copyrighted, but proprietary.

18 Q. Oh, so you're now stating I did not share  
19 copyrighted data?

20 A. You actually, I do believe, got into my book  
21 somehow online and extracted one of the videos on how to  
22 do dental procedures and posted that online as an act of  
23 cruelty. So I -- in that essence, I guess, yes, you did  
24 share some of my information.

25 Q. Did I post the entire video?

1           A.    No.  You chopped it up, and you edited the  
2 front of it to take out the part about administering  
3 pain medication and using Cetacaine to numb the gums.  
4 And instead you started the video off with graphic  
5 animal cruelty, yanking molars out, bat kicking,  
6 screaming, blood -- blood everywhere, something along  
7 those lines.  I can't remember exactly, but it was along  
8 those lines.

9           Q.    Have you heard of the Fair Use of Copyright  
10 Act?

11          A.    Not with videos and literature that is  
12 actually copyrighted with the Library of Congress, no.

13          Q.    So you don't believe it's legal for someone to  
14 take maybe a tiny snippet of a video or maybe a sentence  
15 or two from a book and then comment about it as a  
16 scholar, not making any money off of it?

17          A.    Well, book reviews can be done.  That's not  
18 copyrighted information.  But when someone takes an  
19 entire page or two from a book and uploads it on own  
20 their personal website to disparage it, and in my  
21 opinion hacks into a website to take a copyrighted video  
22 to spread it out as -- as an act of cruelty rather than  
23 a medical procedure, then, yes, I believe that is  
24 copyrighted infringement.

25          Q.    Did you just state I hacked into your website?

1 A. I said someone.

2 Q. Do you realize hacking is a Federal crime?

3 A. I certainly do.

4 Q. Now, take a look at that contract in front of  
5 you. How come there is a stain on that contract, but  
6 that stain doesn't show up on any other copy?

7 A. I'm not sure what you're referencing.

8 Q. Isn't there like a coffee stain on there, the  
9 bottom right?

10 A. Oh, a coffee stain. I'm not sure what that  
11 is. This is the original contract, and apparently it  
12 ended up with something on it at some point in time.

13 Q. So that happened after you made the copies  
14 that you gave to your expert and to me?

15 A. No, this happened well before that.

16 Q. Then how come it's not on all the copies?

17 A. Because I -- I scanned this contract in at one  
18 point, and then after that, that's -- after that it  
19 ended up with the stain, which is why I ended up  
20 enclosing it in the plastic, so nothing else would  
21 happen to it.

22 Q. So after I supposedly signed it is when it was  
23 stained?

24 A. Yes, afterwards.

25 Q. Earlier you stated that I left a bat hut full

1 of unfed baby bats on the table in the rehab room; is  
2 that correct?

3 A. That's correct.

4 Q. Now, you don't -- when I was an intern, you  
5 would tell us to feed the bats and the baby bats that  
6 had colored ears you would tell us to put them into a  
7 bat hut for you to take a look at them because they were  
8 generally ill or injured; is that correct?

9 A. That's correct. We had -- We marked the pups  
10 that were on antibiotics or needed special treatment  
11 with nontoxic marker so that we could monitor those bats  
12 separately.

13 Q. And then you told me to take the baby bats  
14 that had colors on their ears and put it in a bat hut in  
15 front of your station, correct?

16 A. No, that's -- I don't recall that happening at  
17 all.

18 Q. Didn't you want to check the ill and injured  
19 baby bats?

20 A. I always checked them, regardless of whether  
21 they were set aside for me or not. They were always  
22 checked. And I didn't really have a station in the  
23 rehabilitation room at that time because it was set  
24 aside for the interns.

25 Q. Isn't the far left chair at the table your

1 station?

2 A. That's where I normally sit when I'm there. I  
3 didn't occupy that station during the entire internship,  
4 because I was rescuing bats at the wild sanctuary and  
5 preparing lessons for the interns, et cetera.

6 Q. You don't believe it's possible that I -- Kay  
7 and I took all the baby bats with the colored ears and  
8 put them into a bat hut, as per your instruction, after  
9 we fed them so you could look them over before you put  
10 them back?

11 A. The -- The pups that were in bat huts that  
12 were left were pups that had been counted out of the  
13 cage. They were pups that were marked and unmarked and  
14 they had not been fed the previous night.

15 Q. How do you know this?

16 A. I could tell by examination.

17 Q. And you believe who did that?

18 A. I'm not sure, because you and Kay were  
19 interning only -- you were the only two interns there.  
20 You were the only intern and two students in the  
21 recovery -- the rehab recovery room the night before.  
22 So I'm not sure if it was you or Kay Singleton.

23 Q. Weren't there also two other interns there,  
24 one by the name of Kat from Sweden and one by the name  
25 of Cassandra Gearheart?



1           A.     The internships were staggered so that the  
2 previous intern could teach the -- the new intern some  
3 of her methods to hone her own teaching skills. And Kat  
4 from Sweden was there -- was leaving when you arrived,  
5 so I think she was only there a couple of hours. And  
6 Cassandra, who was the other intern who was with Kat,  
7 stayed for three days and she left. And when Cassandra  
8 left, Kay took her place.

9                     But the pups that were left in the bat  
10 hut were left when you and Kay Singleton were there  
11 alone. There was none of the other -- there were no  
12 other interns present except for you and Kay.

13           Q.     Did you ever call Kay Singleton fat?

14           A.     I mentioned once that I thought that her diet  
15 may be playing a part in her health issues. I mentioned  
16 that to you. That was before I found out that she had  
17 emphysema and COPD.

18                     And then the afternoon that I found those  
19 things out, she accused me of calling her fat. And I  
20 called you over because she said that you had told her  
21 that. I called you over and the three of us had a  
22 heated discussion about the fact that that did not take  
23 place, and that I had instead said I thought her diet  
24 might be playing a part in her health issues.

25           Q.     Now, you're saying you never called her fat?

1 A. I have always said I never called her fat.

2 Q. Earlier you said that I stated that the wild  
3 sanctuary had mites, correct?

4 A. Are you saying I stated that today?

5 Q. Yes.

6 A. If that is one of the things that was read  
7 aloud to me on the Internet that you posted, then, yes.

8 Q. Does the wild -- Did the wild sanctuary have  
9 mites?

10 A. Yes. That's a natural occurrence on any wild  
11 animal. But the captive bats of Bat World do not have  
12 mites.

13 Q. Earlier you talked about the elderly Pallid  
14 bat and you stated that I dragged her out of her roost;  
15 is that correct?

16 A. I believe you did, because her roost does not  
17 set at the edge of the -- of the countertop where it was  
18 setting. It sits far back so that she isn't in any  
19 danger. She has her food and her water directly beside  
20 her -- her little foam roost so that she can access her  
21 food and her water and go back into her little foam  
22 roost and -- and relax. It's never been at the edge.

23 And on the video that I saw that I think  
24 was taken early one morning when I was at the wild  
25 sanctuary, that little foam roost had been drug out to

1 the very edge of that cave -- or excuse me -- the edge  
2 of the counter -- the cave inside -- the counter inside  
3 the cave and the bat was teetering on the edge of it,  
4 and that would have never happened naturally.

5 Q. Did you see me drag her out of her roost?

6 A. No, I did not. But I'm sure she was too small  
7 to push her roost over there by herself.

8 Q. Earlier you said that there is not a trashcan  
9 in that room; is that true?

10 A. That's absolutely true.

11 Q. Isn't there a trashcan on the door to that  
12 cabinet.

13 A. No. There is a -- I hang a plastic bag there  
14 when I feed and I drop trash into it as I'm feeding,  
15 paper towels, et cetera. And I take that bag with me  
16 and throw it in the trash when I'm finished feeding.  
17 It's never in there all the time.

18 Q. So isn't it a trash bag?

19 A. It's a trash bag. But there is no trashcan  
20 that is a permanent structure in that flight cage.

21 Q. Okay. But I just want to be clear that there  
22 is a trash bag there?

23 A. Only when I'm in there. Never when I'm not in  
24 there.

25 Q. What about when I was in there, was there a

1 trash bag?

2 A. I wasn't there. There should not have been a  
3 trash bag unless you put a trash bag up there.

4 Q. Wasn't I instructed to clean that area?

5 A. You were instructed to clean the area, but you  
6 never did.

7 Q. Do you have any proof that I never cleaned  
8 anything?

9 A. Yes. My helper at the time, Janet, actually  
10 complained to me several times that you were not  
11 cleaning the flight cage and she was having to do it.

12 Q. Didn't you instruct me to clean the flight  
13 cage only once?

14 A. On the duties for the internships their --  
15 their specific duties that have to be carried on a daily  
16 basis, and I wouldn't have told you to only clean the  
17 flight cage one time in a two-week period. It has to be  
18 every day.

19 Q. Now, didn't you earlier state that because of  
20 Kay Singleton's medical condition that we were  
21 instructed to only feed baby bats, we never went back to  
22 the wild sanctuary, we never cleaned the flight cages  
23 again?

24 A. No, I never -- I never said you were only  
25 instructed to feed baby bats.

1 Q. What did we do? After Kay Singleton arrived,  
2 what was the only thing that I did?

3 A. You were instructed to prepare insectivorous  
4 food diets, you were supposed to watch lessons on  
5 hydration and wing repair. You did watch a -- me suture  
6 up a bat that had been sliced open by a hawk. You  
7 watched an episiotomy and you watched a pup suffering  
8 with neurologic symptoms and learned about that. You  
9 were supposed to clean the insectivorous bats' cage,  
10 learn about -- you were supposed to be reading the book  
11 to prepare for your -- your report at the end of the  
12 internship.

13 And there were numerous things you were  
14 supposed to do, and unfortunately didn't do a vast  
15 majority of those.

16 Q. And you have proof of this? Do you have proof  
17 of this?

18 A. I was -- I was there. I witnessed the fact  
19 that we were doing your work. Janet and I were doing  
20 the work you should have been doing. You were, instead,  
21 appeared to be going out to eat quite a bit at lunch and  
22 at dinner, even in different towns not even close by.  
23 So that left two other people holding the bag, and the  
24 internship opportunity to learn was lost because you  
25 weren't doing your duties.

1 Q. Is Janet Villarreal going to be testifying to  
2 this -- in this trial?

3 A. No.

4 Q. Earlier you showed the video of the elderly  
5 Pallid bat shaking on the table. Do you remember this?

6 A. Yes.

7 Q. Now, you said that that bat got cancer because  
8 of the experiment that the researchers had done,  
9 correct?

10 A. That's what we suspected.

11 Q. Now, didn't that bat have mouth cancer?

12 A. Yes, she did.

13 Q. Now, weren't the experiments -- experiments  
14 that A&M did on that Pallid bat had to do with  
15 circulation, and they were basically just looking at her  
16 wings?

17 A. Basically -- I'm sorry. I didn't understand.  
18 Basically --

19 Q. That -- Did that Pallid bat come from A&M  
20 University?

21 A. Yes, it did.

22 Q. And weren't they doing research on  
23 circulation --

24 A. Yes.

25 Q. -- of that bat?

1                   And weren't they doing research where  
2 they were basically just looking at the circulation  
3 through her wings?

4           A.     They were applying drugs to the wing membrane.  
5 Bats have an extremely large vascular system in their  
6 wing membrane and very -- very thin skin, so medication  
7 that's applied subcutaneously is going to be absorbed  
8 into those vessels much quicker.

9                   They were applying 15 to 20 different  
10 drugs to the bat's wing membranes, which resulted in, of  
11 course, a lot of health issues including what we  
12 suspected is cancer from those medications.

13           Q.     My question is: So you believe the tests they  
14 were doing on her wing gave her mouth cancer?

15           A.     Yes, I do believe that.

16           Q.     Don't you believe -- I mean, wouldn't you  
17 agree with me that the main cause of mouth cancer is  
18 dental problems?

19           A.     The bat did not have any dental problems. She  
20 had a dish of mealworms beside her that she was able to  
21 eat on her own. She had no -- no dental issues  
22 whatsoever.

23           Q.     When did that bat die?

24           A.     She died earlier this year, I believe.

25           Q.     So when I stated that it was a dying Pallid

1 bat, it was a dying Pallid bat, correct?

2 A. Yes, that -- she had a cancer. That's a  
3 terminal illness.

4 Q. Earlier we talked about a video which I posted  
5 in which you're holding a bat in your bare hands and it  
6 appeared to have neurological symptoms. Do you remember  
7 this?

8 A. Yes.

9 Q. Earlier you stated that it had neurological  
10 symptoms. Do you agree that when I was videotaping you,  
11 you were showing me the signs of rabies?

12 A. Yes. We were discussing the different signs  
13 of rabies as well as neurological symptoms.

14 Q. Earlier you showed a photo of a baby red tree  
15 bat with its tongue sticking out. Do you remember this?

16 A. Yes.

17 Q. And you stated that it stuck its tongue out  
18 because it was uncomfortable; is that true?

19 A. That's the way it appeared to me.

20 Q. You don't believe it's because I just fed the  
21 bat and she was licking food off of her lips and that  
22 one frame caught her with her tongue out?

23 A. I don't believe that, no.

24 Q. Do you believe that's a possibility?

25 A. No, not -- not with the expression on the



1 bat's face and the angle that her tongue was, and that  
2 her -- her jaw looked like it was halfway clamped shut  
3 with your fingertip. So, no, I don't believe that she  
4 was doing that naturally. I believe she was stressed  
5 out and that was a -- just a stressed signal.

6 Q. So if I were to show you a video of a baby red  
7 tree bat licking its lips and then to cut to one frame  
8 and you would see that exact same expression, would you  
9 still believe that she's not licking the food off of her  
10 lips?

11 A. I would have to see the video to make the  
12 determination.

13 Q. Earlier you stated that the government  
14 agencies that investigated you, quote, unquote, Cleared  
15 you of all charges; is that true?

16 A. That's true.

17 Q. Didn't the Texas Health Department have a  
18 phone conversation with you and give you a long laundry  
19 list of instructions you had to follow?

20 A. After you made false complaints to the Texas  
21 Department of Health, they did call. They did  
22 investigate. We worked with our city officials, we  
23 worked with the Center of Disease Control.

24 They called every intern who had been at  
25 Bat World for the entire year previous to discuss with

1 them their experiences and how they felt about our  
2 protocols and our safety issues. They then called us  
3 back and had a brief phone consultation stating that  
4 instead of making -- recommending students wear gloves  
5 that we make it mandatory that they wear gloves when  
6 working with certain species.

7           And they also stated that they would like  
8 it if we changed, I think, some verbiage on one of --  
9 one of our literature or one of our pages that we had  
10 posted online. They were the only two things that they  
11 stated that they would like us to change.

12           They actually thanked us in the letter  
13 for being open to their suggestions and wished us a lot  
14 of success and thanked us for what we are doing to help  
15 promote bats as well as intern safety.

16           Q.    Didn't they also tell you that you need to ask  
17 for proof of pre-exposure shots?

18           A.    I don't believe that was in the letter,  
19 because that's something we always do.

20           Q.    Recently you stated that you sold part of the  
21 wild sanctuary building. What part did you sell?

22           A.    The bottom part.

23           Q.    How can you legally sell the bottom part of a  
24 building?

25           A.    We -- When I originally purchased the

1 building, I only purchased half of the building. That  
2 building is owned -- it's always been -- it's been owned  
3 by two people for quite sometime.

4           When I purchased the building originally,  
5 I only purchased the south half of the building. And  
6 then I waited until the owner wanted to sell the north  
7 half and I purchased that.

8           So it had been owned by two people for  
9 quite sometime. So it wasn't an unusual thing with that  
10 particular property to divide it up.

11           Q.    Okay. I realize there is two addresses. 115  
12 Northeast First Street, 117 Northeast First Street.  
13 That would be a left and right, wouldn't it be bottom  
14 and top?

15           A.    Yes.

16           Q.    So you're stating you sold the southern  
17 building, 115 North --

18           A.    No, we actually have an agreement with the  
19 person who purchased the building and he is allowing us  
20 to work with the bats to try to get them moved out into  
21 a bat castle that we built on protected land. And we --  
22 we sold the building to him with that agreement.

23                    There were numerous offers we had on the  
24 property, and we wanted to work with someone who would  
25 allow us to keep the bats in there until we could get

1 them moved out to safety and -- which working with  
2 wildlife, you can't just pick them up and move them.  
3 They have -- It has to occur naturally and so it could  
4 be a year process.

5 Q. When the new owner took possession, didn't he  
6 gut the interior?

7 A. No, he did not. There was \$5,000 worth of  
8 brand new carpet installed in the building about two  
9 years previously, so there was no reason to gut it.

10 Q. So do you still -- does Bat World Sanctuary  
11 still own 117 Northeast First Street?

12 A. We own the upper portion of the building.

13 Q. Upper as in upper?

14 A. Yes.

15 Q. You legally own the upper portion, or are you  
16 legally renting the upper portion?

17 A. We legally still occupy and own the upper  
18 portion of that building.

19 Q. How are you able to divide the building  
20 legally upper and lower, you would need an engineer?

21 A. I'm not -- I'm not sure. We have -- We have  
22 an agreement, a written agreement that when we get the  
23 bats out that he will go ahead and purchase the portion  
24 of the building that the bats are occupying.

25 Q. Are there bats in the wild sanctuary right

1 now?

2 A. Yes, there are.

3 Q. Earlier you stated that you -- in the  
4 episiotomy, you used Cetacaine on the bat; is that true?

5 A. That's true.

6 Q. What is Cetacaine?

7 A. It's a -- It's very potent topical anesthetic  
8 that's made for subcutaneous -- it's made for mucus  
9 membranes.

10 Q. So it's basically a topical skin anesthetic?

11 A. Yes, but it's much more potent than what you  
12 would receive in the dentist office.

13 Q. Is that really going to alleviate pain when  
14 you're cutting the vaginal walls of a bat and pulling on  
15 the baby and umbilical cord?

16 A. The vaginal walls weren't actually cut. It  
17 was the -- the area around the vaginal walls that were  
18 cut, it wasn't the actual vagina itself. There was no  
19 vaginal tissue cut. It was the area around that.

20 Q. What would you call that area?

21 A. It's basically just the -- the opening. But  
22 that's not -- that's not the actual vagina, such as the  
23 labia and the urethra.

24 Q. What's the anatomical term for that area?

25 A. I can't recall offhand.

1 Q. Have you ever had a bat prolapse on you in an  
2 episiotomy?

3 A. Yes, I have.

4 Q. How many times?

5 A. It generally happens about 25 percent of the  
6 time on bats that -- that are suffering with a pup stuck  
7 in their birth canal. The birth canal has been greatly  
8 enlarged, and so it allows a prolapse to happen much  
9 more easily.

10 Q. Have you ever had to ligate a vagina or uterus  
11 on a prolapsed bat?

12 A. No.

13 Q. Do you recommend that in your book?

14 A. In certain circumstances, yes.

15 Q. Do you recommend pulling on the umbilicus?

16 A. No.

17 Q. Did you pull on that umbilicus in that video  
18 that you showed earlier?

19 A. I guided the umbilicus out. It was already in  
20 the process of coming out, and I guided it out. But  
21 pulling is -- is a little different.

22 Q. So you guided it out, you didn't pull it?

23 A. Yes.

24 Q. Earlier you stated that your revenue from  
25 donations and grants in 2010 was 132,000 and was only

1 72,000 in 2011; is that correct?

2 A. That's correct.

3 Q. Now, you stated that your revenue from  
4 donations and grants have gone down, correct?

5 A. That's correct.

6 Q. Do you have any proof of the cause?

7 A. It coincided exactly with the defamation that  
8 appeared on the Internet.

9 Q. Do you have any proof of causation that my  
10 actions caused the donations to go down? Could it have  
11 been the poor economy?

12 A. We have suffered poor -- poorer economy and  
13 had not had that happen to us.

14 Q. Do you have --

15 A. We have -- I sent out membership renewals and  
16 vast -- quite a few members who would have renewed did  
17 not renew. Some of the defamation that appeared on your  
18 Facebook page I recognized the names of donors that were  
19 on your page as well as on our page, those donors did  
20 not renew.

21 Q. So do you have any physical proof that my  
22 actions caused your donations to go down?

23 A. I believe that the proof is in the fact that  
24 your defamation occurred and we immediately suffered a  
25 financial loss. That is my proof.

1 Q. You can't rule out anything else?

2 A. Nothing else has ever happened in the past 18  
3 years like that that would have caused a complete  
4 devastating financial loss.

5 Q. Earlier you stated that there are three people  
6 in Mineral Wells who keep complaining about you all the  
7 time; is that correct?

8 A. As far -- That's the best of my -- my  
9 knowledge, yes, that's correct.

10 Q. Haven't they been complaining about you a lot  
11 in 2011?

12 A. I believe they were complaining based on your  
13 complaints to the City, that that sparked new complaints  
14 from them. I believe that you instigated those  
15 complaints.

16 Q. In June of 2011, didn't you send an e-mail to  
17 the City of Mineral Wells, everyone in government,  
18 stating, quote, unquote, My neighbor -- I mean,  
19 paraphrase. My neighbor has informed me that city  
20 officials were at my building on Oak Street and First  
21 Street complaining about piles of guano.

22 Did you state that?

23 A. No. They weren't complaining.

24 Q. What did you state in that e-mail?

25 A. I don't remember exactly, but I do know that



1 they were investigating the buildings. I'm not sure if  
2 those investigations were part of your complaints or  
3 not, because you complained numerous times to the city  
4 officials. I didn't -- I don't know -- I no longer feel  
5 comfortable even living in the town. I can't go into  
6 the town -- into the town. I can't -- I don't want to  
7 show my face. I don't work with the City any more.  
8 I'm -- I am humiliated and I believe that you caused  
9 most of that to happen.

10 Q. Didn't you tell me, when I first went to Bat  
11 World Sanctuary, that everyone in town hates you and  
12 your neighbor gives you the finger?

13 A. Absolutely not.

14 Q. Didn't you tell me that people had been  
15 complaining about you and trying to get you out of the  
16 city for years?

17 A. No, I did not say that.

18 Q. Didn't you tell me that you're on the verge of  
19 having to shut down Bat World Sanctuary because you have  
20 no money?

21 A. No, I did not say that.

22 Q. Recently you gave me your financial documents  
23 for 2010 and 2011, before I went to intern and after.  
24 Your income for 2010 was approximately \$95,000. Your  
25 income for 2011 was approximately \$175,000. Wouldn't

1 you agree that your income has increased in 2011 over  
2 2010?

3 A. It increased from donations and events that  
4 will never -- that may never occur again. It increased  
5 because we entered a contest that we were forced to  
6 enter in order to try to procure money to build the bat  
7 castle to try to get the bats out of town. That was a  
8 plan of ours to do within a five-year period, but we  
9 felt we needed to hurry because of your defamation.

10 It increased because I borrowed \$12,000  
11 and paid bills. It increased because someone passed  
12 away and left Bat World some estate money. We -- We had  
13 another nonprofit that folded and left us the money in  
14 their bank account. There were various circumstances  
15 that will never occur again.

16 You can't run an organization on if, on  
17 if -- well, maybe somebody else will die and leave us  
18 some money, or maybe we will win another contest, or  
19 maybe somebody else will fold and give us money. We  
20 can't -- our stability has been undermined. We no  
21 longer have the donations that I worked for 18 years  
22 to -- to stabilize the organization. The donations we  
23 could count on, we no longer can count on. The only one  
24 we can count on hopefully sustaining ourselves in other  
25 ways.

1 Q. Ms. Lollar, can you count on anything? Are  
2 you guaranteed to always have membership renewals,  
3 grants, donations, are those things guaranteed?

4 A. It's been working -- It has been working for  
5 us up until the time of the -- the defamation.

6 Q. There is no way you can be a hundred percent  
7 certain that even if I never came around, even if you  
8 never met me, that your donations could have gone down  
9 for some other external reason?

10 A. It's never happened to us before.

11 Q. It's never happened before, but could it  
12 happen in the future?

13 A. I can't really answer a hypothetical question.

14 Q. I want to go back to the e-mail that you sent  
15 to the City. You stated paraphrased, I can't be  
16 distracted with all these complaints. I'm trying to run  
17 a world-class organization. I'm leaving town.

18 Did you state that paraphrased?

19 A. I don't believe -- No, it was certainly not in  
20 that same manner.

21 Q. Did you tell them that you were leaving town?

22 A. I told them -- yes, that we were forced to --  
23 I felt forced that we needed to leave town, basically,  
24 because of the complaints that you've been making and  
25 the spurring on new complaints from the people that have

1 been complaining for several years.

2 Q. Did you mention me in that e-mail?

3 A. No, I did not. At the time I knew that you  
4 were doing the Freedom of Information Act to the City,  
5 which you have done several times now, and I didn't want  
6 to mention any names or anything, because it just seems  
7 to give you more ammunition to attack more people.

8 Q. Didn't you tell the City in, I believe, June,  
9 2010, before you physically met me, that you were going  
10 to leave town?

11 A. I don't recall ever telling them that. I do  
12 know that we were thinking of -- we wanted to build an  
13 artificial habitat in the form of a bat cave -- or  
14 excuse me, an artificial cave on land that was donated  
15 by a private individual. And we were trying to work  
16 with the City to try to move all of the bats into the  
17 bat cave rather than just the bats from the wild  
18 sanctuary.

19 We has -- We were working together to try  
20 to find a solution to move the bats into a safer  
21 location that would be better for humans and -- and the  
22 bats.

23 Q. But didn't you send an e-mail to the City of  
24 Mineral Wells -- I will show it when I present my side  
25 later -- stating that you realize that there is

1 human/bat conflict and you will be moving out of town?  
2 This is before you ever met me.

3 A. That would have been referencing the bats --  
4 the wild bat populations, not us physically.

5 THE COURT: It's now three minutes past  
6 3:00. We will take a break until 3:15.

7 (Break from 3:03 p.m. to 3:15 p.m.)

8 THE COURT: Be seated, please. You may  
9 proceed, Ms. Cummins.

10 MS. CUMMINS: Thank you.

11 Q. (BY MS. CUMMINS) Ms. Lollar, didn't you send  
12 an e-mail to Donna Robins, the health inspector of the  
13 City of Mineral Wells, in June of 2009, telling her that  
14 you will be moving out of town?

15 A. I believe that we were talking, again, about  
16 the wild sanctuary building and moving the wild colony  
17 out.

18 Q. So this was June of 2009, this was a year  
19 before you ever met me, correct?

20 A. Correct. That was the wild sanctuary. We had  
21 already -- always had plans to try to get them out to  
22 land that -- the spot had been donated for us to build a  
23 bat castle -- excuse me, the artificial cave, but that  
24 donor actually decided against it after she read your  
25 defamation.

1 Q. Excuse me. Can you please repeat that?

2 A. The donor that wanted to donate the spot for  
3 us on -- on the land -- donate a spot for us on -- on  
4 protected land, decided against it after she saw your  
5 defamation posted on the Internet.

6 Q. This is for the artificial bat cave?

7 A. Yes.

8 Q. Okay. And will she be coming here to be a  
9 witness to state this in front of the Judge?

10 A. No.

11 Q. So that would be hearsay.

12 Didn't you state in your June, 2009 --  
13 actually, it's a letter that -- As the city grows, so  
14 does the potential for bat and human contact; is that  
15 correct?

16 A. I recall writing something along those lines.  
17 It's been awhile, so I don't have the letter in front of  
18 me and I can't tell you if I wrote it or not.

19 Q. Okay. Just so we're clear. In June of 2009,  
20 a year before you met me, you told the City you were  
21 going to move out of town?

22 A. We have always talked to the City about moving  
23 the wild bat population out of town, but that doesn't  
24 mean we were going to move out of town. That was the  
25 wild bat sanctuary.

1 Q. Okay.

2 A. Not the captive sanctuary.

3 Q. Now, in your first supplemental response to  
4 disclosure didn't you state, Defendant had made it  
5 impossible for plaintiffs to remain in Mineral Wells  
6 because of her rampage of complaints to the City and the  
7 Health Department. Did you state that?

8 A. It's possible. I seem to recall writing  
9 something along those lines, but again, I don't have  
10 that e-mail in front me, so --

11 Q. I will show it to you later. So you're  
12 stating that my complaints to the Health Departments are  
13 the reason why you were going to leave town?

14 A. Your complaints and your defamation. Your  
15 constant attacks on our organization and on me  
16 personally have made it impossible for me to want to  
17 stay in that town. I feel humiliated. I feel ashamed  
18 when I shouldn't be.

19 Q. But again, your legal document states that  
20 you're moving out of town because of my complaints to  
21 the City and the Health Department?

22 A. I -- I don't have that document in front of  
23 me.

24 Q. Okay. I will --

25 A. It might be part of -- part of what is the

1 reasons, yes, that we're moving out.

2 Q. And in June of 2011, didn't you also again  
3 e-mail the City stating that you're going to be moving  
4 out of town?

5 A. Yes, I did.

6 Q. You stated that you will be moving out of the  
7 Oak Street property and First Avenue, correct?

8 A. Yes. Based on your defamation and your  
9 complaints to the City, yes.

10 Q. In this e-mail to the City, didn't you state,  
11 I can no longer continue to run a world-class  
12 organization with the constant distractions of having to  
13 defend our work protecting the animals, the environment,  
14 and bats. The burden has just become too overwhelming.

15 Is that correct?

16 A. That's correct. That was based on your  
17 attacks and complaints and defamation.

18 Q. Is my name in here anywhere?

19 A. No.

20 Q. Does it say you're leaving because of Mary  
21 Cummins' defamation?

22 A. At the time that was when you were doing a lot  
23 of FOIAs to the City, so I limited my verbiage because  
24 you were constantly trying to seek new information about  
25 me.



1 Q. In 1999, didn't a rabid baby bat bite a  
2 toddler on the cheek directly next door to your wild  
3 sanctuary?

4 A. That is not the -- an accurate portrayal of  
5 what happened.

6 Q. What do you think happened?

7 A. The woman who had the building adjacent to our  
8 wild sanctuary had a toddler who went into her building  
9 and there was a bat inside her building.

10 Previously, she had called me with --  
11 asking for help with her bat colony. And I gave her  
12 exclusion methods. I provided her with the netting and  
13 all the instructions on exactly how to do it and -- and  
14 told her it would be a very simple process, because the  
15 bats were only going in one spot.

16 And I said the worse thing you could do  
17 is -- would be to seal those bats in. She had suggested  
18 she just wanted to seal the holes, and I said, If you  
19 seal the holes, you will be sealing them inside the  
20 building, and they will find their way into the interior  
21 of the building, so you have to exclude them first.

22 Q. My question is: Didn't a rabid baby bat bite  
23 the toddler on the cheek?

24 A. I'm getting to that. She sealed the bats in  
25 rather than following my advice. A bat was inside her

1 building, she called me and said that she went in --  
2 into the building and saw her toddler stomping on a bat  
3 and there was a splatter of blood on his cheek. And I  
4 told her that because there was a child involved, the  
5 best thing she could do would be to call animal control  
6 and have the bat tested for rabies.

7 Q. I will bring the -- I will show the official  
8 reports as exhibits tomorrow.

9 But do you believe the story you're  
10 telling right now will be the same as the official  
11 report from the City?

12 A. I'm not sure what she reported to the City. I  
13 do know what she told me when she called.

14 Q. Earlier you stated that there are bats living  
15 in the roof of the Baker Hotel; is that true?

16 A. That's correct.

17 Q. How many -- How tall is the Baker Hotel, how  
18 many floors?

19 A. It is -- I think it's 14, 15 floors.

20 Q. So if there are bats roosting 14 floors up and  
21 their bat guano is 14 floors up, would you be able to  
22 smell that in front of your building?

23 A. Yes, because of the direction of the wind  
24 current.

25 Q. So you believe that your building has been

1 reported for foul smells for, I don't know, 18 years,  
2 because of the Baker Hotel and not your building?

3 A. I believe that numerous buildings downtown  
4 that -- that -- where bats inhabit have a -- an odor as  
5 well. And whenever anyone smells anything downtown,  
6 they automatically blame our wild sanctuary building,  
7 even though our building is now cleaner than many of  
8 those other buildings.

9 Q. Earlier you stated that people used to give  
10 you free food, but then all of a sudden they put  
11 peppers, trash, and tobacco into the food, and then you  
12 later said that someone who worked at the store said  
13 they were doing that because of my defamation; is that  
14 true?

15 A. I said that the store owner decided to no  
16 longer give us fruit because of your defamation. I  
17 don't know why the trash was ending up in there, but  
18 I -- I believe it was because the people who were  
19 putting the fruit in there for us probably saw your  
20 defamation and decided to just react.

21 Q. So are any of those people going to come to  
22 court and state this under oath, that -- that my  
23 defamation is the reason you're not getting fruit or  
24 they put trash in the fruit?

25 A. No, I don't believe that they would want to

1 come and defend me if they believe I am committing  
2 animal cruelty.

3 Q. Earlier you stated that I said you were  
4 evicted from your building; is that correct?

5 A. I believe that's what you posted on your  
6 Facebook page.

7 Q. I have a copy of what you copied of my  
8 Facebook page. It states, Update, Health Department  
9 forced Bat World to leave town. In January, they gutted  
10 the building, cleaned it and removed her property.

11 I don't see the word evicted in there, do  
12 you?

13 A. I know -- You made two posts on two different  
14 Facebook sites. One of them was your personal page, the  
15 other was your Animal Advocates page. And I'm not sure  
16 that the word evicted was actually used, but forced out  
17 is basically the definition of evicted, so --

18 Q. You believe the term evicted means the same as  
19 forced out?

20 A. I believe it does.

21 Q. Earlier you stated that because of me, because  
22 of my attacks, you had to add extra security to your  
23 Internet site; is that true?

24 A. That's true.

25 Q. Do you have any evidence of me attacking,

1 hacking, overloading, doing anything illegal to your  
2 website?

3 A. I'm not sure what's illegal and what's not,  
4 because I'm not an Internet expert, but my information  
5 technology -- or my Internet expert guy said that you  
6 were constantly visiting our website and staying on  
7 there for hours at a time. He put a -- a security  
8 measure in place that would allow you -- that would not  
9 allow you to view our website any more just in case  
10 there was something going on that we needed to protect.  
11 We weren't sure what you were trying to do.

12 And then later you posted on your blog  
13 about me that you created a proxy and that you basically  
14 conceded anyway so that all of our of security measures  
15 were for no reason, were basically no good.

16 Q. Let me ask you a question: Isn't your  
17 Internet website public?

18 A. Yes, it's public.

19 Q. So anyone in the world can see your website?

20 A. That's the way we intended it, yes.

21 Q. Okay. So what would be your problem with me  
22 seeing your website?

23 A. Because my copyrighted video showed up on the  
24 Internet and depicted a procedure that was meant to -- a  
25 medical procedure meant to help an animal. And it was

1 depicted instead as animal cruelty. And these sites  
2 that it showed up on have -- have all been tied to you  
3 in one way or the other.

4 Q. Okay. The -- The sites that the video of you  
5 taking the molar out of the bat, you believe -- say that  
6 again, I'm tied in?

7 A. I believe you are. You then took all that  
8 information and after it was posted on the Internet, you  
9 did a copy paste of that -- those sites and sent those  
10 same videos and -- the same videos and pictures to  
11 various government agencies, to animal rights groups, to  
12 wildlife rehabilitation listers. I believe it went out  
13 to hundreds of thousands of people.

14 Q. So you have absolute physical proof that  
15 you're going to present to this Court to show that I was  
16 responsible for all of that?

17 A. Your name was on the message that went out to  
18 all these government agencies, so, yes. We can prove  
19 that you sent those e-mails and you also provided them  
20 to us in discovery, the e-mails that contained the  
21 defamation.

22 Q. So your website is public, anyone can see it.  
23 For some reason you didn't want me to see it. And for  
24 that reason you believe you had to spend, my goodness,  
25 what, \$23,400 to try to prevent me from seeing your

1 public website?

2 A. I don't believe that was the amount we had  
3 down for just the website. There was also \$12,000 that  
4 was put on a credit card.

5 Q. For what?

6 A. There were different loans. There were  
7 veterinary bills that had to be paid with loans.

8 Q. So you're saying I'm responsible for your  
9 veterinary bills?

10 A. The decline or the drop -- the huge drop in  
11 our donations made it so that the organization could no  
12 longer afford to pay those bills. So I had to pay them  
13 instead.

14 Q. Okay. So there was a drop in donations and  
15 grants, but there was a huge increase from donation,  
16 contest, and another contest --

17 A. That occurred --

18 Q. -- your income has almost double. Why would  
19 you have to borrow money from yourself?

20 A. Those donations -- the Little Drac video that  
21 went viral occurred in November. The defamation  
22 occurred from, I think, May up until -- well, it's still  
23 going on, so from May all the way through the summer  
24 when we actually need money the most, because of all the  
25 orphans we rescue. That's when we had the least amount

1 of money, and that's when we suffered the most. And  
2 that's when I ended up having to get loans and doing --  
3 various other means, as far as credit cards to pay the  
4 bills.

5 Q. You gave me your finances in discovery, and I  
6 have compared 2010 to 2011. Every month in 2011 is much  
7 more than 2010. So you were making more before the  
8 Little Drac video?

9 A. So some of that money was from the person who  
10 left us the estate, some of it was loans that I took out  
11 to give to the organization, and some of it was the  
12 non -- the other nonprofit who -- who folded and some of  
13 that was from remortgaging the building.

14 The contest money we won was for a  
15 specific purpose, and it was used for that specific  
16 purpose, so it didn't go into support the organization  
17 in any way, shape, or form.

18 Q. You just won another contest that was a  
19 donation contest?

20 A. Yes.

21 Q. If you got donations to a certain amount they  
22 would give you the form. Didn't you just get, like,  
23 35,000 --

24 A. Yes.

25 Q. -- even more? Okay.





1 it was bad enough what was happening already, much less  
2 to have something happen to our website that would cause  
3 even more damage to the organization.

4 Q. But again, your website is public, anyone in  
5 the world can see it, correct?

6 A. Correct.

7 Q. Then why block me? If I was hacking your  
8 website, wouldn't you call the FBI?

9 A. We have no proof that you were hacking the  
10 website. I only have proof that a video showed up that  
11 you earlier stated that was not even copyrighted  
12 infringement.

13 Q. So you state you have no proof that I hacked  
14 your website?

15 A. No. We have proof that you were on our  
16 website for hours at a time. We have proof that we  
17 created a guard to keep you off our website. We have  
18 proof that you stated on your blog that you could see it  
19 anyway and our -- our -- basically our measures were  
20 wasted, because you can get in anyway.

21 Q. But again, I was just looking at a public  
22 website, any person in the world could see, correct?

23 A. Other people -- If -- I feel that if we had  
24 put a block up on someone else's IP address to prevent  
25 them from seeing it, they wouldn't have gone to such

1 measures to try to see it anyway.

2 Q. Isn't it possible that some people have  
3 Internet connections where their IP address changes  
4 every single time they log in and out?

5 A. I'm not an Internet expert, so I can't really  
6 answer that.

7 Q. So if you were to block one or two IP  
8 addresses, I log off, I log back on, I have a new IP  
9 address every day. You would have to reblock it every  
10 day. Were you doing that?

11 A. I'm not sure. I was leaving that up to my  
12 Internet expert, to the person who I had hired to get  
13 more security measures on the site. So I'm not sure  
14 what he -- what all he -- what measures he took. I just  
15 know that that's the bill I ended up paying.

16 Q. A couple last questions. When we were  
17 watching the video of the episiotomy, you stated I was  
18 holding the camera; is that true?

19 A. Yes, you were holding the video camera.

20 Q. And who was holding the still camera?

21 A. That would be Janet.

22 Q. Okay. So I wasn't holding both of the  
23 cameras?

24 A. No.

25 Q. And again, you stated that someone was going

1 to donate land for you to have your artificial cave,  
2 correct?

3 A. Correct.

4 Q. And you have stated that they're not going to  
5 do that now because of my defamation?

6 A. That's what I suspect.

7 Q. But you have no proof?

8 A. I do not have any proof. I just know that all  
9 of these bad things started happening to us financially  
10 and supportively when the defamation occurred.

11 Q. So all of these bad things supposedly have  
12 been happening to you since a certain date. Do you have  
13 any proof to show that I am the cause of any of the  
14 damages or of anything that has happened?

15 A. All of the years previous that we have worked  
16 to build financial security through donations and  
17 foundations were stable, our income was steady, it was  
18 something we could count on. And when the defamation  
19 occurred that completely went under. We don't -- We  
20 don't have that security any more.

21 When the defamation occurred, we suffered  
22 a 40 percent loss in public support and grant support.  
23 It coincided with the defamation, so I don't think  
24 anything else could have caused it.

25 Q. So it coincided, but you don't have actually

1 proof of causation. It could have been the economy. It  
2 could have been because people started seeing all the  
3 Public Information Act results that I posted on my  
4 websites showing the problems you've had over the years.  
5 It could have been the three people in Mineral Wells who  
6 have been complaining about you forever. It could have  
7 been the City who has been asking you to leave for a  
8 while.

9 THE REPORTER: Can you slow down, please?

10 MS. CUMMINS: Sorry.

11 Q. (BY MS. CUMMINS) It could have been the City  
12 who has been asking you to leave for a while?

13 A. The -- In 2008, I think we suffered one of the  
14 worst recessions in the economy, very -- it was very  
15 difficult for everyone, but in 2008 our donations  
16 remained steady. We didn't suffer a financial loss  
17 until your defamation occurred.

18 The City didn't defame me, they didn't  
19 put up depictions of animal cruelty. They didn't -- The  
20 three people in town who have complained about the  
21 building didn't put information on the Internet about  
22 me. No one else put anything else on the information --  
23 no one else put information and defamation on the  
24 Internet about me besides you. That's to the best of my  
25 knowledge.

1                   And the people that you encourage to post  
2 defamation, perhaps they did as well.

3           Q.     Again, my only question right now is: Do you  
4 have any proof that I am the cause of certain of your  
5 finances being down? I mean, overall your finances are  
6 way up, they are almost double.

7           A.     They're -- They're -- I don't have any proof  
8 that it was you, except that all signs point to that,  
9 because nothing else is -- like this has ever occurred  
10 to us in the past. We have never been defamed in the  
11 past. Our financial stability has remained across the  
12 board. We have been very stable. And when the  
13 defamation occurred, we suffered a great loss. That's  
14 my proof.

15          Q.     That is your -- That is proof you believe?

16          A.     I believe it's proof, yes.

17          Q.     You mean, coincidence?

18          A.     I believe that it proves that something  
19 happened to cause a big loss of donations to our  
20 organization. Something happened to cause that.

21          Q.     But you have no actual proof that my actions  
22 were defamation and that they caused you financial  
23 damages?

24          A.     Actually, I believe that some of the proof --  
25 yes -- is the fact that this person who wanted to donate

1 land decided against it.

2           One of our members was on your website  
3 when -- on your Facebook page, and that member did not  
4 renew. One of our members, apparently, was on one of  
5 your Facebook sites when you were complaining about --  
6 making complaints to me and encouraging those people to  
7 write to Texas Park & Wildlife. Her name is Susan  
8 Rankin. She wrote to Texas Parks & Wildlife and said I  
9 will no longer support Bat World Sanctuary. She said, I  
10 have been a long supporter of the organization, but I  
11 will no longer support them.

12           I don't believe that every person that  
13 believes your defamation is going to come to me and say,  
14 I believe what she said, and so I'm no longer going to  
15 support you. But I do -- I do have certain pieces of  
16 proof that you caused financial loss to us.

17           Q. So are all these people that you talked about,  
18 are they going to be coming to this trial and telling  
19 this Court that I am -- what I said was defamation and  
20 what I said has caused them not to give you money?

21           A. One of them put it in writing.

22           Q. Did she say because Mary Cummins defamed  
23 Ms. Lollar, lied about her and defamed her, I will not  
24 give her money, or did she say, I just won't support the  
25 organization?

1           A.    I do believe she mentioned your name and said  
2 that you had shared with them acts of animal cruelty,  
3 and that because of that she would not longer support  
4 us.  I do believe it was something along those lines,  
5 but I don't have that e-mail in front of me so I --

6           Q.    Do you have a copy of it?

7           A.    Yes, we do.

8           Q.    Have you provided it to me?

9           A.    I think we will be providing it.

10          Q.    And you believe that this woman, Susan Rankin,  
11 will also come to Court and state, Yeah, that's the  
12 e-mail and, yeah, I'm not going to -- because of what  
13 Ms. Cummins said I'm not going to financially support  
14 them?

15          A.    I don't believe that anyone who believes your  
16 defamation is going to come and support me in Court.

17          Q.    Okay.

18                         MS. CUMMINS:  No further questions.

19                                 **REDIRECT EXAMINATION**

20          BY MR. TURNER:

21          Q.    Just a couple of questions, Ms. Lollar.  Is  
22 there any prohibition under Texas law to a person  
23 performing surgery on a wild animal?

24          A.    No, there is not.

25          Q.    And I can -- I can perform surgery -- it's my



1 understanding, I can perform surgery on my own animals,  
2 I just can't perform surgery on somebody else's animals?

3 A. That is my understanding of the law, yes.

4 Q. I'm going to show what's been marked as  
5 Plaintiffs' Exhibit Number 29, and ask if you can tell  
6 us what this is?

7 A. This is our rehabilitation/recovery room.

8 Q. Okay. It's just a picture of your facility?

9 A. Yes, it's the area where we treat the injured  
10 and orphaned bats.

11 Q. And does it accurately depict the way your  
12 facility normally looks?

13 A. Yes.

14 MR. TURNER: We will offer that exhibit  
15 into evidence, Your Honor.

16 MS. CUMMINS: Can I get a copy?

17 THE COURT: Plaintiffs' Exhibit 29 is  
18 admitted.

19 (Plaintiffs' Exhibit Number 29 was  
20 admitted.)

21 Q. (BY MR. TURNER) Do you have the e-mail with  
22 you today that Susan Rankin wrote to Texas Parks &  
23 Wildlife?

24 A. I believe we have it in one of the exhibit  
25 folders. I believe it's folder number 19.

1 Q. Okay. And Susan Rankin was one of your  
2 members?

3 A. Yes.

4 Q. She was a member of Bat World?

5 A. Yes, she was.

6 Q. And she wrote an e-mail to Texas Parks &  
7 Wildlife that basically said, I saw what Mary Cummins  
8 wrote, I'm not -- I am quitting Bat World, or something  
9 to that effect?

10 A. Something to that effect. I believe the words  
11 she used were, I've been a long -- I've long been a  
12 supporter of Bat World, but I will not support them any  
13 longer.

14 Q. I'm going to show you Exhibit 19, and ask if  
15 you can find that in there?

16 A. Okay. This -- I'm sorry. It's not in this  
17 folder.

18 Q. Could it be in 18 or 17?

19 A. No, I don't believe so.

20 Q. Okay. All right.

21 MR. TURNER: We will pass the witness,  
22 Your Honor.

23 **RECROSS-EXAMINATION**

24 BY MS. CUMMINS:

25 Q. I just pulled up the e-mail in question,

1 and -- Well, it's hearsay, because she is not here and  
2 she won't be here. But it says here, I have long been a  
3 fan of bat World Sanctuary, but lately the videos that  
4 have been put out are horrifying to me. Please  
5 investigate and prosecute Amanda Lollar for animal  
6 abuse. It breaks my heart to write this, as I have long  
7 supported Bat World and loved what it stands for;  
8 however, what she is doing, illegal surgeries, et  
9 cetera, cannot be supported. I very much hope she is  
10 fully investigated and that if found guilty of abuse, is  
11 prosecuted to the full extent of the law.

12                   Now, this -- to be a supporter and to be  
13 a fan of, does not mean that the person gives you money?  
14 I have a lot of people who support me and are my fans  
15 and they don't give me money. I support a lot of their  
16 organizations, and I don't give them money. I don't see  
17 anything in here where she says, I used to give so many  
18 dollars, but now -- I was going to give so many dollars,  
19 but now I have changed my mind. And not only that, but  
20 it basically says here that she saw the videos. She saw  
21 the videos. She came to her own conclusion.

22                   So I don't see here where you are saying  
23 that there's -- she's showing that she is no longer  
24 going to give you money.

25                   A. She was actually one of our members. She was

1 one of our donating members. She no longer is one of  
2 our members.

3 Q. Is she going to show up tomorrow and state  
4 that she used to give money, but now she is not going to  
5 give money because of what I said?

6 A. I don't believe that anyone who believes your  
7 defamation is going to show up to support me. No, I  
8 don't believe she will be here.

9 Q. Your attorney asked you, basically, a legal  
10 question; if it's legal for you to perform surgeries --  
11 Do you believe it's legal for you to perform surgery on  
12 wildlife?

13 A. I believe -- Yes, I believe it is. I believe  
14 it's legal for me to perform the lifesaving procedures  
15 that I perform on them.

16 Q. Have you looked up Texas laws when it comes to  
17 veterinary care and animal cruelty?

18 A. Yes, I have.

19 Q. So you're familiar?

20 A. Yes.

21 Q. Are you familiar with the law that, as  
22 Mr. Turner said, if you want to, you can operate on your  
23 own cat or dog, and you could even operate on someone  
24 other -- someone else's cat as long as you didn't take  
25 money for it?

1           Now, there is an exception here when it  
2 comes to captively-held wildlife. You cannot operate on  
3 those. You have to be a licensed veterinarian to  
4 operate on captive wildlife. Now, if it's like a deer  
5 in the middle of the woods that would be something  
6 else -- that wouldn't be captive wildlife.

7           So are you familiar with this law?

8           A. I do not recall ever seeing that in the Texas  
9 law. I have not ever read that. And the bat was not a  
10 captive bat, it was a wild -- it was a free-ranging bat  
11 that needed medical attention.

12          Q. When -- The law states a captive bat is -- a  
13 captive wild animal is an animal that is in an enclosure  
14 or a trap. That is captive. When they're in their  
15 sanctuary, wouldn't you believe they're captive? In  
16 fact, isn't your book about -- how to -- Management of  
17 Captive Insectivorous Bats, correct?

18          A. Those are colonies that are not releasable.  
19 That's what the book is referencing. Colonies that are  
20 being maintained for years at a time, not free-ranging  
21 bats that are just simply in recovery and ready to be  
22 released.

23          Q. When you find an injured bat outside in the  
24 wild, you take it into your building. It's then in a  
25 captive environment and then you perform surgery on it.

1 Do you believe that's legal?

2 A. Yes, I do.

3 Q. Can you quote the law?

4 A. No, I can't.

5 MS. CUMMINS: No further questions.

6 MR. TURNER: Just two more.

7 **REDIRECT EXAMINATION**

8 BY MR. TURNER:

9 Q. Among all the governmental agencies that  
10 Ms. Cummins complained to about you performing illegal  
11 surgeries was one of those the Texas Board of Veterinary  
12 Medical Examiners?

13 A. Yes.

14 Q. Or the Texas Veterinary Medical Board?

15 A. Yes.

16 Q. Did they take any action or -- or -- against  
17 you in any way as a result of those complaints?

18 A. No. They took no action. I believe they  
19 stated I was not breaking the law.

20 Q. Okay. In Texas Parks & Wildlife, another  
21 agency that Ms. Cummins complained to, were they aware  
22 that you performed surgeries on these bats?

23 A. Yes.

24 Q. And do they have any problem with -- or have  
25 they expressed any disapproval?

1 A. No.

2 Q. Has any government agency or law enforcement  
3 agency that's been -- that knows about you performing  
4 surgery indicated that there is anything at all wrong  
5 with it?

6 A. No. No complaints at all from any of the  
7 investigations. They all reported no violations found.

8 Q. How did it make you feel when you saw an  
9 e-mail from one of your donors saying -- asking someone  
10 to prosecute you for animal cruelty?

11 A. I can't even put it into words. Humiliated,  
12 horrified, extremely sad --

13 Q. Do you wonder how many --

14 A. -- anguished.

15 Q. I'm sorry.

16 A. Anguished. I'm sorry. It's anguishing.

17 Q. Do you -- Do you ever wonder how many other  
18 people out there feel the same way but you never got  
19 ahold of their e-mails or you never heard from them?

20 A. Yes, I do.

21 Q. Thank you.

22 MR. TURNER: Pass witness.

23 **RECROSS-EXAMINATION**

24 BY MS. CUMMINS:

25 Q. Now, you stated that the Texas Veterinary

1 Medical Board they told you that you weren't doing  
2 anything wrong?

3 A. I did not state that. I believe that they  
4 said no laws were broken.

5 Q. Did they state this in writing?

6 A. I believe that you provided that to us in an  
7 e-mail in your discovery. And in the e-mail, I'm not  
8 positive of the exact verbiage, but it stated that they  
9 said I was not breaking any laws.

10 Q. Now, the Texas Veterinary Medical Board, they  
11 regulate veterinarians in Texas. And, yes, it's legal  
12 to perform surgery on your own cat and dog. You can  
13 perform surgery on someone else's cat, but you just  
14 can't take money for it.

15 So the Texas Veterinary Board, they don't  
16 have any control over you because you don't have a  
17 license and because you didn't take money for it. They  
18 don't have any control over -- Well, they told me to  
19 call the police, which I did. But they have no legal  
20 control over someone who's not a veterinarian or not  
21 accepting money for it. They did not say no violations  
22 were found --

23 THE COURT: Ma'am, do you have a  
24 question?

25 MS. CUMMINS: Yes.



1 THE COURT: If you do, please state it.

2 MS. CUMMINS: I'm sorry.

3 Q. (BY MS. CUMMINS) Did the Texas Veterinary  
4 Medical Board state in writing that you were doing  
5 nothing wrong?

6 A. I didn't contact them, so they never stated  
7 anything in writing to me. But I -- we did find that  
8 verbiage on one of your e-mails.

9 Q. One of my e-mails?

10 A. Yes, that you provided in discovery. And I  
11 remember reading that it said that we were not breaking  
12 the law. I was not breaking the law.

13 Q. Now, you stated that all these government  
14 agencies said that there were, quote, unquote, No  
15 violations found; is that correct?

16 A. That's correct.

17 Q. And you have this in writing from every single  
18 agency?

19 A. Yes.

20 Q. And you will be providing that?

21 A. Yes.

22 Q. You stated that the Texas Parks & Wildlife  
23 Department said that they were okay with you performing  
24 surgery; is that correct?

25 A. I never stated that they said they were okay

1 with me performing surgery. They simply stated that no  
2 violations were found.

3 Q. Isn't part of your license with Texas Parks &  
4 Wildlife Department -- doesn't it state that you must  
5 provide proper veterinary care?

6 A. Yes.

7 Q. And you believe you were providing proper  
8 veterinary care?

9 A. I do believe I am providing proper veterinary  
10 care. If anything is outside the scope of my knowledge  
11 and my veterinarian is available, then I always defer to  
12 him. I do not believe I am a veterinarian. I believe I  
13 can perform life-saving procedures in emergencies, which  
14 I do, but I don't proclaim to be a veterinarian.

15 Q. I have a question about these emergency  
16 procedures. Now, your vet, Dr. Tad Jarrett, isn't his  
17 office open six days a weeks?

18 A. I believe it is.

19 Q. Isn't his office maybe four or five blocks  
20 away from your location?

21 A. Probably within a half a mile.

22 Q. Okay. Now, when the -- there were two  
23 instances here. When the bat needed the episiotomy -- I  
24 have got the time date stamp on the video -- but wasn't  
25 your vet available at that time?

1           A.    He may have been, or he may have been on  
2 vacation.  They go on vacation every summer.

3           Q.    So you don't know if he was there or not?

4           A.    No, I don't.

5           Q.    Why didn't -- When you had this bat that's in  
6 distress, why didn't you take it to your vet?

7           A.    Because we had worked together previously to  
8 develop the technique so that I wouldn't have to bring  
9 the bats to him every time, so that they could receive  
10 the emergency care they need immediately rather than  
11 waiting for the -- you know, for -- for help.  And if  
12 he's on vacation, of course, then the bat could die in  
13 the process.

14                         Because I'm trained, there is no need to  
15 go to him.  That's why he trained me so I wouldn't have  
16 to turn to him.

17           Q.    Didn't you tell me earlier, I believe in your  
18 deposition, that your vet doesn't charge you for all  
19 procedures?

20           A.    That was not -- my vet charges for some  
21 procedures, some he doesn't.  We work with several vets.

22           Q.    But isn't Dr. Tad Jarrett the vet who is in  
23 Mineral Wells, Texas --

24           A.    Yes.

25           Q.    -- next to your location?

1           A.    Yes.

2           Q.    So again, when this bat was in distress, why  
3 didn't -- why wouldn't you want to give that bat the  
4 best veterinary care possible by taking it to a licensed  
5 veterinarian with years of experience and drugs and  
6 machines?

7           A.    I have pain medication and antibiotics and  
8 everything the bat needs to receive proper care. And I  
9 was also trained. He trained me so I would not have to  
10 turn to him in every emergency. That's why he trained  
11 me, so I wouldn't have to use him in every single  
12 emergency.

13          Q.    I have one last question. Now, you went to  
14 the wild sanctuary, maybe, 9:00, 10:00 a.m. in the  
15 morning and you found a bat that had her chest muscle  
16 and skin ripped open by a hawk, owl, who knows what, and  
17 you went to suture that bat. Why didn't you take that  
18 bat to your vet?

19          A.    That was another procedure that I've worked  
20 with my veterinarian on. And again, he trained me to do  
21 certain emergency procedures so that I wouldn't have to  
22 take every animal to him.

23          Q.    Now, you don't have a nebulizer, so you're not  
24 administering the anesthesia legally or properly or even  
25 safely. Now, you gave anesthesia to that bat by just

1 soaking the Isoflurane into a cotton ball and putting it  
2 into a little cone and putting it in front of her face,  
3 over her head.

4 Now, if you have a licensed veterinarian  
5 down the street, with a nebulizer who can be able to  
6 regulate the percentage of Isoflurane and oxygen, why  
7 wouldn't you want to give that bat that treatment?

8 MR. TURNER: Your Honor, I'm going to  
9 have to object to the first part that question as --

10 THE COURT: Sustained.

11 MS. CUMMINS: Okay.

12 Q. (BY MS. CUMMINS) Why didn't you take the bat  
13 to the vet, especially considering it needed anesthesia?

14 A. I'm sorry, I didn't hear the last part of your  
15 sentence.

16 Q. I'm talking about the bat that was sliced open  
17 by some sort of creature and you were trying to suture  
18 it and you had me take photos. And why didn't you take  
19 that bat to the vet because -- why wouldn't you want to  
20 use a professional anesthesia machine instead of a  
21 cotton ball soaked in something in a cup over their  
22 head?

23 A. The cone method is -- is a method that's  
24 actually used in laboratories and different places.  
25 It's -- It's a -- you don't always use a nebulizer with

1 Isoflurane, because there is -- there is different ways  
2 that you can actually anesthetize bats. And my method  
3 has proved successful in dozens and dozens and dozens of  
4 cases.

5 Q. I'm going to ask you a question: Do you  
6 realize that -- Actually, this is one of your friends.  
7 Do you know Debra Cantrell?

8 A. She is one of Bat World members, yes.

9 Q. Did you know that she wrote a chapter in Bats  
10 in Captivity?

11 A. I knew that she participated in -- in writing  
12 pieces of the book.

13 Q. Is she a friend of yours?

14 A. Yes.

15 Q. Does she support what you do?

16 A. Yes.

17 Q. I'm going to read a short paragraph here.

18 Lollar and Smith French, 1998. Described a method of  
19 inhalation anesthesia in bats --

20 THE COURT: Do you have a question, if  
21 so, what is it?

22 Q. (BY MS. CUMMINS) The question is: If she  
23 knew that her supporter, Debra Cantrell, states that her  
24 method of anesthesia should not be used.

25 THE COURT: What's your question?

1           Q.     (BY MS. CUMMINS) Did you know that your  
2 friend, Debra Cantrell, stated in this book that your  
3 anesthesia method should not be used?

4           A.     I didn't. I wasn't aware of that. That's her  
5 opinion, she's welcome to have it, but other  
6 veterinarians use the method successfully, and -- and  
7 recommend the method that I use.

8           Q.     So you're telling me right now that licensed  
9 veterinarians would prefer to put Isoflurane in a cotton  
10 ball in a cup instead of using a nebulizer where they  
11 could regulate the percentage of oxygen and Isoflurane.

12          A.     I'm saying that different veterinarians,  
13 obviously have different procedures that they recommend  
14 and use. And not everyone is going to want to do  
15 exactly the same thing.

16          Q.     Now, when Kay Singleton, Janet Villarreal, and  
17 myself, and yourself who were there, were we there when  
18 you were trying to suture up the bat?

19          A.     I believe -- I'm not sure if Kay Singleton was  
20 there, but when I did successfully suture up the bat, I  
21 believe you were there. I'm not sure if Janet was or  
22 not.

23          Q.     Did you use the cone method of anesthesia on  
24 that bat?

25          A.     Yes, I did.

1 Q. Did that bat become conscious a couple of  
2 times during surgery?

3 A. She -- The anesthesia plane was very light, so  
4 her respiration increased and she twitched a couple of  
5 times, which made me realize that I need to add a little  
6 more Isoflurane to deepen the anesthesia plane so she  
7 did not fully become conscious. But her body responses  
8 made me realize that she was becoming light and I needed  
9 to add more Isoflurane.

10 Q. Did you add more Isoflurane?

11 A. I don't remember. I'm sure I did if that's  
12 what was indicated.

13 Q. Didn't you tell Janet Villarreal, who was your  
14 paid helper, to add more of the Isoflurane to the cotton  
15 ball?

16 A. Either I added it or she added it. I'm -- I'm  
17 not -- I'm not positive who did it, but I do know that  
18 if the bat was reacting and needed it that it would have  
19 been done. But I'm not sure who actually might have  
20 done that.

21 Q. Didn't the bat also stop breathing in the  
22 middle of the surgery?

23 A. Stop --

24 Q. Breathing. Too much anesthesia?

25 A. I do not recall that happening at all. She



1 survived. She was given flight training to build up her  
2 muscles, and she was released later.

3 Q. Wouldn't it be safer to use a nebulizer to be  
4 able to control the percentage of oxygen and Isoflurane  
5 so it's a nice, steady, even, instead of -- you know,  
6 you don't know what's happening with a cotton ball and  
7 you don't know how much she's getting?

8 A. It's -- it's -- Again, it's a method that's --  
9 that's -- could be preferred either way. It's -- There  
10 are veterinarians that sometimes use the cone method  
11 because it's easier to monitor the bat's respiration.  
12 There is no heart monitor or respiration monitor you can  
13 use on an animal that tiny, so -- so oftentimes just the  
14 cone method will suffice.

15 I have used it successfully for over a  
16 decade, and many, many, many other rehabilitators have  
17 also done the same thing as well as lab professionals.

18 Q. Are you stating that there is no heart rate or  
19 breathing monitor for small animals?

20 A. I did not say that. I said for micro bats --  
21 for an animal that weighs perhaps 15 grams and has the  
22 metabolism of a hummingbird, I do not believe that there  
23 is any monitoring equipment that would enable you to  
24 accurately assess respiration and heart rate.

25 Q. So you just don't think it doesn't exist,

1 you're not positive it doesn't exist?

2 A. I -- Again, I'm not a veterinarian, I -- I  
3 don't know what is existing as far as those -- that kind  
4 of equipment, but I -- I have no knowledge that that  
5 type of equipment exists.

6 Q. And when you were trying to suture the bat,  
7 did you have on a few layers of glasses?

8 A. I always wear magnification --

9 THE COURT: Come on. Get off of it. Get  
10 on to something that has something to do with this  
11 lawsuit.

12 MS. CUMMINS: Well, this lawsuit, I  
13 feel --

14 THE COURT: No, it doesn't have a thing  
15 to do with it.

16 MS. CUMMINS: She stated that --

17 THE COURT: Listen to me, lady.

18 MS. CUMMINS: Okay.

19 THE COURT: It doesn't have a thing to do  
20 with it.

21 MS. CUMMINS: Okay. Then no further  
22 questions.

23 THE COURT: You may step down.

24 THE WITNESS: Thank you.

25 MR. TURNER: We would like to call Mary

1 Cummins, Your Honor.

2 THE COURT: Ms. Cummins, you may take the  
3 witness stand.

4 MS. CUMMINS: One second.

5 THE COURT: Please raise your right hand  
6 to be placed under oath.

7 Will you stand up and take the oath as  
8 you're supposed to.

9 (Witness sworn.)

10 THE COURT: Thank you. Be seated.

11 **MARY CUMMINS,**

12 having been first duly sworn, testified as follows:

13 **DIRECT EXAMINATION**

14 BY MR. TURNER:

15 Q. State your name, please.

16 A. Mary Cummins.

17 Q. And where do you live, Ms. Cummins?

18 A. In California.

19 Q. What is your street address?

20 A. I provided that under seal to you alone after  
21 the judge ordered me to.

22 Q. You applied for an internship? I'm sorry.  
23 You applied for an internship with Bat World?

24 A. Yes.

25 MR. TURNER: I apologize, Judge. Judge

1 Sudderth has you do it from the counsel table.

2 THE COURT: She is not here.

3 MR. TURNER: Okay.

4 Q. (BY MR. TURNER) When was that?

5 A. I believe I applied around maybe May 3rd or  
6 May 5th of 2010.

7 Q. And why did you pick Bat World?

8 A. Someone from Bat World Sanctuary actually  
9 forwarded the -- the internship information to me.

10 Q. Did you do any research on Amanda Lollar or  
11 Bat World before you applied for that internship?

12 A. I looked at her website and it looked okay.  
13 And a friend told me they went to bat boot camp and they  
14 had a good time.

15 Q. So at least one person you talked to thought  
16 highly of Bat World; is that correct?

17 A. They thought highly of bat boot camp, which is  
18 different.

19 Q. Well, who puts on the bat boot camp?

20 A. Not Amanda Lollar. It's, I think, Dottie and  
21 Kate.

22 Q. Okay. Other people at Bat World?

23 A. Yes.

24 Q. And had you read good things about Bat World?

25 A. I only saw what she wrote about herself on the

1 website really.

2 Q. You didn't look anywhere else?

3 A. I didn't Google them, because I had seen the  
4 book that Barbara French had written with Amanda Lollar.

5 Q. As far as you could tell, did -- did Bat World  
6 have a good reputation?

7 A. I didn't research them fully at the time, so I  
8 didn't know.

9 Q. When you arrived at Bat World, did you sign a  
10 contract?

11 A. No.

12 Q. Did Amanda Lollar ask you to sign a contract?

13 A. Yes.

14 Q. Did she give you a contract to sign?

15 A. Yes.

16 Q. Did she demand that you sign it?

17 A. Yes.

18 Q. And did she keep asking you to sign it every  
19 day?

20 A. Yes.

21 Q. That's what you've testified to before,  
22 correct?

23 A. Yes. Not every single day. She stopped I  
24 believe -- maybe, two days before I left.

25 Q. But until she stopped, she asked you daily to

1 sign the contract?

2 A. Just about daily, I believe.

3 Q. And why didn't you sign it?

4 A. The first couple of days I didn't even have  
5 time to read it, because I was so busy feeding and  
6 cleaning.

7 Q. Actually, the reason you -- didn't you tell us  
8 before that the reason you didn't sign the contract was  
9 because you thought it was, quote, Crazy?

10 A. I didn't -- you -- I didn't sign the contract  
11 the first two days because I didn't even read it.  
12 Afterwards when I finally read it, I thought it sounded  
13 crazy.

14 Q. At any time did you sign -- ever sign a  
15 contract while you were at Bat World?

16 A. No.

17 MR. TURNER: May I approach the Bench,  
18 Your Honor, to get a copy of that contract?

19 THE COURT: Yes.

20 Q. (BY MR. TURNER) I'm showing you Deposition  
21 Exhibit Number 16, and you know that that's the contract  
22 that -- that document has been admitted into evidence.

23 Is that a contract that you signed?

24 A. No.

25 Q. Do you see the signature there where it says

1 Mary Cummins?

2 A. Yes.

3 Q. Is that your signature?

4 A. No.

5 Q. Now, I would like to show you Plaintiffs'  
6 Exhibit Number 30, and ask you what this is?

7 A. This is an e-mail that I sent to a few members  
8 of Bat World telling them to cease and desist from  
9 harassing me and spamming my Facebook pages and YouTube.

10 Q. Read for the Judge the part of your e-mail  
11 that I've highlighted in yellow.

12 A. It says, They keep posting links to Bat World  
13 when the Bat World contract I signed said, I can't link  
14 to Bat World if I don't get a certificate.

15 Q. Thank you. You wrote that?

16 MR. TURNER: We offer Plaintiffs' Exhibit  
17 Number 30 into evidence, Your Honor.

18 THE COURT: Any objection?

19 MS. CUMMINS: No objection.

20 THE COURT: Admitted.

21 (Plaintiffs' Exhibit Number 30 was  
22 admitted.)

23 Q. (BY MR. TURNER) Now, you wrote that e-mail  
24 less than two months after you left Bat World?

25 A. Yes.

1 Q. So less than two months after you left Bat  
2 World, you were talking about the terms of the contract  
3 that you had signed?

4 A. Actually, those aren't the terms of the  
5 contract.

6 Q. Well, you were -- you were referring to a  
7 contract that you had signed with Bat World two months  
8 earlier?

9 A. I was -- I thought I had signed it for a  
10 while.

11 Q. And now you're claiming that someone forged  
12 your signature?

13 A. Yes.

14 Q. And so when you testified that -- Well, when  
15 you sent the e-mail to the board about a crazy contract  
16 that you had signed two months earlier, you were  
17 mistaken?

18 A. Yes.

19 Q. So this e-mail to the board was just -- it was  
20 just your memory playing tricks, you -- you hadn't  
21 really signed a contract, you just thought you had?

22 A. I didn't even quote the contract properly. It  
23 doesn't say I can't link to anything in the contract.

24 Q. Okay. I'm going to show you what's been  
25 marked as Exhibit Number 60, and ask you what that is?



1           A.    It looks like a signature on a piece of paper.

2           Q.    Okay.  And that's actually your signature that  
3 you gave us when we took your deposition; is that  
4 correct?

5           A.    I would have to compare it to the exhibits  
6 that you sent to me.

7           Q.    Well, I will represent to you that I pulled  
8 that out of the exhibits from your deposition.

9                         Do you agree that that's the signature  
10 that you gave us at your deposition?

11          A.    It looks like it.  I would have to look at --  
12 compare it side by side, but it appears to be.

13          Q.    You need to compare it side by side with what?

14          A.    I requested from you a copy of all the  
15 exhibits from my deposition, and I received it about a  
16 month ago.  I would need to compare it to the Exhibit 60  
17 in that attachment.

18          Q.    Do you remember in your deposition me asking  
19 you to give us a signature sample?

20          A.    Yes.

21          Q.    And you did?

22          A.    Yes.

23          Q.    And according to the -- the deposition that  
24 was Deposition Exhibit Number 60?

25          A.    I don't remember the number.

1 Q. Okay. Well, are you now testifying that that  
2 is not your signature, or at least you're not sure?

3 A. I'm just saying it looks like my signature,  
4 but I would need to see the exhibit that you sent me to  
5 compare it.

6 Q. Let me see that. I'm going mark this as -- We  
7 have been talking about 60, but it was the Deposition  
8 Exhibit Number 60. So I'm going to put a Plaintiffs'  
9 Exhibit Number 39 on it. Is that okay?

10 A. Okay.

11 Q. Okay. Now -- Now, what do you need to -- I'm  
12 not sure I understand. What do you need to compare that  
13 to determine whether or not that -- that is the  
14 signature that you gave us at your deposition?

15 A. I requested about a month or so ago, from  
16 Kelly Bosman, a copy of all the exhibits that you gave  
17 me in my deposition. I received them about a month ago.

18 Q. Okay.

19 A. I could probably access them on my computer.

20 MR. TURNER: Well, I will represent to  
21 the Court, Your Honor, that Exhibit Number 39, which has  
22 the deposition exhibit sticker Number 60 is the actual,  
23 original signature that was a part of the exhibits that  
24 were prepared for the court reporter -- by the court  
25 reporter. And we will offer into evidence Exhibit

1 Number 39.

2 THE COURT: Your representation is  
3 accepted and admitted.

4 (Plaintiffs' Exhibit Number 39 was  
5 admitted.)

6 Q. (BY MR. TURNER) Now, I would like to show you  
7 Exhibit -- Plaintiffs' Exhibit Number 37. And let me  
8 ask you what that is -- or what those are?

9 A. 37 seems to be a copy of my driver's license.

10 Q. Is that an accurate copy of your driver's  
11 license?

12 A. I think so.

13 Q. And that's your signature on the driver's  
14 license in 37?

15 A. Yes, I believe so.

16 Q. I'm going to switch out that 37 with another  
17 Exhibit 37. They're identical, but this 37 is the  
18 original with color photograph. Is that your  
19 driver's -- is that -- is the first page of Exhibit  
20 Number 37 your driver's -- your California driver's  
21 license?

22 A. Yes, it appears to be.

23 Q. Okay. And that's your signature?

24 A. Yes.

25 Q. Now, let's go to the second page of Exhibit

1 Number 37. Do you see that?

2 A. Yes.

3 Q. Do you see that signature there?

4 A. Yes.

5 Q. Now, this was a document that you filed in a  
6 lawsuit in California in Federal court that you filed  
7 against Amanda Loller, correct?

8 A. No.

9 Q. You didn't file a lawsuit, or that's not your  
10 signature?

11 A. This is a lawsuit filed in LA Superior Court.

12 Q. Okay.

13 A. And it's not against Amanda Loller. It's not  
14 a lawsuit at all.

15 Q. Okay. You get involved in quite a few  
16 lawsuits, don't you, Ms. Cummins?

17 A. Yes.

18 Q. Okay. In fact, you've sued or been sued at  
19 least 20 times?

20 A. I don't believe so.

21 Q. Okay. Have you testified to that before?

22 A. No.

23 Q. In any event, page two of Exhibit 37 is your  
24 signature?

25 A. Yes.

1 Q. Let's go to page three. What is that?

2 A. That looks like my signature also.

3 Q. Okay. And page four of Exhibit 37, is a --  
4 says prayer for relief, and it's got a Mary Cummins  
5 signature. Is that your signature?

6 A. Yes.

7 Q. What lawsuit is that from?

8 A. I believe it's the first lawsuit I filed  
9 against your client for defamation and libel.

10 Q. Okay. And let's go to the -- page five of  
11 Exhibit 37. Do you see there is a signature there?

12 A. Yes.

13 Q. And is that your signature?

14 A. Yes.

15 Q. And finally page six of Exhibit Number 37. Is  
16 that your signature?

17 A. Yes.

18 MR. TURNER: Your Honor, at this time we  
19 would offer into evidence Plaintiffs' Exhibit Number 37,  
20 consisting of those signatures of the defendant.

21 THE COURT: Admitted.

22 (Plaintiffs' Exhibit Number 37 was  
23 admitted.)

24 Q. (BY MR. TURNER) When did you arrive at Bat  
25 World, Ms. Cummins?

1           A.    I arrived at Bat World in -- in Mid-Cities in  
2 June 19th, 2010.

3           Q.    And how long were you supposed to stay?

4           A.    I was supposed to stay two weeks.

5           Q.    What -- What were you supposed to do while you  
6 were there?

7           A.    I was supposed to learn how to take care of  
8 ill, injured, and orphaned bats.

9           Q.    You left early, correct?

10          A.    Yes.

11          Q.    Why?

12          A.    All I was doing was feeding and cleaning bats  
13 from 7:00 a.m. to past midnight every night. And I  
14 could feed and clean babies all day long at home. I  
15 don't have to be in Texas to do that.

16                    I wasn't learning anything. Ms. Lollar  
17 was being rude to me and the other intern, and I had  
18 also hurt myself.

19          Q.    So you were -- you felt like you weren't  
20 learning anything, correct?

21          A.    I wasn't learning anything that I didn't  
22 already know.

23          Q.    Sort of a waste of your time?

24          A.    Yes.

25          Q.    And Ms. Lollar was rude to you, that was

1 another reason you left?

2 A. Well, she wasn't just rude to me, she was also  
3 rude to Kay. It was -- It was multiple things.

4 Q. And you and Kay got to be good friends?

5 A. Yes.

6 Q. Now, you weren't happy with your experience at  
7 Bat World when you were flying back to California,  
8 correct?

9 A. I wasn't happy with my experience at Bat  
10 World.

11 Q. Okay. Now, you said you got hurt. You bumped  
12 your head going through a small door or window, correct?

13 A. I bumped my head going through the window, and  
14 then I fell backwards and injured my back.

15 Q. So you were crawling through a window and you  
16 bumped your head and fell backwards?

17 A. Yes.

18 Q. And a few hours ago you served Amanda Loller  
19 with a new lawsuit that you have filed in California,  
20 correct?

21 A. I did?

22 Q. Okay. Well, you've sued her, haven't you?

23 A. Did I serve her?

24 Q. Have you sued Ms. Lollar in California?

25 A. Yes.

1 Q. And you sued her because of the bump on the  
2 head?

3 A. I sued her because of personal injury. And my  
4 witnesses, my doctors are in California, and my damages  
5 are in California.

6 Q. But you've sued her?

7 A. Yes.

8 Q. And did you, the other day, send an e-mail to  
9 my former receptionist saying that I was about to be  
10 sued by you for malicious prosecution?

11 A. No. I didn't send it to -- I sent it to your  
12 partner.

13 Q. Okay. But that's -- I can look forward to  
14 that?

15 A. Me suing you for malicious prosecution?

16 Q. Yes.

17 A. No. Depending on how this case goes, it will  
18 be me suing Ms. Lollar --

19 Q. Okay.

20 A. -- for malicious prosecution.

21 Q. Now, when you went back to California,  
22 Ms. Cummins, you started -- Well, let me back up.

23 You have several websites, blogs,  
24 Facebook, and Twitter accounts, correct?

25 A. Yes.



1 Q. You're pretty savvy with the Internet?

2 A. Tiny bit savvier than a layperson.

3 Q. And when you went back to California after  
4 leaving Bat World disillusioned, you started posting  
5 criticism of Amanda Loller and Bat World on the  
6 Internet, correct?

7 A. I posted the honest truth of what I saw at Bat  
8 World Sanctuary.

9 Q. I'm going to show you what's been marked as  
10 Plaintiffs' Exhibit Number 17, and I will ask you what  
11 is in there? It's a notebook with several papers. If  
12 you wouldn't mind telling us what these papers are.

13 A. Well, your first page is a URL of the table of  
14 contents.

15 Q. Okay.

16 A. And it seems to be an index of what is in the  
17 rest of the notebook.

18 Q. And what's the rest of the notebook?

19 A. It is -- Well, there is some misspellings  
20 here. Those aren't the exact URLs, but it seems to  
21 be -- it appears to be things printed from my website,  
22 animaladvocates.us.

23 Q. Is everything in Exhibit 17 -- was it authored  
24 by you and posted on the Internet?

25 A. I have no idea. I haven't read any of this.

1 I haven't had any time to read any of this.

2 MR. TURNER: Your Honor, could we take a  
3 short recess and let her -- because this is very  
4 critical to the case.

5 THE COURT: It's 4:20. We will take a  
6 recess until 4:30.

7 THE WITNESS: There is 120 pages here  
8 that I have to read. Do I just skim it?

9 MR. TURNER: Well, Judge, if it's easier  
10 for the witness --

11 MS. CUMMINS: Can I read it overnight?

12 THE COURT: Yes.

13 MR. TURNER: That will be fine for her to  
14 read it overnight. Okay.

15 MS. CUMMINS: Okay.

16 THE COURT: Yes. Yes.

17 Q. (BY MR. TURNER) All right. Then let's go on  
18 to something else.

19 You also started posting photographs and  
20 videos that you had taken at Bat World, correct?

21 A. Incorrect.

22 Q. You didn't start posting photographs?

23 A. I posted 99 percent of the photographs and  
24 videos while I was at Bat World, before I left, starting  
25 the day I first arrived.

1 MR. TURNER: May I approach to get  
2 Exhibit 20, Your Honor, the photographs?

3 THE COURT: Yeah.

4 Q. (BY MR. TURNER) We have -- I'm showing you  
5 what's been admitted into evidence, exhibit -- as  
6 Exhibit Number 20. Exhibit -- Excuse me. As Exhibit  
7 Number 20 -- those are photographs that you took and you  
8 posted on the Internet, correct?

9 A. Incorrect.

10 Q. How many of those were not posted on the  
11 Internet?

12 A. These are photos which I took at Bat World  
13 Sanctuary. I didn't -- most certainly didn't post all  
14 of these.

15 Q. Well, did you post some of them?

16 A. I posted some of them.

17 Q. Okay. So Exhibit 20 contains photographs that  
18 you took at Bat World and you posted them on the  
19 Internet?

20 A. I took these photos at Bat World and I posted  
21 some of them on the Internet.

22 Q. Do you know about how many you posted?

23 A. No, because Ms. Lollar had my bats album taken  
24 down. And I do remember that I posted, I think, between  
25 20 and 40 photos. But I wouldn't have posted this one,

1 which is out of focus, or this one that doesn't look too  
2 good.

3 Q. Okay. So you posted between 20 and 40  
4 photographs?

5 A. Yes.

6 Q. That you had taken at Bat World?

7 A. Yes.

8 Q. Did you have Ms. Lollar's permission to post  
9 those photographs?

10 A. Yes.

11 Q. Was it oral or written?

12 A. Both.

13 Q. What is the writing -- What's the instrument  
14 in writing that gives permission?

15 A. The intern rules state that I can take as many  
16 photos as I like as long as I don't chase the fruit  
17 bats.

18 Q. Okay. That's talking about taking  
19 photographs, correct? The rules don't say anything  
20 about posting them on the Internet or publishing them to  
21 third parties, correct?

22 A. Not in the intern rules, but I assumed it.  
23 Why else would I take a photo?

24 Q. Okay. So it's your testimony, ma'am, that you  
25 did not have written permission from Amanda Lollar or

1 Bat World to post these photographs on the Internet or  
2 to publish them to third parties?

3 A. I'm not stating that.

4 Q. Well, did you or did you not have written  
5 permission to post these photographs?

6 A. I believed I had permission to take the  
7 photographs, which I would assume means -- what else am  
8 I going to do with them but share them.

9 Q. Okay. So it's your testimony you had written  
10 permission to take the photographs and you assumed that  
11 that also means you can publish them or post them on the  
12 Internet?

13 A. Yes.

14 Q. Okay. And then you said you also had oral  
15 permission?

16 A. Yes.

17 Q. Tell us about that.

18 A. In one video in particular, Ms. Lollar is  
19 holding in her bare hands a supposed rabid bat. And I  
20 asked her if I could take the video and use it for  
21 educational purposes, she said, Yes.

22 And also, the first day that I arrived, I  
23 took photos and videos instantly. That evening I posted  
24 them and I e-mailed Ms. Lollar a link to the photos and  
25 a link to the videos. And she responded back with,

1 Thank you.

2                   And every day she would say, Let's take  
3 photos like this. Let's take videos like this. And she  
4 liked seeing her videos and photos posted, because I had  
5 her name all over them. And she encouraged me and even  
6 instructed me, Videotape this surgery, get your video  
7 camera, Mary, for the episiotomy. And she wanted these  
8 things. She was proud of what she was doing. She  
9 wanted it on the Internet, and she encouraged me to take  
10 them and to post them.

11           Q.     So when she just testified on the witness  
12 stand that she never gave you permission, that's not --  
13 you disagree with that?

14           A.     I absolutely disagree.

15                   MR. TURNER: May I approach, Your Honor,  
16 to get Exhibit 33? I'm not sure which one it might be.

17                   THE COURT: Do you have an Exhibit P16  
18 and P17?

19                   MR. TURNER: What's that?

20                   THE COURT: I'm going to make a copy of  
21 P17 for her to deal with tonight.

22                   MR. TURNER: Oh, that's --

23                   MS. CUMMINS: I already have a copy.

24                   MR. TURNER: This is her copy, Judge, and  
25 she can take it home with her. Well, you can -- I have

1 another --

2 MS. CUMMINS: There is another one on my  
3 desk.

4 MR. TURNER: Yeah. You can take one of  
5 them home.

6 I'm looking for Exhibit Number 33, Your  
7 Honor, but maybe it's -- No, that's not one of those.  
8 Oh, it's the DVD.

9 THE COURT: Should be right here then.

10 MR. TURNER: Okay. Yeah. Thanks. Okay.  
11 Exhibit Number 33.

12 THE COURT: I still want Petitioner's  
13 Number 16.

14 MR. TURNER: Oh, I'm sorry, Judge.

15 MS. LOLLAR: The contract.

16 MR. TURNER: 16 is the contract. I think  
17 it's right here. You want a copy of that?

18 THE COURT: I want to keep up with the  
19 exhibits.

20 MR. TURNER: It's here. If you want, I  
21 will just leave the rest of these right here on the  
22 bench.

23 Q. (BY MR. TURNER) Now, you saw the -- did you  
24 post any videos of -- that were taken at Bat World on  
25 the Internet?

1 A. Yes.

2 Q. And the three videos that we just watched, did  
3 you post any of those?

4 A. I had posted the episiotomy video and the  
5 shaking Pallid bat video.

6 What was the other video?

7 Q. Okay. The episiotomy video you posted and  
8 then the sick Pallid bat that we talked about, you  
9 posted that on the Internet?

10 A. Yes.

11 Q. And did you have permission from Ms. Lollar to  
12 post those videos?

13 A. I believe that I did.

14 Q. And tell us how you got that permission.

15 A. I was taking photos and video in clear view of  
16 Ms. Lollar. And if you look at some of the videos and  
17 photos, I'm three inches away from her hands. She,  
18 obviously, knows I'm taking videos and photos. And not  
19 only that, but I sent her the link.

20 And every day she would comment about  
21 what I had load up the night before. I would loaded the  
22 videos and photos up while I slept, because the Internet  
23 service was so slow.

24 In the morning, she would comment and she  
25 would say, Take a video of this, take a photo of this,



1 get over here with your camera. She just didn't just  
2 encourage or give me permission, she ordered me to.

3 Q. Okay. I'm not talking about taking  
4 photographs or videos. I'm expressly asking about  
5 permission to post those on the Internet.

6 A. Yes.

7 Q. And it's your testimony that you had her  
8 permission to post all those on the Internet?

9 A. Yes.

10 Q. And once again, you posted the episiotomy  
11 video, the sick Pallid bat video; is that correct?

12 A. Yes.

13 Q. And did you post the -- where you're holding  
14 the red bat pup, did you post that one on the Internet?

15 A. Which video was that? Did we see that today?

16 Q. Yes. It was Exhibit 22.

17 A. If it was my hand, then, yes.

18 Q. Okay. I'm going to show you -- I'm going to  
19 show you Plaintiffs' Exhibit Number 19, and ask you what  
20 this is?

21 A. It seems to be a chart, and someone has given  
22 it the title, False Complaints to Government Agencies.

23 Q. Okay. Well, that's on page one; is that  
24 correct?

25 A. Yes.

1 Q. From -- And then I think the next page begins  
2 with page seven, eight, nine, et cetera; is that  
3 correct?

4 A. Yes.

5 Q. Other than that first page, which is, I guess,  
6 a log, did you -- are the rest of these -- these things  
7 e-mails that you sent to people?

8 A. Let me go through it. It seems to be,  
9 although, I haven't gone through all of it, because  
10 there is quite a bit here.

11 Are you also going to give me a copy of  
12 this?

13 Q. Sure.

14 A. Just leave it over there.

15 Q. Well, if you could just tell us -- can you  
16 just glance through there -- and this is very important.  
17 I just want to know if these are all your e-mails, or if  
18 you're denying some of them are your e-mails?

19 A. On page 29 it seems to be mine, but they seem  
20 to be repeats. It seems to be -- I have seen the same  
21 e-mail three, four times.

22 Q. Okay.

23 A. Do you want me to continue going through it?

24 Q. If you don't mind.

25 A. Kind of skimming it?

1 Q. Okay.

2 A. I'm going to be here awhile.

3 Okay. I went through the first stack.

4 Q. Okay.

5 A. And I believe I wrote those.

6 Q. When you say the first stack, there is kind of  
7 a tab in there?

8 A. Says, Peers miscellaneous.

9 Q. Okay. Well, there is just a few pages after  
10 that tab, so if you wouldn't mind looking at those. I  
11 want to find out if you wrote those as well.

12 A. I didn't write all of these in the second  
13 part.

14 Q. Okay.

15 A. I only wrote what's from my e-mail account.

16 Q. I would like for you to tell us -- those pages  
17 are numbered. Tell us which pages that you did not  
18 write that are after that tab.

19 A. The miscellaneous peers, page 009, is an  
20 e-mail written by Misfits Rehab.

21 Q. So page 009?

22 A. Yes.

23 Q. Okay. What else did you not author?

24 A. 012 is another e-mail from someone else.

25 Their e-mail address says txhuff@aol.

1 Q. Okay.

2 A. Some of these e-mails I have merely copied and  
3 pasted and forwarded what -- what someone else had  
4 written.

5 Q. But you -- you -- you did forward those  
6 e-mails?

7 A. Yes.

8 Q. I only want to know, Ms. Cummins, about  
9 e-mails that you didn't forward, you didn't send.

10 A. Okay.

11 Q. Is page nine and page twelve it?

12 A. I believe that's it. I went through it pretty  
13 quickly.

14 Q. Okay. So on Exhibit 19, it's your testimony  
15 that every e-mail in there was either -- every e-mail in  
16 there was sent by you to one or more people, except for  
17 pages nine and twelve, which come after the tab?

18 A. After the peers miscellaneous tab. I believe  
19 so, I went through it pretty quickly.

20 Q. Okay.

21 A. It's a lot of --

22 MR. TURNER: Your Honor, then we offer  
23 into evidence Exhibit 19, except for page -- pages nine  
24 and twelve.

25 Actually, before we do that, can I just

1 tear those out? That might make it simpler.

2 Q. (BY MR. TURNER) Show me the pages that --  
3 This one you didn't author or send?

4 A. That's correct. And this is the next part of  
5 it.

6 Q. Okay.

7 A. And this.

8 Q. Go ahead and tear out the ones that you  
9 didn't --

10 A. Yeah. This is not part of the --

11 Q. Okay.

12 A. And that.

13 Q. So we have torn those pages out of Exhibit 19,  
14 so it's your testimony that everything in Exhibit 19 was  
15 authored by you and sent to other people?

16 A. I believe so. I went through it pretty  
17 quickly.

18 MR. TURNER: We offer Exhibit 19, Your  
19 Honor?

20 THE COURT: Plaintiffs' 19 with pages  
21 nine and twelve removed is admitted.

22 (Plaintiffs' Exhibit Number 19 was.  
23 admitted.)

24 Q. (BY MR. TURNER) I would like to go to -- I  
25 want to read a couple of things from 19. Page eight,

1 read the -- read the part that I -- Well, let me back  
2 up.

3                   What is that? That's an e-mail that you  
4 sent to who?

5           A.    It's an e-mail which I sent to the USDA, July  
6 6th, 2010.

7           Q.    The U.S. Department of Agriculture?

8           A.    Yes.

9           Q.    Read the part that I have highlighted in  
10 yellow, please.

11          A.    Lollar, the owner, runs a bat sanctuary where  
12 she cares for bats, gives classes, tours, and lets  
13 people play with the bats.

14          Q.    Okay. And read the next part that I've  
15 highlighted.

16          A.    Conditions were less than optimal. I found a  
17 dead bat with one wing rotting under her desk. It had  
18 been dead for days and she didn't even realize it was  
19 missing.

20                    There were many insects biting the  
21 interns. Her wild colony is infested with mites. They  
22 were all over me and my clothes when I went there. She  
23 takes ill, injured, and orphaned bats from the wild  
24 colony and takes them to her indoor colony with no  
25 quarantine.

1                   Now the indoor colony has mites. They  
2 would crawl on us as we fed them. There were roaches,  
3 flies, bees, ants, beetles, spiders, mites, fruit flies,  
4 and other insects in the area where the interns sleep.  
5 I had to sterilize all of my clothes.

6           Q.     Okay. And you sent this e-mail to the USDA  
7 before you were served with this lawsuit?

8           A.     Before the lawsuit was even filed.

9           Q.     Right. And there is no mention of the  
10 episiotomy or any kind of animal cruelty in your  
11 complaint to the USDA about Amanda Lollar, correct?

12          A.     Correct. This was my first complaint.

13          Q.     Okay. Now, let's go to page nine, the next  
14 page. Please read --

15                   THE COURT: I thought you had taken nine  
16 out?

17                   MR. TURNER: Oh, I'm sorry, Judge. There  
18 is, like, two parts of that exhibit. And they're  
19 separated by a tab. So the first -- the first  
20 two-thirds is -- they're numbered sequentially. And  
21 then we have got a tab, and then we've got new numbers  
22 starting after the tab. The nine is on -- is the second  
23 nine that we took out. If that makes sense.

24          Q.     (BY MR. TURNER) So would you please read  
25 that --

1 THE COURT: Can you keep up with it?

2 THE REPORTER: Can I see it?

3 THE WITNESS: Yeah. There are two tabs.

4 (Discussion off the record.)

5 Q. (BY MR. TURNER) Okay. Let's go ahead and  
6 read the first -- the first page nine. I would like for  
7 you just to first tell us who this e-mail was -- that  
8 you sent it to.

9 A. I sent this to the person who controls people  
10 with the USDA permits in -- on the West Coast.

11 Q. And please read what you -- what we've  
12 highlighted that you said to the USDA.

13 A. This woman is breeding bats. Most of the  
14 babies are stillborn. When I was there, I picked up at  
15 least two rabid bats a day in her sanctuary. She threw  
16 them into the regular trash. The bags are right next to  
17 her feral cat colony. I would like to file a report.  
18 Consider this e-mail a report.

19 Q. And once again, there is no mention of animal  
20 cruelty or the episiotomy in this e-mail, correct?

21 A. Correct, not in this e-mail. This is the  
22 USDA, they don't control animals.

23 Q. Right. And this was before the lawsuit was  
24 filed?

25 A. No, this is --



1 Q. Well, it was before you were served with the  
2 lawsuit?

3 A. Yes, before I was served.

4 Q. Okay. Now, Amanda Lollar and Bat World  
5 Sanctuary sued you and you were served in November of  
6 2010, correct?

7 A. Yes.

8 Q. After the lawsuit was filed, Ms. Cummins,  
9 that's when you started accusing her of animal cruelty,  
10 animal neglect, and a botched episiotomy, correct?

11 A. I don't believe so. I believe I mentioned it  
12 earlier.

13 Q. You never mentioned any cruelty or neglect or  
14 the episiotomy at any time before you were served with  
15 the lawsuit, did you?

16 A. I don't -- I believe I did.

17 Q. Where did you do that?

18 A. I would have to go through my documents.

19 Q. Could you do that and then tell us tomorrow?

20 A. Yes.

21 Q. Okay. Now, in fact, you're still posting on  
22 the Internet, as recently as last week, that Amanda  
23 Loller commits animal cruelty, correct?

24 A. Where have I said that last week?

25 Q. I'm just asking -- I'm just asking you: Have

1 you not posted on your -- anywhere on the Internet, as  
2 recently as last week, that Amanda Loller commits animal  
3 cruelty?

4 A. I don't know. I would have to take a look at  
5 all my documents.

6 Q. Now, after the lawsuit was served on you, you  
7 started filing complaints about Amanda Loller to various  
8 government and law enforcement agencies, correct?

9 A. I filed complaints after I left, before I was  
10 served, after I was served, even more recently.

11 Q. Okay. So it's your -- Okay. And just so we  
12 know, you -- you filed complaints alleging animal  
13 cruelty and animal neglect, you filed those complaints  
14 with Texas Parks & Wildlife, the U.S. Department of  
15 Agriculture, Texas Veterinary Board, Texas Department of  
16 Health, the City of Mineral Wells, the Mineral Wells  
17 police chief, the Mineral Wells fire marshal, the Palo  
18 Pinto District Attorney, the Internal Revenue Service,  
19 and the Texas Attorney General?

20 A. Not correct.

21 Q. What's incorrect about that statement?

22 A. You just stated that I stated that she  
23 committed animal cruelty and neglect. I didn't state  
24 that to the Health Department or building and safety,  
25 that would be ridiculous. The only person who can

1 enforce it would be the police.

2 Q. Okay. So it's your testimony today under oath  
3 that you never accused Amanda Lollar of committing  
4 animal cruelty to anybody but the Mineral Wells Police?

5 A. Yes, I may have accused her of it, but I  
6 didn't report her for animal cruelty to all of those  
7 entities.

8 Q. Well -- Okay. You accused her of animal  
9 cruelty to all of those entities with maybe -- maybe the  
10 exception of the IRS, correct?

11 A. And also the exception of the Veterinary  
12 Board. They told me she committed animal cruelty.

13 Q. Otherwise you accused her of animal cruelty to  
14 all of these law enforcement agencies and government  
15 entities, correct?

16 A. No, I did not accuse her of animal cruelty to  
17 the IRS. That would be ridiculous. I didn't --

18 Q. Oh, I'm sorry. That was fraud, right?

19 A. Yes.

20 Q. Okay. So you accused her of fraud to the IRS?

21 A. Potential fraud.

22 Q. Okay. So the other people -- Well, what did  
23 you complain to Texas Parks & Wildlife about?

24 A. She was violating the regulations of her  
25 permit by allowing them to breed and by not giving

1 proper veterinarian care.

2 Q. Okay. So it's your testimony that if -- if we  
3 come back tomorrow and I find an e-mail from you to  
4 anybody in here, except the Mineral Wells police, or --  
5 or the -- I'm not going to find an e-mail from you to  
6 anybody except the Mineral Wells police where you accuse  
7 her of animal cruelty?

8 A. No, that's not correct. I only reported her  
9 for animal cruelty to the police, because they're the  
10 only people who can enforce that.

11 Q. Okay. Let me ask it this way: Please tell  
12 the Court all of the government agencies and law  
13 enforcement agencies to whom you said that Amanda Lollar  
14 had committed animal cruelty or neglect.

15 A. I believe that would be the police, Texas  
16 Parks & Wildlife, I believe, I think USDA. That's all I  
17 can think of off the top of my head. I would have to go  
18 through my documents.

19 Q. You didn't accuse -- You didn't say to the  
20 Veterinary Board that she committed animal cruelty?

21 A. No, they told me that.

22 Q. And I -- okay. What -- And what about the  
23 district attorney of Palo Pinto County, you told him  
24 that she committed animal cruelty, didn't you?

25 A. That I believe, that she committed animal

1 cruelty and neglect.

2 Q. Okay. Now, you've watched the episiotomy  
3 video with captions, correct?

4 A. Yes.

5 Q. And you -- you -- actually, there was a longer  
6 version that you took. You took the raw footage of the  
7 episiotomy video and you edited it down to a shorter  
8 version that had those captions in it, correct?

9 A. Incorrect.

10 Q. What's incorrect about that?

11 A. I never took one second out of the raw video  
12 of the episiotomy.

13 Q. Okay. In any event, you edited the raw video  
14 of the episiotomy and you added the captions that we  
15 watched in court earlier today, correct?

16 A. Yes.

17 Q. Okay. So you added the caption that Amanda  
18 cuts the bat's vagina with scissors three times, bat  
19 convulses near the end and then passes out from shock?

20 A. Yes.

21 Q. And you added the caption that this bat was  
22 about to give birth, Amanda Lollar of Bat World  
23 Sanctuary decided to do an episiotomy. She did not give  
24 the bat pain relief. She is not a veterinarian, graphic  
25 animal cruelty.

1 A. Yes, I believe so.

2 Q. Do you know what Cetacaine is?

3 A. It's a topical skin anesthetic.

4 Q. Okay. And is it your testimony that she did  
5 not use that?

6 A. As far as I know she didn't use it. The only  
7 time I heard her even mention it was after this lawsuit.  
8 I just saw her grab a lube. I didn't see her say she  
9 was using Cetacaine or actually use Cetacaine. It  
10 looked like just lube to me. And even if it were  
11 Cetacaine, that's not going to be effective.

12 Q. What would be effective?

13 A. Local anesthetic.

14 Q. And are you qualified to make that opinion?

15 A. I have gone through a lot of training, and I  
16 would -- I mean, a topical skin anesthetic is only going  
17 to be for a slight abrasion. If you're going to be  
18 cutting, you need something -- perhaps an injectable of  
19 Lidocaine.

20 Q. How many episiotomies have you done?

21 A. Zero.

22 Q. Okay. And you added the caption to the video,  
23 She can't tell the difference between a foot and the  
24 baby's head. Amanda pulls too much and the bat's vagina  
25 and uterus prolapsed.

1 A. Yes, I believe so.

2 Q. You wrote that?

3 A. Yes.

4 Q. And you knew that prolapse means that  
5 basically the -- their vagina and uterus were ripped out  
6 of the bat?

7 A. No, that's not what prolapse means.

8 Q. Okay. What does it mean?

9 A. It means that the vagina and the uterus are  
10 taken from their normal position and they will come  
11 lower sometimes, they will come all the way out.

12 I mean, if you take a look at the video,  
13 you see the umbilicus attached to the placenta and the  
14 placenta is attached to the uterus. She pulls it and  
15 you can see all of a sudden at the last second the  
16 placenta is there and it hasn't let go yet. That mean  
17 it's attached to the uterus. And that had been pulled  
18 through.

19 Q. So what we saw coming out of the bat was not  
20 afterbirth? It's your -- It's your -- It's your opinion  
21 that it was the vagina and uterus?

22 A. No. What you saw was the umbilicus and  
23 afterbirth, but the afterbirth was still attached to the  
24 uterine wall, which means the uterus and the vagina had  
25 been pulled down.

1 Q. And then you added the caption, Mom passes out  
2 from shock and later dies, correct?

3 A. Yes.

4 Q. How do you know the bat died?

5 A. Because I checked on her after an hour to try  
6 to give her some water. And she just had a blank stare.  
7 And then next time I checked on her, she would only stay  
8 in one place in the little enclosure. The next time I  
9 checked on her, she was gone and there was a mark off  
10 the wall. I assumed she died.

11 Q. Okay. So you don't actually know that she  
12 died, you assume that she died?

13 A. I looked all over -- I mean, there aren't that  
14 many bats in this tiny enclosure. I looked everywhere  
15 and I would definitely notice -- she looked very  
16 different than the other bats, because of what had  
17 happened to her. She had glue all over her.

18 Q. So, Ms. Cummins, you didn't need a dead body  
19 to broadcast to the world that she killed a bat? It was  
20 okay with you if you didn't know where the bat was?  
21 That's all it took for you to broadcast this to the  
22 world?

23 A. The ill and injured bats are only in that  
24 area. That bat was not in that area. It was gone.

25 Q. So you assumed the bat died because you



1 couldn't find it; therefore, you posted on the Internet,  
2 you told law enforcement agencies, you -- you put it on  
3 YouTube that she killed the bat?

4 A. I don't believe I said she killed the bat.  
5 The bat died.

6 Q. The bat died. Okay.

7 A. And I believe it did die.

8 Q. Okay. And you posted this with captions to  
9 YouTube, correct?

10 A. No, I don't think so. I posted it once to  
11 YouTube by accident trying to keep it private. And it  
12 was public for maybe a few hours.

13 Q. Well, do you remember me asking you in your  
14 deposition where you posted it, and you said you posted  
15 it to YouTube?

16 A. Yes, but privately to YouTube.

17 Q. Okay.

18 A. The public couldn't see it.

19 Q. So it was only up on the Internet for a brief  
20 period of time and then it came down?

21 A. Yes. I accidently left it public, but I  
22 believe that was the version that had no captions. I'm  
23 not sure.

24 Q. Okay. And you had never seen an episiotomy  
25 done on a bat before this episiotomy, correct?

1           A.    Correct.

2           Q.    And you're -- you're certainly not qualified  
3 to do one yourself?

4           A.    I would go to my vet.

5           Q.    But you're not qualified yourself to do one?

6           A.    I wouldn't want to do one.  I would take it to  
7 the vet.  I want the bat to have the best care.

8           Q.    And you were not an expert on how an  
9 episiotomy on a bat should be performed at the time you  
10 put this video on the Internet, correct?

11          A.    I had done some research and asked questions  
12 by then.

13          Q.    Okay.  And you felt like you had enough  
14 information to tell the world that Amanda Lollar was  
15 guilty of graphic animal cruelty, correct?

16          A.    I believe she was guilty of animal cruelty.

17          Q.    And you felt you had enough information to  
18 tell everybody that?

19          A.    I put the video on originally so I could link  
20 it and send it to the authorities.  That was the  
21 purpose.

22          Q.    And you don't -- Once again, you're not a bat  
23 expert yourself?

24          A.    I am a licensed bat wildlife rehabilitator.

25          Q.    But you don't consider yourself an expert on

1 bats, do you?

2 A. I know more than a layperson. I know more  
3 than I would say quite a few other bat rehabbers. But I  
4 believe people like Sue Barnard, people with Ph.D.s,  
5 master's degree in bat research, I believe they're bat  
6 experts.

7 Q. Have you testified before, Ms. Cummins, that I  
8 wouldn't consider myself a bat expert?

9 A. That was a long time ago. I have done a ton  
10 of research, spoken with many, many experts in the  
11 field.

12 Q. Now, would you agree with me that the video  
13 that you posted on the Internet certainly gives the  
14 impression that Amanda Lollar is cruel and incompetent?

15 A. I think she's cruel and incompetent.

16 Q. And would you agree that that video gives the  
17 world that impression? Anybody who sees that video?

18 A. I look at it and I believe she's cruel and  
19 incompetent. I would think most people would, too.

20 Q. Okay. And you knew that when you posted it --

21 A. I knew --

22 Q. -- that it would give the impression that she  
23 was cruel and incompetent?

24 A. I knew when I posted it that I thought it was  
25 animal cruelty and she was incompetent.

1 Q. And you knew that other people would view that  
2 video that way, correct?

3 A. I wasn't thinking of that.

4 Q. And, ma'am, you knew that when you accused her  
5 of animal cruelty, you were accusing her of a crime?

6 A. Yes. Animal cruelty is a crime.

7 Q. Okay. In addition to YouTube, you also posted  
8 this on Flickr, correct?

9 A. No.

10 Q. Do you remember telling me in your deposition  
11 that you posted this videotape on Flickr?

12 A. I don't think so.

13 Q. Do you remember me asking you?

14 THE COURT: Mr. Turner, can you complete  
15 your examination tomorrow?

16 MR. TURNER: Yes, sir.

17 THE COURT: Thank you. It's three  
18 minutes past 5:00. We will recess until 9:00 tomorrow  
19 morning. You may step down.

20 Exhibit Number 17, do you have it,  
21 Ms. Cummins?

22 MS. CUMMINS: Yes, I have a copy, so he  
23 can have this.

24 MR. TURNER: I think that's the Court's.

25 MS. CUMMINS: Oh, is it?

1                   MR. TURNER: Or is that the one you were  
2 taking home?

3                   MS. CUMMINS: You said you were going to  
4 give me a copy to look over.

5                   MS. LOLLAR: It's right there, the one in  
6 the white binder.

7                   (Proceedings adjourned at 5:03 p.m.)

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1 STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Carolyn Hawks-Gayaldo, Deputy Official Reporter  
4 in and for the 352nd District Court of Tarrant County,  
5 State of Texas, do hereby certify that the above and  
6 foregoing contains a true and correct transcription of  
7 all portions of evidence and other proceedings requested  
8 in writing by counsel for the parties to be included in  
9 this volume of the Reporter's Record in the above-styled  
10 and numbered cause, all of which occurred in open court  
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is waived due to  
17 the Trial Court's finding of indigency on Defendant's  
18 behalf.

19 WITNESS MY OFFICIAL HAND on this the 13th day of  
20 February, 2013.

21 /s/Carolyn H. Gayaldo  
22 CAROLYN H. GAYALDO CSR 7181  
23 EXPIRATION DATE 12/31/13  
24 Deputy Official Court Reporter  
25 352nd District Court  
Tarrant County, Texas  
Allied Court Reporters  
5208 Airport Freeway, Suite 105  
Fort Worth, Texas 76117  
(817) 335-5568

February 13, 2013

REPORTER'S RECORD

February 13, 2013

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TRIAL COURT CAUSE NO. 352-248169-10

COURT OF APPEALS NO. 02-12-0285-CV

VOLUME 3 OF 6

BAT WORLD SANCTUARY, ET AL.\* IN THE DISTRICT COURT

\*

VS.

\*

352ND DISTRICT COURT

\*

\*

MARY CUMMINS

\*

TARRANT COUNTY, TEXAS

\*\*\*\*\*

TRIAL ON MERITS

JUNE 12, 2012

\*\*\*\*\*

On the 12th day of June, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable William Brigham, Judge Presiding, held in Tarrant County, Texas.

Proceedings reported by machine shorthand.

CAROLYN H. GAYALDO, CSR  
Deputy Official Reporter  
352nd District Court  
Tarrant County, Texas

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ALPHABETICAL WITNESS LIST

	DIRECT	CROSS	VOL.
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Linda James	170,188	179,189	3
Tad Jarrett	88,115	96	3
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**PROCEEDINGS**

(Tuesday, June 12, 2012, 9:00 a.m.)

THE COURT: Are both parties ready to proceed?

MR. TURNER: Plaintiff is ready.

MS. CUMMINS: Defendant is ready.

THE COURT: You may take the witness stand.

MS. CUMMINS: I would like to ask --

THE COURT: Ms. Cummins, you were on the witness stand.

MS. CUMMINS: Okay.

THE COURT: You understand you remain under oath?

MS. CUMMINS: Yes, I do.

THE COURT: Please proceed, Mr. Turner.

MR. TURNER: Thank you, Your Honor.

**MARY CUMMINS,**

having been previously duly sworn, testified as follows:

**DIRECT EXAMINATION CONTINUED**

BY MR. TURNER:

Q. Ms. Cummins, I'm showing you what was marked as Plaintiff's Exhibit Number 17, in which I think you were shown that yesterday, and I asked you if you authored everything in Exhibit 17. And you said there

1 was too much there, and you were going to take a copy  
2 home and go through it and see if you authored  
3 everything in Exhibit 17.

4 Have you had a chance to go through  
5 Exhibit 17?

6 A. I don't have WIFI at my hotel. I was only  
7 able to go through my phone. I wasn't able to look at  
8 everything. And a lot of the items in my -- in my  
9 website and blog are cut and paste other people's items,  
10 and lots of things that other people have written. So  
11 many people have written this page.

12 Q. Okay. Well, would you tell me -- I'm not  
13 asking you about WIFI and blog. I'm asking you: Did  
14 you go through Exhibit 17 and did you read it and was  
15 everything in Exhibit -- in Exhibit 17 authored by you?

16 A. No.

17 Q. Okay. Let's start with the first page that  
18 is not -- that was not authored by you. And tell me  
19 what that is.

20 A. Page 001, it is a copy and paste of a comment  
21 by Amanda Lollar. She wrote that.

22 Q. Well, my -- my 001 says, Animal Advocates, and  
23 then there is something that seems to be authored by  
24 you. There is nothing about Amanda Lollar.

25 A. Go down to the last line where it says,

1 June 8th, 2012.

2 Q. Okay.

3 A. And I said, She just posted this. And I quote  
4 what she posted.

5 Q. But your -- But that's still something you  
6 wrote?

7 A. Yes. I copied and pasted what she wrote.

8 Q. Okay. I understand that you may have quoted  
9 other people in Exhibit 17 and -- and that's fine, but  
10 what I'm asking you is: Is everything in Exhibit 17,  
11 was it authored by you, even though you may have been  
12 quoting somebody else?

13 A. I wasn't able to go through all of it because  
14 I could only do it on my iPhone, and there is 85 pages  
15 here just in the first part. Plus, my website was  
16 hacked about six times and I don't know if things were  
17 changed when it was hacked.

18 Q. All right. Well, let's go to the second page  
19 that you think was not authored by you.

20 A. What is your question?

21 Q. Tell me the next page that has something on  
22 it -- Well, let me -- let me back up.

23 Doesn't it appear that everything in  
24 Exhibit 17 comes from your website, your blog, your  
25 Facebook page, your Google page, your Twitter page, your

1 YouTube page, and your Myspace page?

2 A. I don't control all of those.

3 Q. That's not my question. Everything in here  
4 comes from those places, correct?

5 A. I'm not positive. I would have to go online  
6 and look at it side by side.

7 Q. All right. Well, tell me the next -- the next  
8 statement in Exhibit 17 -- maybe to save time.

9 How many pages of Exhibit 17 do you think  
10 may have been authored by somebody else, even though it  
11 appears to be authored by you?

12 A. I have no idea.

13 Q. Okay. Let's do this. Let's go to page two.  
14 We're going to go through each one of these pages.

15 A. Okay.

16 Q. Page two. Do you see the second paragraph  
17 that I have highlighted?

18 A. Yes.

19 Q. Read the highlighted part.

20 A. The City has written up the building numerous  
21 times. The building was gutted and cleaned by the new  
22 owner. Her personal belongings were removed as per the  
23 City manager.

24 Q. Did you write that?

25 A. Yes.

1 Q. Okay. Let's go down to the second highlighted  
2 part, toward the bottom. BWS that means BWS, correct?

3 A. Yes.

4 Q. Doesn't even meet the standards. They breed  
5 animals in the facility. Did you write that?

6 A. Yes.

7 Q. Let's go to the next place -- next page,  
8 three. Highlighted part, fourth paragraph. Her  
9 building is a public nuisance, a threat to public  
10 safety, and it smells horrible. Delusional.

11 Did you write that?

12 A. Yes.

13 Q. Let's go to page five. Do you see the fourth  
14 paragraph?

15 A. Yes.

16 Q. Bat World Sanctuary just won a \$10,000 prize  
17 and received 46,000 in donations. That's 56,000 in  
18 three weeks. They have not been financially damaged.  
19 Again, they lied in this contest. Yet I did not report  
20 them.

21 You wrote that?

22 A. Yes.

23 Q. And the next page, six. Amanda -- The  
24 highlighted part. Amanda Lollar is using White-nose  
25 Syndrome to raise money for herself.

1                   Did you write that?

2           A.    Yes.

3           Q.    Down below that you wrote, Even though Amanda  
4 Lollar cheated on one contest, I didn't report her.

5                   You wrote that?

6           A.    Yes.

7           Q.    Page seven, the fourth paragraph, starts with,  
8 In recent documents, court documents, Amanda Lollar  
9 stated that she was kicked off the Fish & Wildlife  
10 White-nose Syndrome Task Force. She believed I caused  
11 that but has no proof. Could it be she was kicked off  
12 the task force because she lied to the Mineral Wells  
13 Health Department when she told them White-nose Syndrome  
14 has come to Texas earlier than expected.

15                   Did you write that?

16           A.    I -- I quoted Amanda Lollar and I wrote the  
17 rest.

18           Q.    Now, you were able to get on the Internet last  
19 night, correct?

20           A.    On my phone.

21           Q.    Okay. And as a matter of fact, you were  
22 writing about what happened in the trial?

23           A.    Yes.

24           Q.    So you were able to go to your website on the  
25 Internet with your phone, correct?



1 A. Yes.

2 Q. And I asked you to go through Exhibit 17 and  
3 see if you authored everything in there. Did you not do  
4 that?

5 A. This is 85 pages. I can't load the whole  
6 thing on my phone.

7 Q. You can't look at -- You can't look at  
8 different pages on -- on your telephone?

9 A. It's -- It's not pages. It's one page, which  
10 prints out to 85 pages, which is more than my phone can  
11 load.

12 Q. Well, did you read Exhibit 17 like you were  
13 asked to do?

14 A. I read most of it, but not all of it, because  
15 I had a lot of preparation to do.

16 Q. How far did you read?

17 A. I probably only read a third of the first  
18 section and just parts of the rest.

19 Q. Okay. Tell me the first third that you read  
20 all of those things in there that you thought, I didn't  
21 write that.

22 A. Could you be more specific?

23 Q. Tell me of all the pages you read which pages  
24 contained statements that you didn't make. You read the  
25 page and you thought, I didn't make that, that's not

1 from my website, that's not from my blog.

2 A. Are you asking me if I saw things in there  
3 that someone else wrote?

4 Q. No. No. I'm not asking you that. I'm asking  
5 you -- you read a third of Exhibit 17?

6 A. Yes.

7 Q. I'm asking you of all those pages you read,  
8 tell me the pages that have lines that weren't authored  
9 by you, because you know that that's why -- that what  
10 was the whole purpose of you taking this home was to  
11 tell us which pages were not authored by you. Tell the  
12 Court which pages that you read in the first third that  
13 were not authored by you.

14 A. None that I could see.

15 Q. Okay. So the first third of Exhibit 17  
16 everything in there, as far as you could tell, had been  
17 authored by you?

18 A. I believe so.

19 Q. But we don't know if the other two-thirds of  
20 the Exhibit 17 were authored by you because you didn't  
21 read them like you were asked to do?

22 A. I was busy preparing documents for today.

23 Q. You didn't read the other two-thirds like you  
24 were asked to do?

25 A. No, I didn't.

1 Q. Can you tell me which page you stopped on so  
2 we will know that you definitely authored those pages up  
3 until that point?

4 A. Parts are missing from what you printed out.  
5 I stopped at page 38. But on page 39 you're missing a  
6 photo which was posted. I don't know what else could  
7 possibly be missing.

8 Q. Okay. So you read up to page 49 and then  
9 stopped?

10 A. Thirty-eight.

11 Q. You read up to page 38 of Exhibit 17 and then  
12 you stopped?

13 A. Yes.

14 Q. And it's your testimony to the Court that  
15 everything from page 1 to 38 on Exhibit 17 you wrote?

16 A. Yes.

17 Q. And you put it on the Internet?

18 A. Yes.

19 Q. Now, we were talking yesterday about -- I want  
20 to switch gears for a minute, the episiotomy video where  
21 you said she -- the uterus and the vagina prolapsed and  
22 it's graphic animal cruelty.

23 You posted that to YouTube I think you  
24 said, correct?

25 A. I believe I posted one video for a few hours

1 by accident.

2 Q. You posted that video to YouTube, correct?

3 A. Yes.

4 Q. And that was -- the public could see that?

5 A. There are, I believe, three different versions  
6 of that video. I think I posted the -- the one with no  
7 captions.

8 Q. Well, the one with no captions was the one you  
9 posted to the public?

10 A. That I posted publicly on YouTube.

11 Q. Right. Who got to see your captions?

12 A. I made another copy and I posted it privately  
13 and I sent it to few people.

14 Q. Okay. Who did you send it to?

15 A. I don't remember. Anyone who requested it.

16 Q. Okay. Now, you also posted the video of the  
17 episiotomy to Flickr, correct, that's another website?

18 A. I didn't.

19 Q. Okay. Do you remember telling me in your  
20 deposition that you -- you also think you posted it to  
21 Flickr?

22 A. I don't think I did. I would have to go into  
23 my Flickr account to see.

24 Q. No. No. I'm asking about your deposition.

25 A. Oh.

1 Q. Do you remember me asking you, When you say  
2 you posted these videos on websites, which website did  
3 you post them to? And then your answer, YouTube and I  
4 might have posted one video to Flickr.

5 Do you remember saying that?

6 A. Yes.

7 Q. Okay. And you were under oath, correct?

8 A. Yes, but I didn't post --

9 Q. And -- And the video -- the episiotomy video  
10 also showed up on other websites such as Raise The Fist  
11 and Indybay, correct?

12 A. I don't know.

13 Q. Do you remember testifying to that in your  
14 deposition?

15 A. Anyone can embed a video. It could show up  
16 anywhere.

17 Q. Well, this episiotomy video somehow showed up  
18 on other websites such as Raise The Fist and Indybay,  
19 correct?

20 A. I would have to go search it now to see.

21 Q. Okay. Do you remember telling me in your  
22 deposition, when you were under oath, that the  
23 episiotomy video showed up on Raise The Fist and  
24 Indybay? Do you remember testifying to that?

25 A. I don't know if that -- that specific video

1 showed up there. You know, I have seen it on Indybay.

2 Q. Okay. And Raise The Fist, too, right?

3 A. I don't think so, not that video.

4 Q. Do you remember me asking you in your  
5 deposition, Ms. Cummins, isn't it true that the exact  
6 same video that you posted on YouTube was later posted  
7 on Indybay, Raise The Fist, and to other websites? And  
8 your answer, It was later posted on -- someone uploaded  
9 it to Indybay. I don't know if Raise The Fist uploaded  
10 the video or embedded it from Indybay.

11 Do you remember testifying to that?

12 A. I could have said that.

13 Q. Okay. Now, tell the Court how your video --  
14 how the episiotomy video showed up on other websites?

15 A. I had it on my YouTube for a few hours  
16 publicly. I meant to keep it private, and then people  
17 asked to see it and they asked for a copy of it, so I  
18 started mailing it to people.

19 Q. So you started e-mailing it to people?

20 A. Yes. They wanted to see it.

21 Q. But the ones that you e-mailed to people  
22 didn't have these -- or did they have the captions?

23 A. I don't remember which version I sent.

24 Q. Okay. Would you agree with me, ma'am, that  
25 the videotape of the episiotomy with your captions

1 accusing Amanda Lollar of cruelty showed up on the  
2 Internet? Will you agree that that happened?

3 A. Yes.

4 Q. Okay. Now, let's go to page 34 -- or excuse  
5 me. I am on Exhibit 19 now. Do you have 19?

6 A. It's on the desk.

7 Q. Oh, it's on your desk?

8 A. Can you hand it to me? Is it there?

9 Q. I don't know. I want to ask you about  
10 something in Exhibit 19.

11 MS. LOLLAR: Bring it to you?

12 THE WITNESS: Yeah, sure.

13 MS. LOLLAR: Where is it?

14 THE WITNESS: It's a white notebook. It  
15 should be there somewhere.

16 (Plaintiff approaches witness stand.)

17 THE WITNESS: Thank you.

18 MS. LOLLAR: You're welcome.

19 Q. (BY MR. TURNER) Let's go to page 34.

20 A. Of the first section or the second?

21 Q. The first section.

22 A. Yes.

23 Q. Okay. Read the -- Read the part I highlighted  
24 in the first -- Well, first of all, what is this?

25 A. This is a FAIR report, which is privileged

1 which I made to the USDA.

2 Q. Okay. This is an e-mail you sent to the  
3 United States Department of Agriculture?

4 A. Yes.

5 Q. And in your report you're complaining about  
6 Amanda Lollar of Bat World Sanctuary, correct?

7 A. Yes.

8 Q. You said she has a USDA permit, and then you  
9 said, and I'm quoting, I would like to report her for  
10 animal cruelty, correct?

11 A. Yes.

12 Q. And then below that it says, Below is a video  
13 of Amanda Lollar of Bat World Sanctuary performing  
14 surgery on a bat, an episiotomy.

15 And then you go on to describe all of  
16 your -- your objections to the way this episiotomy was  
17 done, correct?

18 A. Yes.

19 Q. You talk about cutting the vagina and the  
20 vagina and the uterus prolapsed. She glued the vagina  
21 shut.

22 You -- You sent all this to the USDA?

23 A. Yes, it's a FAIR report, it is privileged.

24 Q. Okay. And then -- And then you reference --  
25 you reference a YouTube link in that e-mail, correct.



1 A. Yes.

2 Q. And you sent this when?

3 A. This wasn't my first report, but this was sent  
4 April 27th, 2011.

5 Q. Okay. In fact, you never reported anything to  
6 any government agency about animal cruelty or this  
7 horrible episiotomy until after you were sued?

8 A. Incorrect.

9 Q. In any event, this YouTube video that you're  
10 directing them to, that was open to the public?

11 A. I think so, yes.

12 Q. And it had the captions about the animal  
13 cruelty, didn't it?

14 A. I don't know. I can't see. It's just a link  
15 on a piece of paper.

16 Q. And then you sent e-mails to various humane  
17 societies, PETA, other world life rehabilitators  
18 complaining about -- accusing Amanda Lollar of animal  
19 cruelty, correct?

20 A. Yes.

21 Q. Now, page -- pages 1 through 25 of that  
22 Exhibit 19 contain the e-mails where you accuse Amanda  
23 Lollar of animal cruelty and neglect, correct?

24 MS. CUMMINS: I would like to object to  
25 this, because I was supposed to read this overnight and

1 get back to you. And I object to this.

2 MR. TURNER: I'm sorry. I'm on  
3 Exhibit 17.

4 MS. LOLLAR: Nineteen.

5 MR. TURNER: No. Okay.

6 MS. CUMMINS: You're on -- I object to  
7 Exhibit 19. I was supposed to respond today about this.  
8 I object because these are FAIR reports that I made to  
9 government agencies, they're privileged. And I also  
10 object to the title, which says, False complaints to  
11 government agencies. They're not false complaints. And  
12 I object to total number of false complaints.

13 Some of these were Information Act  
14 Request and subpoenas. I was asking for information. I  
15 wasn't complaining at all. You called them all false  
16 complaints, and they're not.

17 MR. TURNER: Your Honor, these were  
18 e-mails -- I'm asking this witness if she made the  
19 statements in these e-mails to law enforcement agencies.  
20 I don't think these statements are privileged.

21 THE COURT: Sustained. I agree with  
22 that.

23 Q. (BY MR. TURNER) You sent these e-mails to  
24 dozens of people and organizations, correct?

25 A. I would have to add them up to see if it's

1 dozens.

2 Q. Well, you sent them to several, correct?

3 A. Yes.

4 Q. And then you sent them to various humane  
5 organizations and wildlife conservation organizations  
6 around the United States?

7 A. Yes.

8 Q. And you knew that when sent these e-mails to  
9 all of these organizations you were accusing Amanda  
10 Lollar of committing a crime?

11 A. Not in every single communication.

12 Q. Some of them?

13 A. Yes, some.

14 Q. And these e-mails accuse her of -- and I'm  
15 quoting, Illegally performing surgery, performing  
16 surgery without -- without anesthesia, performing  
17 improper surgery, episiotomy without anesthesia, and  
18 yanking molars out of a bat without anesthesia, correct?

19 A. That sounds about right.

20 Q. Okay. Now, let's go to Exhibit 19, page 22.

21 A. Of the first section or the second?

22 Q. Yes, the first. What is that?

23 THE COURT: What is your reference to  
24 page?

25 MR. TURNER: Oh, I'm sorry. Page 22.

1 THE WITNESS: It is the second page of an  
2 e-mail which I sent to the Texas Park and Wildlife.

3 Q. (BY MR. TURNER) Did you send an e-mail to  
4 PETA?

5 A. Yes.

6 Q. And did you send an e-mail to PETA telling  
7 them that videos and photographs of Amanda Lollar  
8 committing animal cruelty have surfaced?

9 A. Can you show me where that communication is,  
10 which page?

11 Q. Well, I'm going to show you what you testified  
12 about in your deposition. It was Deposition Exhibit  
13 Number C45. Do you recognize that?

14 A. Yes.

15 Q. Read to the Court -- First of all, was that an  
16 e-mail you sent to PETA, the People for the Ethical  
17 Treatment of Animals?

18 A. Yes.

19 Q. And I was wrong. It's on page -- It's on page  
20 22 of -- the second page 22 -- the second page 22 of  
21 Exhibit 17. That is the page 22 after the tab on --  
22 Exhibit 19. I'm sorry.

23 So would you please read for the Court  
24 the e-mail that you sent to PETA, read the highlighted  
25 part?

1           A.    I didn't write it, but I will read what you've  
2 highlighted.

3           Q.    Who wrote that?

4           A.    This is a copy and paste of an article.

5           Q.    You sent that to PETA?

6           A.    Yes.

7           Q.    Okay.  So it's from an article, and you're  
8 telling us today that you didn't write that article,  
9 correct?

10          A.    Correct.

11          Q.    So who wrote that article?

12          A.    I don't know.

13          Q.    Read to the Judge the article that was written  
14 by an unknown person that you copied and sent to PETA.  
15 Read the highlighted part.

16          A.    Video -- Videos and photos, see links below,  
17 have surfaced of Amanda Lollar performing illegal  
18 surgery on conscious bats.  The bats can be seen kicking  
19 and trying to go bite her.  In one video, she performs  
20 an episiotomy on a bat.  Lollar accidentally pulls out  
21 the bat's vagina and uterus because she cut too much.  
22 The bat passes out in shock.  She later dies along with  
23 her baby.  Let authorities know you want Lollar  
24 prosecuted for animal cruelty and abuse.

25          Q.    Well, that makes it sound like whoever -- that

1 makes it sound like somebody found those videos,  
2 correct, when it says they have surfaced?

3 A. I guess so. I can't assume what someone else  
4 is thinking.

5 Q. What are the -- What are the links that you  
6 were directing the e-mail recipient to? That is, the  
7 link that you're sending PETA to?

8 A. It looks like a link to Indybay.

9 Q. Okay. Link to a graphic video is what it  
10 says?

11 A. It says link to graphic video, but this is a  
12 link to a page.

13 Q. Okay. Did you post allegations of Amanda  
14 Lollar committing animal cruelty on your Facebook?

15 A. I believe I posted a link to this article on  
16 my Facebook.

17 Q. Did you post -- Did you ever testify that you  
18 posted allegations of animal cruelty by Amanda Lollar on  
19 Facebook?

20 A. That exact phrase?

21 Q. Yes.

22 A. I don't know. I would have to -- I mean, I  
23 write a lot. I would have to take a look at my Facebook  
24 page to see if I did that exact phrase.

25 Q. Do you remember me asking you in your

1 deposition, when you were under oath, I said, Did you  
2 ever post allegations of animal cruelty by Amanda Lollar  
3 on Facebook? And your answer was, Yes.

4 Do you remember that.

5 A. Is that, quote, unquote, Allegations of --  
6 What is that?

7 MR. TURNER: Get her deposition.

8 Q. (BY MR. TURNER) Now, when I took your  
9 deposition, you refused to sign it when it was sent to  
10 you by the court reporter; is that correct?

11 A. Yes.

12 Q. Let's turn to -- Showing you a copy of your  
13 deposition. Let's look at page 184, and then we will go  
14 to line three. Read for the Court my question and your  
15 answer starting on line three.

16 A. Did you ever post allegations of animal  
17 cruelty by Amanda Lollar on Facebook? I answered, Yes.

18 Q. Okay. Now, how many friends can read your  
19 Facebook posts where you posted allegations of animal  
20 cruelty?

21 A. I have various levels of visibility. Only my  
22 basic friend list would be able to see it.

23 Q. Did you testify in your deposition, ma'am,  
24 that 5,000 people can read -- do read your -- your  
25 Facebook?

1           A.    Well, I have different levels of what's  
2 visible.

3           Q.    I'm not asking you about levels --

4           A.    Uh-huh.

5           Q.    -- I'm asking you about what you said in your  
6 deposition. Did you say in your deposition that 5,000  
7 friends have access to your Facebook?

8           A.    Yes.

9           Q.    Now, you were ordered by Judge Brigham to take  
10 down the offensive episiotomy video. Do you remember  
11 that?

12          A.    Yes.

13          Q.    A temporary injunction was signed ordering you  
14 to take that off the Internet, correct?

15          A.    Yes, but it was void.

16          Q.    Okay. Now, let's look at page -- Excuse me --  
17 Exhibit 17. Okay. I want to go to -- And I want to go  
18 to page 156 of 17. Just let me know when you find it.

19          A.    Okay.

20          Q.    Read -- Read the part that I have highlighted.  
21 This is something you put on your Facebook, correct?

22          A.    Yes.

23          Q.    Read the -- Read the -- And you posted this  
24 after Judge Brigham told you to take down the video,  
25 correct?



1 A. I don't see the date on this.

2 Q. Okay.

3 A. Actually, this is --

4 Q. Please read for the Court the part that I have  
5 highlighted.

6 A. It's not a cute video. It's a video of animal  
7 abuse. The abuser hired a lawyer who got a temporary  
8 injunction forcing me to take it down. I can't repost  
9 it, but it doesn't say I can't e-mail it to people.

10 Q. And as a matter of fact, didn't you also post,  
11 I just read the temporary injunction. It only says I  
12 can't post my video on the Internet for the time being.  
13 It doesn't say I can't e-mail it to people. If anyone  
14 wants it, it's 15 megabits, MP4 file zipped. Do  
15 whatever you like with it. Message me with your e-mail  
16 a-d-d-y, I guess that means address.

17 Did you say that? Did you --

18 A. It sounds like I said that.

19 Q. Okay. You don't deny saying that?

20 A. No.

21 Q. You were determined to keep that video on the  
22 Internet, weren't you? Or you were determined that  
23 people should keep viewing that video?

24 A. People kept asking to see the video after it  
25 was taken down.

1 Q. Now, you have also accused Amanda Lollar of --  
2 that there were unvaccinated people at Bat World that  
3 had been bitten by bats, correct?

4 A. She -- People were bitten by bats and she  
5 didn't look at their vaccination cards.

6 Q. I'm not asking that. I'm asking you what you  
7 told people on the Internet. You published to other  
8 people that unvaccinated people at Bat World had been  
9 bitten by bats, correct?

10 A. Yes, I think so.

11 Q. And you published on the Internet that Bat  
12 World is a public health threat, correct?

13 A. Yes.

14 Q. And you reported her to the IRS claiming that  
15 she was committing donor fraud?

16 A. I don't think I said that in my report.

17 Q. Well, you said she was using the nonprofit  
18 corporation as her own personal piggy bank?

19 A. Yes.

20 Q. And she was paying personal expenses out of  
21 the nonprofit?

22 A. Yes.

23 Q. And you accused her of possessing and using  
24 Isoflurane, correct?

25 A. Yes.

1 Q. And in your mind you were accusing her of  
2 committing a crime when you said that?

3 A. I don't believe she was possessing it legally.

4 Q. So she was illegally possessing it?

5 A. Yes.

6 Q. Or that's what you thought?

7 A. Yes.

8 Q. Correct?

9 A. Yes.

10 Q. You have since found out that it's okay to  
11 possess Isoflurane, correct?

12 A. Only with a prescription under veterinarian  
13 instructions.

14 Q. Do you know if she had that?

15 A. She later told me that Dr. Tad Jarrett gives  
16 her all of her drugs.

17 Q. Okay. But when -- so is it your testimony  
18 then, when you accused her of illegally possessing  
19 Isoflurane, you didn't know whether it was legal or not,  
20 because you didn't know if she was -- had it under a  
21 veterinarian's supervision?

22 A. I was pretty sure based on the way she -- I  
23 asked her how she got it. And she stated that the  
24 rabies vaccination place thinks she's a doctor.

25 Q. I'm not asking about rabies. I'm asking about

1 Isoflurane.

2 A. Uh-huh.

3 Q. When you told the world that she illegally  
4 possessed Isoflurane, you didn't know whether -- whether  
5 that was true or not? That is, you didn't know if she  
6 was illegally possessing it, you just assumed she was  
7 illegally possessing it, correct?

8 A. Well, she didn't tell me she got it from her  
9 vet, she just told me she that has a source. It didn't  
10 sound like it was legal.

11 Q. Okay. So when you posted to the Internet that  
12 she was illegally possessing Isoflurane, you -- you --  
13 it sounded to you like it was illegal, so you went ahead  
14 and accused her of it?

15 A. Yes, I thought it was.

16 Q. Okay. But you since found out it's not -- it  
17 wasn't?

18 A. She has to have a prescription and be using it  
19 as per her vet instructions and as per label. And she  
20 wasn't doing that.

21 Q. Now, you also contacted the Kenneth A. Scott  
22 Charitable Trust, correct?

23 A. Yes.

24 Q. And you told them negative things about Bat  
25 World?

1 A. Yes, I told them the truth.

2 Q. And you told them that you bumped your head at  
3 Bat World and you -- and you asked them for the contact  
4 information for their legal department?

5 A. Yes.

6 Q. And that was because you were thinking about  
7 suing the Kenneth A. Scott Charitable Trust because you  
8 bumped your head at Bat World, correct?

9 A. Yes.

10 Q. You also posted on the Internet that Amanda  
11 Lollar posted a death threat to you and your Yahoo  
12 group -- on -- on her Yahoo group; is that true? Did  
13 you post on -- that Amanda Lollar posted a death threat  
14 against you on her Yahoo group?

15 A. Yes.

16 Q. And you also posted on the Internet that it  
17 was in violation of her rehabilitative permit by  
18 allowing bats to breed, correct?

19 A. Yes.

20 Q. And you accused her of sending you threats of  
21 extortion --

22 A. Yes.

23 Q. -- correct?

24 And that was -- you put that on the  
25 Internet?

1 A. Yes.

2 Q. And that she tried to extort you online,  
3 correct?

4 A. Yes.

5 Q. Now, when you posted that she was -- when you  
6 posted that you knew that extortion was a crime?

7 A. Yes.

8 Q. And you knew that you were accusing her of  
9 committing a crime?

10 A. Yes.

11 Q. And then you also posted on the Internet that  
12 Amanda Lollar of Bat World Sanctuary was found guilty of  
13 illegally breeding bats at her facility, correct?

14 A. Yes.

15 Q. And you posted that there was a rabies  
16 complaint against Bat World Sanctuary?

17 A. Yes.

18 Q. And you said that the mother of child who was  
19 bitten filed a complaint, correct?

20 A. Yes.

21 Q. And you also told the world on the Internet  
22 that she was committing fraud on the donors to Bat World  
23 Sanctuary, correct?

24 A. Yes.

25 Q. And when you accused her of committing fraud,

1 you knew at that time that you were accusing her of  
2 committing a crime?

3 A. Yes.

4 Q. You told the world that she was committing a  
5 crime of fraud, correct?

6 A. Yes.

7 Q. And then you also posted on the Internet that  
8 she lets anyone play with and handle the bats?

9 A. Yes.

10 Q. And you also posted on the Internet that she  
11 glued the vagina shut of a bat and that bat died and  
12 Lollar tossed her into the trash with all the other dead  
13 bats?

14 A. I don't believe that's word-for-word what I  
15 said.

16 Q. Do you remember when I took your deposition,  
17 it was August of last year, correct?

18 A. Yes.

19 Q. Do you remember telling me at that time --  
20 when you were under oath, right?

21 A. Yes.

22 Q. Just like you are today?

23 A. Yes.

24 Q. Do you remember this question by me: And did  
25 you also make the statement on the Internet that Amanda

1 Lollar glued the vagina shut of a bat and that bat died  
2 and Lollar tossed her into the trash with all the other  
3 dead bats?

4 A. Yes.

5 Q. And you put that out on the Internet for  
6 everybody to see?

7 A. Yes.

8 Q. And you posted on the Internet, ma'am, that  
9 Amanda Lollar makes the volunteers at Bat World buy the  
10 rabies vaccine from her, and then she ships it to their  
11 state?

12 A. Yes.

13 Q. That wasn't true, was it?

14 A. I believe it is true.

15 Q. But you put that on the Internet?

16 A. Yes.

17 Q. And you posted on the Internet --

18 A. Oh, I don't know if I posted that on the  
19 Internet, or a complaint to the government officials.

20 Q. You told somebody?

21 A. Yes.

22 Q. Well, do you remember telling me in your  
23 deposition that you posted it on the Internet?

24 A. That's possible.

25 Q. Well, let's -- let's look at it. Do you



1 remember me asking you this question in your deposition,  
2 ma'am: And did you also make the statement on the  
3 Internet that Amanda Lollar also makes the volunteers  
4 buy the rabies vaccine from her, and then ships it to  
5 their state? And your answer was, Yes. Correct?

6 A. If that's what my deposition said, then yes.

7 Q. Well, let's look at page 207. Let's make  
8 sure.

9 A. Okay.

10 Q. Was I right?

11 A. What line are you at?

12 Q. Page 19 -- Excuse me. Page 207, line 19.

13 A. Yes, I did state that.

14 Q. Okay. And you posted on the Internet that  
15 Amanda Lollar owns property and collects welfare and  
16 that is illegal?

17 A. I don't think I posted that word for word. I  
18 said if she collects welfare that is illegal.

19 Q. Well, do you remember when I asked you in your  
20 deposition: Did you ever state on the Internet,  
21 Ms. Cummins, that Amanda Lollar owns property and  
22 collects welfare and that is illegal? Answer: At the  
23 time I stated that I believed it to be true.

24 A. If that's what's in the depo, then yes.

25 Q. And the reason why you posted that on the

1 Internet about her committing welfare -- illegally  
2 collecting welfare was because you were trying to show  
3 what type of person Lollar is. Those are your words,  
4 correct?

5 A. What page are you on?

6 Q. Let's go to page 223, and let's go to line 14.

7 A. Yes.

8 Q. Okay. And you posted on the Internet that  
9 dogs at the sanctuary use the bathroom in the  
10 sanctuary --

11 A. What page are you on?

12 Q. I'm asking you a new question.

13 A. Oh, okay.

14 Q. You posted on the Internet that dogs at the  
15 sanctuary use the bathroom at the sanctuary in their  
16 bedrooms next to the bedrooms and at the entrance.

17 You put that on the Internet, too?

18 A. Yes.

19 Q. And some of the people that you gave this  
20 to -- that you told this to contacted a rescue group  
21 about rescuing these dogs, correct?

22 A. I don't know.

23 Q. Now, Ms. Lollar -- Ms. Cummins, would you  
24 agree with me that you are very, very proficient on the  
25 Internet?

1 A. A little bit more than a layperson.

2 Q. Okay. For example, if someone tries to block  
3 you from coming to their website, you know how to get  
4 around that, don't you?

5 A. Yes.

6 Q. You use what's called a proxy server?

7 A. I don't have to because my IP address changes  
8 every time I log in and out.

9 Q. Okay. In fact, you did that with my own  
10 personal website?

11 A. Yes.

12 Q. I tried to block you and you found a way to  
13 keep going to my website?

14 A. Probably only two more times after I -- you  
15 blocked me so I could get your address.

16 Q. And if someone sends you an e-mail in an  
17 anonymous e-mail address, you know how to look at the  
18 source code and see what the IP address is, correct?

19 A. If it's truly anonymous, no, I can't do that.

20 Q. Well, do you remember telling me in your  
21 deposition that you could do that?

22 A. If it's a truly anonymous e-mail, I would not  
23 be able to do that. If it's someone sending from a  
24 Yahoo account, yes, I can see who sent it.

25 Q. Okay. So if someone sends you an e-mail

1 address from a Yahoo account, you can tell who is  
2 sending you that e-mail?

3 A. Only if they sent it from their computer and  
4 not from Yahoo.com.

5 Q. And you use something called a Google-bot to  
6 track people on the Internet, correct?

7 A. Yes.

8 Q. And you used the Google-bot to track both  
9 Amanda Lollar and me?

10 A. Yes.

11 Q. And you know how to hide videos on the  
12 Internet so you don't have to delete them, don't you?

13 A. Anyone can do that. Yes.

14 Q. And what does it mean to embed a video?

15 A. For instance, the video is located on the  
16 server at YouTube.com, you can go to the video and it  
17 says share. And then there is a little link that says  
18 embed, and then click that and you get the HTML code --

19 THE REPORTER: You're going to have to  
20 slow down, please.

21 THE WITNESS: I'm sorry. If you click  
22 embed, you can get an HTML code so you can put that  
23 video anywhere on the Internet, yet it actually still  
24 resides on the server at YouTube.

25 Q. (BY MR. TURNER) And a thousand websites can

1 pull a video from one website without having to have  
2 posted it on their web server, correct?

3 A. True.

4 Q. You told me that in your deposition?

5 A. Could be, yes.

6 Q. But it's your testimony that you never did  
7 that with the videos in this case, it just must have  
8 been done by somebody else?

9 A. Yes.

10 Q. If these horrible episiotomy -- the episiotomy  
11 video with the awful captions showed up on lots of other  
12 websites, it's your testimony that you didn't do it, it  
13 must have been somebody else embedding the videos?

14 A. Yes.

15 Q. And you -- you believe that people -- Well,  
16 first of all, what is Indybay?

17 A. Indybay is an independent media organization.

18 Q. And you believe that people at -- Strike that.  
19 Indybay hosts or it has videos on it,  
20 correct?

21 A. Yes.

22 Q. And you believe -- it's your testimony that  
23 the people on Indybay loaded this episiotomy video up by  
24 themselves without any prompting from you, correct?

25 A. Yes.

1 Q. And you testified in your deposition that you  
2 have very a popular YouTube channel and as soon as you  
3 load up a video, 20 robots instantly embed it into their  
4 website, correct?

5 A. Yes.

6 Q. And what is a robot?

7 A. I guess in laymen's terms it is a software  
8 system that will check various YouTube accounts to see  
9 if something is new, and it will then automatically  
10 embed that video.

11 Q. So it's your testimony, ma'am, that if this  
12 video with the terrible captions about the episiotomy  
13 showed up on other websites that that must have been  
14 done by robots that went to your website when you --  
15 when you put the video up, and then they embedded it and  
16 put it on their website, correct?

17 A. Yes.

18 Q. It didn't have anything to do with you?

19 A. No.

20 Q. But it wouldn't have been on that website if  
21 you hadn't put it on the Internet first, correct?

22 A. True.

23 Q. Ma'am, isn't it true that you were able to get  
24 quite a few -- Amanda Lollar put some videotapes on the  
25 Internet, correct?

1 A. Yes.

2 Q. She put the video -- She put your videotaped  
3 deposition on the Internet to try to counter some of  
4 this stuff in this lawsuit, correct?

5 A. I don't know what her intention was.

6 Q. Okay. And you were able to get quite a few of  
7 her videos removed from Indybay, correct?

8 A. No.

9 Q. Didn't you tell me that in your deposition?  
10 I'm going to show you what's been marked as Plaintiff's  
11 Exhibit Number 34 and ask if you recognize that?

12 A. Yes.

13 Q. What is it?

14 A. It looks like something which was posted on my  
15 Animal Advocates website.

16 Q. Okay. Let me see it a second. You -- You  
17 didn't post -- You didn't write this?

18 A. I did write that.

19 Q. Okay. Read the part to the Judge that has  
20 been underlined in orange.

21 A. I got quite a few of her other Indy media  
22 posts removed for different reasons. All legal.

23 Q. Okay.

24 MR. TURNER: Plaintiff offers Exhibit  
25 Number 34 into evidence.

1 THE COURT: Any objection there being no  
2 objection --

3 MS. CUMMINS: Wait. I haven't looked at  
4 it yet.

5 MR. TURNER: Okay.

6 MS. CUMMINS: One second. There is one  
7 page in here I have not seen before. It looks like  
8 Ms. Lollar printed it out of her computer, but the rest  
9 looks like it came from my website.

10 MR. TURNER: Please tear out the page  
11 that you say you didn't write. With that change, we  
12 will reoffer Exhibit 34 with that page taken out.

13 THE COURT: Any objection?

14 MS. CUMMINS: No.

15 THE COURT: Plaintiffs' 34 is redacted  
16 and it is admitted.

17 (Plaintiffs' Exhibit Number 34 was  
18 admitted.)

19 Q. (BY MR. TURNER) Now, ma'am, you -- you do  
20 search engine optimization for clients, don't you?

21 THE COURT: Just a minute.

22 MR. TURNER: Oh, I'm sorry, Judge.

23 THE COURT: I want to show the parties,  
24 I'm restamping Plaintiff's Exhibit 34. Thank you. Go  
25 ahead.



1 Q. (BY MR. TURNER) Ma'am, you -- you do what is  
2 known as search engine optimization for clients,  
3 correct?

4 A. Yes.

5 Q. And you've done it for at least -- or  
6 approximately a hundred clients, correct?

7 A. Yes.

8 Q. What is search engine optimization?

9 A. It's optimizing a website so that search  
10 engines will pick it up for certain key words.

11 Q. So what we're talking about is if -- if you  
12 have something on the Internet that you want lots of  
13 people to see, search engine optimization makes it where  
14 if somebody Googles a word, they will be directed to the  
15 website that you want them to see, correct?

16 A. That's a little oversimplification.

17 Q. Okay. But if I have a website and my law firm  
18 has a website and I really want the world to know about  
19 my website, and I want people to -- if they -- if they  
20 Google the name Randy Turner, if I want them to -- when  
21 they Google Randy Turner, if I want my website to show  
22 up on the -- on the results page, that is search engine  
23 optimization? That's what I would be doing, correct?

24 A. If you wanted your website to show for a  
25 search for Randy Turner, yes, that would be?

1 Q. Or if I wanted my website to show up for  
2 people that were looking for a personal injury lawyer,  
3 correct?

4 A. Yes.

5 Q. Or lawyer in Fort Worth?

6 A. Yes.

7 Q. This is search engine optimization? It gets  
8 people to go to a certain website when they Google a  
9 name?

10 A. Yes.

11 Q. Okay. And you're pretty good at search engine  
12 optimization, aren't you?

13 A. I'm okay.

14 Q. What is Exhibit 35?

15 A. This is a photo of my skunk.

16 Q. It's a photo of a skunk's anus, correct?

17 A. No, just of his rear end.

18 Q. Okay. And read what it says underneath the  
19 skunk's rear end.

20 A. It says, Skunk got a Brazilian. Randy Turner,  
21 attorney, lawyer, Fort Worth, Texas. My skunk got a  
22 Brazilian from my vet because he just got neutered. He  
23 is all healed now. No more humping my ankles or lusting  
24 after the bunny. Randy Turner, attorney, lawyer, Fort  
25 Worth, Texas.

1 Q. Ma'am, why did you put Randy Turner, attorney,  
2 lawyer, Fort Worth, Texas, at the beginning of that  
3 statement and at the end of that statement?

4 A. It's not at the beginning.

5 Q. Why did you do that?

6 A. You or your client got all of my stills from  
7 the deposition removed from Flickr, so I added this as a  
8 joke.

9 Q. So now, under the search optimization we're  
10 talking about, if you Google Randy Turner it takes you  
11 to the skunk's anus, correct?

12 A. About seven pages deep. No one is going to go  
13 that deep.

14 Q. All right. But that was your purpose in doing  
15 that was to get people to go to that page that Googled  
16 my name?

17 A. Yes. But --

18 Q. Okay. And that's one of many, isn't it,  
19 Ms. Cummins? There are dozens of pages like that about  
20 me that you've put on the Internet, as well as Amanda  
21 Lollar?

22 A. I only have one page that mentions you.

23 Q. Okay. But don't you have a page where you  
24 accuse me of staring at your breasts and your crotch  
25 during a deposition?

1 A. Yes.

2 Q. And you -- haven't you search optimized that  
3 so that if you Google Randy Turner it takes you to that  
4 page?

5 A. Actually, if you Google Randy Turner, you get  
6 deposition videos of me. You don't get that.

7 Q. You don't get that? If you Google Randy  
8 Turner, you don't get -- it doesn't you take you to a  
9 page where you accuse me of staring at your breasts?

10 A. You would have to Google Randy Turner, Texas  
11 attorney, okay? And --

12 Q. I'm sorry?

13 A. And -- And it -- it would show up, but it  
14 wouldn't be the top search engine result. That would be  
15 your website Randyturner.com.

16 Q. Well, I know it's not the top result --

17 A. Uh-huh.

18 Q. -- but it's still a result, right?

19 A. Yes.

20 Q. So if there is a prospective client out there  
21 or an opposing lawyer that wants to check me out, they  
22 get to see the skunk's anus, correct?

23 A. They're not going to go seven pages deep to  
24 search you. Most people don't go past the first page.

25 Q. And you've done that with Amanda Lollar and

1 the episiotomy video, have you not?

2 A. No.

3 MR. TURNER: We offer Exhibit 35 as  
4 evidence, Your Honor.

5 THE COURT: Any objection?

6 MS. CUMMINS: No objection.

7 THE COURT: Plaintiffs' 35 is admitted.  
8 (Plaintiffs' Exhibit Number 35 was  
9 admitted.)

10 Q. (BY MR. TURNER) Now, again talking about your  
11 prowess with the Internet, you know how to bury websites  
12 and blogs that are on the Internet, correct?

13 A. Yes.

14 Q. And what does it mean to bury a website or a  
15 blog?

16 A. Well, it's similar to what Reputation Defender  
17 did for you. You would create many other pages and  
18 blogs and have an appropriate domain name, title,  
19 metatag, content and submit them to the search engines.

20 Q. So if somebody is trying to keep something on  
21 the Internet from being seen, they -- they -- they do  
22 what you just described?

23 A. That's one of many ways.

24 Q. Okay. So, for example, if I was trying to  
25 counter Exhibit 35, if I was trying to keep that from

1 being high up in the Google results, I would try to bury  
2 it, correct?

3 A. Yes.

4 Q. Okay.

5 A. It is buried.

6 Q. Now, Ms. Cummins, you use the Internet to  
7 smear people that make you angry?

8 A. No.

9 Q. And you use the Internet to post private and  
10 personal information about people who make you angry,  
11 correct?

12 A. No.

13 Q. As a matter of fact -- As a matter of fact,  
14 you -- you've posted the board of directors that my wife  
15 serves on and you put those on the Internet?

16 A. I don't think so.

17 Q. You put on the Internet that my wife is on the  
18 board of directors of the Texas Center for Legal Ethics,  
19 correct?

20 A. I don't think so.

21 Q. You didn't say that she was on the board of  
22 directors of the Texas Center for Legal Ethics and that  
23 it was ironic that she was married to such an unethical  
24 lawyer?

25 A. I don't think I wrote that. And I most

1 certainly have never mentioned her name.

2 Q. And you posted on the Internet just recently  
3 that my son was adopted, correct?

4 A. Yes.

5 Q. Okay. And --

6 A. It -- It's not on the --

7 Q. Did you -- did you ask my -- Did you try to  
8 find out whether or not he knew he was adopted before  
9 you posted that?

10 A. He knows. Your wife made it very public.

11 Q. What was the purpose in posting on the  
12 Internet that my son was adopted?

13 A. Did you read the post?

14 Q. I'm asking you what the purpose was.

15 A. It was a joke that -- you were embarrassing  
16 and humiliating yourself in your client's deposition,  
17 and I joked that your son is lucky that he is adopted.

18 Q. And you recently posted on -- I'm talking last  
19 week or within the past few weeks -- you on the Internet  
20 that you had gotten ahold of Amanda Lollar's Social  
21 Security number, did you not?

22 A. I have never shared it with anyone.

23 Q. Did you post on the Internet that you had  
24 gotten ahold of her Social Security number?

25 A. Yes.

1 Q. Why?

2 A. To show that I have it. And I'm not posting  
3 and sharing it.

4 Q. Why did you want the world to know that you  
5 had her Social Security number?

6 A. Someone had accused me earlier of posting  
7 their Social Security number, which I did not. So I  
8 wanted to show that even though I have her Social  
9 Security number, I'm not posting it.

10 Q. Ma'am, you wanted -- you wanted everyone to  
11 know that you had her number for the same reason that  
12 you wanted everyone to know that you -- although you  
13 were ordered not to put the episiotomy video on the  
14 Internet other people could?

15 A. What is your question?

16 Q. You wanted other people to know that you had  
17 her Social Security number in case some -- one of your  
18 friends wanted that number --

19 A. Oh, no.

20 Q. -- that you were going to give it to them?

21 A. No. I would never give it.

22 Q. Why would you tell the world that you had her  
23 Social Security number? What's the purpose?

24 A. To show that I have it, and I'm not sharing  
25 it.



1 Q. How many times have you been sued?

2 A. At least ten times.

3 Q. You've been sued 20 times, haven't you?

4 A. I have no idea. I would have to go through  
5 all the court records.

6 Q. How many people have -- Okay. So -- But  
7 you've -- you've been sued at least ten times?

8 A. No. Let's see. I've been sued maybe six  
9 times. I'm not sure.

10 Q. Let me ask you -- back to that earlier  
11 question. Did you post this on the Internet, Turner's  
12 wife is also a lawyer. She graduated Magna -- Magna Cum  
13 Laude from law school. This is pretty ironic. She's on  
14 the board of trustees of the Texas Center for Legal  
15 Ethics. Professionalism and practice. Their goal is to  
16 promote the practice of law by Texas lawyers in an  
17 ethical and professional manner. Maybe she should talk  
18 to her husband about ethical and professional behavior.

19 Did you put that on the Internet?

20 A. I believe I may have.

21 Q. All right. How many times have you been sued  
22 for defamation?

23 A. This is actually only my third true time.

24 Q. Okay. And how many people have you sued?

25 A. Let's see. I would say three in regular

1 court, and then more in small claims.

2 Q. Okay. You testified in your deposition that  
3 you had sued people 20 times, correct?

4 A. I have sued clients in small claims for not  
5 paying bills. That could be. I don't believe it was  
6 quite 20 though.

7 Q. Okay. But it's -- Now it's 21, because you  
8 just filed a new lawsuit in Federal court in California  
9 against Amanda Lollar because you bumped your head in  
10 Mineral Wells?

11 A. What is your question?

12 Q. It's 21 now because of that lawsuit you just  
13 filed in California?

14 A. I never admitted it to being 20, so I don't  
15 know if it's 21. It's one more lawsuit.

16 Q. Okay. But you did just recently, in the last  
17 couple of weeks, sue her in Federal court in California  
18 for -- because you bumped your head in Mineral Wells,  
19 correct?

20 A. I sued her because I bumped my head and hurt  
21 my back in Mineral Wells.

22 Q. Okay. And now she has -- she's got to get a  
23 lawyer to go answer this lawsuit in California Federal  
24 court, correct?

25 A. No. She has insurance, and they will provide

1 her with a lawyer just as they did with the other case I  
2 filed against her.

3 Q. Now, you recognize Dr. Patricia Brown Berry as  
4 expert or authority on bats, do you not?

5 A. Yes.

6 Q. She's a research biologist at the University  
7 of California?

8 A. She's retired.

9 Q. Did she used to be research biologist at the  
10 University of California?

11 A. Yes.

12 Q. And did you know that she wrote the forward  
13 for one of Amanda Lollar's books, praising Amanda  
14 Lollar's work?

15 A. She wrote the -- she told me she wrote the  
16 forward for one of her books many, many years ago. I  
17 don't know which one it was. I believe it was a Bat in  
18 My Pocket.

19 Q. And, ma'am, you consider yourself an expert in  
20 the law of defamation, don't you?

21 A. No, I'm not a lawyer.

22 Q. But you feel qualified in the area of the law  
23 of defamation, correct?

24 A. Yes.

25 Q. You're familiar with the laws of defamation?

1 A. Yes.

2 Q. And you think you know what is defamatory and  
3 what is protected speech, what's privileged speech and  
4 so forth, correct?

5 A. I think so.

6 Q. Now, just to recap, you have a total of 13,000  
7 Facebook followers who could have viewed the statements,  
8 episiotomy -- statements about Amanda Lollar that you've  
9 put on the Internet, the videos and the information that  
10 you've put on the Internet about Amanda Lollar, correct?

11 A. No.

12 Q. What's incorrect about that statement?

13 A. Not everyone who is my friend can view all of  
14 my posts. A lot of my posts only eight people can see.

15 Q. Well, you have about 8,200 on your regular  
16 Facebook, correct?

17 A. No.

18 Q. Do you remember telling me in your deposition  
19 that you have got about 8,200 people on your regular  
20 Facebook?

21 A. I had 8,200 people on my Animal Advocates  
22 page.

23 Q. Do you remember telling me in your deposition  
24 that you have about 8,200 on your regular Facebook?

25 A. Regular would be Animal Advocates. You can't

1 have over 5,000 friends on your regular Facebook. It's  
2 physically impossible.

3 Q. Let's go to page 232 of your deposition.

4 A. Yes, I'm here.

5 Q. I want you to read my question, starting at  
6 line 2, and your answer.

7 A. Your question: And you've got about 8,200 on  
8 your regular Facebook, correct? My answer: Yes.

9 Q. Okay. And how many people have visited your  
10 website and blogs since you started posting about Amanda  
11 Lollar and Bat World Sanctuary?

12 A. I have no idea.

13 Q. How many per month?

14 A. I have no idea.

15 Q. You don't have a way of telling how many  
16 people go to your website?

17 A. Yes, but I don't have it in front of me.

18 Q. Okay.

19 A. And I haven't looked at total hits.

20 Q. What is your estimate?

21 A. What is the question?

22 Q. How many people go to your -- have been to  
23 your website since you started posting about Amanda  
24 Lollar?

25 A. Well, most people who go to my website are

1 there to download the free manuals. They don't see  
2 anything about her.

3 Q. Would it be thousands?

4 A. No.

5 Q. Would it be hundreds?

6 A. Yeah, that's possible. I would have to look  
7 at my actual logs.

8 Q. Well, didn't you at one time post that 500,000  
9 had visited your website?

10 A. If you're talking 5,000 hits in a year on all  
11 of my websites, that's possible.

12 MR. TURNER: Pass the witness.

13 THE COURT: We will take a rest break now  
14 until 10:25. Please step down. Be ready to proceed at  
15 10:25.

16 (Break from 10:08 a.m. to 10:26 a.m.)

17 THE COURT: You're on the witness stand.

18 MS. CUMMINS: Yes.

19 Can I cross-examine myself in a narrative  
20 from the table?

21 THE COURT: Yes.

22 MS. CUMMINS: I would like to clarify --

23 THE COURT: Ma'am, tell me your reason  
24 for that. I want to hear it.

25 MS. CUMMINS: Oh --

1 THE COURT: Otherwise, I will ask you to  
2 take the witness stand.

3 MS. CUMMINS: Okay. I herniated a disk  
4 in my back and --

5 THE COURT: Which one?

6 MS. CUMMINS: L5 to L6, the last one.

7 THE COURT: L5 to L6, or L5 to L4?

8 MS. CUMMINS: No. The very last one  
9 before the S1.

10 THE COURT: Okay.

11 MS. CUMMINS: And my doctor told me not  
12 to stand more than 15 minutes at a time. And it's  
13 extremely painful. I was in a lot of pain last night.

14 THE COURT: All right. You may  
15 testify -- I want to tell you by granting you that  
16 permission I'm not commenting in any way on whether or  
17 not you have a herniated disk or not in your back, or  
18 whether or not you have any injury at all.

19 MS. CUMMINS: Okay.

20 THE COURT: It's my understanding that  
21 you have a lawsuit somewhere --

22 MS. CUMMINS: Yes.

23 THE COURT: -- about that. I don't know  
24 where. I don't want to know where.

25 MS. CUMMINS: Okay. Can you hear me?

1 THE COURT: Pardon me?

2 MS. CUMMINS: Can you hear me? Can you  
3 hear me well enough with the microphone?

4 THE COURT: Barely. I will try and I  
5 will listen as fast as I can.

6 **CROSS-EXAMINATION**

7 BY NARRATIVE: Okay. I would like to  
8 clarify a few things. When I was at Bat World Sanctuary  
9 most of the things that I have said about her and Bat  
10 World Sanctuary, Amanda Lollar told me herself.

11 THE COURT: Now, please testify without  
12 making a final argument in this case. You will have an  
13 opportunity at a later time to make a final comment.

14 MS. CUMMINS: Okay.

15 THE COURT: Do you understand?

16 MS. CUMMINS: Yes.

17 THE COURT: I understand that you're not  
18 an attorney, but you're held to the same standards as an  
19 attorney. So place your questions so that plaintiff  
20 will have an opportunity to cross-examine you, okay?

21 MS. CUMMINS: Yes.

22 THE COURT: Thank you.

23 MS. CUMMINS: When I was at Bat World  
24 Sanctuary I asked Ms. Lollar where she got her rabies  
25 vaccinations, and she told me the place thinks she's a



1 doctor even though she is not. When I was there, I  
2 asked her where she got her Isoflurane, and she says she  
3 has sources. And that when I was there I witnessed  
4 Ms. Lollar give Isoflurane and other drugs and such to  
5 Kate Rugroden to take back to Bat World Sanctuary  
6 Mid-Cities.

7                   And I would like to state that  
8 Exhibit 17, which I was shown, is not complete. There  
9 are many parts of the blog are -- of my website are  
10 missing. And I would also like to state that the  
11 Myspace comments are -- whatever is posted on Animal  
12 Advocates, it's reposted. I have not written all of  
13 those. And my Twitter feed also is a repost of my  
14 Facebook Animal Advocates page. And I have a few people  
15 who help me with my YouTube page, so not all the posts  
16 are mine.

17                   And in my blog, I haven't written every  
18 single word there. I am not the author of every single  
19 word of the blog. And I have these -- I put these two  
20 pages up into my Animal Advocates page, one of them has  
21 to do with Bat World Sanctuary lawsuit. And the main  
22 reason I put that up was because after you ordered me to  
23 take everything down Ms. Lollar posted quite a few pages  
24 in her website and on her Facebook giving her side of  
25 the story, which was not the truth as I knew it.

1           So I put up this one page which is full  
2 of legal filings and different exhibits that I had  
3 already submitted. And my purpose was to let people  
4 know my side of the story and to let them know why this  
5 woman was suing me. And I believe she's suing me  
6 because I reported her for animal cruelty and neglect.  
7 And as soon as she got wind of the first reports, that's  
8 when she sued me.

9           And this Exhibit 19, which I was given,  
10 there are quite a few mistakes in it. First of all,  
11 it's missing all of my earlier reports. I made quite a  
12 few reports about Amanda Lollar and Bat World Sanctuary  
13 to Fish and Wildlife Service, to USDA, to the -- the  
14 Texas State Department of Health. I made them all in  
15 July of 2010, which is immediately after I returned. It  
16 looks like they have only included some of the later  
17 ones.

18           And on top it says, False Complaints to  
19 Government Agencies. These complaints were the absolute  
20 truth of what I saw and what I heard. They're not false  
21 complaints. And again, I believe they are privileged  
22 because they are a FAIR report. Sorry.

23           Anyway, down below it says, Summary of  
24 Complaints. Again, these are not all complaints. A lot  
25 of them were subpoenas that I sent to get information

1 and Freedom of Information Act requests, public records  
2 requests. They're not all complaints. They make it  
3 look like -- It looks like there's as many as 33  
4 complaints, and that's not the truth. And a lot of  
5 these are duplicates. It's the same thing over and  
6 over.

7                   So in all, I did complain to USDA, Texas  
8 Parks & Wildlife. I didn't write a written report to  
9 Texas Veterinarian Board. I don't even know why that is  
10 here. I did report them to the City of Mineral Wells  
11 for all the violations that I saw.

12                   And I believe my health department in Los  
13 Angeles also contacted the -- did file a report with  
14 Texas Health Department stating that I was bitten --

15                   MR. TURNER: Your Honor, I'm going to  
16 object to reports that somebody in Los Angeles sent to  
17 somebody else.

18                   THE COURT: Sustain the objection.

19                   Ms. Cummins, I would like to state that  
20 you referred to Plaintiff's Exhibit Number 17, that's  
21 the one that you were going to read last night, is my  
22 understanding, and that has not been admitted into  
23 evidence.

24                   MS. CUMMINS: 17 hasn't been?

25                   THE COURT: 17 has not been offered yet.

1 MS. CUMMINS: Oh, okay. So I don't need  
2 to talk about it?

3 THE COURT: I'm not telling you what --

4 MS. CUMMINS: Okay.

5 THE COURT: -- I'm just telling you  
6 you're referring to it as though it might have been  
7 admitted into evidence. It's my understanding 17 has  
8 not been admitted. Let me verify that with the court  
9 reporter.

10 THE REPORTER: I have it admitted.

11 THE COURT: How much of it?

12 THE REPORTER: The whole thing.

13 THE COURT: Okay. Then 17 is admitted.

14 MS. CUMMINS: Can I object to it being  
15 admitted, because I thought I had to read it tonight and  
16 then you would decide this morning?

17 (Discussion off the record.)

18 THE COURT: Go ahead.

19 MS. CUMMINS: Was -- Exhibit 19 I believe  
20 was admitted, and I would like to -- I would like to  
21 state that not all of these are my e-mails. They have  
22 e-mails from other people in here. And again, these  
23 were reports, honest reports, that I made to government  
24 agencies about what I saw and what I heard while I was  
25 at Bat World Sanctuary.

1                   When I was at Bat World Sanctuary, I  
2 witnessed Amanda Lollar using Isoflurane not according  
3 to the label. And when I saw her using the Isoflurane  
4 not according to the label, in one instance, she was  
5 trying to suture a bats's chest. And the bat would  
6 either stop breathing or else it would come to and it  
7 did that a few times. And that's why I feel that was  
8 animal cruelty.

9                   And again, I want to state that I -- as  
10 soon as I got back to Los Angeles, I instantly reported  
11 her to the various agencies. I then made subsequent  
12 reports. But they don't have all of my earlier reports  
13 here, even though I gave them a couple?

14                   And the members of the board of directors  
15 their names and address are listed in the, I believe,  
16 Attorney General for the State of Texas. And there  
17 are -- it's public information. I wasn't posting  
18 private information. In fact, I requested the names of  
19 the board of directors and the address, and Judge Bonnie  
20 Sudderth told them they had to give it to me. They  
21 still didn't give it to me even though the Judge ordered  
22 them. And then I found it myself, so it wasn't private  
23 or confidential information that I posted.

24                   And I had posted stills from my  
25 deposition onto my Flickr account. And I originally

1 posted on my Animal Advocates account that Mr. Turner  
2 was nodding off during his client's deposition. And he  
3 stated he was going to sue me for defamation. And I  
4 said, I will post some stills. So I posted some stills.  
5 That's why I posted the stills. And then he said, No, I  
6 was just resting my eyes. I'm going to sue you. So I  
7 said, Okay, I will post the video. And that's why I  
8 posted the videos and the stills from the deposition, to  
9 prove to Mr. Turner that --

10 THE REPORTER: Ms. Cummins, will you slow  
11 down, please?

12 MS. CUMMINS: Yes.

13 I posted the stills and the video from  
14 his client's deposition to prove to Mr. Turner that he  
15 was not texting or e-mails during his client's  
16 deposition, he was nodding off. He refused to look at  
17 any exhibit that I showed him or his client. He kept  
18 staring inappropriately at times. And he -- I guess  
19 that was the point for me to prove to Mr. Turner that he  
20 did all the things I said he did so he wouldn't sue me  
21 for defamation. And that's why I posted them. And then  
22 I don't know if Ms. Lollar or Mr. Turner got them all  
23 removed, even though they were not terms of services  
24 violations.

25 While I was at Bat World Surgery -- Bat

1 World Sanctuary I -- okay. While I was Bat World  
2 Surgery -- Sanctuary, I witnessed Amanda Lollar  
3 performing surgery on bats. I witnessed her committing  
4 animal cruelty and animal neglect. And let me preface  
5 this by saying that I have gone through the police  
6 academy, I have gone through the humane academy to  
7 become a humane officer, I work with the Human Society  
8 of the United States on the National Disaster animal  
9 Rescue Team. We go into cock fighting and dog fighting  
10 and animal hoarders and animal abusers.

11           So I've been trained how to -- how to  
12 recognize animal cruelty and animal neglect. I have  
13 been trained about the laws of animal cruelty and  
14 neglect. And I know how to take a report. And I took a  
15 report with a timeline with -- everything that would  
16 have been needed for a regular investigation and I added  
17 all the photos and all the videos and I gave these  
18 honest reports to the authorities because I believe I  
19 witnessed animal cruelty, animal neglect.

20           And I believe -- I believe I saw her  
21 using drugs improperly.

22           I saw her performing surgery on bats when  
23 she's not a veterinarian. I found -- I have the same  
24 permits as Ms. Lollar, and we have to check every single  
25 animal every single day. And I found under her desk a

1 bat that had been dead at least two or three days. That  
2 means someone didn't check it every single day. And I  
3 brought her the dead bat and she said it was one of her  
4 favorites, and then told me to throw it in the trash.

5           And it only had one wing, so that means  
6 it fell off the table and it was -- there was no way it  
7 could climb back up. And based on my knowledge of  
8 working with wildlife for many years, it died of  
9 dehydration because it couldn't climb back up to get to  
10 the water and food. And she didn't know that it was  
11 right underneath her desk. And this is -- I reported  
12 her for that for that animal neglect.

13           And I did make that comment stating that  
14 it's ironic that Mr. Turner's wife is on the ethics  
15 board, because you -- you haven't been here for the  
16 entire case, but Mr. Turner has been acting rather  
17 unethically. I will give one instance of why I said  
18 that. Judge Bonnie Sudderth already told me that this  
19 is probably not true what he said, so right before the  
20 temporary injunction hearing which you oversaw, I was  
21 sitting in the pew over here and Mr. Turner was with  
22 his --

23           MR. TURNER: Your Honor, I am going to  
24 object. This is not relevant --

25           THE COURT: Sustained.



1 MR. TURNER: -- what she's testifying to.

2 MS. CUMMINS: So I can't comment about  
3 that?

4 THE COURT: I sustained his objection for  
5 relevancy.

6 MS. CUMMINS: Okay. But I was just going  
7 to say that I commented that it was ironic that she is  
8 on an ethics board when her husband has been acting  
9 extremely unethically in this entire case by filing  
10 motion after motion, scheduling hearing after hearing,  
11 just to try to get me to run out of money. And that is  
12 why I filed the -- Well, nevermind.

13 I did state the information at the  
14 request of City of Mineral wells, and they gave me a  
15 copy of their police reports. One of the police reports  
16 said welfare check. And then it said the police went  
17 out and they couldn't find it.

18 I thought at that time that she had lost  
19 a welfare check and they went out there to look for it  
20 and couldn't find it. So I posted for about two hours,  
21 I believe, that she can't collect welfare because she  
22 owned property. If she's collecting welfare, that is  
23 fraud. I said if. And two hours later a friend of mine  
24 said, Could it be a welfare check as in checking up on  
25 someone. I said, Yeah. That could be it. I will take

1 it down. So I took it down within hours, maybe two  
2 hours.

3 In fact, I stated before to Ms. Lollar  
4 and Mr. Turner that if I have ever posted anything  
5 that's untrue, let me know I will edit it or delete it,  
6 and they have never come back to me on that. And I will  
7 again say, I did not post the articles on Indybay and  
8 Raise The Fist.

9 And earlier Mr. Turner stated that I said  
10 that I can get things removed from Indybay. And I did  
11 say that, but I can only get them removed legally and  
12 that was because Ms. Lollar was spamming Indybay by --  
13 she was -- she took a video still from my deposition,  
14 one where I looked really hideous in the middle of  
15 stating something, and she posted many defamatory  
16 statements about me on the Internet, and they're still  
17 there. They can never be removed. Ever. And she knew  
18 this at the time.

19 But I posted that I got some of those  
20 removed because she spammed, it's not because I have any  
21 control over those websites. I reported it as spam.  
22 She did, like, 11 articles about me, all at the exact  
23 same time. So I have no control over Indybay.

24 And also, Mr. Turner thinks I'm some sort  
25 of Internet genius when I'm not. He -- Well, I do not

1 have the ability to -- it is impossible for me to use  
2 robots to try to influence the Google search engine.  
3 Number one, no one knows a true algorithm performing at  
4 the search engine. And two, it's physically impossible  
5 to use robots. Google would stop you if it thinks  
6 you're a robot, so I did not do what Mr. Turner thinks  
7 that I have done.

8           In fact, I believe my sites show up high  
9 for his name search because of his client who keeps  
10 searching for his name, and then she goes to the site.  
11 And she has done the same thing with herself. I believe  
12 Ms. Lollar has been looking -- Googling the search  
13 phrase, Amanda Lollar commits animal cruelty at Bat  
14 World Sanctuary. And she searches it over and over and  
15 then goes to the site. Her own behavior is causing the  
16 results that she sees. She is the reason. I haven't  
17 done anything to influence that whatsoever. She is the  
18 reason why those sites show up first. And so that is  
19 something of her own doing. And the same thing with  
20 Randy Turner. Someone searching for it and then they go  
21 to the sites, and that's why that is showing up high.

22           I -- If I had the power or the ability to  
23 influence Google's search engine in the way Mr. Turner  
24 thinks I could, I would be a billionaire by selling my  
25 services to the spammers, and that's obviously not the

1 case. It can't be done. I have not done it. And  
2 Mr. Turner -- or let's see. I believe that -- Let's  
3 see. Okay. So I do not have the ability to do what he  
4 said that I can, and I have not done that. That would  
5 be the work of others, including his client or himself  
6 if he is searching himself, he is doing it.

7                   And then I would just like to summarize  
8 by saying, when I was at Bat World Sanctuary, I  
9 witnessed animal cruelty. I witnessed animal neglect.  
10 I know how to recognize animal cruelty and animal  
11 neglect, and I reported that honestly to authorities.  
12 These are honest reports and complaints I made to  
13 authorities. I gave them video. I gave them photos.  
14 Yes, I did report her to the City of Mineral Wells.  
15 Many, many other people have been reporting her for  
16 almost 20 years.

17                   I did state Information Act requests and  
18 Federal Information Act requests and I received reports  
19 from 18, 19 years ago. I received 600 pages in my first  
20 request to the City of Mineral Wells alone, complaints.

21                   And in my website, I would post some of  
22 the pages of other people's complaints, and then I would  
23 cut and paste what they said. For instance, the health  
24 inspector, Donna Robbins of the City of Mineral Wells,  
25 had been complaining for years --

1 MR. TURNER: I'm going to object to  
2 hearsay.

3 MS. CUMMINS: Okay.

4 THE COURT: Sustain the objection.

5 MS. CUMMINS: I received many documents  
6 in my Public Records Act request, and I did post the  
7 results of some of those pages onto the website. And  
8 they were other people's reports and complaints going  
9 back 18 years.

10 I posted a newspaper article from 1999  
11 where a rabid bat had bit a toddler on the cheek  
12 directly next to the Bat World Sanctuary. And I copied  
13 and pasted what was in the article. And I have copied  
14 and pasted what were in the other people's complaints.

15 So I posted what I saw, which was animal  
16 cruelty and neglect. I reported them to authorities for  
17 the same thing. I reported her for giving vaccinations  
18 to bats when she is not allowed to because she is not a  
19 veterinarian. I reported her for having the rabies  
20 vaccination, because only a doctor, nurse, veterinarian,  
21 or pharmacist may have it. And there is -- Let's see.

22 So I guess in summary, everything that I  
23 posted was the truth or I posted -- copied and pasted  
24 from other people's complaints and documents. Most of  
25 it is -- on my website are legal documents and filings,

1 things such as the definition of defamation, the  
2 definition of proprietary, the definition of copyright,  
3 the definition of fair use of the Copyright Act.

4 And just tons of complaints that people  
5 had been making for years. I did post those on my  
6 website, and I received those complaints in legal  
7 Freedom of Information Act requests.

8 And even though I did receive her Social  
9 Security number and her driver's license number, I  
10 didn't post that online even though the City of Mineral  
11 Wells gave it me to.

12 They gave -- I received many police  
13 reports which had to do with Amanda Lollar. I didn't  
14 post them all. But I just posted things which proved my  
15 side of the story, because not only did she sue me for  
16 defamation -- Well, I was sued for defamation by  
17 Ms. Lollar, and since then she's been libeling and  
18 defaming me on top of this.

19 And I also wanted to use my own website  
20 to set the record straight on why this woman is suing me  
21 and why this woman is saying I'm a convicted felon and I  
22 am guilty of credit card fraud and forgery, and all  
23 these horrible things that she said, I was a criminal --

24 MR. TURNER: Your Honor, I'm going to  
25 object to complaints about the defamation lawsuit that

1 she filed in another state. We're not here on that.

2 THE COURT: Sustained.

3 MS. CUMMINS: Okay. So my websites were  
4 to tell the truth about what was happening with the  
5 lawsuit, this lawsuit, and to tell the truth about what  
6 I saw and what I recorded. And I believe it's in the  
7 public interest, because if I had only known one-tenth  
8 of what I know now about Bat World Sanctuary, I would  
9 have never, ever gone there.

10 Before I went there, I obviously -- I  
11 thought she might have been an expert, but after a  
12 couple of days, I knew that was not true based on what I  
13 saw while I was there. She -- We have the same permits  
14 with the USDA, so I know the regulations and I know what  
15 a violation would be. And I witnessed violations of the  
16 Animal Welfare Act. She wasn't providing proper  
17 veterinary care, even though her vet is right down the  
18 street. She, for some reason, insisted on doing these  
19 things herself even though her vet was open.

20 And I would like to also say that not  
21 only did she give me permission to take the photos and  
22 post the photos, but every morning -- every night she  
23 would look at what I posted and every morning, she would  
24 go over and say, Let's do a video like this. Let's do  
25 one like this. I would like to show this. She was very

1 proud of what she was doing. In fact, when she was  
2 suturing a bat one time, she said, Mary, get over and  
3 videotape it. But my -- my power was out so I couldn't.  
4 I only got a couple of photos of that.

5 But she instructed me to take the photos.  
6 She instructed me to take the videos. She was very  
7 proud of what she was doing. In fact, while I was  
8 videotaping the episiotomy, she had her volunteer that  
9 she pays, Janet Villarreal, taking still photos. And  
10 she proudly used those photos in her book.

11 And every morning she would encourage me  
12 to take more photos and more videos. And she was even  
13 planning to do some more. And I was telling her while I  
14 was there how -- she was telling me -- Oh, I can't say  
15 that.

16 I was -- I was told that Bat World  
17 Sanctuary may go under, and so I told her she can make  
18 money by putting ads on videos and I told her she needs  
19 to use her macro setting. And so she started taking  
20 some photos and putting the ads on them. And so I  
21 actually helped her make some money in that way. And I  
22 told her putting ads on her website, and she did the  
23 same thing to make more money.

24 And before I went to Bat World Sanctuary,  
25 I had 5,000 Facebook friends, and she had maybe 400. I



1 invited all of my friends, and she probably got 1,200  
2 more instantly from me. And I also invited my friends  
3 from Animal Advocates, so I actually caused her to get  
4 more Facebook friends and that in turn got her more  
5 donations, because I can see them posting on her page, I  
6 just donated. I just donated. I saved all her pages.

7           So I guess that's about it. I was at Bat  
8 World Sanctuary, I witnessed animal cruelty and neglect.  
9 I've been trained how to investigate it and how to  
10 report it, and that's what I did. The reports I made  
11 are the absolute truth of what I saw and heard. And I  
12 stand by everything that I said. It was the absolute  
13 truth, or I believed it to be the absolute truth at the  
14 time.

15           And I rest.

16           THE COURT: Mr. Turner?

17           MR. TURNER: Thank you, Your Honor.

18                           **REDIRECT EXAMINATION**

19 BY MR. TURNER:

20           Q. Ms. Cummins, you said you believed everything  
21 you posted on the Internet to be true at the time. Have  
22 you since learned some of these things weren't true?

23           A. I learned one thing might not have been true.

24           Q. What?

25           A. The welfare check.

1 Q. Now, you -- you testified that she was not --  
2 she was -- that Amanda Lollar was using Isoflurane  
3 illegally, correct?

4 A. Yes.

5 Q. Do you know whether or not she was using that  
6 under the supervision of a veterinarian?

7 A. She didn't tell me she got it from the vet.  
8 She said she got it from a source.

9 Q. Okay. So you didn't know if that source was a  
10 veterinarian or -- or a drug dealer on the street  
11 corner?

12 A. I would think if it was a veterinarian she  
13 would have told me, so I assumed it was another source.

14 Q. Okay. So you assumed that -- Well, let me ask  
15 it this way. If she was using the Isoflurane under the  
16 supervision of a veterinarian, and she had gotten it  
17 from a veterinarian, that would be a legal use of  
18 Isoflurane, correct?

19 A. No.

20 Q. What's incorrect about that?

21 A. She used it improperly. You need to use it  
22 according to the label. The label states you must use  
23 it with a nebulizer so you can mix it with proper  
24 concentrations of Isoflurane and oxygen, so you don't  
25 asphyxiate the animal or overdose it and kill it.

1 Q. In any event, when you posted on the Internet  
2 that Amanda Lollar was using Isoflurane illegally, you  
3 didn't know if she was using it under the supervision of  
4 a veterinarian or whether she had gotten it from a  
5 veterinarian, correct?

6 A. She didn't tell me she got it from a  
7 veterinarian.

8 Q. Okay. Let me ask the question again. At the  
9 time you posted on the Internet that she was using  
10 Isoflurane illegally, you did not know when you posted  
11 that whether she had gotten the Isoflurane from a vet  
12 and was using it under the vet's supervision?

13 A. Correct.

14 Q. But you didn't feel like you needed to know  
15 that before you put it on the Internet that she was  
16 using it illegally?

17 A. She was using it illegally even if she --

18 Q. That's not my question, ma'am.

19 A. Could you repeat the question?

20 Q. You -- You didn't feel like you needed to know  
21 whether or not she got it from a vet and was using it  
22 under the supervision of a vet. You didn't feel like  
23 you needed to know that before you posted it on the  
24 Internet that she was using it illegally; is that  
25 correct?

1 A. She was using it illegally, so --

2 Q. Okay. You didn't feel like you needed to know  
3 where she had gotten -- where she had gotten the  
4 Isoflurane or whether she was using it under the  
5 supervision of a vet, you didn't think you needed to  
6 know that before you put on the Internet that she was  
7 using it illegally?

8 A. Correct. Because she was using --

9 Q. All right. Now --

10 MR. TURNER: Your Honor, I believe  
11 Exhibit 17 was admitted yesterday while Amanda Lollar  
12 was on the witness stand, but I guess we're going to  
13 take care of that at the break. Now --

14 THE COURT: Just to clear up that one  
15 question, why don't you offer again, and give --

16 MR. TURNER: Okay. Your Honor, at this  
17 time we will offer -- we will offer Plaintiff  
18 Exhibit 17.

19 THE COURT: And my recollection is that  
20 you offered it and she wanted to object and wanted to be  
21 able to read it overnight and has not read it. I have  
22 17 right here, Mr. Turner.

23 MR. TURNER: Oh, I'm sorry.

24 MS. CUMMINS: And I would object because  
25 it's not complete. There is a lot of things missing

1 from my website which they printed out, photos are  
2 missing. And also, I didn't post all of these things.  
3 I don't control -- I'm one of a few people that controls  
4 the Animal Advocates Facebook page, so I have not posted  
5 every single item on Facebook. And that automatically  
6 feeds to Twitter and Myspace, so for the same reasons, I  
7 didn't post all of those things. It's automatic.

8 And, in fact, you will see things about  
9 cheetah rescue and I have nothing to do with that. That  
10 is someone else posting on my page.

11 THE COURT: Those are your only  
12 objections, it will be overruled and Plaintiff's 17 is  
13 admitted into evidence.

14 (Plaintiffs' Exhibit Number 17 was  
15 admitted.)

16 Q. (BY MR. TURNER) Now, Ms. Cummins, when I took  
17 your deposition you -- you -- you also posted on the  
18 Internet that while I was taking your deposition your  
19 lawyer at that time fell asleep --

20 THE COURT: What?

21 MR. TURNER: Fell asleep.

22 Q. (BY MR. TURNER) -- and that while he was  
23 sleeping, I assaulted you, correct?

24 A. I didn't say assaulted.

25 Q. Well, you said I massaged your hand?

1 A. I said you touched.

2 Q. And you said it was inappropriate and creepy  
3 and you were going to report me to the State Bar,  
4 correct?

5 A. I said as soon as I got the video I would.

6 Q. Okay. But -- But you put all that out there  
7 on the Internet, too?

8 A. Yes.

9 Q. And when you said that you're trained to  
10 recognize cruelty and neglect, have you told us all of  
11 the cruelty and neglect that you witnessed at Bat World?

12 A. No, I haven't told you everything.

13 Q. What other cruelty and neglect did you witness  
14 at Bat World that you haven't told us about today?

15 A. There was a fruit bat -- fruit bat that was  
16 obese that it couldn't fly so it was on the ground. And  
17 it was just flapping its wings on the ground. And I had  
18 contacted Ms. Lollar and I said this bat can't fly. And  
19 she says --

20 Q. Okay. That's fine. What other cruelty did  
21 you witness at Bat World, besides what you've testified  
22 to and the obese fruit bat?

23 A. Besides that instance, I noticed that her dogs  
24 had -- all had long nails and I offered to trim them.  
25 And she told me that they have to be sedated to be

1 trimmed.

2 Q. And that was the animal cruelty?

3 A. To let her dogs have long nails is -- I  
4 believe it's cruel, plus the idea that you have to  
5 sedate all of the dogs to trim them that means someone  
6 cut the quick a few times.

7 Q. And you posted that on the Internet that she  
8 was cruel to her dogs?

9 A. I don't think I have said that word exactly.

10 Q. But you talked about how one of her dogs had  
11 to drag himself around or herself around because the  
12 hind legs weren't working, correct?

13 A. Yes.

14 Q. And now you testified a minute ago that I was  
15 acting unethically in the case and you said that is why  
16 I filed the -- and then you didn't finish your sentence.  
17 What did you file?

18 A. Oh, I have filed -- You have a copy of it, a  
19 motion for malicious prosecution and, I believe, abuse  
20 of process.

21 Q. Okay. You also testified that when you Google  
22 Amanda Lollar -- or the reason Amanda Lollar commits  
23 animal cruelty, the reason that that shows up high in  
24 Google searches in her name, it's your testimony that  
25 she has done that to herself?

1 A. Yes.

2 Q. Now, the newspaper article that you were  
3 talking about earlier, it did not say that a complaint  
4 had been filed against Bat World Sanctuary, did it?

5 A. Not against Bat World Sanctuary.

6 Q. Okay. And even though that newspaper article  
7 did not say that the complaint had been filed against  
8 Bat World Sanctuary, you posted on the Internet that a  
9 rabies complaint had been filed against Bat World  
10 Sanctuary, correct?

11 A. I said a rabies complaint was filed.

12 Q. Do you remember when I took your deposition  
13 last year and we talked about that, didn't we?

14 A. I believe so.

15 Q. And did I ask you -- I was quoting, Rabies  
16 complaint against Bat World Sanctuary. Did you make  
17 that statement that there was a rabies complaint? Yes.  
18 And who made the rabies complaint? The mother of the  
19 child who was bitten by a baby bat in the front of the  
20 sanctuary, correct?

21 Did -- Was that the exchange we had?

22 A. I guess so. If that's what's in the  
23 deposition, then I believe it was.

24 Q. Okay. But just to confirm, there was no  
25 complaint against Bat World Sanctuary. There was a



1 complaint that a child had been bitten, correct?

2 A. There was a complaint against Bat World  
3 Sanctuary.

4 Q. About the -- About the child being bitten by a  
5 bat?

6 A. Yes.

7 Q. And where did that complaint show up?

8 A. I received it in my Public Records Act request  
9 from the City of Mineral Wells.

10 Q. And, in fact, the newspaper article -- just to  
11 make sure the Court understands -- it did not say that a  
12 complaint had been filed against Bat World, did it?

13 A. I would have to look at it again.

14 Q. Is this it? You actually have -- Well, let  
15 me -- Before I ask that. The newspaper article you  
16 actually have it on your website, don't you?

17 A. Yes.

18 Q. Okay. Is that it? Are you looking at it  
19 right now?

20 A. This looks like it.

21 Q. Okay. Tell me where in there that it says a  
22 complaint was filed against Bat World Sanctuary. Read  
23 that part to me.

24 A. I don't believe it -- Well, let me read the  
25 whole thing. It doesn't say that in this newspaper

1 article that a rabies report was filed against Bat World  
2 Sanctuary.

3 MR. TURNER: Thank you. Pass the  
4 witness.

5 THE COURT: Anything further,  
6 Ms. Cummins?

7 MS. CUMMINS: Yes. Yes.

8 **RECROSS-EXAMINATION**

9 BY NARRATIVE: I did a Public Information  
10 Act request to the City of Mineral Wells and I received  
11 the 600 pages, but a huge stack of them had to do with a  
12 toddler who had been bitten in 1999. There was -- The  
13 city manager and the Health Department -- I brought the  
14 documents here with me -- they all got together with  
15 Texas Parks and Wildlife and the Health Department. And  
16 I have the minutes from their meetings -- notes from  
17 meeting where the city manager said, quote, unquote --

18 MR. TURNER: I'm sorry. I'm going to  
19 object to hearsay.

20 MS. CUMMINS: Okay.

21 THE COURT: The objection is sustained.

22 MS. CUMMINS: I will present it in  
23 evidence later -- later, but I received many documents  
24 which stated, yes, a complaint had been made.

25 MR. TURNER: Judge, I'm going to object

1 to what these documents stated.

2 THE COURT: Sustained.

3 MS. CUMMINS: I read documents from the  
4 Public Records Act request and I repeated what I read as  
5 I believe that was the truth and is the truth. And, in  
6 fact, I received other documents in my request --

7 I'm not allowed to mention any of the  
8 documents, am I? No?

9 THE COURT: I have ruled.

10 MS. CUMMINS: Okay. Well, I was led to  
11 believe by the documents that a complaint had indeed  
12 been made against Bat World Sanctuary and that is why I  
13 said that.

14 And I rest.

15 THE COURT: Ms. Cummins?

16 MS. CUMMINS: Yes.

17 THE COURT: You told me yesterday that  
18 you were not an attorney.

19 MS. CUMMINS: Yes.

20 THE COURT: And I admonished you of the  
21 perils of representing yourself against good attorneys.

22 MS. CUMMINS: Uh-huh.

23 THE COURT: I cannot help you in any way.

24 MS. CUMMINS: Okay.

25 THE COURT: It always happens this way

1 when a pro se defendant comes into court, they get to  
2 this point just about every time and they look to me for  
3 help. I cannot help you in any way.

4 MS. CUMMINS: Okay.

5 THE COURT: You're own your own. I'm  
6 sorry to say it, but that's the law in Texas.

7 MS. CUMMINS: Okay. I understand.

8 THE COURT: Some other states require  
9 judges to participate. Texas is not one of them.

10 MS. CUMMINS: Okay. Well, then I am -- I  
11 don't rest my case. I am done with my  
12 cross-examination.

13 THE COURT: Anything further?

14 MR. TURNER: I just have one more  
15 question, Judge.

16 THE COURT: How many times do we hear  
17 lawyers say I have one more question?

18 MR. TURNER: This is the last time I'm  
19 going to say it.

20 **REDIRECT EXAMINATION**

21 BY MR. TURNER:

22 Q. Ms. Lollar -- Ms. Cummins, is this your -- is  
23 this your Google page?

24 A. Am I allowed to operate your mouse?

25 Q. I would rather you not.

1 A. I can't tell then. I can't see.

2 Q. All right. Go ahead and operate the mouse.

3 A. All right. Watch me. I need to get to the  
4 top. This appears to be my Google page.

5 Q. Okay. Go down to where I had it.

6 A. Okay.

7 Q. And tell me how many people visited your  
8 website and read all of this stuff you said about Amanda  
9 Lollar.

10 A. Do you remember what date that was?

11 Q. No.

12 A. Oh, this?

13 Q. No. January 21st.

14 A. Okay. That's where I just heard that -- I  
15 just went over 5.5 million views on my YouTube account.

16 Q. Go further down.

17 A. January what?

18 MS. LOLLAR: Can I help?

19 Q. (BY MR. TURNER) It's down below that.

20 A. I don't know.

21 Q. Keep going.

22 A. Oh, here we go. Okay. Yes. It says over  
23 500,000 hits on our website Animal Advocates. I said  
24 hits.

25 Q. Thank you.

1 A. That's not how many people viewed it.

2 Q. 500,000 people went to your website?

3 A. No.

4 Q. What is a hit?

5 A. A hit is how many files were viewed.

6 Q. Okay. All right.

7 MR. TURNER: That's all I have. Pass the  
8 witness.

9 MS. CUMMINS: I have nothing more.

10 THE COURT: All right. Next witness.

11 MR. TURNER: Tad Jarrett, Your Honor.

12 THE COURT: Raise your right hand to be  
13 placed under oath.

14 (Witness sworn.)

15 THE COURT: Thank you. Please be seated.  
16 Use your microphone.

17 TAD JARRETT, DVM,  
18 having been first duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 BY MR. TURNER:

21 Q. State your name for the record, please?

22 A. My name is Dr. Tad Jarrett.

23 Q. And what is your address?

24 A. My business address is 801 East Hubbard  
25 Street, Mineral Wells, Texas.

1 Q. Was is your occupation?

2 A. Veterinarian.

3 Q. Doctor, can you tell the Court your training  
4 and education that qualifies you to practice veterinary  
5 medicine?

6 A. I have -- I have a Bachelor's degree in animal  
7 science and then entered vet school. And I graduated  
8 from veterinary school in 1986, Texas A&M.

9 Q. Okay. And are you licensed to practice  
10 veterinary medicine in the State of Texas?

11 A. Yes.

12 Q. How long have you been practicing veterinary  
13 medicine?

14 A. Twenty-six years.

15 Q. And do you have a clinic?

16 A. Yes.

17 Q. In Mineral Wells?

18 A. Yes.

19 Q. What types of animals do you normally treat at  
20 your clinic?

21 A. Dogs and cats.

22 Q. Small animal clinic?

23 A. Small animal. Yes.

24 Q. Do you know Amanda Lollar?

25 A. Yes.

1 Q. And can you tell us how and when you met  
2 Ms. Lollar?

3 A. I met Ms. Lollar back in the early '90s, '90,  
4 '91. I don't remember the exact date, but when she came  
5 in and brought an injured bat to see me.

6 Q. Before you met Ms. Lollar, had you treated any  
7 bats?

8 A. No.

9 Q. Do they teach care and treatment of bats at  
10 Texas A&M?

11 A. No, they do not.

12 Q. Okay. Did you at that point, in '90 or '91,  
13 begin treating bats for Amanda Lollar and Bat World?

14 A. Yes.

15 Q. And was this a learning experience for you as  
16 well?

17 A. Yes.

18 Q. Dr. Jarrett, did you teach -- Let me back up.  
19 And does that relationship continue to this date? Do  
20 you still treat bats for Bat World?

21 A. Yes.

22 Q. Did you teach Amanda Lollar how to do certain  
23 procedures on her own?

24 A. Yes.

25 Q. Okay. And was one of those an episiotomy?



1 A. Yes.

2 Q. And tooth extraction?

3 A. Yes.

4 Q. Treatment of broken wings?

5 A. Yes.

6 Q. And does a person have to be licensed to  
7 practice veterinarian -- veterinarian medicine in Texas  
8 in order -- in order to treat a wild animal that has  
9 been injured?

10 A. No.

11 Q. So Amanda Lollar is allowed to treat wild  
12 animals that are brought in even though she is not  
13 licensed as a vet?

14 A. Well, you can treat dogs, cats, horses, cows,  
15 you know, as long as you don't collect a fee or hold  
16 yourself out as a veterinarian, and, you know, as long  
17 as you're not cruel --

18 Q. Okay.

19 A. -- then you may.

20 Q. So -- Okay. So over the years, has Amanda  
21 Lollar consulted with you and worked with you on bats  
22 under your supervision?

23 A. Yes.

24 Q. Does she still bring bats to you to this day  
25 for examination and treatment?

1           A.    Yes.

2           Q.    So she treats bats herself sometimes and she  
3 brings them to you sometimes; is that correct?

4           A.    Yes.

5           Q.    And under -- what would -- what are the  
6 circumstances where she would bring it to you as opposed  
7 to treating it herself?

8           A.    You know, there are several procedures that I  
9 have taught her how to do, you know, suture lacerations,  
10 glue wounds, you know, the episiotomy. You know, we --  
11 she has brought several to me when there has been, you  
12 know, open fractures and -- and we attempt to pin them.

13                         Let's see, we -- I have performed  
14 C-sections, you know, that's something I never felt  
15 comfortable with her doing there at her place.

16           Q.    Uh-huh.

17           A.    She always seemed to have the right attitude,  
18 as far as what she can handle and what she should not  
19 handle.

20           Q.    You feel -- You feel comfortable with her  
21 making the call, This isn't something I can do, I better  
22 take it to Dr. Jarrett?

23           A.    If I thought she was getting out of line, I  
24 would have told her a long time ago.

25           Q.    Okay.

1           A.     And I would have distanced myself.  But  
2 everything that I've ever seen her do or that she has  
3 consulted with me about, I felt comfortable with her  
4 doing.

5           Q.     And did you train her how to do episiotomies  
6 on bats?

7           A.     Yeah.  Yeah.

8           Q.     Okay.  Do you know anybody who has performed  
9 more episiotomies on bats than Amanda Lollar?

10          A.     No.

11          Q.     Do you know any veterinarians who have done  
12 more episiotomies on bats than Amanda Lollar?

13          A.     No, I do not.

14          Q.     Dr. Jarrett, have you seen the videotape of  
15 the episiotomy that was done in this case that we're  
16 here on today?

17          A.     Yes.

18          Q.     And tell the Court what your opinion is as to  
19 how that episiotomy was done.

20          A.     Oh, it was -- it was textbook.  I mean, it was  
21 as good as it can get.  You know, it -- you know, you  
22 have to, you know, make the opening bigger or -- so that  
23 involves cutting the skin and a little bit of the mucus  
24 membrane just inside the vestibule.  And she never  
25 actually went into the vagina itself.  You know, that

1 first part of the birth canal from -- from our viewpoint  
2 is considered the vestibule.

3           And so you have -- you have to cut a  
4 little bit of mucus membrane. And so there was,  
5 obviously plenty of, you know, topical anesthetic  
6 applied. The membrane and the mucus membrane -- the  
7 skin and the mucus membranes, you know, at that point  
8 are so thin that it's going to soak up all the Cetacaine  
9 and render it completely numb.

10           Q. Doctor, did she -- and I'm going to quote, Cut  
11 the bats's vagina with scissors three times?

12           A. No, that is incorrect.

13           Q. Was anesthetic used properly?

14           A. Yes.

15           Q. Is -- I mean, that's how you do it?

16           A. Yeah. Yeah. I mean, you really can't, you  
17 know, at that point put them under with Iso or anything  
18 else. I mean, you don't know if the baby is alive or  
19 dead.

20                       And you give a bat Isoflurane or  
21 injectable drugs, then the baby's blood pressure is  
22 going to fall. And if it falls, you may not be able to  
23 get it back up. So in order to try to have a live  
24 birth, you know, you don't -- you just can't give any  
25 more anesthetic than absolutely necessary to get the job

1 done for an episiotomy. I mean, it's -- you know, if  
2 you can -- if you can render it numb with a topical,  
3 then you should be good to go.

4 Q. In your opinion, Doctor, was the episiotomy in  
5 the video that you watched done humanely and skillfully?

6 A. Yes.

7 Q. When you viewed the video, did she pull too  
8 much on the bats's vagina and the uterus -- and the  
9 uterus prolapsed?

10 A. No, it did not.

11 Q. Okay. And you taught her about tooth  
12 extraction?

13 A. Yes.

14 Q. Dr. Jarrett, have you ever seen Amanda Lollar  
15 commit animal cruelty?

16 A. No, I have not.

17 Q. Would you have anything to do with her if --  
18 if -- if she did?

19 A. No, I would not.

20 Q. Doctor, are you familiar with -- Well, let me  
21 ask it this way. Do you ever get calls from other  
22 veterinarians concerning bats or Amanda Lollar?

23 A. I have.

24 Q. Okay. And are you familiar with her  
25 reputation, generally, among veterinarians as far as her

1 reputation for caring for bats?

2 A. Yes, I'm familiar with it. I mean, they --  
3 they hold her in high regard and I have never heard a  
4 negative thing about her. And sometimes they call me  
5 and then I refer them to her.

6 Q. So a veterinarian will sometimes call you say,  
7 Hey, I have got a bat --

8 A. Yes.

9 Q. -- that's sick or injured and you actually  
10 send them down the street to Amanda Lollar?

11 A. Yeah, give them her phone number.

12 Q. And have you yourself taken her an injured bat  
13 that you found?

14 A. Yes.

15 MR. TURNER: Pass the witness.

16 **CROSS-EXAMINATION**

17 BY MS. CUMMINS:

18 Q. What tracks did you take when you were in  
19 veterinary school? Did you take exotic medicine?

20 A. No, I did not.

21 Q. What tracks did you take?

22 A. Mostly small animal.

23 Q. What percent of the animals you treat are  
24 bats?

25 A. Probably one percent.

1 Q. Now, you state that you have taught Amanda  
2 Lollar how to treat bats, correct?

3 A. I have helped her with, you know, lots of  
4 different procedures.

5 Q. Who taught you how to do surgery on bats?

6 A. Nobody.

7 Q. Did you treat her dog, I believe it was an  
8 elderly dog named Pooply in 2011?

9 A. I don't think I treated Pooply in 2011. I  
10 think late 2010 maybe.

11 Q. Okay. Did you treat Pooply in 2010?

12 A. Yes.

13 Q. And I believe you saw the dog around -- did  
14 you see the dog around October or November?

15 A. Somewhere in the fall.

16 Q. What was the prognosis on the dog?

17 A. Well, he was nearing the end of his life and  
18 prognosis any day, you know, he could throw a blood  
19 clot, he could slip a disk. I mean, he could develop  
20 Stickler Syndrome and go down and can't walk. And --  
21 But every time I went over there he was running around  
22 and had to actually kind of get him away from me because  
23 he was pestering me so much.

24 Q. Did the dog have periodontal disease?

25 A. Yeah, he probably had some degree of

1 periodontitis.

2 Q. Yes. I'm sorry. Did you advise her to treat  
3 Pooply for the periodontitis?

4 A. You know, that's standard recommendation for  
5 any dog with dental tarter.

6 Q. Did she treat the dog for periodontitis?

7 A. I don't recall.

8 Q. Did she ask you once to euthanize her dog?

9 A. She asked me if I would come over and consider  
10 it, and evaluate and see if it was time.

11 Q. And did you do that?

12 A. No, not that time.

13 Q. It wasn't the dog's time?

14 A. No.

15 Q. Okay. So she asked you to euthanize the dog  
16 and you said the dog is not at that point, correct?

17 A. No. She didn't ask me to euthanize it.

18 Q. Okay.

19 A. She asked me if it was time.

20 Q. Okay.

21 A. You know, she didn't know for sure, you know,  
22 and she was worried about his overall health and  
23 everything. But when I showed up, he was running  
24 around, acting very good, happy, wagging his tail,  
25 wanting attention from me.



1 Q. I read your reports. When you did finally  
2 euthanize the dog, what was the condition of the dog?

3 A. I think that it was Dr. Lindsey Bailey, my  
4 associate at the time, who euthanized the dog.

5 Q. So you don't know what the condition was?

6 A. You know -- You know, I mean, I'm sure that,  
7 you know, Dr. Bailey made the correct decision.

8 Q. You stated earlier that you take care of her  
9 bats that have open fractures; is that correct?

10 A. Wing fractures?

11 Q. Yes.

12 A. Yeah, sometimes.

13 Q. And you stated that you pin the wings; is that  
14 correct?

15 A. I made a few attempts to pin some broken  
16 wings.

17 Q. Were they successful?

18 A. I don't recall.

19 Q. Have you read -- Have you read Amanda's book,  
20 Standards in Medical Management for Captive  
21 Insectivorous Bats?

22 A. I've not read it in its entirety.

23 Q. Did you know you're in the acknowledgment?

24 A. Yes.

25 Q. Do you know what is Ms. Lollar's standard

1 practice for open fractures of bat wings?

2 A. I didn't read that part.

3 Q. Oh. Do you know -- Have you ever helped  
4 Ms. Lollar pin a bat wing?

5 A. I believe that we have pinned wings at my  
6 clinic, but I was the one doing the procedure.

7 Q. Was it your partner?

8 A. What do you mean?

9 Q. Who was doing the procedure?

10 A. I was.

11 Q. Oh.

12 A. I was the one doing the procedure.

13 Q. Okay. Sorry.

14 Earlier you said that you wouldn't be  
15 comfortable with Ms. Lollar doing C-sections; is that  
16 correct?

17 A. That's correct.

18 Q. Did you -- Do you have any knowledge of her  
19 doing C-sections on her own?

20 A. No, I do not.

21 Q. So if you were to receive proof that she was  
22 doing C sections on her own, how would you feel about  
23 that?

24 A. I would be uncomfortable with that.

25 Q. Who taught you how to do an episiotomy on

1 bats?

2 A. Nobody.

3 Q. So you taught yourself?

4 A. Yes.

5 Q. And then you taught Ms. Lollar?

6 A. Yes.

7 Q. When you do an episiotomy on a bat, would you  
8 pull the umbilicus out?

9 A. The umbilical cord?

10 Q. Yes.

11 A. Excuse me. After the -- the baby's born and  
12 the umbilical cord is still, you know, attached to the  
13 baby and then up in the -- and the rest of it is up in  
14 the -- and the uterus is still attached to the placenta,  
15 then I would typically, you know, apply some traction in  
16 order to get the afterbirth out.

17 Q. So you would pull on it?

18 A. Uh-huh.

19 Q. Do you believe that Cetacaine can completely  
20 numb that area so that that bat feels absolutely no  
21 pain?

22 A. I don't see how it couldn't. I don't have  
23 actual proof, but, you know, if it will numb the surface  
24 of the skin and, you know, you get it around that area  
25 that -- that -- the skin and the mucus membrane are so

1 thin, that it -- it should be absorbed in.

2 Q. Under an ideal situation, let's say you were  
3 doing an episiotomy at your veterinary clinic, would you  
4 give any Lidocaine or Novocain or just tropical  
5 Cetacaine?

6 A. In a bat?

7 Q. Yes.

8 A. No, I would not. Would you like to know why?

9 Q. No. Who taught you how to extract teeth in  
10 bats?

11 A. Who? Oh, nobody, not in bats.

12 Q. What type of anesthetic do you use when you  
13 remove teeth in bats?

14 A. It would depend. You know, some of the teeth,  
15 you know, the bone around the roots is so decayed and  
16 gone that it's so loose that it's better for the bat to  
17 just remove it in a -- some manual way. It is possible  
18 maybe to rub a little Cetacaine on there, but, you know,  
19 you would have to be a bit more careful with it going  
20 orally.

21 Now, you know, I think that most teeth  
22 when they're diseased enough, or the roots and bone are,  
23 that you just need to get them out, because to give Iso  
24 or anything else would be too risky.

25 Q. Would it be physically possible to give Iso to

1 a bat if you were to remove the molars just --

2 A. It would be really tough, because bats -- I  
3 mean, as soon as you remove the Iso from them,  
4 they're -- they're almost walking up immediately. And  
5 so then you have -- you would have to play this game of  
6 going under anesthesia, coming up out of anesthesia,  
7 going under anesthesia. And each time when they go  
8 through different plains of anesthesia, they have to go  
9 through an excitatory phase.

10 So to it would be more cruel to have them  
11 go in and out through this excitatory phase. And what  
12 you try to do with anesthesia is get them through that  
13 excitatory phase so fast that they don't notice it.

14 Q. So you're telling me that if someone was  
15 giving, let's say, Isoflurane anesthesia to a bat and it  
16 was coming to and then they gave a little more and it  
17 stopped breathing, and then they gave some oxygen and  
18 then it came to that, you believe, wouldn't be humane?

19 A. It's just going to be really tough to remove  
20 teeth, put it back under, remove teeth, put it back  
21 under.

22 Q. I was talking about using Isoflurane in  
23 general to put a bat under. Do you feel it would be  
24 humane if the bat were to wake up and then they gave  
25 more anesthesia and then it went under and then it

1 stopped breathing and then they gave less and it kept  
2 waking up and stopped breathing? Would that be humane?

3 A. I think the overall goal with the anesthesia  
4 is to get them to a plain that you can maintain them at.  
5 And so you don't go in with the intention of putting  
6 them under and then doing something, letting them wake  
7 up.

8 You know, you don't go in with that  
9 intention. You know, if you're going to pin a wing, you  
10 put them under, you keep them under, you keep them  
11 stable as you can. And sometimes inadvertently, you  
12 know, they'll start to wake up, and then you've got to  
13 give them a little bit more.

14 Q. How do you administer Isoflurane to animals?

15 A. Well, I have a vaporizer, I have an anesthetic  
16 machine.

17 Q. Are you familiar with the way in which  
18 Ms. Lollar uses her Isoflurane?

19 A. Uh-huh.

20 Q. Do you believe that the -- I guess she calls  
21 it the drop-cone method. Do you believe that's humane?

22 A. The what?

23 Q. She calls it a drop-cone method. Are you  
24 familiar with it?

25 A. Uh-huh.

1 Q. Okay. Do you believe that that is the safest  
2 way of giving anesthesia?

3 A. I think it's just -- just as safe.

4 Q. Even if she accidentally OD's a bat by giving  
5 too much or the bat wakes up because it didn't have  
6 enough?

7 A. That sort of thing can happen even with my  
8 vaporizer. You know, it's not an exact science.  
9 They're so small, you know, you can't -- the best way to  
10 do anesthesia is -- is to intubate them, you know, so  
11 you have endotracheal tube in the trachea.

12 Q. Can you do that on a bat?

13 A. No, you cannot.

14 Q. You've never done that on a bat?

15 A. Oh, no. There is no way.

16 Q. Do you know of any other person, a  
17 veterinarian, who's done it on a bat?

18 A. No, I do not.

19 Q. Have you read this series, Bats in Captivity,  
20 over here, the four sets of books written by a bat  
21 veterinarian?

22 A. No, I have not.

23 Q. Do you know of any veterinarians that  
24 specialize in taking care of bats?

25 A. No, I do not.

1 Q. What drugs does Ms. Lollar buy from you?

2 A. She will purchase some antibiotics, nonsteroid  
3 antiinflammatories like Metecam and Isoflurane.

4 Q. Did you know that she uses Isoflurane to  
5 euthanize the bats?

6 A. Yeah. Yes.

7 Q. Is that an illegal use of the drug?

8 A. Illegal?

9 Q. Is it a legal use? Sorry.

10 A. I don't think it's -- it's not illegal.

11 Q. Now, you give her the antibiotics. If she  
12 gets in a bat that has an infection, is she supposed to  
13 call you up and tell you this bat has an infection,  
14 shall I give it antibiotics, or does she just give it on  
15 her own?

16 A. With our doctor/client relationship, I can  
17 give her leeway to decide what to treat with, just like  
18 a cattle rancher has the ability to go to tractor supply  
19 and pick up various different antibiotics to treat their  
20 herd.

21 Q. But I'm talking about with bats.

22 A. Right.

23 Q. So if she gets in a sick bat, she doesn't call  
24 you and talk to you, say, What should I give it? You --  
25 You have given her leeway, you have just given her the



1 drugs and she can do as she pleases?

2 A. You know, I think that we -- over the years --  
3 I mean, oh, my gosh, how long has it been now? 20  
4 years. You know, early on we had each time --  
5 initially, you know, she would call me. What -- What do  
6 I think we should use for this? And even back then, she  
7 was bringing them in.

8 And so over the years, as I gained  
9 comfort with her abilities and judgment, then I can give  
10 her that leeway at that point.

11 Q. Do you give her rabies vaccinations?

12 A. No.

13 Q. Are you the doctor listed on her application  
14 to buy rabies vaccinations from Novartis?

15 A. Not that I know of.

16 Q. Do you know who the doctor is?

17 A. No, I do not.

18 Q. Did you know that she was buying the human  
19 rabies vaccination?

20 A. No.

21 Q. How do you feel about that, her buying it?

22 MR. TURNER: Your Honor, I'm going to  
23 object. The testimony has been the exact opposite.  
24 She's not buying it. Now, this witness is testifying --

25 THE COURT: Sustain the objection.

1 MS. CUMMINS: I'm sorry, Your Honor, but  
2 she admitted she bought it, so --

3 THE COURT: The objection was sustained,  
4 Ms. Cummins.

5 Q. (BY MS. CUMMINS) Okay. I believe it was  
6 January -- around January 3rd of 2010, when she  
7 performed the episiotomy on the bat. Did Ms. Lollar  
8 call you?

9 A. I don't recall.

10 Q. Were you -- How far away is your office from  
11 Ms. Lollar's place?

12 A. Probably about ten blocks.

13 Q. And you're open six days a week?

14 A. Five and a half, yeah.

15 Q. What are your hours midweek?

16 A. 7:30 to 5:30.

17 Q. Are you comfortable with Ms. Lollar amputating  
18 bat wings?

19 A. Yes.

20 Q. Did you teach her how to amputate bat wings?

21 A. Yes.

22 Q. Who taught you?

23 A. Myself.

24 Q. You stated you haven't read the whole book.  
25 Have you read parts of it?

1 A. Yes.

2 Q. Did you read the parts on veterinary care?

3 A. I read the part on episiotomies.

4 Q. Did you read the part where she shows and  
5 tells people how to amputate wings?

6 A. No, I did not.

7 Q. Do you think it's responsible for someone who  
8 is not a veterinarian to write a book showing people how  
9 to perform surgery?

10 A. Yes.

11 Q. She brought in -- I believe the lay term is  
12 two bigger bats in, I believe, 2010 or 2011. Do you  
13 remember those?

14 A. She brought -- She brought them into my  
15 clinic?

16 Q. Yes.

17 A. And what were they?

18 Q. One had -- I believe it was a urinary  
19 blockage, another one had pneumonia.

20 A. Okay.

21 Q. Do you remember those two bats?

22 A. Yes.

23 Q. Did they die?

24 A. The one with the urinary blockage did.

25 Q. What happened with the other one?

1 A. I don't recall.

2 Q. Did you euthanize it?

3 A. I don't recall.

4 Q. The -- You're familiar that the USDA  
5 investigated Ms. Lollar, correct?

6 A. Somewhat.

7 Q. Didn't you tell the USDA that from now on you  
8 will be doing all open cavity surgeries and Lollar won't  
9 be doing that any more?

10 A. I don't recall ever doing that.

11 Q. Back to the drugs. What other drugs do you  
12 give her besides Metecam, Isoflurane, and --  
13 antiinflamm, antibiotics?

14 A. I'm pretty sure that at one time we have tried  
15 some Butorphanol or Buprenorphine, but that's not a  
16 regular occurrence any more.

17 Q. What was the second drug you mentioned?

18 A. Buprenorphine.

19 Q. And what is that?

20 A. It's a narcotic pain medication.

21 Q. You gave her that?

22 A. I prescribed it. I mean, I really don't  
23 remember a specific instance, I'm just saying, you know,  
24 probably.

25 Q. Did you prescribe it for a specific animal, or

1 did you just give her an open prescription?

2 A. Well, when we first do anything, it's always  
3 for specific animal.

4 Q. But then afterwards, maybe you trust her after  
5 a couple of years, would you just give her the drug and  
6 let her use it as she sees fit?

7 A. Well, no. What I'm saying is that here in the  
8 last ten years, I don't think we have prescribed either  
9 one of those.

10 Q. Okay. Have you seen her 1994 manual titled,  
11 Rehabilitation and Captive Care of Mexican Free-Tail  
12 Bats?

13 A. I've seen it.

14 Q. Have you read it?

15 A. I'm sure I've read parts of it.

16 Q. Did you read the parts on veterinary care?

17 A. I don't recall.

18 Q. Did you know that she acknowledges you in  
19 this book?

20 A. Yes.

21 Q. What do you feel about freezing a bat to death  
22 as a means of euthanize? Is it legal? Is it humane?

23 A. In these days and times, no.

24 Q. Was it legal in 1994?

25 A. I wouldn't say it would be a matter of being

1 legal or illegal.

2 Q. Are you familiar with the Texas Veterinary  
3 Medical Board? I think that's it.

4 A. Uh-huh.

5 Q. Is that the correct term?

6 A. Yeah.

7 Q. And are you also familiar with the AVMA, the  
8 American Veterinary Medical Association?

9 A. Yes.

10 Q. Are you familiar with their guidelines on what  
11 is acceptable and humane with euthanasia and what is  
12 not?

13 A. Yeah. I've read through them here probably  
14 within the last year or two.

15 Q. So would you agree with me that the AVMA  
16 states that freezing a bat to death is inhumane and  
17 cruel?

18 A. When did they write that?

19 Q. It was before 1994.

20 A. Oh, really?

21 Q. Yeah.

22 A. Wow. Interesting.

23 I'm sorry, what was the question again?

24 Q. Did you realize that the AVMA believes that  
25 euthanasia by freezing a bat to death is inhumane and

1 unacceptable?

2 MR. TURNER: I'm going to object to her  
3 testifying about what the AVMA --

4 THE COURT: Sustained.

5 Q. (BY MS. CUMMINS) Have you read any research  
6 on bats and hibernation?

7 A. No, I have not.

8 Q. What is your understanding of -- Do you think  
9 that if you were to put a bat in the refrigerator and  
10 waited until it went into torpor and then if you were to  
11 transfer it to the freezer to euthanize it, do you  
12 believe that would be humane?

13 A. If I had no other means to do it. If they  
14 were in torpor and asleep and had no senses, I think  
15 that would be fine.

16 Q. Do you realize that if a bat goes into torpor  
17 and it gets too cold it wakes up?

18 A. It gets too cold?

19 Q. Yeah.

20 A. No.

21 Q. So you don't realize that the bat goes into a  
22 cave and goes into torpor and begins to hibernate, but  
23 it gets too cold, it's going to go wake up and go  
24 somewhere warmer?

25 A. I didn't know that.

1 THE COURT: Ms. Cummins, I have granted  
2 you a wide -- a very wide latitude to test his  
3 veterinarian ability, now --

4 MS. CUMMINS: I'm done.

5 THE COURT: We're almost at noontime, you  
6 have five more minutes.

7 Q. (BY MS. CUMMINS) Okay. Couple of other  
8 questions then. If you knew that a bat would wake up if  
9 it got too cold, would you still recommend freezing it  
10 to death?

11 MR. TURNER: Your Honor, I'm going to  
12 have to object on the grounds of relevance. There is  
13 nothing in this case that deals with bats being frozen  
14 to death.

15 THE COURT: Sustained.

16 MS. CUMMINS: Actually, Your Honor, I  
17 stated that she --

18 THE COURT: I heard what you stated. I  
19 sustained the objection.

20 MS. CUMMINS: No further questions.

21 MR. TURNER: I really do, Judge. I will  
22 be less than three minutes, if -- unless you want to  
23 take a break.

24 THE COURT: Three minutes.

25 MR. TURNER: Yes.



**REDIRECT EXAMINATION**

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BY MR. TURNER:

Q. Just real quickly. You -- You have self-taught yourself on episiotomies, extractions, amputations and so forth on bats --

THE COURT: He's answered that.

MR. TURNER: Okay.

Q. (BY MR. TURNER) My question is: Is there any other way for a veterinarian to learn those procedures other than self education?

A. There might be now, but there wasn't back in the early '90s.

Q. Okay.

MR. TURNER: That's all I have. Thank you, Your Honor.

THE COURT: You may step down, sir.

THE WITNESS: Thank you.

THE COURT: May he be excused?

MR. TURNER: Please, Your Honor.

THE COURT: May he be excused?

MS. CUMMINS: Yes.

THE COURT: Dr. Jarrett, you're excused.

MR. TURNER: Your Honor, my next witness is a videotape deposition. It's about an hour and five minutes.

1 THE COURT: We'll take a recess until  
2 1:20.

3 (Break from 11:50 a.m. to 1:20 p.m.)

4 THE COURT: You may call your next  
5 witness, Mr. Turner.

6 MR. TURNER: We will call Eric Shupps,  
7 and I think he is in the restroom, Your Honor.

8 THE COURT: Go get him.

9 MR. TURNER: I will go get him.

10 (Witness enters courtroom.)

11 THE COURT: Will you raise your right  
12 hand to be placed under oath.

13 (Witness sworn.)

14 THE COURT: Okay. Please be seated.

15 ERIC SHUPPS,  
16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 BY MR. TURNER:

19 Q. State your name for the record, please.

20 A. Eric Shupps.

21 Q. And what is your address -- your work address,  
22 Mr. Shupps?

23 A. Business address is 611 South Main Street,  
24 Suite 400, Grapevine, Texas --

25 THE COURT: Will you please spell your

1 last name for me?

2 THE WITNESS: I certainly will.

3 S-h-u-p-p-s.

4 THE COURT: Thank you.

5 Q. (BY MR. TURNER) And what is your profession?

6 A. Information technology.

7 Q. What does that mean?

8 A. It means I work in the software and Internet  
9 industry, primarily in developing computer software, but  
10 also in computer networking.

11 Q. And can you describe -- Well, let me back up  
12 and ask you: What were you asked to do in this case?

13 A. Well, I was asked to perform three tasks.

14 Q. And then I'm going to ask you what your  
15 qualifications are to do that. But first, tell us what  
16 your -- what you were asked to do.

17 A. Three things. Determine the nature of the  
18 content that was posted on the web about Amanda Lollar  
19 and Bat World Sanctuary, determine why and what effect  
20 that information had, and then determine who posted it.

21 Q. Okay. Would you tell the Court -- describe  
22 the education, training, or experience that would  
23 qualify you to do these three tasks.

24 A. I have been in information technology for more  
25 than 20 years, in all aspects of the business, from

1 low-level computer networking, all the way up through  
2 high-level software design, business analysis --

3 THE COURT: Slow down. Slow down.

4 THE WITNESS: -- and various other  
5 factors of the industry. I primarily spend most of my  
6 time writing software for Internet websites. And I'm  
7 very familiar with Internet protocols, and have worked  
8 in data centers around the world and also for networking  
9 companies as well as on the software side.

10 Q. (BY MR. TURNER) And by whom are you currently  
11 employed?

12 A. I work for my own company, Binary Wave.

13 THE REPORTER: Biner Air Wave?

14 THE WITNESS: Binary Wave.

15 THE REPORTER: Thank you.

16 THE WITNESS: Uh-huh.

17 Q. (BY MR. TURNER) Do you have a resume or CV?

18 A. I do not have one with me.

19 Q. You gave me one?

20 A. I did.

21 Q. I'm going to show you what's been marked as  
22 Exhibit 92, and I will ask you: Is that a copy of  
23 your --

24 THE COURT: Number what?

25 MR. TURNER: 92, Your Honor.

1 THE COURT: 92?

2 MR. TURNER: Yes, sir.

3 MS. CUMMINS: Can I get a copy?

4 Q. (BY MR. TURNER) Is that a copy of your CV, or  
5 curriculum vitae?

6 A. Yes, it is.

7 MR. TURNER: You got one in discovery.

8 Q. (BY MR. TURNER) What type of content did you  
9 analyze, Mr. Shupps?

10 A. Well, the content fell into three categories:  
11 News articles, and I'm using that term very loosely,  
12 posted to --

13 Q. Can I -- Can I interrupt you?

14 A. Certainly.

15 Q. I know this is a very technical field, and I  
16 will ask you to use as many nontechnical terms as  
17 possible for those of us, like myself, who don't really  
18 speak that language very well. In other words, use  
19 terms that us laypeople might understand whenever you  
20 can. So, I'm sorry for interrupting.

21 A. That's fine. News articles, so these are  
22 posts made to the web, in this case to independent news  
23 organizations. Meaning they're not vetted, they are not  
24 submitted by reporters, there are no sources or anything  
25 quoted. These are just posts that individuals make on a

1 website with no attribution as to who they are or  
2 verification of who the author is.

3           There are also blog posts, which are  
4 content that people publish typically under their own  
5 attribution, or a site that they own or operate.  
6 Sometimes they're on network syndicated sites such as  
7 those of Google and others.

8           Blog posts are primarily opinion based,  
9 sometimes factual, but again, with no vetting or any  
10 other type of fact checking on them. And then thirdly,  
11 there is a large amount of what we call comments, which  
12 are individuals posting their thoughts and opinions in  
13 relation to other content that has been previously  
14 posted.

15           Q. And did you already tell us where this  
16 material was posted?

17           A. Well, there is quite a lot of it. There are  
18 several primary sources for the material. The majority  
19 of it is found on the Indy media sites, so those would  
20 be Indybay and its various affiliates, along with  
21 syndication sites such as Raise The Fist.

22           And what I mean by syndication site is  
23 there are news sites where primary content is posted,  
24 and then there are other sites that pick up material  
25 from those sites and -- and republished them.

1                   There are also blogs. Several in  
2 particular. The blog that Ms. Cummins owns and  
3 operates, the blogs of L.A. Animal Watch and Working to  
4 Help Animals Today and Tomorrow, and then various  
5 Facebook sites and other social media outlets.

6           Q.    Have you been furnished with a copy of the  
7 material that was posted to the Internet?

8           A.    Yes.

9           Q.    I'm going to show you, I think, what's been  
10 admitted into evidence as Exhibit Number 18. Do you  
11 recognize any of the materials in this Exhibit 18?

12          A.    I do, yes.

13          Q.    Do you -- Do these websites -- were these  
14 the -- Is Exhibit 18 the -- some of the materials you  
15 were asked to look at to make opinions in this case?

16          A.    Yes, it is.

17                   MS. CUMMINS: Can I get a copy of  
18 Exhibit 18?

19          Q.    (BY MR. TURNER) And, Mr. Shupps, do -- does  
20 all of the material in Exhibit 18 -- does it today or  
21 was it at one time on the Internet?

22          A.    Yes.

23          Q.    Okay.

24                   MR. TURNER: We will offer into evidence  
25 Plaintiffs' Exhibit 18.

1 MS. CUMMINS: I haven't looked at it yet.  
2 No objection.

3 THE COURT: Plaintiffs' 18 is admitted.  
4 (Plaintiffs' Exhibit Number 18 was  
5 admitted.)

6 Q. (BY MR. TURNER) Mr. Shupps, do these websites  
7 that you mentioned have any controls in place to prevent  
8 computer-generated posts or to verify the identity of  
9 the author?

10 A. They do. The primary sites in question, the  
11 Indybay sites along with Raise The Fist, all use a  
12 technique called CAPTCHA, which requires you to put in a  
13 phrase or a couple of phrases or a number that you see  
14 displayed on the screen, typically in a chopped-up  
15 manner or some way that a computer program couldn't read  
16 it, that only a human could.

17 So you must input that field before it  
18 will accept your post. And CHAPCHA is widely used on  
19 the Internet as a means of preventing automated  
20 postings.

21 Q. If I understand you correctly, and if certain  
22 things appear on the Internet at these sites, a person  
23 had to put them there. They weren't put there by a  
24 computer-generated program, correct?

25 A. That is correct.



1 Q. Were there any indications that the content  
2 was created by a single individual as opposed to  
3 multiple individuals?

4 A. Well, there is a lot of commonality between  
5 this information. Some of them are fairly obvious that  
6 they come from different authors. For example, the  
7 Working to Help Animals blog and the L.A. Animal Watch  
8 blog and the blog of the defendant all have a very  
9 specific voice or manner in which the content is  
10 authored, and you -- it's very easy to tell that  
11 author's style and how they produce content.

12 The difficult ones are the ones that are  
13 posted on the independent sites where there is no  
14 verification of who the entity is that created that  
15 content along with all of the associated comments that  
16 go with them. However, in this case, there were a lot  
17 of clues which enabled me to establish the identity of  
18 the person who posted them.

19 Q. Okay. Now, how can you be certain that the  
20 content at these sites was not generated by an automated  
21 routine or a robot?

22 A. Well, there is a couple of real giveaways.  
23 The first is, we've already mentioned it, is the CAPTCHA  
24 spam prevention, which stops automated routines from  
25 grabbing content from one place and posting it to

1 another. But there are also indications within the  
2 content itself that it was copied and pasted by an  
3 individual and not done by an automated routine.

4           So, for example, let's take what's in  
5 here referred to as Indybay number one and Indybay  
6 number three. These are almost virtual identical posts  
7 of each other. In fact, for the most part they're a  
8 direct cut and paste from one to three.

9           However, there are some real key  
10 differences. First of all, a couple of -- one key date  
11 was changed in the text. So looking at paragraph 13  
12 where it references the investigation by authorities of  
13 Amanda Lollar and her permits, there is a date that  
14 specifies May, 2010.

15           Q. Can I stop you right there?

16           A. Certainly you may.

17           MR. TURNER: Your Honor, it hasn't been  
18 admitted, but I would like to publish a report -- a copy  
19 of the exhibit that the witness is referring to so that  
20 the Court can follow along.

21           MS. CUMMINS: Can I get a copy?

22           MR. TURNER: You have a copy.

23           MS. CUMMINS: This one?

24           MR. TURNER: Yes, that's it.

25           Q. (BY MR. TURNER) I'm sorry. Go ahead.

1 THE WITNESS: Your Honor, I'm on Indybay  
2 number one, page marked 002.

3 In paragraph 13 it states, Her wildlife  
4 rehabilitation permit does not allow her, et cetera, et  
5 cetera, and then the next sentence it says, She was  
6 warned in May, 2010, by the Texas Parks and Wildlife  
7 that she cannot allow her bats to breed.

8 When that article was copied to the  
9 Houston Indy media site --

10 THE REPORTER: Can you slow down, please?

11 THE WITNESS: I'm sorry. When that  
12 article was copied and pasted to the Houston Indy media  
13 site, that date was changed from 2010 to 2011. An  
14 automated routine just picking up content and reposting  
15 it wouldn't have changed the date.

16 Secondly, there is an image. If you  
17 look on page 001 on that post, there is an image of a  
18 bat in flight against a black background. If I were to  
19 copy that source material from the original page to a  
20 new one, what would show up as a link back to the  
21 original image. The image itself wouldn't get copied,  
22 because a copy operation simply takes the markup as text  
23 from one place to another. So the image, although it  
24 shows up on site number three, would point back to site  
25 number one.

1                   That didn't happen in this case. This  
2 image was directly uploaded by an individual. When you  
3 post content on the Indy media site, there is a form  
4 that you have to fill out. That form contains your  
5 content along with various other fields, and it also  
6 includes a place to post attachments so that it gets  
7 copied from the user's computer to the Indy media  
8 servers. That's what happened in this case. A human  
9 being actually uploaded this image. It was not cut and  
10 pasted from the original markup in the Indy number one.

11           Q.     (BY MR. TURNER) So this was not a robot, this  
12 was a person actually doing this?

13           A.     Correct.

14           Q.     Did you discover any patterns or relationships  
15 between the various content sources?

16           A.     There was a lot of them. What we have here,  
17 and I hate to use an industry term, but what we have  
18 here is a classic Goggle bomb.

19           Q.     Google bomb?

20           A.     A Google bomb. Here is what happens, as you  
21 were discussing earlier about how an image that was  
22 posted of you and a skunk, I believe, ended up becoming  
23 a number-one hit on the Google search results. The way  
24 that that's done is by manipulation of the Google  
25 algorithm. It's pretty complex, but it's not that hard

1 to fool.

2                   And a lot of people have learned how to  
3 do this. In fact, there are some major retailers, JC  
4 Penney and Overstock just in the last few years, who  
5 have been investigated by Google and punished for doing  
6 this very thing.

7                   So let me explain how it works. Let's  
8 say that we have two jewelers in town, Bob and Suzy, and  
9 they both have a website. They both want to get their  
10 search rankings up in Google so that when you search for  
11 a jeweler in Fort Worth, you see Bob or Suzy's site  
12 first.

13                   The way that you can increase your  
14 presence on Google is via two distinct things: Link  
15 density, which is how many other websites link to your  
16 content, and relevance. How many of the key search  
17 terms or phrases are included in your document?

18                   The more content you produce that links  
19 from external sources back to your own and the more of  
20 those key words you put in your document, the higher  
21 you're going to get in the search rankings. So Bob and  
22 Suzy are competing for search rankings, they each want  
23 to produce as much content as possible.

24                   But it's not just about the content.  
25 It's also who is viewing and linking to the content. So

1 if I want to get that little extra bump and make sure  
2 I'm number one instead of number two, I can go to people  
3 I know who run websites, I can stand up blogs under a  
4 name that doesn't have anything to do with mine. I can  
5 go to Facebook and Twitter and I can post and repost  
6 that content. That way it all links back to the  
7 original source material. That gives it a higher page  
8 rank, moves it up in the Google search results.

9           So that's a positive means of affecting  
10 your search results. That's search engine optimization.  
11 It's the same thing that the defendant was talking about  
12 earlier in performing for clients and helping them to  
13 elevate their presence online.

14           But this can also be done maliciously.  
15 Let's say that Suzy is not happy with competing with Bob  
16 just on the amount of content that she is producing.  
17 She really wants to beat Bob. What she can begin doing  
18 is publishing negative material about Bob all over the  
19 Internet on various anonymous sites like Indybay, for  
20 example, Facebook, Twitter, all sorts of other places,  
21 get friends to post things on their blog.

22           As that content gets indexed by Google,  
23 searches for Bob's Jewelry Shop are going to start  
24 showing the negative content as opposed to his positive  
25 content, because she's overwhelmed him with link density

1 and relevance. More people are pointing to the negative  
2 content than are pointing to his positive content.

3 That's exactly what happened in this  
4 case. There are three primary articles at the core of  
5 this Google bomb. The two Indybay articles identified  
6 here as number one and number two and also the Raise The  
7 Fist article identified as Raise The Fist number one.

8 Q. And this is -- what page would the Raise The  
9 Fist -- When you say the Indybay number one and  
10 number -- and you're referring to the tabs on --

11 A. I'm referring to the tabs in --

12 Q. -- in Exhibit 18?

13 A. -- in Exhibit 18. Yes, sir.

14 Q. Okay. Go ahead.

15 A. That content was linked to and syndicated by a  
16 number of other sites. Some of them are automatic, some  
17 of them pick up links that they're monitoring these news  
18 organizations, and they will embed a title and a short  
19 summary and a link back to the original content. Those  
20 types of links still show up in search results. They  
21 affect link density.

22 But the primary factors in the Google  
23 bomb are the other blogs that this content was posted  
24 to. It wasn't just that somebody made a comment with a  
25 link back to the content, they reposted the majority of

1 the content. And in one case on the Working to Help  
2 Animals Today and Tomorrow blog, the content from one of  
3 the articles was posted as a comment to an unrelated  
4 blog post. The author of the blog then took and created  
5 a blog post with that content in its entirety. So you  
6 now have two sources on that blog alone pointing back to  
7 that material. This proliferated.

8           A preliminary examination turned up  
9 dozens of these sites that link to this content. So  
10 what happened was both specifically by reposting the  
11 content elsewhere, the author of this content got it to  
12 be disseminated on other sites knowing full well that  
13 automated crawlers would also pick it up and post  
14 summary links back. That created the negative impact on  
15 Bat World and caused the negative rankings to come up  
16 above the positive rankings, and that's how it affected  
17 their online reputation.

18           Q. Can a person's online reputation be harmed by  
19 the use of a Google bomb?

20           A. Well, of course, it can. You really don't  
21 want people seeing about the skunk when they Google  
22 Randy Turner. Likewise, Bat World, whether the  
23 allegations are true or false, doesn't want people  
24 seeing negative information.

25           Nobody here would -- any of us who run



1 our own websites want positive information about us  
2 shown first, not negative information.

3 Q. Mr. Shupps, have -- did you make an effort to  
4 determine who authored the negative content that is in  
5 Exhibit 18?

6 A. I did.

7 Q. And can you tell us how you went about  
8 determining who authored all of that content?

9 A. Well, I began with looking at the content  
10 itself. So one of the things that I spent a great deal  
11 of my time doing, which I would rather not do, but I  
12 spent a lot of time analyzing other peoples' blogs and  
13 Internet postings to see if they are misappropriating  
14 the content that I post.

15 So even though what I do for a living  
16 isn't all that sexy or interesting to people outside of  
17 the industry, I still generate more than 10,000 page  
18 views a month on my own blog. And a lot of people  
19 looking to get in the industry or make a name for  
20 themselves, take that content and repost it on their own  
21 blogs.

22 I have to be aware that this is going on,  
23 and I have to analyze these blogs and see who is doing  
24 what. I not only do it for myself, but there are other  
25 individuals, friends and associates, and we all help

1 each other out looking for suspect material that's been  
2 copied from our sites and posted elsewhere. So I have  
3 gotten pretty good at being able to read an article and  
4 determine is there anything about that author that --  
5 about the person who posted it that gives clues to who  
6 may have done it.

7           What I noticed after examining,  
8 especially the first three, speaking of -- in the  
9 exhibit tab number one, tab number two, and Raise The  
10 Fist number one, is that they all had similarities in  
11 the way the content was produced. The sentence  
12 structure was short, choppy, very direct. The  
13 paragraphs were short. They tended to be negative and  
14 just bordering on slipping over into name calling and  
15 use of derogatory terms, but not quite there yet. So  
16 there was still a level of professionalism that told me  
17 that the author was someone who writes a lot of content.

18           There were not a lot of grammatical  
19 errors and there was pretty tight paragraph structure.  
20 So we're dealing with someone who -- who authors content  
21 on a regular basis, either a writer, someone who posts  
22 on the Internet regularly.

23           Also, by looking at the content, there  
24 were various things I discovered that gave clues as to  
25 who posted the content. Let's start with the Raise The

1 First article. This is Raise The Fist number one in the  
2 exhibit, page 45. So this particular article was posted  
3 on May 6th. It was talking about events that happened  
4 in a hearing in this Court on May 4th. So less than 48  
5 hours after the hearing ended, this article appeared on  
6 Raise The Fist.

7 Now, it's my understanding that the  
8 defendant has claimed that the transcript of this  
9 hearing was posted by her and picked up by others and  
10 released on the Internet to create these posts. The  
11 problem is, the transcript wasn't released until  
12 May 18th, certified by Monica Willenburg.

13 Whoever posted this content had firsthand  
14 accounts of what happened in the courtroom that day.  
15 For example, and I quote, Lollar was asked if she had a  
16 Ph.D., Master's degree, college degree, or even just a  
17 high school diploma. She proudly replied, Nope. When  
18 asked where she received her many years of formal  
19 training and education, she proudly stated that she had  
20 no training and learned everything through trial and  
21 error. Nobody reading a transcript is going to have  
22 that kind of first-person account information.

23 First of all, the transcript wasn't even  
24 available within 48 hours. The only parties who could  
25 have posted that content had to have been in the

1 courtroom that day on May 4th. The plaintiffs certainly  
2 didn't post it about themselves, so that leaves the  
3 defendant as the only likely party who could have posted  
4 it.

5 Q. Before we get off that subject, do you see  
6 the -- the picture on page 46, it says, Crazy Bat Lady?

7 A. I do.

8 Q. And it's some person wearing a bat costume,  
9 sort of an idiotic picture. Is -- Is that Amanda  
10 Lollar, by the way?

11 A. I don't believe so.

12 Q. Okay.

13 A. It doesn't look like her.

14 Q. All right. Go ahead. You can continue.

15 A. Well, there is something interesting about  
16 this article, as well, that came out this morning. The  
17 text from this article, specifically paragraphs one and  
18 two, were apparently copied and pasted into the e-mail  
19 that was sent by the defendant to PETA. So the same  
20 content that was posted here, was then copied and sent  
21 in an official complaint to PETA. And the only one who  
22 could have created this post is the defendant.

23 Moving on to Indybay number one in the  
24 exhibit.

25 Q. What page is that?

1           A.     That will be page 001, I believe. This and  
2 Indybay number two are the primary nexus of the  
3 malicious content, so it was pretty important to  
4 determine who had authored this and why.

5                     When I was going through the content, I  
6 found a PDF that was posted in conjunction with the  
7 content that is a copy of the letter sent by Donald  
8 Feare, the attorney to the City of Mineral Wells. When  
9 that PDF was uploaded, the author -- or the person who  
10 copied that and created the PDF forgot to clean up the  
11 properties on the PDF. And in the author field of that  
12 document it plainly says Mary Cummins.

13                    Once that content has been posted, the  
14 comments are locked. Nobody can go in and change that,  
15 take that PDF down and replace it with a different PDF.  
16 The person who posted this left their name in the  
17 properties of the document.

18                    In addition, there is also links by  
19 various pseudonyms. Now, we have established -- in  
20 fact, we established earlier this morning that the  
21 defendant has used pseudonyms to post content,  
22 specifically speaking of the articles regarding rabies  
23 that were attributed to Bat World that are in, I  
24 believe, Indybay number two.

25                    Well, in this case, there are additional

1 comments made. One of them was made just last week, on  
2 June 6th of 2012, by a user under the pseudonym of  
3 Honesty. That pseudonym comes up a lot in these posts.  
4 And it speaks about information regarding the sale of  
5 the Bat World building. And I quote, The City finally  
6 forced them out. They sold their building January,  
7 2012. The new owner had to gut the building and dump  
8 Amanda Lollar's personal property into the trash.

9 This information is not available on any  
10 public forum. It was obtained by a Freedom of  
11 Information request by the defendant and subsequently  
12 posted as a comment on this article. The only person  
13 who had access to any knowledge around that would have  
14 been city officials of Mineral Wells, the defendant, and  
15 the plaintiff.

16 Moving on to Indybay number two.

17 Q. That's page six of the exhibit?

18 A. That is page six, correct.

19 In this particular article we also have  
20 comments by Honesty, who shows up again posting a PDF  
21 document. In this case the author was not attributed,  
22 but the producer of the PDF is the same software or the  
23 same operating system platform from the first article to  
24 the second, just one revision higher. So it's very  
25 likely the same computer was used to produce both of

1 those PDFs.

2                   And this particular article is the one  
3 that contains all the links to the YouTube videos and  
4 the various Flickr content that subsequently has been  
5 removed. Interestingly, the first comment includes a  
6 link to the video Amanda Lollar Bat World Sanctuary MP4,  
7 which points to a public website for Adygil. And I  
8 believe, if I'm not mistaken, in the deposition the  
9 defendant admits to giving content to Adygil to post,  
10 and I believe it was in specific reference to that  
11 video. We find that here as the very first comment,  
12 also, again, under a pseudonym.

13                   In addition, more related material  
14 number -- what I have as number eight, which would be in  
15 here. It's the one with all of the static images. That  
16 would be Indybay number four.

17           Q.     Which is page 22?

18           A.     I believe it -- I have page 12.

19           Q.     Oh, okay.

20                   MS. CUMMINS:   Indybay four?

21                   THE WITNESS:   I'm sorry.   Indybay number  
22 three.   That's Indybay number three.

23           Q.     (BY MR. TURNER)   So page 12?

24           A.     Page 12, correct.   So here we have comments by  
25 someone calling themselves Animal Advocate with an

1 e-mail address of mmmaryinla@hotmail.com. And  
2 subsequently, the Honesty person shows up again talking  
3 specifically about you, Mr. Turner, and offering you  
4 search engine advice on how not to affect your own  
5 search results. So whoever did that obviously knows a  
6 little bit about search engine techniques.

7           Now, that was all part of my subjective  
8 analysis. I was pretty convinced by the time I got to  
9 this point that I knew who the author of the material  
10 was. First of all, the PDF in 18, that alone just gives  
11 it straightaway. However, I also wanted to apply some  
12 more analytics to this problem and see if we couldn't  
13 put some statistics against this to determine if there  
14 was a way to figure out from the text itself who  
15 authored the documents.

16           This is a specific discipline called  
17 stylometry. And what it does -- or the purpose of it is  
18 to take a body of text and break it into a bunch of  
19 mathematical data points, things like word length,  
20 length of sentences, number of paragraphs, number and  
21 types of words used, capitalization and punctuation.  
22 There is all sorts of data points that you can create  
23 out of a document just from the raw text.

24           And then various statistical analysis  
25 routines are run against those data points to determine



1 similar or difference between those particular  
2 documents. So, in this case we had a set of -- of  
3 target or suspect material, which are the primary  
4 blog -- or the Indybay, Raise The Fist articles that are  
5 here, 18. I believe they are one through -- Raise The  
6 Fist number one. So Indybay number one through Raise  
7 The Fist number one.

8           So we had a set of target suspect content  
9 that we were looking at. We also needed known content,  
10 so content that we know a suspected author has produced.  
11 To get that content I went to the Animal Advocates blog  
12 and took random postings of roughly similar length and  
13 content type to the suspect material.

14           But that by itself isn't sufficient.  
15 Just comparing two sets of authors against the other  
16 without any additional controls, doesn't give you much  
17 of a test. There is no control set. So in addition, I  
18 went out randomly on the web and found additional  
19 authors who are known to post about animal rights. It  
20 doesn't do any good to have a control set of a totally  
21 different topic and genre.

22           You can't, for example, compare a  
23 scientific paper against someone's personal blog post.  
24 They're too different. It's apples and oranges. So I  
25 needed to find content that was roughly similar. I did

1 this randomly off several different blogs.

2           The next step is to clean up the content  
3 so that it can be analyzed. You have to take out things  
4 like links, quotations that are known to be attributed  
5 to other individuals, random white space, random  
6 punctuation, those sorts of things.

7           Once all the material was cleaned up, I  
8 then ran it through a computer program called JGAAP,  
9 which stands for the Java Graphical Author Attribution  
10 Program. This was created by Dr. Juola of Duquesne  
11 University specifically to allow people who don't have  
12 advanced statistical analysis experience to use  
13 statistical analysis techniques to analyze and determine  
14 authorship of documents.

15           The first two tests that I ran were  
16 specifically recommended by the authors of the software,  
17 and were, in fact, the two tests that were used in the  
18 2004 Authorship Attribution Contest to win the  
19 competition. That contest was organized by Dr. Juola,  
20 by the way.

21           These two tests, both the -- and I'm  
22 sorry for using long technical terms, but the linear  
23 discriminate analysis test and the support vector  
24 machine test indicated a 92 percent and 100 percent  
25 probability respectively, that the author of the content

1 on the Indybay and Raise The Fist sites was the same  
2 author of the content on the Animal Advocates website.

3 As an additional control, I also ran  
4 numerous other tests. Some of which aren't known to  
5 have any specific validity to the authorship analysis.  
6 Whereas, the linear discriminate and the support vector  
7 are known to be very, or at least, as accurate as  
8 possible within this discipline. Some of the other test  
9 methods aren't. Some have very little validity at all,  
10 and many have been primarily discarded as authorship  
11 attribution techniques.

12 But as a control, I went ahead and ran 14  
13 additional test batteries for a total of 84 individual  
14 tests. And that produced a 71 percent probability that  
15 the author of the content was, in fact, the defendant.

16 Q. Mr. Shupps, in your opinion, do you have an  
17 opinion as to whether or not Mary Cummins authored the  
18 content in Exhibit 18?

19 A. I'm convinced from my analysis that Indybay  
20 number one in Exhibit 18, Indybay number two, Indybay  
21 number three, Indybay number five, and Raise The Fist  
22 number one were all authored by the defendant.

23 Q. Okay. Is there anything else that you think  
24 would be helpful to the Court in understanding the  
25 analysis you did in this case?

1           A.     I think the important factor to remember here  
2 is not just who did it, but why and the manner in which  
3 they did it. The individual responsible is very  
4 familiar with how to influence search rank results.  
5 They knew that by posting this content in specific  
6 places. It would get distributed elsewhere and have an  
7 impact on the negative result rankings of Bat World.  
8 There was no question about that or that that was the  
9 intent of the content.

10                         Normally, if you're -- two of us are  
11 having a dispute in -- on the Internet, typically known  
12 as a flame war, between each other, we will keep our  
13 content to our respective known and owned sites. So,  
14 for example, if you and I are arguing about a particular  
15 topic, you will post information on your blog, I will  
16 post it on my blog. We might also post it on our social  
17 sites. But that's typically kept between two known  
18 parties.

19                         The only purpose of posting this content  
20 outside of the known parties in this case was to affect  
21 search results and increase link density for the number  
22 of articles pointing -- that were pointed to from these  
23 various sources and pointing back to this content and  
24 the search relevance for those contents. It was a  
25 malicious campaign to affect the online reputation of

1 Bat World.

2 MR. TURNER: Thank you. Pass the  
3 witness.

4 **CROSS-EXAMINATION**

5 BY MS. CUMMINS:

6 Q. I took a look at your resume, and it states  
7 that you are basically an expert in SharePoint software,  
8 also in fine whiskey and beer. I did not see --

9 THE REPORTER: And also what --

10 MS. CUMMINS: Fine whiskey and beer.

11 Q. (BY MS. CUMMINS) I did not see in your resume  
12 that you have been an expert witness when it comes to  
13 authorship analysis.

14 Have you ever given expert witness  
15 testimony in a court of law?

16 A. First of all, it doesn't say beer or whiskey  
17 on my resume anywhere. That was picked up from a social  
18 media site. Second of all, no, I have not testified as  
19 an expert witness.

20 Q. Do you believe that you are an expert witness  
21 when it comes to the analysis of authorship?

22 A. Oh, in this case, I certainly do. I spent a  
23 lot of time looking for material on other websites  
24 that's been picked up from my own and from my  
25 associates.

1 Q. Have you ever been an expert witness in  
2 deposition for authorship?

3 A. No.

4 Q. Have you ever been an expert witness for  
5 authorship before?

6 A. No.

7 Q. So this is your first time?

8 A. Yes.

9 Q. Okay. Now, you stated that you took articles  
10 from my blogs and used them as my own articles?

11 A. That is correct.

12 Q. So you believe every word that is written in  
13 my blogs I wrote it personally?

14 A. The materials on blog sites, first of all, had  
15 your name appended to it and it appeared on your  
16 websites, so you're responsible for it in one fashion or  
17 another. In addition, a number of your articles that I  
18 took mentioned where you were at specific events in Los  
19 Angeles, and there is no question that you were the  
20 individual that wrote the content.

21 Q. You don't think it's possible that there are a  
22 few people who take care of my blog and we all write  
23 articles?

24 A. Of course, it's possible, but they weren't at  
25 the events that you claim to be at in Los Angeles. If

1 you claim to be at an event, and then you wrote on your  
2 blog that you were at that event and you published it,  
3 you wrote it.

4 Q. Which article are you talking about?

5 A. So, in specific, in the control material were  
6 you or were you not involved in the West Holiday ban on  
7 the sale of fur?

8 Q. Yes, I was one of many people.

9 A. Okay. And then was subsequently written on  
10 your blog post, whom else from Animal Advocates was  
11 at --

12 THE WITNESS: I'm sorry, Your Honor. I  
13 don't know if I'm allowed to ask questions.

14 THE COURT: You're not. You're to  
15 respond to the questions Ms. Cummins asks you.

16 Q. (BY MS. CUMMINS) So you don't feel that --  
17 What is the name of the blog where you took the  
18 articles?

19 A. That is your  
20 animaladvocateswildliferehabilitation.blogspot.com.

21 Q. Okay. It didn't say Mary Cummins' blog, does  
22 it?

23 A. It says Mary Cummins all over the blog.

24 Q. But it didn't say this is Mary Cummins' blog?

25 A. It -- On nearly every post it says Mary

1 Cummins Animal Advocates.

2 Q. Isn't the blog Animal Advocates?

3 A. Yes.

4 Q. Okay. Do I have any personal blogs?

5 A. I believe you do. I believe you have several.

6 Q. Why didn't you use the articles from Mary  
7 Cummins' blog?

8 A. These were selected just simply at random  
9 based on length of content and type of material. I  
10 certainly could have used those.

11 Q. But you didn't, why not?

12 A. Because it was random.

13 Q. You randomly used only articles from Animal  
14 Advocates blog?

15 A. They were of similar length and content type  
16 to the questionable material, therefore, they matched in  
17 terms of what we would want to use for a subjective  
18 analysis.

19 If, for example, I looked on the Mary  
20 Cummins' blog and the postings were very short with lots  
21 of video and image content, that's not a subjective  
22 textual analysis. It's not useful in this scenario.

23 Q. Is it -- Are you 100 percent positive that I  
24 wrote every single word and every single article that  
25 you used in the control as my articles?



1 A. No.

2 Q. Okay. So you're not positive that I actually  
3 wrote those articles?

4 A. I am convinced that the majority of the  
5 content came from you.

6 Q. In the articles, aren't other people quoted in  
7 the articles?

8 A. Indeed. And those quotes were removed before  
9 the analysis was performed.

10 Q. Is it possible that other information was  
11 taken and copied and pasted from somewhere else and just  
12 put in there?

13 A. In -- Of course, it's possible. In these  
14 particular posts, there is very little cutting --  
15 apparent cutting and pasting in these posts. The  
16 majority appears to be first-hand accounts, part of the  
17 reason they were selected.

18 Q. In the -- In the article, Stingray Being  
19 Debarbed at Seal Beach, wasn't there a long e-mail from  
20 a Fish and Game biologist included in it?

21 A. There was. It was removed.

22 Q. Did you download this software from the  
23 Internet?

24 A. I did.

25 Q. Where did you download it from?

1 A. From the JGAAP wiki site.

2 Q. Did you take a look at the frequently asked  
3 questions list?

4 A. I did.

5 Q. Do you believe that --

6 MS. CUMMINS: Well, I would like to  
7 submit into evidence Defendant's Exhibit 1.

8 Oops. And this is the copy from the  
9 Internet of the frequently asked questions list from the  
10 website where the software is downloaded.

11 Q. (BY MS. CUMMINS) Now, I want you to go to  
12 page two.

13 THE COURT: Ms. Cummins, you have handed  
14 me Defendant's Exhibit Number 1.

15 MS. CUMMINS: Yes.

16 THE COURT: What was your purpose for  
17 handing this to me?

18 MS. CUMMINS: Because I wanted to show it  
19 to him. I thought I had to submit it to show it to him.

20 Q. (BY MS. CUMMINS) If you could please go to  
21 page two and the question that says -- I mean, the  
22 paragraph that goes, Hang on. It just said that  
23 Christopher Marlowe wrote in my address book. I know  
24 that's wrong.

25 Have you read that paragraph?

1 A. I have, yes.

2 Q. So you -- you realize that JGAAP only does  
3 close class attributions, correct?

4 A. That is correct.

5 Q. So that means if you didn't give them my name  
6 as a possible author, it wouldn't have chosen me,  
7 correct?

8 A. It would have chosen the most likely match  
9 based on the control set. The control set included not  
10 only your material, but also material from others. So  
11 out of the selected material, which included animal  
12 rights blogs of a similar vein to the suspect content,  
13 out of four authors it selected you.

14 Q. I would like you to read right under where it  
15 says, Hang on. It just said that Christopher Marlowe  
16 wrote in my address book. I would like you to read --  
17 can you read the paragraph under that?

18 A. The one that begins, Yeah?

19 Q. Yeah.

20 A. Yeah.

21 MR. TURNER: Well, Your Honor, I'm going  
22 to object. This is hearsay. It's somebody saying  
23 something about software. That person is not here for  
24 me to cross-examine.

25 THE COURT: Sustained.

1 Q. (BY MS. CUMMINS) Well, then let me ask you a  
2 question: If you were to give this software program the  
3 possible authors of Groucho, Chico, and Harpo Marx and  
4 then you gave it a copy of Moby Dick, and asked them  
5 which Marx Brothers wrote it, wouldn't it have to pick  
6 one of the Marx Brothers?

7 A. Yes, it would. That's what close class  
8 attribution is all about.

9 Q. So this isn't a way to positively I.D. who  
10 truly wrote something, because we know that the Marx  
11 Brothers didn't write Moby Dick?

12 A. We do. It's only as good as the valid control  
13 set. If the valid control set contains no documents  
14 that are anywhere close or have sufficient similarities  
15 to the target document, it's going to pick the most  
16 likely match and give it a confidence level.

17 In this case the two primary algorithms,  
18 which have been shown to be very, very efficient at  
19 identity authorship, LVA and SVM, both selected one with  
20 92 percent confidence, the other with a hundred percent  
21 confidence the author of the material.

22 Q. Is there any way that you can know for certain  
23 that the articles which were placed on the Animal  
24 Advocates blog were written only by one person?

25 A. I believe you have already asked me that

1 question. The articles were selected primarily because  
2 they appeared to come from one individual.

3 Q. Isn't it possible that theoretically I could  
4 have written an article and then I gave it to a friend  
5 to review it and they checked it out, and then I gave it  
6 to another friend to look at it and they added something  
7 else, and then I gave it another person and they cut  
8 something else out? You would then have four people who  
9 would have contributed to that article, correct?

10 A. Correct.

11 Q. So wouldn't it be possible if I were to have  
12 written an article, that four other people could have  
13 coauthored it?

14 A. Oh, it's certainly possible. And it also  
15 would have resulted in a lower confidence score on the  
16 attribution of the content.

17 Q. But what -- Well, anyway.

18 Now, isn't this software not supposed to  
19 be used when there are multiple authors?

20 A. The software makes no determination about the  
21 number of contributing authors to a document. The  
22 example given by the authors of the software themselves  
23 is the Federalist papers. A number of them -- Hear me  
24 out.

25 A number of them were known to have been

1 created by individuals, some of them were known to have  
2 been created by multiple individuals. For example, when  
3 Jefferson and Madison were collaborating in those cases,  
4 LVA and SVM were able to identify the most prominent  
5 author in the document.

6 So, yes, it can handle multiple author  
7 scenarios. However, it is most effective when your  
8 target and your control set both consist of specific  
9 authors.

10 Q. Have you read all the guidelines and the --  
11 the legal release on this software program when it can  
12 be used, when it can't be used, can it be used in a  
13 court of law?

14 A. There is no determination made as to whether  
15 it can or cannot be used in a court of law. There is  
16 instances where it may be more appropriate than another.  
17 And I understand that Dr. Juola is not a big fan of  
18 using JGAAP for court cases, but other analysts,  
19 especially those who won the competition in 2004, are  
20 known expert witnesses who use these same techniques.

21 Q. So you're just saying that the person who  
22 wrote this software doesn't recommend it for --

23 A. Actually, Dr. Juola did not write the  
24 software, he chaired the team that wrote the software.  
25 Dr. Juola is a known expert in stylometry.

1 Q. Okay. So a known expert in stylometry just  
2 stated that he doesn't believe this should be used in  
3 court cases?

4 A. The same expert that came in number four in  
5 his own competition, yes.

6 Q. My question -- Okay. So he did -- An expert  
7 stated that this should not be used in court cases?

8 A. No. He stated that it is not his preference  
9 to use software. He uses his own subjective analysis  
10 techniques.

11 Let's clarify something. All the  
12 software does is make it easy for those who of us who  
13 don't live within statistical analysis day-by-day to use  
14 those same statistic analysis techniques on our own  
15 computers. It doesn't make us experts, nor does it  
16 bring the expert into our computer, but it does allow us  
17 to use the same means that they use on a day-to-day  
18 basis.

19 Q. So you just stated that you're not an expert?

20 A. I believe I have maintained that all along.  
21 Yes.

22 Q. Okay. And also, you stated that this software  
23 is for people who are not experts in statistics?

24 A. Correct.

25 Q. Okay.

1           A.    That doesn't invalidate the statistical  
2 techniques.

3           Q.    Do you realize that this software is a beta  
4 software?

5           A.    Of course, yes.

6           Q.    Has anyone -- Have you read anywhere that  
7 JGAAP is not intended as a final product to be used in  
8 court cases?

9           A.    I'm sure that's likely been published as an  
10 opinion.

11          Q.    You stated earlier that someone posted one  
12 article in Indybay and then someone else reposted it on  
13 Raise The Fist. Did you state that?

14          A.    There -- There are incidents of that. Yes.

15          Q.    Do you have any knowledge that Raise The Fist  
16 has its own robot where it pulls content from Indybay?

17          A.    Correct.

18          Q.    Okay. So if someone were to post something on  
19 Indybay, the Raise The Fist robot would take it and  
20 repost it?

21          A.    And the article that you're referring to is  
22 the one that was made on May 6th before the transcript  
23 of the hearing was released.

24          Q.    Isn't it possible that I wrote my own  
25 transcript from notes at the hearing and I posted that



1 on my own website and someone else picked that up?

2 A. The article didn't appear on your website  
3 before May 6th.

4 Q. The article is not on my website. I'm talking  
5 about --

6 A. So it -- I feel I should point out that she  
7 just asked me if it was possible it was posted to her  
8 own website first and then syndicated, and then said it  
9 was not posted her own website first.

10 Q. That is not what I stated. I'm talking about  
11 you stated that it would be impossible for someone to  
12 have the transcript because it wasn't printed yet,  
13 correct?

14 A. Correct.

15 Q. Isn't it possible that I'm taking notes here  
16 and I go home and I write down what was said today, and  
17 I load that up to my Animal Advocates website and  
18 someone else picks it up from there and adds it to an  
19 article somewhere else?

20 A. It's possible, but that didn't happen in this  
21 case. The article wasn't posted on the Animal Advocates  
22 website first, number one. Number two, just because it  
23 gets picked by another website doesn't make you --  
24 doesn't resolve -- absolve responsibility for the  
25 original content. It's all part of the Google bomb

1 strategy. In fact, that plays into exactly what was  
2 trying to be achieved here.

3 Q. Let me ask a question. This is my question  
4 specifically: Is it possible that I went to a hearing  
5 and I went home and I wrote some notes, which were my  
6 personal notes of what happened, and I loaded that up  
7 onto my Animal Advocates website? Isn't it possible  
8 someone else that I don't even know went to my Animal  
9 Advocates website, saw the transcript that I wrote  
10 myself, they then took that and wrote an article and  
11 posted it somewhere else?

12 A. It's possible. It didn't happen in this case,  
13 but, yes, it's possible.

14 Q. How can you prove that didn't happen?

15 A. Because the content did not appear on the  
16 Animal Advocates website before May 6th. The only --

17 Q. The transcript?

18 A. The content that we're speaking of that came  
19 from first-person accounts within this courtroom during  
20 the hearing did not appear on the Animal Advocates  
21 website before May 6th.

22 Q. Do you have proof?

23 A. Its first appearance is on -- It's not there.  
24 It's not dated there. I would like to see proof that it  
25 was posted there first and not to Indybay or Raise The

1 Fist.

2 Q. You don't -- Okay.

3 Do you have absolute proof right now with  
4 you that I did not post the minutes -- my own minutes  
5 from the hearing after the hearing myself on my Animal  
6 Advocates blog?

7 A. No.

8 Q. Okay. Earlier you stated that if you search  
9 for Google -- I mean, Randy Turner you get a photo of  
10 the skunk butt. Number one, is that true?

11 A. That was stated by others in the courtroom  
12 this morning, not by myself. I simply referred to the  
13 earlier testimony.

14 Q. So who said that if you search for Randy  
15 Turner on Google your number one hit would be a skunk  
16 butt?

17 A. I believe that was mentioned earlier, by -- it  
18 may have been mentioned by either yourself or  
19 Mr. Turner.

20 Q. Were you here -- Were you here?

21 A. I was here.

22 Q. So didn't I say that if you searched for Randy  
23 Turner Texas attorney you will see a photo of my skunk's  
24 butt on the seventh page, which is 70 items deep?

25 A. That may be true now. At one time it may have

1 been the very first hit, especially right after it was  
2 first posted.

3 Q. Do you --

4 A. And in any event, those are just Google  
5 results. What about Bing and Yahoo and the other search  
6 engines? The search rank isn't going to be the same  
7 between those. It may show up higher on others than it  
8 does on one.

9 Q. I'm only asking you about Google. Are you  
10 telling me right now if you search for Randy Turner on  
11 Google, you're going to get a photo of my skunk's  
12 butt --

13 A. First of all, my analysis was not on a picture  
14 of a skunk's rear end. My analysis was on the content  
15 that was posted to Indybay, Raise The Fist, and the  
16 other blog sites as we have been speaking about.

17 Q. Okay. You stated earlier that Facebook and  
18 Twitter are anonymous; is that true?

19 A. I did not state any such thing.

20 Q. You didn't state that?

21 A. No. You can, however, be anonymous on both  
22 sites. Neither Facebook nor Twitter has any  
23 authentication to verify your identity when you create  
24 an account.

25 Q. Earlier you stated that there are auto

1 crawlers, which are robots which pick up content and  
2 repost it, correct?

3 A. Of course.

4 Q. So, isn't it possible if anyone were to post  
5 any article, even about gardening on a blog or other  
6 website, then an auto crawler robot would pick it up and  
7 repost it?

8 A. That's the point. That's how you create a  
9 Google bomb, by creating negative content that you know  
10 is going to be picked up by the crawlers and the other  
11 engines and distributed around the Internet. That's the  
12 entire purpose.

13 Q. Okay. Back to -- earlier you said that there  
14 was a PDF of a letter from attorney Donald Feare?

15 A. Uh-huh.

16 Q. And the authorship had my name?

17 A. Uh-huh.

18 Q. Correct?

19 A. I am looking at it right here.

20 Q. Okay. Now, didn't I load the PDF of the  
21 letter from Donald Feare to my website?

22 A. I don't know. This particular PDF was on the  
23 Indybay number one article under a pseudonym.

24 Q. Okay. Let me ask you a question. I loaded up  
25 a PDF of an -- of an attorney's letter from Donald Feare

1 to my website and it has me as the author. Isn't it  
2 possible for someone else to go there, download that  
3 PDF, and load it up somewhere else? The author stays  
4 the same?

5 A. Within 40 minutes of the original post, I  
6 seriously doubt it.

7 Q. And how do you know when I posted the original  
8 letter from Donald Feare on my Animal Advocates site?

9 A. I'm not concerned about whether or not it was  
10 posted on your Animal Advocates site. I'm talking about  
11 the Indybay article that includes a PDF that is -- that  
12 you have claimed you did not produce this article and  
13 yet the PDF has your name in the properties. It's still  
14 there today.

15 Q. Yes. I loaded up a PDF of the letter. It has  
16 me as the author. I didn't change it. I put it up on  
17 my website.

18 Okay. Can't someone go and download my  
19 file and still have my name in it, and then they can  
20 post it somewhere else, it doesn't necessarily --  
21 doesn't mean that I posted it somewhere else?

22 A. And the odds of that happening within 40  
23 minutes of the original production of this article on  
24 the uploading of the PDF and it not be you or someone  
25 related to you are almost nil.

1 Q. Okay. Well, that doesn't make any sense. But  
2 let's say someone went to my website and they downloaded  
3 a PDF and they downloaded some JPEGs and they downloaded  
4 some text, and then they went and they posted an article  
5 on Indybay and they instantly posted all these other  
6 things. Isn't that possible?

7 A. Certainly possible.

8 Q. So it doesn't mean that I definitely, 100  
9 percent posted that?

10 A. Possible and probably are two entirely  
11 different things.

12 Q. Can you prove -- do you have proof that I --  
13 In fact, didn't you state earlier that there is no way  
14 to prove who wrote the articles on Indybay or Raise The  
15 Fist?

16 A. There is enough evidence within the articles  
17 themselves and after the statistical analysis to give me  
18 a high level of confidence as to who the author is.

19 Q. Again, do you have some physical proof or  
20 evidence that can prove beyond a shadow of a doubt that  
21 I absolutely wrote and posted those articles on Indybay?

22 A. There is no evidence that would exist to that.  
23 It could have been done from any Starbucks. You can't  
24 trace it back to an IP because of the nature of these  
25 sites, they don't verify identity.

1           In order to arrive at the author you have  
2 to perform the type of analysis that I performed. Is it  
3 a hundred percent guaranteed? Absolutely not. Do I  
4 have a high level of confidence that I know who the  
5 author of this material is? Yes, I do.

6           Q.    Okay. Earlier you stated that someone posted  
7 on -- I don't know if it was Indybay or Raise The Fist,  
8 paraphrase, that the City forced Amanda out and they  
9 threw away her stuff?

10          A.    That was a comment made on Indybay article  
11 number two -- Indybay article number one made last week  
12 on June 6th.

13          Q.    Isn't it possible that I posted on my Animal  
14 Advocates site a copy of the e-mail from the City and to  
15 the City stating these things, someone went to my  
16 website, they saw what I posted, they copied it and they  
17 posted it somewhere else?

18          A.    So the -- the question, if I understand it is:  
19 Is there a shadowy person out there who happens to be  
20 monitoring your site, the Indybay site, the Raise The  
21 Fist site, the L.A. Animal Watch blog site, the Working  
22 to Help Animals Today and Tomorrow site, who is  
23 monitoring all of these sites and then who's going and  
24 taking material that is always negative to Bat World and  
25 always positive to Animal Advocates and Mary Cummins and



1 going and posting all this material? The likelihood  
2 that there is an individual like that out there other  
3 than yourself, nil.

4 Q. You don't believe that it's possible that  
5 there are quite a few people that don't like Ms. Lollar  
6 or Bat World Sanctuary?

7 A. As near as I can find, the only primary  
8 negative content about Bat World Sanctuary comes from  
9 yourself and those who are affiliated with you.

10 Q. So do you absolutely have proof that there is  
11 no one else out there who dislikes Amanda Lollar or Bat  
12 World?

13 A. I don't -- I don't believe that I'm here to  
14 provide 100 percent conclusive truth. I'm testifying as  
15 an expert witness that it is my opinion, based on the  
16 evidence in front of me, that I know who the author of  
17 this content is.

18 Q. You posted -- You stated that someone made a  
19 post and then they signed it with mmmmary@hotmail.com,  
20 correct?

21 A. Correct.

22 Q. And you state that that meant that I posted  
23 that?

24 A. No. It doesn't mean that you posted it. It's  
25 a bit of circumstantial evidence that all leads back to

1 determining who the author is. If -- They're all  
2 pseudonyms.

3 Q. Is that my e-mail address?

4 A. I have no idea. But if I recall, during the  
5 deposition, wasn't there an e-mail address given of --  
6 of mmmaryinla@aol.com, or something similar that is  
7 attributed to you?

8 Q. Do you know for certain that this is my e-mail  
9 address?

10 A. No. And I'm not claiming that by itself -- in  
11 and of itself claims that you were the author of that  
12 content. In fact, here is what I can say about that  
13 particular post. It appears to be by the same author of  
14 the Working to Help Animals Today and Tomorrow blog.  
15 This is the most vicious content that is posted online  
16 about Amanda Lollar. It always includes swear words and  
17 very derogatory remarks. It's very similar in content.

18 Q. Isn't the How to Help Animals Today -- Working  
19 to Help Animals Today -- whatever the rest of it is,  
20 isn't the author's name right on the front page of that  
21 blog?

22 A. No, it's not.

23 Q. Isn't there an author's name?

24 A. No, it's not. The author specifically states  
25 that they had to go, quote, unquote, Underground to

1 escape persecution.

2 Q. Do you believe I am the author of that blog?

3 A. I don't have -- First of all, I have not  
4 investigated that. I don't have any proof, and I'm not  
5 claiming that you're the author of that blog.

6 What I do know is that the material that  
7 I'm convinced that you authored was distributed to that  
8 blog as a way of increasing link density and effecting  
9 the results against Bat World.

10 Q. Let me ask you specifically. Do you believe I  
11 posted on Working to Help Animals blog?

12 A. Oh, I do. In fact, I believe you made a  
13 comment on that blog on May 8th of 2011, that was then  
14 elevated into a full blog post using material copied  
15 from Indybay -- it would have been Indybay number one or  
16 number two.

17 Q. A few last questions. You stated earlier that  
18 this is the first time you've been an expert witness in  
19 a court of law, correct?

20 A. Correct.

21 Q. How many other times have you done authorship  
22 analysis of online content? How many other reports have  
23 you done for clients for pay?

24 A. For clients for pay? None.

25 Q. So this is the first time you've done one of

1 these for a client, and it's the first time you've been  
2 an expert witness in court, correct?

3 A. That is correct. That does not mean it's the  
4 first analysis that I have performed, it simply happens  
5 to be the first one I've performed specifically for  
6 another party in a legal context.

7 Q. And just so we're clear, are you 100 percent  
8 certain that I wrote all of the blogs in Animal  
9 Advocates that you used that you attributed to me?

10 A. No.

11 Q. Okay. So you -- have you ever heard of the  
12 term garbage in, garbage out?

13 A. I'm very familiar with that term.

14 Q. So let's say all of the blog posts in Animals  
15 Advocates that you used were not written by me, they  
16 were written by my colleagues and other people who  
17 control the blogs, and then you then compared that to  
18 the other Indybay articles and Raise The Fist. Would  
19 you be able to ascertain that I was the author based on  
20 that?

21 A. So I believe that the inference is that very  
22 little of the material on the Animal Advocates blog was  
23 written by yourself and that most of it is written by  
24 somebody else. I don't believe that to be the case,  
25 number one. Number two, that was only part of the

1 analysis, analyzing that material against the suspect  
2 material in an analytical context. I was convinced who  
3 the author -- who had authored those posts before I  
4 fired up JGAAP and started doing the statistical  
5 analysis.

6 Q. So before you even used any software, your gut  
7 feeling was that I wrote those articles?

8 A. It's not a gut feeling. It's based on my  
9 years of experience in analyzing content and determining  
10 authorship, specifically of blog-related content.

11 Q. Have you looked at quite a few of my posts on  
12 Animal Advocates blog?

13 A. I have. I can't say that I've done an  
14 exhaustive reading of your site.

15 Q. Have you noticed that I repost all of  
16 California Fish and Game's press releases?

17 A. Okay.

18 Q. And I repost other peoples' articles and other  
19 press releases. Have you seen that?

20 A. Yes. Those are fairly obvious when they  
21 happen.

22 Q. Okay. So you're telling me that you're not  
23 100 percent positive that I write everything on Animal  
24 Advocates?

25 A. What I'm telling you is that I selected

1 material for comparison that was, number one, very  
2 obviously written by a single individual. Number two,  
3 that was similar in tone and context to the suspect  
4 material. And, number three, that had a source of  
5 attribution, in this case the Animal Advocates website.

6 MS. CUMMINS: No further -- I will pass  
7 the -- No further questions.

8 MR. TURNER: I have no further questions.  
9 May this witness be excused?

10 THE COURT: Mr. Shupps, give me  
11 Defendant's Number 1.

12 THE WITNESS: There.

13 THE COURT: You may be excused,  
14 Mr. Shupps.

15 THE WITNESS: Thank you.

16 MR. TURNER: Your Honor, at this time I  
17 would like to call Linda James. My paralegal went to  
18 get her. She's in the restroom.

19 THE COURT: Ms. Cummins, these have not  
20 been admitted, so I'm returning to you. I'm returning  
21 to you Defendant's Exhibit Number 1.

22 MS. CUMMINS: Okay.

23 MR. TURNER: She's -- My paralegal went  
24 to get her out of the restroom, Your Honor.

25 Judge, I'm going to need Exhibit 37 for

1 this next witness. Is it okay if I look through --

2 THE COURT: Sure.

3 (Witness enters courtroom.)

4 MR. TURNER: Judge, we would like to call  
5 Linda James to the witness stand. Your Honor, may --  
6 this witness doesn't feel well, may she take a drink to  
7 the witness stand with her, a Coca-Cola?

8 THE COURT: Is she capable of taking the  
9 witness stand?

10 MR. TURNER: Yes, Your Honor.

11 THE COURT: She may do so.

12 Will you raise your right hand to be  
13 placed under oath?

14 (Witness sworn.)

15 THE COURT: Thank you. Please be seated.

16 The attorney indicated you're not feeling  
17 well. If you're not feeling well, just let me know.

18 THE WITNESS: Thank you very much.

19 THE COURT: Can you do that?

20 THE WITNESS: Yes, I can.

21 THE COURT: All right.

22 THE WITNESS: I appreciate that. Thank  
23 you.

24 THE COURT: Pull the microphone up to  
25 you.

1 THE WITNESS: Okay.

2 LINDA JAMES,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. TURNER:

6 Q. State your name for the record, please.

7 A. Linda James.

8 Q. And where do you live, Ms. James?

9 A. In Plano.

10 Q. And what is your full-time occupation?

11 A. I'm a forensic document examiner.

12 Q. And what is a forensic document examiner?

13 A. We examine checks, holographic wills, anything  
14 that would come into dispute where it's genuineness or  
15 validness. It would be brought to the attention of a  
16 document examiner.

17 Q. How long have you been a practicing document  
18 examiner?

19 A. For 20 years.

20 Q. And do you have an established and permanent  
21 place of business at which you work as a document  
22 examiner?

23 A. Yes, I do, in Plano.

24 Q. Okay. And would you tell us, ma'am, what your  
25 training is with respect to forensic documents



1 examination?

2 A. I have over 800 hours, study hours, plus two  
3 exams from two institutions, the National Court  
4 Documents Association and the American Institute of  
5 Applied Science. I'm also an apprentice for three years  
6 to two experienced examiners. And I have over 200 lab  
7 hours plus 15 years of workshop training in addition to  
8 that. And I'm also board certified.

9 Q. And who are you board certified by?

10 A. The National Association of Document  
11 Examiners.

12 Q. Do you own or have access to any instruments  
13 that you use in examining and analyzing handwriting?

14 A. Yes, I do. I have an eight -- a 4/8 to ten  
15 power, but anything that goes on beyond that is  
16 stereoscopic, and that allows me to see fibers of the  
17 paper where the ink hits the fibers of the paper, the  
18 direction. And I have a QVX430 which allows me to look  
19 at the different inks using filters.

20 And then my microscope is -- uses  
21 infrared as well as florescent and I can also put that  
22 into the computer. I also have a light box, which is  
23 something like you see in the dentist's office where you  
24 look at x-rays.

25 Q. Ms. James, is the detection of forgery and the

1 identification of handwriting the most important phase  
2 or the most prominent part of your work?

3 A. Oh, yes. It is absolutely.

4 Q. Have you had criminal cases submitted to you  
5 that involved these issues, forgery and handwriting  
6 analysis?

7 A. Yes. From the Federal public defender's  
8 office. I have also worked with the prosecution, Secret  
9 Service, FBI, and defense attorneys in criminal cases.

10 Q. And have you -- What about civil cases  
11 involving issues of forgery and handwriting?

12 A. Most of my cases are civil.

13 Q. How many cases do you think you have handled  
14 where you were asked to analyze handwriting or a  
15 document for forgery?

16 A. Over 1,400.

17 Q. What clients have -- I already asked you --  
18 Did I ask you what clients have sought your assistance  
19 in matters of questioned documents?

20 A. Well, actually individuals, that would include  
21 individuals, companies and as I stated the prosecution,  
22 U.S. Attorney, U.S. Navy, U.S. Army, Secret Service,  
23 that would be INV, Federal Public Defender's Office,  
24 anyone that has a question for the authenticity or  
25 genuineness of a document.

1 Q. And is your practice nationwide? That is,  
2 have you worked as a document examiner for -- in cases  
3 in other states?

4 A. Yes, I have. Internationally as well.  
5 Singapore, I testified there, Alaska and also Trinidad,  
6 Port of Spain. You know, a lot of the international  
7 attorneys have sought my help.

8 Q. How many times, Ms. James, have you been  
9 allowed to testify by a court in a court of law in a  
10 trial?

11 A. Approximately a hundred.

12 Q. Have you -- Do you ever lecture -- Have you  
13 ever lectured on the subject of questioned documents  
14 examination?

15 A. Yes. I am licensed by the State of Texas to  
16 teach law enforcement what I do. And I have also  
17 continuing education for the defense attorneys, also  
18 certified fraud examiners, my peers, and also for law  
19 enforcement, like the regional police academy.

20 Q. And have you ever been published in the field  
21 of document examination?

22 A. I have been published three times in the  
23 National Association of Document Examiners Journal.

24 Q. Are you a member of any professional  
25 organizations?

1           A.    Yes.  I'm a member of the Academy of Sciences  
2 and also for the National Association of Document  
3 Examiners for the -- I'm -- also for the law  
4 enforcement, International Criminalist.  Oh, and also  
5 for AST, which is the society on the subcommittee which  
6 sets the guidelines for document examiners.

7           Q.    And what were you asked to do in this case  
8 that we're here on today?

9           A.    I was asked -- I was presented with a document  
10 with a signature, and I was asked whether or not it was  
11 genuine.

12          Q.    I'm going to show you what's been admitted  
13 into evidence as Exhibit Number 16, and ask you if -- if  
14 that's the original document that you were asked to  
15 examine for genuineness?

16          A.    Yes, it is.

17          Q.    And then were you also given other signatures  
18 of -- that indicated they were signed by Mary Cummins to  
19 compare those signatures with Exhibit 16?

20          A.    Yes, I was.

21          Q.    And I'm showing you what's been admitted into  
22 evidence as Plaintiff's Exhibit Number 37.  Are those  
23 the signatures that you compared with the document, the  
24 contract, Exhibit 16?

25                   MS. CUMMINS:  I would like to object.  I

1 never got a copy of it.

2 MR. TURNER: I actually haven't -- It's  
3 in evidence.

4 MS. CUMMINS: Okay.

5 Q. (BY MR. TURNER) Are those the documents that  
6 you -- Are those the signatures you compared with 16?

7 A. Yes, they are.

8 Q. Now, I'm going to show you what's been  
9 admitted into evidence as Plaintiff's Exhibit Number 39.  
10 And have you seen that before as well?

11 A. Yes, I have.

12 Q. And can you describe for the Court the  
13 analysis that you performed? Well, let me back up.

14 Were you asked if the same person that  
15 signed -- I will just ask you. What were you asked to  
16 determine with respect to these documents?

17 A. Well, I was provided with known documents or  
18 the signatures submitted as Mary Cummins' and I was  
19 asked to compare the document which is marked  
20 Plaintiff's Exhibit 16 with the other exhibits to see  
21 whether or not it was authentic or genuine.

22 Q. And would you tell the Court -- Would you  
23 describe the analysis that you did?

24 A. Well, first of all, we look at the document  
25 itself that's in question to see if there is any signs

1 of forgery or any problems with that signature, was it  
2 executed naturally. And then once that has been  
3 determined, I will mark what we call the handwriting  
4 characteristics.

5           And a handwriting characteristic is  
6 anything, whether it be beginning or ending. Like when  
7 a pen touches that paper, that begins to be  
8 characteristic from the beginning, and then I dots T  
9 crossings, anything like that is -- is termed in our  
10 business as handwriting characteristic.

11           Then I do the same thing with the known  
12 documents. I will analyze them separately. And then I  
13 will analyze them with the handwriting characteristics.  
14 And the methodology is that you would compare the  
15 unknown, which would be a questioned document with a  
16 known writings to see if there are corresponding  
17 agreements to say whether or not it was an authentic  
18 signature.

19           Q.    And I'm going to show you what's been marked  
20 as Plaintiff's Exhibit Number 40. And first of all, I  
21 will just ask you, what is Exhibit 40? What all is in  
22 there?

23           A.    It has -- The first of it has my -- of course,  
24 my statement of qualifications, and then it has a  
25 demonstrative chart of which I have fixed which would be

1 the process of what I do. And it just puts it all on  
2 one chart.

3 THE WITNESS: And the reason it's here,  
4 Your Honor, is so that you don't have to flip back and  
5 forth. It puts all the signatures on the same page and  
6 marks them with corresponding numbers so you will see  
7 the same agreement between them. And I do have the --  
8 the documents behind them so you can see the complete  
9 document they were taken from. But this just helps you  
10 keep from flipping back and forth. You can see  
11 everything there.

12 MS. CUMMINS: Can I get a copy of that?

13 MR. TURNER: Soon. There is a copy.

14 We will offer Plaintiffs' Exhibit Number  
15 40 into evidence, Your Honor.

16 MS. CUMMINS: I would like to object,  
17 because this is the first time I have see this report.  
18 I have asked repeatedly. I asked two times in the last  
19 three weeks to get copies of the signatures. And I have  
20 not received and I haven't even been able to take a look  
21 at them. I have not seen this chart before.

22 MR. TURNER: These --

23 THE COURT: Anything further,  
24 Ms. Cummins?

25 MS. CUMMINS: No.

1 THE COURT: Objection will be overruled.  
2 Plaintiff's 40 is admitted.

3 (Plaintiff's Exhibit Number 40 was  
4 admitted.)

5 Q. (BY MR. TURNER) Now, Ms. James, how long does  
6 it take you to do an analysis like this?

7 A. It can take anywhere from three, five hours.  
8 It takes -- It can take up a longer time. It depends.

9 Q. In this case?

10 A. In this case I guess I have spent around 20 to  
11 25 hours in -- on this case.

12 Q. Okay. And based on your analysis of the known  
13 signatures that are in Exhibit 37 that's in front of  
14 you, and -- were you able to reach an opinion as to  
15 whether or not the person who signed the signatures in  
16 Exhibit 37 was the same person who signed Exhibit 16?

17 A. Yes, I have.

18 Q. And what was that opinion?

19 A. It is my professional opinion that they are  
20 both -- all these are in agreement, and that it is a  
21 valid signature. It's genuine.

22 Q. So the same person who signed that contract  
23 that signed those -- those signatures in Exhibit 37?

24 A. Yes, sir.

25 Q. Okay.



1 MR. TURNER: Pass the witness.

2 CROSS-EXAMINATION

3 BY MS. CUMMINS:

4 Q. I will try to make this quick. I know you're  
5 not feeling well.

6 When was the first time that you saw the  
7 original contract, Exhibit, I believe, 16?

8 A. May I refer to my case here -- my history  
9 sheet in order to give an accurate date?

10 Q. I'm fine with that.

11 A. Are you fine with that? Okay.

12 The first time I saw the original would  
13 be on the 16th of May.

14 Q. May 16th?

15 A. Yes. Yes.

16 Q. I have a report in front of me which  
17 plaintiffs gave to me dated December 8th, 2011. And  
18 it's dated here that you were looking at a color copy of  
19 the original; is that correct?

20 A. Yes. Yes, I was.

21 Q. So did you update your report?

22 A. I have not furnished another written report,  
23 no.

24 Q. So when you made your original analysis, you  
25 were looking at a copy, correct?

1 A. I was looking at a color copy, yes.

2 Q. Okay. And -- So you just, within the last  
3 month, you have got the original, correct?

4 A. Yes, that's correct.

5 Q. And were you able to look at the original  
6 under your microscopic and use any of those methods?

7 A. Oh, yes, definitely.

8 Q. The copy that they gave you originally, did it  
9 have a coffee stain on it?

10 A. No.

11 Q. Okay. I'm looking at it here.

12 Now, you were given a photocopy of my  
13 driver's license which you used in your analysis,  
14 correct?

15 A. Yes, I did.

16 Q. And were you given the driver's license copy  
17 this size?

18 A. Yes.

19 Q. Would it have made a difference if the actual  
20 signature was much smaller?

21 A. I would have enlarged it myself. But I can't  
22 answer that question since I did not analyze the smaller  
23 version.

24 MS. CUMMINS: May I approach the witness?

25 THE COURT: Yes.

1 (Ms. Cummins approaches witness.)

2 Q. (BY MS. CUMMINS) Here is my driver's license.  
3 Would you admit that the signatures are different sizes?

4 A. They are different sizes.

5 Q. Okay. When you compare different signatures,  
6 do you measure the heighth and the width of the letters  
7 sometimes?

8 A. On occasion.

9 Q. Did you do that in this situation?

10 A. No, I did not.

11 Q. I'm looking at your actual report and it  
12 states here --

13 A. Excuse me. Do you have the report some place?  
14 Is it in evidence?

15 MS. LOLLAR: Right here.

16 THE WITNESS: Thank you.

17 Q. (BY MS. CUMMINS) All the other signatures  
18 that you were given, they were all copies, correct?

19 A. They were color copies of three of them, and  
20 then three and four were copies.

21 Q. Okay. So you don't know necessarily the exact  
22 size of the original signature?

23 A. I'm -- I just know the size I was given on  
24 this.

25 Q. Okay. Isn't it possible that when someone

1 scans or prints out a document that it doesn't end up  
2 the exact same size?

3 A. It could. But we would have to have that in  
4 order to -- to do the measuring.

5 Q. So in order to compare the measurements of  
6 different signatures, you would need to have the actual  
7 live signature?

8 A. I would try -- To answer your question. I  
9 would want to have the one that is original and compare  
10 it to the known. But I saw no disturbances between them  
11 on these signatures.

12 Q. I'm looking at your report and it says,  
13 Evidence received and examined. And it says, California  
14 driver's license, and it says, Date, November, 2009.  
15 Are you stating that that is the date it was signed?

16 A. No. I am stating that it is beneath the  
17 signature, and that's the date that I carried over to  
18 the report.

19 Q. Did Mr. Turner tell you that I signed it in  
20 2009?

21 A. No.

22 Q. He didn't tell you I signed it in 2005?

23 A. No.

24 Q. I'm looking at your conclusion and it states  
25 here, It is my professional opinion that the signature,

1 Mary Cummins, on the Bat World Sanctuary internship  
2 contact -- it says contact, but I guess you meant  
3 contract -- dated June 20th, 2010, is genuine based on  
4 level of probable.

5                   And then I go to your definitions, and it  
6 states here you seem to have different levels. Now,  
7 it's -- Do you have different levels of how certain you  
8 are that a signature is genuine?

9           A.    Yes, I do.

10          Q.    Is the -- the primary one would it be  
11 identification?

12          A.    Yes.

13          Q.    And that would mean this is -- would that mean  
14 that this is the highest degree of confidence expressed  
15 by document examiners and handwriting comparisons?

16          A.    Yes.

17          Q.    Do you feel -- And then beneath that you  
18 have -- isn't there a level called strong probability?

19          A.    Yes, there is.

20          Q.    And doesn't that mean that the evidence is  
21 very persuasive yet some critical feature or quality is  
22 missing so that an identification is not in order,  
23 however, the examiner is virtually certain that the  
24 questioned and noted writings were by the same  
25 individual? Is that what that means, strong probability?

1 A. Yes, that is the definition.

2 Q. And underneath that there is a classification  
3 called probable. Does probable mean that evidence  
4 contained in the handwriting points rather strongly  
5 towards the questioned and known writings having been  
6 written by the same individual, however, it falls short  
7 of the virtual certainty degree of confidence? Is that  
8 the definition of probable?

9 A. It is.

10 Q. And in your analysis, you stated that it was  
11 merely probable that I signed that document, correct?

12 A. Yes, I said it was a level of probability.

13 Q. Okay. But it's not the strongest level which  
14 would be identification, or the one beneath that, strong  
15 probability?

16 A. That is correct.

17 Q. So you're not absolutely 1,000 percent sure  
18 that I signed it?

19 A. At -- When this report was written, I had not  
20 seen the original document, and so at that time my  
21 opinion was that it was a level probability at that time.

22 Q. Okay. But the date of this report is December  
23 of 2011, correct?

24 A. Yes, it is at that time.

25 Q. So it is your expert opinion to the level of

1 probable that I wrote that document?

2 A. At that time.

3 Q. Has anything changed?

4 A. Yes.

5 Q. Oh. Do I not have the current one?

6 A. Oh, I did not have another written report.

7 I'm here to testify.

8 Q. Okay. So what changed between December, 2011,  
9 and today?

10 A. I saw the original document that is in  
11 question.

12 Q. How is the original document in question  
13 different than the copy?

14 A. It's very valuable, because there -- it is not  
15 a transferred signature in any way, and it has -- it  
16 proves up the copy as well. And it is a very naturally  
17 written signature. It does not have any of the signs of  
18 forgery that would be present in a signature that was  
19 not authentic. So the original became a very valuable  
20 instrument for me to analyze in order to go to a higher  
21 degree of opinion.

22 Q. So is it possible that if you were given the  
23 original of the known document that you could have a  
24 different opinion?

25 A. No. No. That would not -- This is the

1 highest degree of opinion. And you have got to  
2 recognize, too, that I have also seen the deposition  
3 original, so --

4 Q. How come -- Did you use the deposition  
5 original in your known signatures?

6 A. It -- It was considered before my analysis --  
7 I mean, after my analysis. At December the -- When I  
8 wrote the report, I did not have that signature.

9 Q. So it's not included in this report?

10 A. No, ma'am.

11 Q. Okay. So your report states that it's a level  
12 of probable. And what are you here today to state?

13 A. I am here today to state that this signature  
14 that is in question on the Bat World Sanctuary  
15 internship contract is a valid signature.

16 Q. And by valid, do you mean it has the definite  
17 conclusion of identity?

18 A. Yes, ma'am.

19 Q. So you're saying that -- you're -- before you  
20 said it was merely probable, and now you're saying it is  
21 identification?

22 A. Yes, ma'am.

23 Q. You're absolutely 100 percent positive that I  
24 signed that?

25 A. We do not do absolute positive percentages,



1 but according and following the rules and the evidence  
2 before me, yes, it is a valid signature.

3 Q. Would you stake your reputation that it is my  
4 signature?

5 A. Why would I -- I don't understand that  
6 question of staking my reputation. I have -- I didn't  
7 know my reputation was in question.

8 Q. I don't doubt your reputation. It's just as a  
9 phrase, meaning do you absolutely believe that this is  
10 my signature without a shadow of a doubt?

11 A. I am here to identify that there is no doubt  
12 that this signature is a genuine signature.

13 Q. Again, what changed from your original report  
14 when you said it was merely probable?

15 A. Whenever I looked at the original and I  
16 examined it and I put it through all the instruments  
17 that I have and I examined it through the stereoscopic  
18 microscope, there was nothing on this document that  
19 showed any evidence of the signs of forgery, anyone  
20 else's habits.

21 They were in corresponding with the  
22 habits of -- of Mary Cummins, of the known documents.  
23 So it was a very valuable instrument for me to analyze.

24 Q. And you couldn't see that in the copy?

25 A. No. The copy did not tell me five factors,

1 other factors, that were present on the photocopy. It  
2 did show me the -- some of the agreements, and I was  
3 able to make the opinion that I was able to make.

4 Q. Why didn't you change your report to say that  
5 you are absolutely positive that I signed it?

6 A. I was coming to testify, and I was not asked  
7 whether to write another written report or not. I --  
8 You will have to ask the attorney that question.

9 Q. Okay.

10 MS. CUMMINS: No further questions.  
11 Thank you.

12 MR. TURNER: Just two questions.

13 **REDIRECT EXAMINATION**

14 BY MR. TURNER:

15 Q. Just two questions. Actually, one -- two  
16 questions.

17 Now, you were asked about the sizes of  
18 the signatures?

19 A. Of the knowns?

20 Q. Yes. Is that correct?

21 A. Yes. Yes, I was.

22 Q. Does size matter?

23 A. No. You know, size is something that's easily  
24 changed with whatever it is. But you've got to  
25 remember, too, that we have very excellent photocopies

1 these days, copiers, and we're allowed to -- and I'm  
2 very experienced at analyzing photocopies.

3 Q. Thank you.

4 MR. TURNER: Pass the witness.

5 MS. CUMMINS: I have one last question.

6 **RECROSS-EXAMINATION**

7 BY MS. CUMMINS:

8 Q. Now, are you assuming that all of the known  
9 signatures were me writing with a pen on a piece of  
10 paper?

11 A. I don't understand that question. Pen on  
12 paper, are you --

13 Q. Would a signature look different if you used a  
14 digital stylus and wrote it onto a computer pad?

15 A. It would have the characteristics of that, but  
16 also looking at them, I would say that it may or may not  
17 have the stylus. I wouldn't know that until I was to  
18 examine one of them.

19 Q. Have you ever gone to the market and signed  
20 with a digital stylus onto the little plastic screen  
21 when you use your credit card?

22 A. Yes. And also the driver's license would come  
23 under that.

24 Q. And would you say that when someone signs with  
25 a stylus on a digital screen would that be identical to

1 them signing with a pen on a piece of paper?

2 A. It would have some of the habits and some may  
3 not. It would depend on the support of the arm and all  
4 the factors that would be involved in that.

5 So as to answering that question would  
6 depend on the signature that was submitted to me. I  
7 would analyze it in the viewpoint that it was from a  
8 stylus.

9 Q. Have you ever -- Have you recently had to  
10 renew your driver's license?

11 A. Yes.

12 Q. And did you have to write with a stylus onto a  
13 little plastic screen for the signature?

14 A. Actually, I did it by mail and I just sent it  
15 in. It was one that they took my former one.

16 Q. So you don't -- do you know how they ask  
17 people to write their name with the stylus at the  
18 driver's license?

19 A. Yes. At the beginning, yes.

20 Q. Okay. How do they do that?

21 A. Well, you are handed a stylus and then you are  
22 asked to sign your name, and -- which I did.

23 Q. Oh. So you did sign your name with a stylus  
24 at the DMV?

25 A. Yes, at the beginning. But the renewal --

1 Q. Oh, okay.

2 A. -- I did not.

3 Q. But when they have you sign with a stylus,  
4 don't they gave you a teeny tiny little box to put your  
5 signature in?

6 A. They give me a box, I don't know if it was  
7 teeny tiny, but it was a box.

8 Q. So you have to make your signature fit into  
9 that size?

10 A. Yes.

11 Q. So that wouldn't normally be a natural  
12 signature that you would sign on a check or on a piece  
13 of paper?

14 A. It may not be. It depends. Some people can  
15 write very nicely.

16 This signature that's on this driver's  
17 license has a lot of details in it, so this person was  
18 able to write leaving a lot of handwriting  
19 characteristics that may not be on someone else's.

20 So it's always analyzed to see, because  
21 some people are very good at writing on a -- with a  
22 stylus on -- without support of their elbow and arm.

23 Q. One last question. If you were to -- If one  
24 were to write with a stylus onto a tiny screen and then  
25 write with a pen on a piece of paper, would you expect

1 those signatures to be identical?

2 A. Well, we -- we always have a variation in our  
3 handwriting and we're not a mechanic, so we're not going  
4 to be writing identical except for with an auto pen like  
5 the president uses or something like that that's  
6 computerized.

7 Q. So would it make sense then to use the  
8 signature on a driver's license which is written on a --  
9 with a stylus onto a tiny screen to compare with a  
10 supposed signature written on a piece of paper with a  
11 pen?

12 A. No, that wouldn't make any sense. One, a  
13 driver's license and another one that's written on a  
14 piece of paper, our job is to look at those and to see  
15 if there is any corresponding agreement between them,  
16 not that one would be over the other. We wouldn't know  
17 that until we analyzed it. Because sometimes on the  
18 paper, they are not -- they may write with a different  
19 style, but it's still going to have some agreement with  
20 their signature.

21 So I can't answer that question, because  
22 it's too ambiguous. It -- It encompasses a lot of ifs  
23 and assumptions.

24 Q. If you had, let's say, ten signature samples  
25 of someone with a pen writing on paper and then you had

1 one with someone writing with a stylus on a tiny little  
2 screen for the driver's license, and you had to pick  
3 three of those signatures to compare to someone signing  
4 with a pen on a piece of paper, would you pick the  
5 driver's license?

6 A. I don't -- I don't know what you're trying to  
7 ask me, because I'm just saying signatures are submitted  
8 to me for -- to be analyzed. And it's not like choosing  
9 one over the other. It's seeing whether or not there is  
10 an agreement between those signatures to follow  
11 methodology. And if there is no unreasonable,  
12 significant differences, then I would say that they're  
13 in agreement or they're not in agreement.

14 Q. Have you ever done any signature analysis for  
15 Mr. Turner before?

16 A. From what?

17 Q. For Mr. Turner before.

18 A. No, not that I recall.

19 Q. Have you ever done any signature analysis for  
20 Turner & McKenzie?

21 A. Not that I recall.

22 MS. CUMMINS: No further questions.

23 MR. TURNER: May this witness be excused,  
24 Your Honor?

25 THE COURT: You may be excused. Please

1 step down.

2 THE WITNESS: Thank you, sir.

3 THE COURT: Watch your step.

4 THE WITNESS: Okay. Thank you. Oh, here  
5 is the --

6 THE COURT: We are going to take a  
7 15-minute recess until 3:25.

8 (Break from 3:08 p.m. to 3:25 p.m.)

9 THE COURT: All right. Be seated.

10 You may proceed, Mr. Turner.

11 MR. TURNER: Thank you, Your Honor. I  
12 would like to play the videotaped deposition, Dr. Janet  
13 Messner.

14 THE COURT: What's the name of the  
15 witness?

16 MR. TURNER: It's Janet Messner,  
17 M-e-s-s-n-e-r.

18 MS. CUMMINS: I would like to object  
19 because it's an out-of-state witness who is not a party  
20 to the action.

21 THE COURT: Overruled.

22 Mr. Turner?

23 MR. TURNER: It's still --

24 MS. LOLLAR: Push play again.

25 MR. TURNER: Again?



1 MS. LOLLAR: There you go.

2 MR. TURNER: It worked a minute --

3 THE COURT: How long do they last?

4 MR. TURNER: One hour and five minutes, I  
5 think.

6 (Discussion between counsel and client.)

7 MR. TURNER: I apologize, Judge. It  
8 seems it's not compatible with the court's DVD player.  
9 So if the Court will indulge me, I would like to go  
10 ahead and play it on my laptop here. We thought it was  
11 working.

12 (Videotaped deposition played.)

13 VIDEOGRAPHER: We are now on the record  
14 in the matter of Bat World Sanctuary and Amanda Lollar,  
15 Plaintiffs, versus Mary Cummins, Defendant. Today's  
16 date is January 3rd, 2012, and the time is approximately  
17 10:05. This is the video recorded deposition of Janet  
18 Messner being taken at the Holiday Inn, 2607 Broadway  
19 Avenue, Yankton, South Dakota.

20 My name is Tim Hicks, and I will be the  
21 videographer. I represent National Court Reporters.  
22 The court reporter is Sandra Peterson.

23 Will all attorneys please identify  
24 themselves for the record and the parties they represent  
25 beginning with the party noticing this proceeding.

1 MR. TURNER: My name is Randy Turner. I  
2 represent the plaintiffs, Bat World Sanctuary and Amanda  
3 Lollar.

4 MS. CUMMINS: I'm Mary Cummins,  
5 defendant, pro se.

6 VIDEOGRAPHER: Please administer the  
7 oath.

8 MR. BREED: My name is Joseph Breed, I'm  
9 a notary for the State of South Dakota. And,  
10 Ms. Messner, I would ask at this time that you please  
11 raise your right hand.

12 (Witness sworn.)

13 MR. BREED: Thank you.

14 **JANET MESSNER**, DVM,  
15 having been first duly sworn, testified as follows:

16 **EXAMINATION**

17 BY MR. TURNER:

18 Q. Good morning, Dr. Messner, my name is Randy  
19 Turner and I represent Bat World Sanctuary and Amanda  
20 Lollar. And before we get started, let me first thank  
21 you for coming down to give your deposition.

22 If I ask you anything during the  
23 deposition that you don't understand or if it doesn't  
24 make any sense, please tell me and I will be glad to  
25 rephrase or repeat my question. Okay?

1           A.    Thank you very much, Randy.  And I do  
2 appreciate that.

3           Q.    Please state your full name for the record.

4           A.    Janet Louise Haught Messner.

5           Q.    And what is your address, Dr. Messner?

6           A.    My home address is 602 James Place in Yankton,  
7 South Dakota, 57078.

8           Q.    And what is your occupation?

9           A.    I'm a veterinarian here in Yankton, South  
10 Dakota.

11          Q.    Can you tell us a brief description of your  
12 educational background?

13          A.    Well, as far as veterinarian medicine goes, I  
14 went to school at Iowa State.  I graduated in -- from  
15 1981 to 1985, I graduated in '85.  I was previously in  
16 school at the University of Southern California and at  
17 San Diego State College.

18                   I have had some post-educational  
19 experience both in exotic medicine, primate medicine,  
20 research medicine and standard clinical medicine.

21          Q.    And are you licensed to practice veterinarian  
22 medicine?

23          A.    I'm licensed in the State of South Dakota and  
24 I have let my license in California lapse, and that's  
25 the only other license I've had before that.

1 Q. And how are you currently employed?

2 A. I have owned a veterinary clinic in Yankton  
3 from 1985 to present. It's called Yankton Veterinarian  
4 Clinic.

5 Q. And can you describe briefly the types of  
6 animals that you treat in your veterinarian clinic?

7 A. We treat small animals, wildlife, exotics. I  
8 used to do a great deal of bird medicine, but I have let  
9 that lapse because I have developed a fairly advanced  
10 asthma.

11 But we do a lot of wildlife medicine for  
12 the State of South Dakota and for the City of Yankton  
13 and for the zoo in Omaha and the zoo in Souix Falls,  
14 South Dakota. So my -- And we do -- also do certain  
15 spay and neuter clinics for the City of Yankton for  
16 different rescue sites.

17 Q. Before I ask my next question, we have been  
18 having trouble with the telephone on my end, so if I  
19 drop off the line, I will call back immediately on my  
20 cell phone. So I'm just giving everybody a head's up  
21 for that.

22 A. Thank you.

23 Q. Dr. Messner, does your -- do you -- do you  
24 ever treat bats in your practice?

25 A. Yes. No, I do. We have treated bats since

1 1994 with a lot of help from Amanda, that is when I  
2 first met her. It was a long-distance relationship on  
3 the phone. Many injured bats that come into our  
4 practice were sent to her facility for treatment because  
5 I hadn't been trained in bats at the University. I have  
6 since trained with Amanda and --

7 Q. That was going to lead into my next question.  
8 Prior to -- to going to Bat World Sanctuary, had you  
9 heard about Bat World before and Amanda Lollar?

10 A. In 1992 she wrote a book called a Bat In My  
11 Pocket, and I then became infatuated with her after  
12 that. And I -- then I had bats come into our facility  
13 that could survive long enough to be sent to Amanda.  
14 That is when I met her, was to call her and send our  
15 first bat to her. And that would have been '94.

16 Q. So you have known her since 1994?

17 A. Uh-huh. Yes, I have. I met her personally --  
18 I got to train at the facility this past year. And  
19 that's the first time we met face to face. It was a  
20 great experience.

21 Q. So when did you -- when did you go to Bat  
22 World?

23 A. This past June I went. I stayed nine days. I  
24 left there on July -- the morning of July 10th.

25 Q. Now, what was the purpose of your going to Bat

1 World?

2 A. Oh, I had long wanted to train there. I had  
3 sent some of my staff there previous years to train, to  
4 work with us at the clinic with bats, but I didn't have  
5 the opportunity to leave the practice. I now have a vet  
6 that works with me, and therefore, had the ability to  
7 leave the practice and Amanda accepted me this year for  
8 training, this past year. And it was a great  
9 experience.

10 Q. Did you -- Did you stay at a hotel or on the  
11 premises of Bat World?

12 A. Well, I arrived a little bit early. And the  
13 day I arrived there were still two people staying in the  
14 rooms on the premises, so I stayed at a Bed and  
15 Breakfast.

16 I had brought one of my friends with me  
17 on a -- kind of a small vacation. While I was working,  
18 she was going to enjoy the time off, and so we stayed at  
19 a Bed and Breakfast owned by friends of Amanda's. It  
20 was as lovely place.

21 Q. And you mentioned earlier that you had sent  
22 staff to Bat World to train before you went there; is  
23 that correct?

24 A. That's correct. The first person that went  
25 was Vicky Lynn.

1 Q. And how many -- how many staff people did you  
2 send to Bat World?

3 A. Actually, I think I misstated myself before.  
4 If I think about it, I think Vicky was the one I had  
5 sent.

6 Q. Okay.

7 A. So I misstated.

8 Q. Okay. And can you describe what -- what  
9 you -- what did your training consist of while you were  
10 at Bat World?

11 A. She -- Well, first of all, she taught --  
12 taught us how to feed the animals. I had gotten a small  
13 bat in in June of 2010, and I did not -- I had a great  
14 deal of difficulty caring for it. I had never had a  
15 one-day-old bat. And so I used Amanda's book and  
16 conversations with Amanda and I fed that bat. And it  
17 survived my endeavors. And so I desired to go and train  
18 with Amanda.

19 And while we were there, we fed many  
20 infant, juvenile bats. And we feed animals that were  
21 recovering from the wild sanctuary, who had been injured  
22 or grounded for one reason or another or infants that  
23 mother had been killed or somehow wasn't available to  
24 them.

25 So we learned how to evaluate them, treat

1 them. We learned how to feed and care for them. What  
2 their different necessities were in life, which I knew  
3 nothing about, you know, on a hand's-on basis. It  
4 was -- for -- to me the experience of a lifetime. I got  
5 to watch two different medical procedures that were  
6 excellent.

7 Q. Did you witness any episiotomies while you  
8 were at Bat World?

9 A. Yes, absolutely, I did. There was a -- a  
10 young Mexican Free-Tail bat that was found by -- I think  
11 it was found by a woman from the East Coast when she  
12 examined -- when she was examining bats with Amanda.  
13 Anyway, it was brought in and it was obviously pregnant  
14 and was having trouble delivering the baby. And so I  
15 watched and partially assisted Amanda as she made an --  
16 an episiotomy and delivered the baby and glued the wound  
17 shut after the episiotomy. She used a pain reliever  
18 called Metecam and she used topical anesthetic called  
19 Cetacaine.

20 And -- The bat was up and eating that  
21 very day, a few hours later.

22 Q. So did you say you saw -- you observed two  
23 episiotomies while you were there?

24 A. No. I observed one episiotomy and another  
25 medical procedure on an emergency basis.



1 Q. Oh, okay.

2 A. Yeah. It was a pneumothorax on a bat.

3 Q. In your opinion -- Well, let me back up so  
4 you -- you observed a pneumothorax on a bat?

5 A. Yes, I did.

6 Q. How was that treated?

7 A. There is three different kinds of  
8 pneumothorax. And this little bat had a pneumothorax  
9 that was called a tension pneumothorax, and it -- there  
10 must have been a broken rib or something somewhere,  
11 because there was also air under the skin, so the bat  
12 looked like a little ball instead of a bat. There was  
13 air between the body wall and the skin. And if you  
14 don't relieve that, the pressure there, and the pressure  
15 within the lungs will collapse the lungs and the animal  
16 can't breathe.

17 So she did the same thing we do with  
18 dogs. She took a sterile needle and she inserted it  
19 under the skin and the air evacuated underneath the skin  
20 out into the room. And the bat immediately began to  
21 recover and breathe normally. So it was -- it was  
22 astounding to see the same procedure done on a bat  
23 that's done on a dog. But she is very quick to  
24 recognize it and it was exciting to see her excellent  
25 diagnostic skills.

1           Q.     During -- After your training at Bat World,  
2 did you have -- have you had occasions to use some of  
3 the things that Amanda Lollar taught you in your  
4 treatment of bats?

5           A.     Well, my husband would say unfortunately, yes,  
6 because I find myself rescuing many bats now in our  
7 area. Yes, I use her methods constantly. It's made my  
8 life 100 percent easier, because doing it when you  
9 haven't actually seen it on hands makes it much harder.

10                     And during training at Bat World, we do  
11 so many things over and over and over again with  
12 constant explaining and training by Amanda with many  
13 different animals, so you approach it many different  
14 ways, which is the way you see it in real life.

15                     And I'm sure I will never see the numbers  
16 that Amanda has seen in my lifetime, because I'm older,  
17 but it certainly gave me a cross section of the world  
18 and gave me confidence to go ahead and do what I'm doing  
19 now, which is -- I'm acting as a sanctuary for injured  
20 and infant bats in our area, ones that wake up for one  
21 reason or another in the winter and have no place to  
22 hibernate, so they are kept until they can be either  
23 released or kept, depending on their wounds or injuries.

24           Q.     In your opinion, Doctor, was the episiotomy  
25 that you saw Amanda Lollar perform, was it necessary?

1           A.    Yes, it was necessary.  The infant was not  
2  alive at the time.  It wasn't moving within the sac, and  
3  so it had to be delivered or it would have become -- it  
4  would have become what we call necrotic or infected and  
5  disintegrating within the bat, which would have  
6  eventually killed her.  So it had to be removed from her  
7  body, just as it would have been in us.

8           Q.    In -- In that procedure, did she use pain  
9  medication properly, in your opinion?

10          A.    Yes, she did.  She premeded the bat with a  
11  drug called Metecam, which is one of our best  
12  nonsteroidal anti-inflammatory pain relievers that we  
13  use constantly in all other species, too.  She also used  
14  a topical one, Cetacaine.

15                   And I do need to say, given what this  
16  procedure is about, I need to make some comments on the  
17  side here.  I queried my daughter and a staff member who  
18  just delivered her baby.  Both women were given  
19  episiotomies without local or injectable anesthesia  
20  because they were in emergency situations.  I asked the  
21  local gynecologist and he said in emergencies with women  
22  when they're going to tear, the episiotomies are almost  
23  90 percent of the time done without any anesthetic at  
24  all.  So it's done in humans without anesthesia.

25          Q.    In your -- in your veterinarian practice,

1 sometimes have to perform episiotomies without pain  
2 medication?

3 A. You know, I have never had to perform an  
4 episiotomy. I can see where it's done fairly routinely  
5 in bats. Because if the infant is too big, as it was in  
6 the video I saw of Amanda, the baby bat was too big in  
7 that animal to be able to converse the birth canal. And  
8 there is many reasons for them being too big. They can  
9 just be oversized, or they can be dead and the fluid  
10 around them making the size of the birth impossible, or  
11 they can have air from a fetus that has died and filled  
12 up and therefore is large within the sac.

13 So there is many reasons, but when you  
14 look at this bat, the video we are talking about in this  
15 case, that bat, the mother, was too small given the size  
16 of her lower abdomen and that infant. So if she was a  
17 dog or a cat, we would have to do a C-section on her.

18 Q. I will get to that video in just a minute.

19 But, Doctor, do you consider Amanda  
20 Lollar an expert in the treatment and care of bats?

21 A. Yes. In fact, her -- her captive care  
22 instructions and how she handles her facility there are  
23 now used for bats standards in the U.S. for care and, I  
24 believe, internationally.

25 Q. And that brings me to my next question. Are

1 you familiar with Amanda Lollar's reputation in the  
2 United States for -- as a bat rehabilitator?

3 A. As far as I know, Amanda is the only one in  
4 the U.S. that provides what she provides. There are  
5 many of us that have been trained by her and try to do  
6 what she's doing. But the young lady I spoke with at  
7 the zoo in Omaha was singing her praises as she trained  
8 with Amanda to do the bats at the Omaha Zoo. So she has  
9 a reputation all over the country, both locally with us  
10 and parts of the U.S., East Coast and West Coast.

11 Q. Okay. Is that a -- I take it that's a good  
12 reputation?

13 A. She has an impeccable reputation among the  
14 veterinarians and the people in the zoos.

15 Q. When you -- When you were at Bat World, did  
16 you have occasions to observe -- well, I'm sure you  
17 did -- but the -- the rehabilitation room?

18 A. Are you speaking of the admission room?

19 Q. The room she was using to perform emergency  
20 surgical procedures.

21 A. Oh, yes. It's -- It's a sterile, treatment  
22 surgical area.

23 Q. That was my next question. In your opinion,  
24 Doctor, was -- was that room sanitary enough for  
25 emergency surgical procedures?

1 A. Absolutely, yes.

2 Q. Did you -- Let me see. Well, let me back up.  
3 So in your -- was the facility clean, in your opinion?

4 A. Yes. I wish my house was that clean. Yes, it  
5 is very clean.

6 Q. Were the cages cleaned regularly?

7 A. Yes. Morning and evening. Yes.

8 Q. Were the bats at Bat World checked on a daily  
9 basis?

10 A. Every one of them in the facility was checked  
11 at least once a day, if not more. Most of them,  
12 especially the younger ones, could be twice a day or  
13 more.

14 Q. Doctor, did you -- in your opinion, was there  
15 adequate equipment there for surgical and lifesaving  
16 procedures such as, obviously, medication, instruments,  
17 sterile packets?

18 A. Yeah. Yes, there is -- there was oxygen  
19 available in the room. It was fixed so it would supply  
20 animals, as small as bats, the facial covering so they  
21 could receive oxygen. There was a sterile cabinet at  
22 one end of the room that contains the sterile packs and  
23 they're wrapped and ready for surgery.

24 She has all sorts of sterile -- what we  
25 call disposable equipment, whether it's needles or

1 blades or whatever, and those are all in sterile packs.  
2 She has her clinic in sterile condition, just like my  
3 surgery room.

4 Q. Did you ever see mites on the bats at the bat  
5 colony?

6 A. No. No, just the new admissions would come in  
7 with mites. And there weren't -- I was surprised there  
8 weren't as many of those as I expected either. But, no,  
9 I never saw any on the captive colony.

10 Q. Do you think that Amanda Lollar is capable and  
11 qualified to train veterinarians on the care and  
12 management of bats?

13 A. Absolutely. Yes.

14 Q. Okay. Was your time spent at Bat World a good  
15 experience?

16 A. Yes, it's one of the best experiences I've had  
17 in years. I would like to go back next summer if she  
18 will have me.

19 Q. Did you -- Did you consider Bat World to be a  
20 well-organized facility?

21 A. I think it's excellently organized. I am  
22 astounded at her ability to rapidly assess what's needed  
23 in situations and provide what's needed. She's very  
24 good.

25 Q. Changing gears a little bit. I wanted to ask

1 you, that there has been some discussion about --  
2 performed a full blood panel on an insectivorous bat.  
3 What is the total blood volume of the average  
4 Insectivorous bat?

5 A. Well, it's based on their weight. But if you  
6 have a 15-gram bat, the blood volume is 10 percent of  
7 that, which is makes it 1.5 ml's, his entire blood  
8 volume. Now, our --

9 Q. Would you run a full blood panel for  
10 diagnostic purposes on an insectivorous bat?

11 A. No. We have blood panels run by five  
12 facilities in our office, and the minimal requirement on  
13 any of them is running that with serum, which would  
14 require two ml's of blood. And the bat doesn't have  
15 that in its body.

16 Q. So you -- So it's just physically --

17 A. It's physically impossible to do that.

18 Q. -- to do a full blood panel on an  
19 insectivorous bat?

20 A. You couldn't even do a half-cell volume, which  
21 means finding how much -- how many red blood cells they  
22 have and what their serum looks like and what the  
23 protein level is. You can't even do that.

24 Q. Prior to your deposition today, Doctor, did  
25 you have occasion to view a video that accuses Amanda



1 Lollar of committing animal cruelty during an episiotomy  
2 of a bat?

3 A. I viewed it yesterday in my office.

4 Q. And do you have an opinion as to whether or  
5 not the episiotomy that you saw in that video was done  
6 properly?

7 A. Yes, it was done properly.

8 Q. What is your opinion?

9 A. That it was done properly. It was -- It was  
10 done -- It's done on a bat laterally as opposed to up  
11 and down like on a human. And she ended up having to do  
12 it laterally on both sides because the fetus was too  
13 big, and because it was nonviable.

14 Q. Do you have any criticism at all of the way  
15 that that episiotomy was done?

16 A. Absolutely none, no.

17 Q. Was there anything cruel about the way that  
18 the episiotomy -- episiotomy was done?

19 A. No, nothing. It's exactly --

20 Q. What would be the basis for your statement  
21 that there was nothing cruel about it?

22 A. Because it was performed with better pain  
23 relief than a -- than a human episiotomy is done. And  
24 it's all you can do in an emergency situation.

25 If you anesthetize that bat, you would --

1 with a gas anesthetic, you would also anesthetize the  
2 baby. And if the baby is going to survive and it's  
3 already stressed in the birth canal, you do not want a  
4 gas anesthetic on that baby.

5 So there was no other way to do this  
6 except with a local anesthetic and an oral pain  
7 reliever, which the bat had prior to this procedure.

8 Q. And, Doctor, while you were at Bat World,  
9 were -- were you around any dogs at Bat World during  
10 your stay?

11 A. Yes. Thank heavens, because were at home. I  
12 was around several.

13 Q. Do you remember a dog named Kismet?

14 A. Yes, I do. Yeah.

15 Q. And Kismet drag herself around, or was she  
16 able to walk and run?

17 A. No. She could walk and run. She -- She had  
18 had hip surgery and knee surgery because of a congenital  
19 problem.

20 Q. Okay.

21 A. And so she obviously had some -- has had some  
22 repair done, but probably thousands of dollars worth,  
23 but she -- yeah, she does fine. She walks better than I  
24 do at 66.

25 Q. Okay. Did you -- Did you ever see the cats

1 that Bat World cares for at the back of the facility?

2 A. I saw one female cat when I was out looking at  
3 the raccoons, probably a middle-age female, that was  
4 eating diner.

5 Q. And what was the condition of that cat?

6 A. She looked fine to me. She had -- I mean, she  
7 was normal weight and had a thick coat of fur and she  
8 looked good to me. I mean, nothing looked abnormal. I  
9 didn't do a physical exam on her, but she looked fine to  
10 me.

11 Q. So did any of the dogs at Bat World appear to  
12 be neglected or mistreated in any way?

13 A. No. No. They were wonderful. They would  
14 come racing down the stairs from the apartment in the  
15 morning waiting to be feed. And it was, like -- it was  
16 pretty cute actually. They had all their little corner  
17 they ate in. And they ate before we did, so I think  
18 they got good care.

19 Q. Okay. Doctor, do you still to this day  
20 sometimes call Amanda Lollar for consultation or advice?

21 A. Yes. Twice this week I believe.

22 Q. Okay.

23 A. Yes. I have gotten -- Amanda's -- I went to  
24 Bat World Sanctuary with five bats that I was going to  
25 leave with Amanda, and I came home with two more. So --

1 So I am now a Bat World Sanctuary on a mini level.

2 Q. Okay.

3 A. So I guess I call her and go, Help. Yes,  
4 she's a great assistance.

5 Q. What year did you begin practicing veterinary  
6 medicine? I can't remember.

7 A. I graduated in '85.

8 Q. Okay.

9 A. And I have been practicing in Yankton since  
10 then. I worked in California for a couple of years in  
11 Coronado.

12 Q. And finally, Doctor, are you -- are you being  
13 paid today for your testimony?

14 A. Absolutely not. I would do anything to help  
15 in this testimony, and I'm obviously a fan of Amandas.

16 Q. Okay. Thank you very much, Doctor.

17 MR. TURNER: At this time, I will pass  
18 the witness.

19 THE WITNESS: Thank you, Randy.

20 **EXAMINATION**

21 BY MS. CUMMINS:

22 Q. Good morning, this is Mary Cummins. Can you  
23 hear me?

24 A. I can hear you, Mary, just fine. Thank you.

25 Q. Do you have legal counsel?

1 A. No, I do not.

2 Q. So there is no one there with you today?

3 A. Just the gentleman that is taking the pictures  
4 and the lady who is typing out this information that  
5 we're receiving here today.

6 Q. What were the exact dates that you were in the  
7 Bat World Sanctuary last year?

8 A. I don't know exactly. I think it was -- I  
9 want to say it was -- I think it was July 1st to  
10 July 9th. I think I left town on the 30th, but I'm not  
11 positive, Mary. But it was right in that range.

12 Q. How many bats do you think you've treated in  
13 your own hospital?

14 A. I have -- Oh, I guess probably up to three a  
15 year that I have sent to Amanda over the years. And  
16 since June of 2010 -- I don't know, I have probably  
17 treated 25 since then.

18 Q. Earlier you told Mr. Turner that someone  
19 looked at each of the bats every single day; is that  
20 correct?

21 A. In the hospitalized areas, that's true.

22 Q. So you didn't look at the long-term care  
23 insectivorous bats or fruit bats every day?

24 A. No. They were -- No, they were looked at  
25 every day before 7:00 in the morning, there were people

1 out there looking through them. Yes.

2 Q. So every single bat at Bat World Sanctuary was  
3 looked at every single day?

4 A. Yes.

5 Q. Who was the person who was examining the fruit  
6 bats every single day?

7 A. The -- Most of the days I was there, there  
8 would be a young lady from back East, and I'm blanking  
9 out on her name, and Amanda. There were people that  
10 were interning at the time I was there that had been  
11 there quite a bit before that had come to help her, and  
12 I'm not recalling names well.

13 Q. So you believe that their other interns were  
14 looking at all the fruit bats every single day?

15 A. These were not interns. These were people  
16 that had been there before that, were assisting. They  
17 were not new interns.

18 Q. Well, my main question is: Was someone or  
19 anyone looking at all the fruit bats every single day?

20 A. To my knowledge, yes. I saw them in the cage  
21 every morning. I was not standing in there the whole  
22 time, but there were people going around and hand  
23 feeding each animal and checking them every day. And I  
24 saw people in there again at night, but I'm not sure  
25 exactly what was going on then.

1 Q. So you're telling me that the fruit bats were  
2 feed by hand every single day?

3 A. They were handed fruit by hand every day.

4 Q. Earlier you told Mr. Turner that you believe  
5 the rehab room at Bat World Sanctuary was a sterile,  
6 surgical area; is that correct?

7 A. I'm saying that the area where surgery was  
8 done in was sterilized to standards of care.

9 Q. Do the interns and other people see the bats  
10 in that exact same area?

11 A. The area is cleaned up for the feedings, so  
12 it's sterilized and adequate for surgical standards of  
13 care.

14 Q. Earlier you said that you believe Bat World  
15 Sanctuary has adequate veterinarian equipment; is that  
16 correct?

17 A. I did say that.

18 Q. Does Bat World Sanctuary have a nebulizer in  
19 order to administer Isoflurane or any type of gas  
20 anesthesia?

21 A. If you used a regular nebulizer, you would  
22 provide too much pressure. It's not advised. I have  
23 trouble doing that in my practice because of my  
24 equipment, and I have two machines.

25 Q. How do you use your anesthesia tools in your

1 own facility?

2 A. I do it the same way Amanda does. I have made  
3 a surgical piece of equipment out of a casing that holds  
4 the syringes and we put -- place cotton in with  
5 Isoflurane on it.

6 Q. So you administer anesthesia the same way that  
7 Amanda Lollar administers anesthesia to bats?

8 A. In the bats, I do, because it works better on  
9 them than the machine, which provides too much pressure.  
10 The times I have used the machine I have had trouble  
11 stabilizing the animals and I have lost one or two.

12 Q. Are you a licensed wildlife rehabilitator in  
13 your state?

14 A. You don't need a license in our state to do  
15 that. You can ask our state veterinarian.

16 Q. So you're telling me that veterinarians in  
17 South Dakota can keep wildlife without any other permits  
18 except for the veterinarian license?

19 A. They may keep bats. They can only keep one  
20 mammal of other species.

21 Dr. Oedekoven is our state vet. I have  
22 inquired of him this same question this year. I  
23 inquired when I drove the bats out of state to Texas and  
24 inquired -- acquired information from him when I came  
25 back from -- back from Texas with Mexican free-tailed



1 bats, two nonrenusial bats, Dr. Oedekoven okayed both  
2 procedures.

3 Q. Earlier you told Mr. Turner that you have  
4 never performed an episiotomy on a bat before; is that  
5 correct?

6 A. That's correct.

7 Q. Have you performed episiotomies on other  
8 animals?

9 A. No. You don't have to perform them on dogs  
10 and cats.

11 Q. So you have never performed an episiotomy on  
12 an animal yourself?

13 A. No, Mary, I have never performed an episiotomy  
14 on an animal. We do C sections on animals, not  
15 episiotomies.

16 Q. Earlier you said that Amanda Lollar's book is  
17 the bat standard for the entire United States. What did  
18 you mean by that?

19 A. That the USDA has -- I believe, I'm stating  
20 this correctly -- has adopted her standards of care as  
21 their standards of care for bats.

22 Q. And where did you see that?

23 A. There was information at Bat World Sanctuary  
24 that I read.

25 Q. Earlier you said that -- excuse me -- the dog,

1 Kismet, could walk; is that true?

2 A. That's true. He could walk.

3 Q. Could that dog run and jump?

4 A. I didn't see it jump, I've seen it run.

5 Q. So you saw the dog, Kismet, run?

6 A. Yes. Well, I -- she ran across the kitchen.

7 I don't -- I didn't -- we weren't out in the yard  
8 anywhere with her.

9 Q. Have you ever seen the dog, Kismet, dragging  
10 its rear legs?

11 A. No. I've seen her -- I'm trying to recall how  
12 she moves. She moves adequately, but it's obvious to me  
13 that she has had some -- something done to her hips or  
14 her knees or some injury. And when I asked Amanda she  
15 showed -- told me and showed me the information from her  
16 local vet about the hip and the knee repairs.

17 Q. What is the phone number for your clinic in  
18 South Dakota?

19 A. (605) 665-1841.

20 Q. Yesterday I called and it rang and rang and  
21 there was no answer. Were you open yesterday?

22 A. Yes. I wasn't open from 12:00 to 1:00 though.

23 Q. Are you a licensed veterinarian in the State  
24 of Texas?

25 A. No, I'm not.

1 Q. While you were in Bat World Sanctuary, did you  
2 administer any drugs to the animals?

3 A. Antibiotics.

4 Q. Did you give rabies injections to any of the  
5 bats?

6 A. No.

7 Q. Did anyone else -- else give rabies injections  
8 to the bats?

9 A. I can't remember honestly, Mary, to tell you  
10 the truth. I would assume they did, because I do it in  
11 my practice. But I'm just not recalling it right now.

12 Q. Have you yourself ever performed surgery on a  
13 bat?

14 A. Yes.

15 Q. What surgery have you performed on bats?

16 A. I have amputated wings that are damaged so  
17 badly they can't be repaired.

18 Q. Have you ever pinned the bones in the wing of  
19 a bat?

20 A. No. I stabilize them -- I stabilize them up  
21 against the body. I don't pin them.

22 Q. So you stabilize them in the same way that  
23 Amanda showed in her book?

24 A. After learning it from her, I have -- I have  
25 done it to two of them that are with me right now.

1 Q. Were either one releasable?

2 A. No. The one animal that had a long bone  
3 fracture also had -- also had a wrist fracture, and when  
4 the joints are damaged like that they are nonreleasable.

5 Q. So all of your bat training has been from  
6 Amanda Lollar; is that true?

7 A. No. I have had some from the zoo in Souix  
8 Falls.

9 Q. Who trained you at the zoo?

10 A. Let me think. Williams, Dr. Williams.

11 Q. What did he train you to do with bats?

12 A. He mostly just trained me for housing and how  
13 they fed. He had some fruit bats out there. This was  
14 about ten years ago, basically.

15 Q. Trained you to deal with fruit bats, correct?

16 A. He let me observe with him while he was doing  
17 rounds at the zoo. So I basically was sort of watching  
18 him, so he wasn't training me. He was letting me share  
19 his knowledge.

20 Dr. Williams and I were in the wildlife  
21 training program at the University of -- at Iowa State  
22 University at the same time and we worked with wildlife  
23 there.

24 Q. Have you ever written any veterinarian  
25 articles about bats?

1           A.    I have given speeches, but I have not written  
2 articles.

3           Q.    Have you ever published any research on bats?

4           A.    No, absolutely not.

5           Q.    Have you done any research on bats?

6           A.    No.

7           Q.    Have you ever given a class in bat  
8 veterinarian care?

9           A.    Yes.

10          Q.    When was this?

11          A.    This spring.

12          Q.    Whom did you teach?

13          A.    I explained what we do to a group of people  
14 here in town that meet regularly for -- they have an  
15 interest in what goes on in our community and they  
16 wanted to know how we handled bats and what we provided  
17 to try and educate the community, to try to recover  
18 those bats as opposed to kill them considering --

19          Q.    Do you consider yourself a bat expert?

20          A.    No, I don't.

21          Q.    Have you ever read Amanda Lollar's 1994 manual  
22 on Taking Care of Mexican free-tailed bats?

23          A.    No, I don't have that one.

24          Q.    Do you believe freezing bats is humane?

25          A.    Say that again, Mary.

1 Q. Do you believe euthanizing a bat by freezing  
2 it to death is humane?

3 A. Of course not. There are --

4 Q. If Amanda Lollar were to have recommended to  
5 people euthanize bats by freezing them to death, you  
6 would not consider that humane?

7 A. About ten years ago the University of South  
8 Dakota considered and Iowa State University used take  
9 bats and hibernate them in freezers because they didn't  
10 know any better in 1985. So there is a lot research and  
11 training in the last 25 years.

12 Q. Have you ever met me in person?

13 A. No.

14 Q. Were you at Bat World Sanctuary in 2010 when I  
15 was at Bat World Sanctuary?

16 A. No.

17 Q. So you didn't witness what I witnessed when I  
18 was there, correct?

19 A. Yes, that's correct.

20 Q. Are you currently a member of Bat World?

21 A. Yes.

22 Q. When you went to Bat World Sanctuary, did you  
23 give Amanda Lollar a copy of your preexposure  
24 vaccination to rabies card?

25 A. I brought the box the rabies came in and

1 the -- the information from the day the doctor gave it  
2 to me.

3 Q. When was the last time you had your titer  
4 checked?

5 A. Two months ago. We check our titers every  
6 year at my practice.

7 Q. Have you ever been an expert witness in a  
8 legal case before?

9 A. Yes.

10 Q. What case was that for, do you remember?

11 A. I think I will just keep that to myself.  
12 Thank you.

13 Q. Excuse me. Could you repeat that?

14 A. I will just decline to answer that question,  
15 Mary.

16 Q. Have you ever been sued?

17 A. Never.

18 Q. Have you ever had a complaint against your  
19 veterinary license?

20 A. Yes. Two years ago a woman complained against  
21 my license, and I took -- and the state vet sent me the  
22 papers I was to fill out and I filled it all out, sent  
23 him my records. And he reviewed the case and the board  
24 reviewed the case -- and the board reviewed the case and  
25 I was cleared.

1 Q. What was the complaint that was made against  
2 you?

3 A. She said that I hadn't diagnosed her cat's  
4 heart disease. The cat had only been in my practice for  
5 45 minutes when she made that complaint.

6 Q. You said that you witnessed Amanda Lollar give  
7 an episiotomy while you were there, and you say that she  
8 gave the animal Metecam and Cetacaine. How long before  
9 she actually cut the bat did she give the Metecam?

10 A. Maybe 20 minutes.

11 Q. Twenty minutes. And how do you know she gave  
12 the bat Metecam?

13 A. I -- Because I was standing --

14 Q. Did you see it written on the bottle?

15 A. Yeah.

16 Q. You told Mr. Turner earlier that you had seen  
17 the video of the episiotomy from 2010; is that correct?

18 A. If it's the one I saw yesterday, if that was  
19 2010, yes, that's correct, Mary.

20 Q. In that -- In that video, did you see Amanda  
21 Lollar give Metecam to the bat?

22 A. No. I saw the procedure -- the starting of  
23 the procedure and the application of the Cetacaine.

24 Q. How do you know she was applying Cetacaine?

25 A. Because it said so in the video, but I don't



1 know -- you know, I am not there with her.

2 Q. Did Amanda Lollar state in the video she was  
3 giving Cetacaine?

4 A. I believe that's what it said, but I could be  
5 wrong.

6 Q. Were there any subtitles on the video you saw?

7 A. There were a few.

8 Q. Did someone tell you that I made that video?

9 A. No. I didn't know who made the video. I know  
10 the light kept going on and off and I don't know what  
11 that was.

12 Q. Who is listening in on this call besides  
13 Mr. Turner?

14 A. The gentleman that made the -- that's making  
15 my recording and the young lady who is doing the typing  
16 and recording.

17 MS. CUMMINS: Mr. Turner, are you there?

18 MR. TURNER: Yes.

19 MS. CUMMINS: Who else is in on this  
20 phone call?

21 MR. TURNER: Amanda Lollar is listening  
22 in.

23 MS. CUMMINS: Okay. I just wanted to  
24 know whose dog was barking.

25 MR. TURNER: I think she's got one.

1 Q. (BY MS. CUMMINS) Dr. Messner, if you were  
2 presented with a bat that needed to have its molars  
3 extracted, what type of pain relief would you give to  
4 it?

5 A. Good question. I have never done that. I'm  
6 sure I would start -- I'm sure it would have Metecam on  
7 board and probably -- we have an -- another topical  
8 anesthetic like Cetacaine. I suppose I would try to do  
9 that carefully.

10 Q. Would you give it any anesthesia?

11 A. Yeah, Isoflurane.

12 Q. So in a perfect world, you would give it  
13 Isoflurane and Metecam and Cetacaine?

14 A. In a perfect world, yes.

15 Q. When you watched Amanda Lollar do the  
16 episiotomy last year, did she cut the umbilical cord or  
17 did she pull it out?

18 A. The umbilical cord comes out attached to the  
19 placenta, and so what came out -- is that what you're  
20 asking me? Say that again, Mary.

21 Q. Did you cut the umbilical cord between the  
22 baby and the mother, or did you pull it out completely?

23 A. Well, the -- okay. The -- The baby came out  
24 and the placenta came out attached. Is that what you  
25 mean?

1 Q. Yeah.

2 A. Yeah. Okay.

3 Q. Did Amanda pull the placenta out?

4 A. Well, it just slid out. I mean, it -- it  
5 detached from the uterine wall and just slid out after  
6 the -- like it did on your picture, it slid out the same  
7 way. It just slides out. I mean --

8 Q. So in the video that you watched, you believe  
9 that that umbilical cord just slid out, you don't think  
10 she pulled it out?

11 A. The way the placenta attaches it has little  
12 suction cup attachments, and it gradually peels itself  
13 off the wall of the uterus, whether it's a dog or a bat  
14 it has the same detachment, and it comes out -- kind of  
15 rolls itself off the wall of the uterus and comes out  
16 that way in every mammal. It's the same way.

17 Q. The question that I'm asking is: Did Amanda  
18 Lollar -- was she pulling on the umbilicus before the  
19 placenta came out?

20 A. Amanda didn't put any unnecessary pressure  
21 anywhere. It's the exact way I deliver a puppy. I  
22 don't know what your question is. That's the best I can  
23 answer it, Mary.

24 Q. In the video you watched yesterday, you were  
25 told the bat was given Metecam and Cetacaine; is that

1 correct?

2 A. I think that's correct. But I told you I  
3 would have to resee the video to see if I'm right. I  
4 have only seen it the one time, Mary.

5 Q. But in the video, you don't see her  
6 administering the Metecam and you don't know if that's  
7 Cetacaine that she's administering, correct?

8 A. Well, all you see is the cotton and applying  
9 the Cetacaine. It's not in the view of the video, which  
10 is, of course, what you saw, too.

11 Q. So you believe she applied the Cetacaine with  
12 cotton?

13 A. A Q-tip. That's how I apply it. If you spray  
14 it on, it goes everywhere.

15 Q. Have you ever been deposed before?

16 A. I'm trying to think. I don't -- I don't think  
17 so, but my memory is not the best sometimes. I don't  
18 think I have, Mary.

19 Q. I'm going to present to you a hypothetical  
20 situation, and then I'm going to ask your expert  
21 opinion. You were presented with a bat that's crowning  
22 and they needed an episiotomy, but you weren't there to  
23 do it. Now, you have your choice of a vet who has over  
24 30 years of experience, a vet who trained Amanda Lollar,  
25 and a full surgical suite with assistants, with drugs,

1 and with machines, who would you prefer to do the  
2 episiotomy on this crowing bat? Would you prefer to  
3 have the vet who trained Amanda Lollar who has over 30  
4 years, who has a full veterinarian clinic with backup  
5 and machinery and drugs, or would you prefer to have  
6 Amanda Lollar do the episiotomy in the rehab room?

7 A. With the training vets receive on bats in  
8 general and their level of numbers of cases, I would  
9 prefer Amanda Lollar did it.

10 Q. So even though there was a vet right there who  
11 has more experience than Amanda Lollar who trained  
12 Amanda Lollar, has a full clinic, you would rather have  
13 Amanda Lollar who is not a vet -- who is not a vet  
14 technician, who did not go to college, who did not  
15 graduate from high school, who didn't get past the 10th  
16 grade, you would rather have her perform the episiotomy  
17 than a licensed vet?

18 A. There is no such person that you're  
19 describing. So in this instance, regardless of what  
20 you've said to me, I would prefer Amanda Lollar. I  
21 would drive my bat to Texas to have her treated.

22 Q. Let me rephrase this: Do you know who Dr. Tad  
23 Jarrett is?

24 A. No, ma'am, I do not.

25 Q. Dr. Tad Jarrett is the veterinarian in Mineral

1 Wells, Texas, the one who trained Amanda Lollar on how  
2 to care for bats and how to do procedures. He has over  
3 30 years of experience, his hospital is located five or  
4 six blocks away, and he was available in his hospital  
5 the day that the bat needed an episiotomy in 2010.

6 In a perfect world, if you would have  
7 your choice of Dr. Tad Jarrett performing this  
8 episiotomy or Amanda Lollar in her rehab room, which  
9 would you chose?

10 A. Amanda Lollar. She's had more experience than  
11 he has in numbers, which gives her more judgment. It  
12 takes you 13 years to train a regular board certified  
13 medical surgeon and it takes you ten years to train him  
14 when not to do something because he has had experience  
15 he will know that. In her case, Amanda has had more  
16 experience by numbers, so her choices that she makes  
17 will be experientially better.

18 When I came out of veterinary school, I  
19 had nowhere near the experience I do after 30 years. My  
20 level of care at that point was to run and read a book  
21 to try and remember what they taught me in five years  
22 crammed into what should have been 20 years' experience.  
23 So I am convinced through my experience that I want  
24 someone that's had numbers and years behind them.

25 Q. In a perfect world, what if you had two

1 individuals, they both had the same amount of experience  
2 as that, but one is a licensed veterinarian the other is  
3 not, whom would you chose in that situation?

4 A. I can't answer that question. It's too off  
5 the wall.

6 Q. Besides Amanda Lollar and the person at the  
7 zoo, have you received any other training in proper bat  
8 care?

9 A. No.

10 Q. So would you say that Amanda Lollar is --  
11 probably gave you 99 percent of all the training in bats  
12 that you have?

13 A. Yeah.

14 Q. Would you say that Amanda Lollar is the main  
15 person who trained you in caring for bats?

16 A. I would say my experience there and Amanda has  
17 been what's trained me. I had some help from people  
18 that had trained with her before that shared their  
19 experience and knowledge with me. That's the best I can  
20 answer this question.

21 Q. When you were there in Mineral Wells, Texas,  
22 last year, did you help Amanda Lollar with the  
23 episiotomy?

24 A. Yes, I did.

25 Q. What did you do?

1           A.    I restrained the bat.  I helped position the  
2 tissues so she could glue them shut after the bat baby  
3 was delivered nonviable.

4           Q.    Where did Amanda -- Amanda Lollar apply the  
5 glue?

6           A.    Say that again, Mary.

7           Q.    How did Amanda Lollar apply the adhesive to  
8 the bat?

9           A.    She applied it to a narrow-tipped instrument  
10 and put it on the area of the tissue to close it.

11          Q.    What was the name of that adhesive that you  
12 used?

13          A.    Let me think.  It was either GlueSure or  
14 TissueMend, but I don't really remember.  There is about  
15 four different brands on the market.

16          Q.    Did Amanda Lollar tell you what was the  
17 name -- what the name of the adhesive was?

18          A.    I'm just not recalling, is what I'm saying to  
19 you, Mary.

20          Q.    Did any bats die while you were at Bat World  
21 Sanctuary?

22          A.    Some of them that came in from the wild  
23 colony, there were a few of them that didn't do well  
24 from there.

25          Q.    How many bats would you say died while you



1 were there?

2 A. I honestly don't know. But there was a  
3 problem last year in the state, in that there was so  
4 much drought that there weren't enough insects, so many  
5 of the mothers and the babies over at the wild sanctuary  
6 were not getting enough food. It was very, very hot,  
7 and there was not enough moisture and there were very  
8 few insects. It was an unusually tough year for the  
9 State of Texas.

10 Q. Did Amanda Lollar ever mention my name to you?

11 A. I have heard it since I've been home. I can't  
12 remember if what was said at the facility is the truth.

13 Q. Did Amanda Lollar ever tell you anything about  
14 me?

15 A. She said you had trained there.

16 Q. Is that the only thing she said?

17 A. That's all I can recall since this came up as  
18 a discussion between -- you know, that I was going to  
19 testify. I have only been working the last two years  
20 with three people in my office. We have had some trade  
21 over of old staff that has moved out of the area, so I'm  
22 a little stressed more than normal.

23 When I went to Bat World Sanctuary, I was  
24 exhausted the first two days, so I don't recall your  
25 name being mentioned, but it may be because I'm not

1 remembering, Mary. I'm sorry.

2 Q. Who asked you to be deposed today?

3 A. It was either Amanda or Randy. I think it was  
4 Amanda.

5 Q. What did they tell you was the purpose of your  
6 deposition today?

7 A. To testify as to my experience at Bat World  
8 Sanctuary.

9 Q. When you were at Bat World Sanctuary, did you  
10 meet Dr. Tad Jarrett?

11 A. No, I didn't.

12 Q. You told Mr. -- Mr. Turner earlier that you  
13 brought five bats to Bat World Sanctuary in 2010; is  
14 that true?

15 A. I brought them with me because I had no way to  
16 feed them except to bring them with me.

17 Q. So you drove them from South Dakota to Texas?

18 A. That's correct, I did.

19 Q. You also told Mr. Turner that you left with  
20 two bats. Did you also drive those from Texas to South  
21 Dakota?

22 A. Yes, I did, with the permission of my state  
23 vet. And I also had a signed transportation USDA paper  
24 for them.

25 Q. And where is that paper now? Do you still

1 have it?

2 A. Yes, I do. They -- My state vet told me it  
3 was unnecessary to have it filled out. He told me I  
4 could fill it out, but it wasn't required.

5 Q. Okay.

6 MS. CUMMINS: I'm finished with -- I pass  
7 the witness.

8 **FURTHER EXAMINATION**

9 BY MR. TURNER:

10 Q. Doctor, I just have a few more questions.  
11 Some follow-up questions.

12 First of all, the -- the video you  
13 watched, there was some indication that maybe it  
14 wasn't Metecam or Cetacaine that you're observing in the  
15 video. Was -- Was the application of the substance on  
16 the bat, was it applied the way that you would normally  
17 apply those medications?

18 A. Yes, it was.

19 Q. Okay.

20 A. My Cetacaine comes in a bottle with an angled  
21 tip on it, and I spray the Cetacaine on a Q-tip and  
22 apply it that way just like Amanda did.

23 Q. Okay. And was -- was that applied in the  
24 video the same way that you have seen it applied in the  
25 episiotomy that you witnessed?

1 A. Yes.

2 Q. And once again, the one you witnessed, in your  
3 opinion the -- the proper pain medication was used; is  
4 that correct?

5 A. Yes. And as I stated, Randy, there was more  
6 pain medication given to the bat that I saw at Bat World  
7 Sanctuary than to my daughter and to the young lady in  
8 my practice.

9 Q. Okay. Got it. Now, as far as euthanizing a  
10 bat, you were asked about would it be cruel to put a bat  
11 in the freezer and euthanize it that way. Let me -- Let  
12 me ask the question a different way. Now, would you  
13 agree with me that if you have an unconscious bat and  
14 there was no other way to euthanize the bat, that it  
15 would not be cruel to induce torpor by putting the bat  
16 into a freezer and euthanizing it that way?

17 A. Well, I think that that was probably -- if  
18 it's unconscious, then obviously it has no ability to  
19 perceive its senses, so that's kind of a moot point.

20 Q. Okay.

21 A. But I will say to you that in 1985 at Iowa  
22 State University putting bats into a state of torpor  
23 intending to recover them from hibernation, which they  
24 did in a freezer in 1985 at Iowa State, because they  
25 didn't know any better, because that standard of care

1 then. So, you know, everything is a process as you  
2 learn and people develop different standards with time.  
3 But that process was a common process back in 1985.

4 Q. Okay. Now, you were asked about extracting a  
5 molar. And I think you said something like in a perfect  
6 world you would use Metecam, Cetacaine with Isoflurane.  
7 But let me ask you this: If -- Wouldn't it be in an --  
8 and I realize you have not done this before, but if we  
9 think about extracting a molar, wouldn't you have to --  
10 you wouldn't be able to use the Isoflurane, would you,  
11 because -- because then you -- there would be a cone  
12 covering the face and you wouldn't be able to get to the  
13 molar?

14 A. That's correct, Randy. You would be bringing  
15 them in and out of a mask and they would be stirring.

16 Now, let's back up just a little bit.  
17 You know, I had an animal in my practice this morning  
18 that had such severe loss of bone around its teeth that  
19 you can take the tooth out with your fingernail. And I  
20 have done that with dogs in my practice on my exam table  
21 when they were that bad and they -- they're basically  
22 falling out of their mouth.

23 And many bats with periodontal disease  
24 would have a similar condition where you -- where the  
25 tooth is the hardly -- where, you know, probably

1 insignificant as to whether you would anesthetize them,  
2 but you would have to provide something to get them to  
3 open their mouth.

4 Q. Right. So it wouldn't be practical to use  
5 Isoflurane when you're removing a molar because that  
6 would obstruct getting to the molar?

7 A. Well, with a cone on the head, absolutely,  
8 yes, you couldn't do it. You would be bringing them in  
9 and out if you used it at all. And it's difficult  
10 because we -- we were working with a little bat the  
11 other day bringing it in and out because it was not well  
12 when it came in. And it was -- you know, it's a -- I  
13 mean, it really extends the procedure and it makes it  
14 difficult.

15 (End of videotaped deposition.)

16 MR. TURNER: That's all we have of that  
17 witness, Your Honor.

18 My next witness is another videotaped  
19 deposition that's about an hour long.

20 THE COURT: Are you ready?

21 MR. TURNER: Yes, sir. And then all I  
22 have is my testimony, which will be less than, say, five  
23 minutes or so. And then I'm going to be finished with  
24 the case.

25 THE COURT: You have another video that

1 is going to last an hour?

2 MR. TURNER: Approximately, yes, sir.

3 THE COURT: That doesn't give us enough  
4 time today to fulfill responsibilities around here. Why  
5 don't we take your testimony and anyone else --

6 MR. TURNER: Okay.

7 THE COURT: -- and then -- until 5:00.

8 MR. TURNER: Okay.

9 THE COURT: And then we will take the  
10 deposition or whatever it is tomorrow morning.

11 MR. TURNER: Okay. Then I would like to  
12 call myself as a witness.

13 THE COURT: Yes, sir.

14 (Witness sworn.)

15 THE COURT: Okay.

16 **RANDY TURNER,**

17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY NARRATIVE: My name is Randal E.

20 Turner. I'm an attorney in Fort Worth, Texas. I've  
21 been practicing law for 32 years. I'm board certified  
22 in personal injury trial law and civil trial law, and I  
23 have been certified in those areas since 1990 and 1992.

24 I'm the former president of the Texas --  
25 the Tarrant County Trial Lawyers Association. I'm --

1 I'm -- I'm a member of the American Board of Trial  
2 Advocates by invitation. I'm -- I'm a board member  
3 elect at the Tarrant County Bar Association.

4 Amanda Lollar came to me in September of  
5 2010, concerning this -- the case that we're here on  
6 today. I took this case. I agreed to represent her in  
7 a lawsuit against Mary Cummins. I took the case pro  
8 bono, because it had very compelling facts. I felt that  
9 the conduct was egregious and outrageous.

10 She dedicated her life to the rescue and  
11 protection of these animals that she loves so much.  
12 She's selfless. She did not ask me to do it pro bono.  
13 In fact, she -- she wanted to put it on a payment plan,  
14 but she obviously could not afford any kind of payment  
15 plan in her financial situation.

16 So I took her case, I filed suit a few  
17 days later in September of 2010. This case has been  
18 extremely time consuming from the very beginning when  
19 the defendant filed a plea to the jurisdiction. As a  
20 matter of fact, I can say that since taking this case in  
21 2010 I have spent more time on this case than any other  
22 case in my practice. There have been numerous  
23 depositions, hearings, motions for summary judgment,  
24 travel to Mineral Wells, meetings and telephone calls  
25 with experts, legal research. And I prepared the case



1 for trial twice.

2 I have a total -- the total number of  
3 hours that I have spent on this case as of today at 4:30  
4 is -- is 589 hours. These hours -- Let me back up. It  
5 was 579 hours that I spent. I -- I had two appellant  
6 lawyers, Susan Bleil and Sondrea King, who did the  
7 briefing and research and writing in response to the  
8 Defendant's Motion for Summary Judgment on the case.  
9 And about -- they spent 30 -- 33 hours on that.

10 I gave you the wrong number. It's -- So,  
11 I have spent 556 hours on this case. And Susan Bleil  
12 and Sondrea King, who are -- they're appellant lawyers,  
13 they spent 33 hours on the case. So the total attorney  
14 time between me and the appellant lawyers is a total of  
15 589 hours. In my opinion, these hours were necessary in  
16 order to properly -- properly represent the clients in  
17 this case.

18 A reasonable fee in Tarrant County for  
19 someone with my experience and my credentials and my  
20 qualifications is \$300 an hour. If you multiply that  
21 out, a reasonable and necessary attorney's fee in this  
22 case is \$176,700.

23 In the event this case is appealed to the  
24 Court of Appeals, a reasonable attorney's fee is  
25 \$25,000. If a petition is filed in the Supreme Court of

1 Texas an additional attorney's fee of \$15,000 is  
2 reasonable. If the petition to the Supreme Court is  
3 granted, then a reasonable attorney's fee would be an  
4 additional \$15,000.

5 That's all I have.

6 MS. CUMMINS: No questions.

7 MR. TURNER: Your Honor, other than the  
8 one-hour video that is -- that's all we have. If you  
9 would like to, we can -- we can start that now and  
10 continue it tomorrow, or whatever the Court prefers.

11 THE COURT: I think it would be  
12 appropriate if we recess for the day and take it up  
13 tomorrow morning at 9:00, okay?

14 MR. TURNER: Thank you, Your Honor.

15 THE COURT: That's what we will do. The  
16 Court will stand in recess. It's now 15 to 5:00. Court  
17 will stand in recess until 9:00 tomorrow morning. Thank  
18 you.

19 (Proceedings adjourned at 4:45 p.m.)

20

21

22

23

24

25

1 STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Carolyn Hawks-Gayaldo, Deputy Official Reporter  
4 in and for the 352nd District Court of Tarrant County,  
5 State of Texas, do hereby certify that the above and  
6 foregoing contains a true and correct transcription of  
7 all portions of evidence and other proceedings requested  
8 in writing by counsel for the parties to be included in  
9 this volume of the Reporter's Record in the above-styled  
10 and numbered cause, all of which occurred in open court  
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is waived due to  
17 the Trial Court's finding of indigency on Defendant's  
18 behalf.

19 WITNESS MY OFFICIAL HAND on this the 13th day of  
20 February, 2013.

21 /s/Carolyn H. Gayaldo  
22 CAROLYN H. GAYALDO CSR 7181  
23 EXPIRATION DATE 12/31/13  
24 Deputy Official Court Reporter  
25 352nd District Court  
Tarrant County, Texas  
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5208 Airport Freeway, Suite 105  
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(817) 335-5568

February 13, 2013

February 13, 2013

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REPORTER'S RECORD

DEBRA SPISAK, CLERK

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TRIAL COURT CAUSE NO. 352-248169-10

COURT OF APPEALS NO. 02-12-00285-CV

VOLUME 4 OF 6

BAT WORLD SANCTUARY, ET AL.\* IN THE DISTRICT COURT  
\*  
\*  
VS. \* 352ND DISTRICT COURT  
\*  
\*  
MARY CUMMINS \* TARRANT COUNTY, TEXAS

\*\*\*\*\*

TRIAL ON MERITS

\*\*\*\*\*

On the 13th day of June, 2012, the following  
proceedings came on to be heard in the above-entitled  
and numbered cause before the Honorable William Brigham,  
Judge Presiding, held in Tarrant County, Texas.

Proceedings reported by machine shorthand.

CAROLYN H. GAYALDO, CSR  
Deputy Official Reporter  
352nd District Court  
Tarrant County, Texas

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A P P E A R A N C E S

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**ALPHABETICAL WITNESS LIST**

	DIRECT	CROSS	VOL.
Larry Crittenden	43,46	44,47	4
Mary Cummins	50,127	105	4
Sara Kennedy	8,39	29,41	4
Amanda Lollar	132,200	196	4

**PROCEEDINGS**

(Wednesday, June 13, 2012, 9:00 a.m.)

THE COURT: You may proceed, Mr. Turner.

MR. TURNER: Thank you, Your Honor.

This is the videotape -- We -- We call Sara Kennedy by videotape deposition.

THE COURT: What is her name?

MR. TURNER: Sara Kennedy.

THE COURT: Kennedy?

MR. TURNER: Yes, sir.

(Beginning of videotape.)

THE VIDEOGRAPHER: This is tape number one of the videotaped deposition of Sara Kennedy, in the matter of Bat World Sanctuary and Amanda Lollar, Plaintiff, versus Mary Cummins, Defendant, in the District Court, Tarrant County, Texas, 352nd Judicial District, Case Number 352-248169-10.

This deposition is being held at Precise Court Reporting, 200 Old Country Road, Lenola, New York, on January 4th, 2012, at approximately 10:11 a.m.

My name is Jose Rivera from the firm of National Court Reporters and I am a legal video specialist.

The court reporter is Linda Schultz in association with National Court Reporters.

1                   For the record, would counsel, please  
2 introduce themselves?

3                   THE WITNESS: I'm Sara Kennedy.

4                   MR. TURNER: My name is Randy Turner. I  
5 represent the plaintiff.

6                   MS. CUMMINS: Mary Cummins, defendant,  
7 pro se.

8                   THE VIDEOGRAPHER: Now, will the court  
9 reporter please swear the witness?

10                   (Witness sworn.)

11                   THE REPORTER: You're all set,  
12 Mr. Turner.

13                   MR. TURNER: Thank you, Ms. Schultz.

14                   SARA BETH KENNEDY,  
15 having been first duly sworn, testified as follows:

16                   **EXAMINATION**

17 BY MR. TURNER:

18                   Q. Good morning, Ms. Kennedy. My name is Randy  
19 Turner and I represent Amanda Lollar and Bat World  
20 Sanctuary.

21                   Would you -- First of all, before we get  
22 started, I want to get a couple of things out of the  
23 way. If I ask you any questions that you don't  
24 understand or that don't make any sense, please tell me  
25 and I will be glad to repeat my question or phrase it so

1 that you can understand it. Okay?

2 A. Yes.

3 Q. Secondly, try to answer audibly or out loud  
4 rather than nodding the head, because obviously we can't  
5 see you where we are, and also the court reporter can't  
6 take down gestures. Is that okay?

7 A. Yes. Can you hear me all right?

8 Q. Yes, I hear you fine.

9 It's my understanding that you are  
10 videotaping this deposition yourself with your own video  
11 camera; is that correct?

12 A. Yes. But I'm not going to be uploading it  
13 publicly.

14 Q. Sure. I understand. I just was wondering  
15 about that.

16 Would you tell us your full name, please?

17 A. My name is Sara Beth Kennedy.

18 Q. And, Ms. Kennedy, do you live in New York?

19 A. Yes, I do.

20 Q. Okay. And what is your occupation there?

21 A. I am a photographer's assistant.

22 Q. Are you familiar with Bat World Sanctuary?

23 A. Yes, very familiar.

24 Q. And when did you first learn about Bat World?

25 A. That would be in the early part of the year of

1 2010.

2 Q. And did you subsequently have any type of  
3 involvement with Bat World or -- or tell us -- tell us  
4 how you became to be involved with Bat World?

5 A. Well, basically anyone who knows me knows that  
6 I have a long interest in bats. So when a person I knew  
7 at the time knew Bat World, they pretty much introduced  
8 me to the idea of maybe getting more into bats with  
9 rehab and everything. But New York, it's not really  
10 feasible. So when the opportunity for the internship  
11 came up, I sent in a request. I prepared to get my  
12 vaccination.

13 And when I got the okay from them that it  
14 was a possibility, I got vaccinated. And then they  
15 said, Yes, definitely; and bought the plane tickets and  
16 went right down.

17 Q. Okay. So you flew to Texas and began an  
18 internship in Mineral Wells at Bat World?

19 A. That's right. Two-week internship.

20 Q. And when was this?

21 A. I believe the first day of my arrival was  
22 July 3rd.

23 Q. Of 2010?

24 A. Of 2010, yes.

25 Q. So you mailed in a request or an application

1 to be an intern and -- and it was accepted by Bat World;  
2 is that correct?

3 A. That's correct. They had me fill out  
4 paperwork and everything.

5 Q. When you said that you got a vaccination, can  
6 you tell us what type of vaccination was it and who gave  
7 it?

8 A. Oh, yes. That was a rabies vaccination. It  
9 was administered by a doctor in New York, but I can't  
10 recall who at this time.

11 Q. Okay. Did you need -- Were you required by  
12 Bat World to furnish proof of rabies vaccination before  
13 they allowed you to begin the internship?

14 A. Yes, I was.

15 Q. And you -- you gave them this -- some type of  
16 certificate that a doctor had filled out?

17 A. It was a paper from the doctor, yeah. Yes.

18 Q. And how long did you stay at Bat World as an  
19 intern?

20 A. That was two weeks as an intern. But when  
21 they asked me if I would like to stay longer, I stayed  
22 on as a volunteer for about another two weeks.

23 Q. Why did you -- Why did you stay on past your  
24 internship?

25 A. Basically, it was an opportunity to learn

1 more. And also they had a large baby load that year, so  
2 to take care of the -- the babies. I was willing to  
3 stay on and continue helping until things were a little  
4 bit alleviated by them growing older and being  
5 releasable at that point.

6 Q. I would like to ask you a little bit about  
7 your time at Bat World, sort of the conditions and what  
8 you did and -- and the facility.

9 First of all, were gloves available for  
10 interns to use at Bat World?

11 A. Yes, at all times.

12 Q. And were they readily accessible?

13 A. Yes. They were right in front of you, or they  
14 were -- there was an adequate supply up in a cupboard.  
15 A lot more of them were in the cupboard other than what  
16 was out on the tables.

17 Q. Were you ever told by anyone at Bat World to  
18 not wear gloves?

19 A. No.

20 Q. In fact, you were encouraged to wear gloves;  
21 is that correct?

22 A. Yes.

23 Q. Hello?

24 A. Yes.

25 Q. Oh, okay. I'm sorry. I didn't hear you.

1 A. Sorry.

2 Q. Did you stay at a hotel or on the premises  
3 there at Bat World?

4 A. I stayed there on the premises.

5 Q. So you -- you -- you were provided some type  
6 of a room to live in during your stay?

7 A. Yes. They -- They had the dorm rooms in  
8 the -- or what they call dorm rooms in the back, but  
9 they were kind of more like hotel bedrooms.

10 Q. How was your room?

11 A. Comfortable, very comfortable.

12 Q. Did you ever have any issues with bedbugs or  
13 any other type of parasite in your room?

14 A. No.

15 Q. Did you have, at any time during your stay at  
16 Bat World, any types of problems with insects at the  
17 facility?

18 A. No, not at all.

19 Q. When you returned back to New York, were  
20 you -- were there any parasite that accompanied you  
21 home?

22 A. No.

23 Q. Ms. Kennedy, do you recall making a  
24 statement anywhere -- and I'm going to quote, I also  
25 received shots including a cautionary booster on my last



1 day with the bats?

2 A. Yes, I did.

3 Q. Did you ever make that statement?

4 A. Yes, I did.

5 Q. And where did you make that statement?

6 A. That would be on my DV Art account where I  
7 posted up an art collage of a bunch of photographs that  
8 I took while I was at Bat World.

9 Q. Okay.

10 A. And that was the -- there was a section down  
11 below where you can post up comments about the artwork  
12 that you post. And that's where it was posted, right  
13 below my comments area about the collage.

14 Q. Okay. When you -- When you said, I also  
15 received shots including a cautionary booster on my last  
16 day with the bats, who gave you these shots you're  
17 talking about?

18 A. The doctor at Texas. I was also explaining  
19 about the vaccinations before I even went there. But  
20 the ones where I say while with the bats, that was at  
21 the doctor's office in Texas.

22 Q. Okay. So you didn't receive any type of shot  
23 on the Bat World facility or -- is that correct?

24 A. That's correct.

25 Q. And no one at Bat World administered any type

1 of shot to you; is that correct?

2 A. That's correct.

3 Q. So if someone cited your statement as proof  
4 that Amanda Lollar or somebody else at Bat World gives  
5 rabies shots to people, that would be a lie; is that  
6 correct?

7 A. That is true. When -- When I said at -- with  
8 the bats, I meant while in Texas. I didn't mean on the  
9 facilities. I never said that I was at the facility  
10 when I was given a booster shot.

11 Q. Okay.

12 A. Pretty much it's like somebody saying that  
13 while they were attending a college they had their  
14 appendix removed. It -- It doesn't mean that they're --  
15 it doesn't mean that their professor performed a  
16 surgery. It just means that while attending college,  
17 they needed a surgery. That's -- That's all --

18 Q. Okay.

19 A. -- that I meant by I got the shots while with  
20 the bats.

21 Q. I understand. So you weren't injected with  
22 anything by anybody at Bat World; is that correct?

23 A. That's correct.

24 Q. Why did you get a rabies booster while you  
25 were in Mineral Wells?

1           A.     Well, one of them, which I believe was around  
2 the 20th, that was a precautionary booster, pretty much.  
3 We were releasing red bats that night. And when it --  
4 when it was released, I felt like there was some  
5 pressure on my hand. I was wearing a leather glove. It  
6 might have been from the glove itself. I don't know.  
7 But I was pretty much told to say any kind of suspicion  
8 or anything if there was even a suspected bite, so I  
9 mentioned the pressure. And they said, well, just in  
10 case, we need to get you a shot immediately. So I -- I  
11 opted to go the next day to the doctor, and they gave me  
12 everything there and one nurses gave me the booster.

13           Q.     Okay. Would you say that Amanda Lollar and  
14 others at Bat World were ultra cautious about the safety  
15 and health of their interns?

16           A.     Very much. Once I told them about that, they  
17 pretty much jumped on it and handled it pretty  
18 aggressively to make sure that I was convinced I needed  
19 a booster and had to go get the booster for my own  
20 safety. It was just a precaution, but --

21           Q.     Were you around any of the dogs on the  
22 premises at Bat World during your stay?

23           A.     Yeah. Yes, I was.

24           Q.     Do you remember a dog named Kismet?

25           A.     Yeah. Yes, I do.

1 Q. Did Kismet drag herself around, or was she  
2 able to walk and run?

3 A. She walked, she ran.

4 Q. Okay. Did you ever see cats that Bat World  
5 cares for in the back of their facility?

6 A. I saw one that was really friendly. There  
7 were a couple of others around, yes.

8 Q. Did they appear to be in poor condition or  
9 maltreated?

10 A. No. I -- Actually the one that was really  
11 friendly, I petted him and he had a very soft coat.  
12 There was food left out for him, he was well fed. They  
13 all looked pretty well fed and groomed.

14 Q. Were there other dogs there besides Kismet;  
15 and if so, what was their general condition like?

16 A. I saw several there. They all -- All of them  
17 acted pretty, you know, in -- in human terms, happy,  
18 healthy, decently fed, well groomed.

19 Q. Did you go to Bat World's wild sanctuary  
20 building with the wild bat colony while you were there?

21 A. Yes, I did. I think at least a couple of  
22 times.

23 Q. And were you offered any type of protective  
24 gear before entering the flight area where the colony  
25 resides?

1           A.    A few things, yes.

2           Q.    Are there procedures to follow when you return  
3 from the wild sanctuary before handling any of the bats  
4 in the rehab or the captive colony?

5           A.    Yes.

6           Q.    And what is the purpose of those procedures,  
7 if you know?

8           A.    Just -- There is the possibility of having a  
9 mite on you or some dirt from the colony, it's -- you  
10 know, you're cleaning. But you have to, you know, take  
11 off the booties that you had on originally and take off  
12 your shoes, you -- you shower first, you get a fresh  
13 change of clothes.

14                        Every -- Everything is very much switch  
15 everything, clean everything, then you can go back to  
16 work.

17           Q.    Okay. And this is because you have just been  
18 in an area with wild bats and -- and, of course, you  
19 have no way of knowing what they may have, what type of  
20 parasite they may have, and so you're doing this so that  
21 you don't bring any of those parasites or other  
22 contaminants into the area where the captive bats are  
23 kept; is that correct?

24           A.    Exactly. You -- You don't want to cross  
25 contaminate.

1 Q. Is -- Is the wild sanctuary cleaned daily?

2 A. Yes. That was -- That was one of my duties.

3 Q. Okay. Are the bats protected from predators?

4 THE REPORTER: I'm sorry. I didn't hear  
5 your question.

6 Q. (BY MR. TURNER) All right. Are the bats  
7 protected from predators?

8 A. Yes, they are.

9 Q. Ms. Kennedy, did you witness any emergency  
10 episiotomies while you were at Bat World?

11 A. At least two -- I believe it was two.

12 Q. Were the bats given pain medication?

13 A. Yes. I helped out with that.

14 Q. And as far as you could tell, were these  
15 episiotomies necessary?

16 A. Well, I'm not -- I'm not a professional,  
17 but -- I'm not a veterinarian, but I would definitely  
18 say so from the looks of things.

19 Q. Okay. At least you were told they were  
20 necessary, correct?

21 A. Well, from what I could see, they were  
22 necessary. For example, in one case the -- the mother,  
23 when she was brought over to see about the baby, the  
24 baby inside could be partially seen, but was not coming.  
25 The -- The mother was actually scratching at her -- at

1 the -- her body where the baby was coming out to try and  
2 get it out, I guess.

3           The baby wasn't moving. So I -- it was  
4 stillborn. It was gray and very discolored and -- and  
5 Amanda did try and apply some sort of lubrication first  
6 to see if maybe the baby could be coaxed out without  
7 having to do an episiotomy. But in the end the baby  
8 still wasn't coming and the mother was crying very --  
9 very loudly, so she started prepping for the episiotomy  
10 at that point.

11       Q. Did the mother bat survive the episiotomy --  
12 the -- the episiotomies as you've described?

13       A. Yes, both of them did.

14       Q. And did the pups survive?

15       A. The pups were both dead already. They -- They  
16 didn't survive. They weren't alive.

17       Q. And did you ever see any mites while you were  
18 in the captive bat colony?

19       A. No.

20       Q. Were all the bats at Bat World checked on a  
21 daily basis?

22       A. Yes, they were. Amanda showed me how to do  
23 it, but she herself did it while I watched. She would  
24 go around and look up and you would check several  
25 things. I believe two of them were eyes, coats, nasal

1 discharge, ears, that sort of thing. And make sure they  
2 had natural response, too.

3           There were a few ways to check, but those  
4 are the ones that I can remember off the top of my head.

5           Q.    And how often are the bats fed at Bat World?

6           A.    The babies, it was our responsibility to feed  
7 them three times -- three times a day if we could. The  
8 ones in the captive colony that had been there were fed  
9 two times a day, once in the -- in the morning and then  
10 once later on at night, I believe at around 7:00, 8:00,  
11 maybe.

12          Q.    Was the food fresh that you were feeding the  
13 bats?

14          A.    Yes. I had to be or they would reject it.

15          Q.    And was the facility kept cleaned?

16          A.    Yes, it was.

17          Q.    How often was the facility cleaned?

18          A.    In the area where we're feeding babies, it  
19 could be cleaned up to three times a day depending on  
20 what was needed. It was cleaned at least -- at least  
21 once a day. The rest of the place was cleaned once a  
22 day, I believe, possibly twice if needed.

23          Q.    And were the cages cleaned regularly?

24          A.    Yes, every -- every day.

25          Q.    While you were at Bat World, did -- did you



1 have occasion to see a bat that had been attacked by a  
2 hawk or owl?

3 A. Yes, I saw her.

4 Q. And what was the outcome of that bat?

5 A. She was slated for release last that I -- I  
6 heard, but she -- when she was shown to me, she looked,  
7 you know -- you could see that there was a scar there,  
8 but she was very active, bright eyed. She pretty much  
9 looked like any of the normal bats that had been there  
10 for years. She looked normal.

11 Q. And can you tell us, generally, the types of  
12 duties that you performed while at Bat World?

13 A. Off the top of my head, I -- when at the wild  
14 colony, I -- I cleaned that area. When I was with the  
15 babies, I was in charge of feeding them. A lot of it  
16 was feeding the babies, because there were so many.

17 You would mop the floors afterwards, you  
18 would clean the tables with alcohol, you would clean out  
19 the baby cages, you would sometimes feed the captive  
20 colony, prepare their food, you would have to blend  
21 fresh food a couple of times a day, prepare the milk. A  
22 whole lot of things.

23 Q. And how many hours a day did you feed baby  
24 bats?

25 A. A lot. It started, I believe, at 7:00 or

1 8:00 a.m. in the morning and it could go on until as far  
2 into the day as midnight, maybe 1:00 in the morning,  
3 rarely.

4 Q. Was your time at Bat World, Ms. Kennedy, a  
5 good experience?

6 A. Yes. Yeah, definitely.

7 Q. Was it educational?

8 A. Very educational.

9 Q. Did you feel that the bats -- all of the bats  
10 at Bat World were properly cared for?

11 A. Yes, I do.

12 Q. Did you ever have any concern about any type  
13 of cruelty being committed at Bat World?

14 A. No, not at all.

15 Q. Had you had any previous experience with bats  
16 before you went there?

17 A. Not really. I was allowed to take a couple of  
18 photos at a facility, you know, they -- there are a few  
19 places on the island that have wildlife. But you go in  
20 they let you take shots, you go home. That's pretty  
21 much it.

22 Q. Is there a white board at Bat World where they  
23 track all the bats in rehab?

24 A. Yes.

25 Q. And are the interns expected to keep track of

1 the bats?

2 A. Yes, we are. There is a -- There is a pretty  
3 thorough counting system that we had.

4 Q. If the headcount is off on the board, were the  
5 interns expected to remove all the bats from each cage  
6 and recount them back into the cages?

7 A. Yes. We -- We would count them out again, and  
8 then count them back in. And there is a person that  
9 stands next to you to count out. It's -- It's pretty  
10 much said that when you count, you must count aloud and  
11 everybody within hearing range must count the -- the  
12 number that you call out with you, so that everything is  
13 kept track of.

14 Q. Did Amanda Lollar appear to be knowledgeable  
15 in the care, feeding, health, maintenance, enrichment,  
16 and housing of the bats?

17 A. Extremely.

18 Q. I understand you're not a veterinarian, but  
19 based on -- just in your own lay opinion, did it appear  
20 that way?

21 A. Yes, it did. The -- the animals, you know,  
22 they didn't behave in a fearful or -- Yes.

23 Q. Would you recommend Amanda Lollar to others  
24 who are interested in learning to care for bats?

25 A. Absolutely.

1 Q. Why is that?

2 A. Well, I had -- I purchased her book. It's  
3 extremely thorough and working with her herself, she  
4 herself is extremely thorough. She takes the time to  
5 answer any questions that you have. She answers the  
6 questions very thoroughly and to the best of her  
7 knowledge. And it's a lot more than anything I have  
8 ever heard about bats in any of the books that I've read  
9 besides hers.

10 Q. Did you ever see Amanda Lollar put a bat in  
11 the washing machine or accidentally throw a bat into the  
12 trash?

13 A. No, never.

14 Q. Would that surprise you if somebody made that  
15 accusation?

16 A. Yes, extremely surprised.

17 Q. Were there written instructions for interns to  
18 follow at Bat World?

19 A. Yes. There is pretty much written  
20 instructions for everything. Actually, there are --  
21 there were instructions on how to prevent what you just  
22 mentioned from happening, just because they are tiny  
23 animals and you do have to constantly change out bedding  
24 and, you know, they can crawl into the bedding.

25 So you always have to pull everything

1 inside out, you have to pat everything down, give it a  
2 second check, have somebody else check for you. She  
3 pretty much made it so that everything is extremely  
4 tightfisted on making sure that you do not do what --  
5 what you just described. Everything is written down,  
6 everything is explained and has a method to it.

7 Q. In fact, are -- are there written instructions  
8 posted or clipped on the wall; is that correct?

9 A. Yes. Yes, there are a few.

10 Q. Was it verbalized to you that you're  
11 encouraged to take pictures for your own use at Bat  
12 World?

13 A. Yes. I was allowed to take a lot of -- a lot  
14 of pictures. Yes.

15 Q. Did you sign a contract when you arrived at  
16 Bat World?

17 A. Yes, when I arrived, I signed one.

18 Q. And do you remember what the conditions of  
19 that contract were generally?

20 A. Generally, I remember that it was about  
21 posting -- posting things, that you must ask permission  
22 to -- to use any footage or anything that you have. You  
23 can take as many pictures as you like for your own  
24 educational use. I don't remember anything specific  
25 beyond that.

1 Q. Okay. And when you posted -- I think you  
2 mentioned earlier that you posted some pictures on the  
3 Internet. I assume you got Amanda Lollar's permission  
4 to do that?

5 A. Yes, I asked her first about everything.

6 Q. Okay. Do you have anything else that you  
7 would like to add that might help us understand your  
8 experience at Bat World?

9 A. Nothing that I can think of. I mean --

10 Q. Okay.

11 A. -- I am aware that there was also a -- a  
12 photograph posted up of a bat named Benet. I had worked  
13 with that bat a couple of times, or seen her in the  
14 captive colony area, and as far as I know there is an  
15 issue about her having poised herself on the corner of  
16 the feeding area. So far as I know she's never done  
17 that. I hadn't -- I hadn't seen her do that any of the  
18 times that I was in with the captive colony on that  
19 ledge.

20 Q. One last thing I wanted to ask you about.  
21 It's my understanding that after you left Bat World, you  
22 became aware of things that Mary Cummins had been  
23 posting on the Internet or otherwise broadcasting to the  
24 world. And that you basically came to the defense of  
25 Bat World; is that correct?

1           A.    Yes.  I -- I had posted -- Well, I had posted  
2 up something -- I hadn't posted up the name of the  
3 individual, but I had posted up some -- I looked back at  
4 it.  I had posted up some pretty passionate statements  
5 about Bat World at the time.

6                        I am aware that Mary Cummins came along  
7 and said that it must be removed, and -- so several days  
8 later we -- I was finally able to get back into my  
9 account and do so, I removed it.

10           Q.    Okay.  So you were threatened by Mary Cummins?

11           A.    Yes.  She had -- She had e-mailed me.  And  
12 from what I saw in the e-mail, she had e-mailed everyone  
13 at Bat World and several other people about my one post.

14                        I needed to say something about that.  
15 This is a post in a website called Life Journal, and  
16 most people know that it's a pretty obscure -- I'm not  
17 really that well known so if -- if she found it, I'm  
18 actually, you know, pretty surprised.  But nobody else  
19 that I know of really seemed to take any notice of it.

20                        But, yes, I had posted up that statement.  
21 I guess to get a few things off of my chest that I felt  
22 pretty upset about at the time.

23           Q.    What -- What was upsetting?  Was -- Was it the  
24 things that Ms. Cummins had said about Bat World?

25           A.    It was things that I saw she had posted

1 publicly in her Facebook to a lot of people and a lot of  
2 people seemed to believe her. And they were posting  
3 very angry things about Amanda Lollar and about Bat  
4 World. And it was upsetting that they would believe her  
5 after having seen nothing compared to what I had seen  
6 for that whole month that I stayed there.

7                   And I just -- I could not believe a  
8 single word that she said. And when she contacted me  
9 personally in her statement, she lied to me. I knew it  
10 was a lie from what I -- from what I saw. And that was  
11 also in my post.

12           Q.    Ms. Kennedy, are you receiving any type of  
13 compensation for your testimony here today?

14           A.    No, not at all.

15           Q.    Okay. Thank you very much for your time.

16                   MR. TURNER: I will pass the witness.

17                                   **EXAMINATION**

18 BY MS. CUMMINS:

19           Q.    Hello, Ms. Kennedy, this is Mary Cummins  
20 again.

21                   Do you have legal counsel?

22           A.    I'm sorry. I didn't hear you.

23           Q.    Do you have legal counsel?

24           A.    No, I do not.

25           Q.    Do you understand that Mr. Turner is not your



1 legal counsel?

2 A. Yes, I do.

3 Q. What is your date of birth?

4 A. It's 5/24/1980.

5 Q. You said earlier that you were an assistant to  
6 a photographer; is that true?

7 A. Yes, I am now.

8 Q. Do you work at Michael's Arts and Crafts?

9 A. No, I do not.

10 THE REPORTER: I'm sorry. Do you work  
11 where?

12 MS. CUMMINS: Michael's Arts and Crafts.

13 Q. (BY MS. CUMMINS) Have you worked there in the  
14 past?

15 A. Yes, I have.

16 Q. Have you ever been arrested?

17 A. No, I have not.

18 Q. Have you ever been to court before?

19 A. No, I have not.

20 Q. What is the name of the high school you  
21 attended?

22 A. I'm not going to answer that.

23 Q. What is your objection?

24 A. My objection is what -- my objection is right  
25 to privacy.

1 Q. Did you attend high school?

2 A. Yes, I did.

3 Q. Did you graduate high school?

4 A. Yes, I did.

5 Q. Did you go to college?

6 A. Yes, I did.

7 Q. Did you graduate from college?

8 A. No, I did not.

9 Q. Do you have a Ph.D.?

10 A. No, I do not.

11 Q. Do you have a Master's degree?

12 A. No, I do not. I did not graduate from high  
13 school -- I mean, I did not graduate from college. I do  
14 not have a Master's degree because I did not graduate  
15 from college.

16 Q. Are you a licensed veterinarian?

17 A. No, I am not.

18 Q. Are you a licensed vet tech?

19 A. No, I am not.

20 Q. Are you a licensed wildlife rehabilitator?

21 A. No, I am not. Not any more. I had gotten my  
22 license because I figured I could help the wild birds  
23 that would come in, squirrels, and the like, but I let  
24 it go after awhile.

25 Q. So you had a New York State Wildlife Rehab

1 license?

2 A. I had let it go, but, yes, I did for about, I  
3 think, one year. I couldn't rehab in the location where  
4 I was, so I let it go.

5 Q. Did you have a Fish and Wildlife permit?

6 A. No, I did not.

7 Q. How were you able to rehab wild birds then?

8 A. A Fish and -- Fish and Game. Oh, yes. Yes, I  
9 did, I believe.

10 Q. Did you have a Fish and Wildlife Permit?

11 A. It was a permit given to me by the New York  
12 State Department of Wildlife.

13 Q. So you had a state permit, not a Federal?

14 A. Yes, a state permit. I'm sorry.

15 Q. When did you receive your pre-exposure rabies  
16 vaccination?

17 A. It was in June of 2010.

18 Q. How many shots did you receive?

19 A. It's three.

20 Q. What were the dates of those shots?

21 A. I don't recall.

22 Q. Were they all in June?

23 A. Yes.

24 Q. How much did those shots cost you?

25 A. I think somewhere around \$700.

1 Q. \$700 for all three?

2 A. For all three, I believe so. That doesn't  
3 include the administering.

4 Q. Who administered the shots to you?

5 A. A doctor in New York.

6 Q. Are you a member of Bat World?

7 A. Yes, I am now.

8 THE REPORTER: A member of what?

9 MS. CUMMINS: Bat World.

10 Q. (BY MS. CUMMINS) Did you give Amanda Lollar  
11 proof of your rabies pre-exposure vaccination shots?

12 A. Yes. I believe I answered this already with  
13 Mr. Turner's question.

14 Q. Was it oral or was it just a piece of paper?

15 A. It was a piece of paper or a card. I don't  
16 recall at this time.

17 Q. You told Mr. Turner that you had no previous  
18 hands-on bat experience; is that correct?

19 A. That's correct.

20 Q. You previously stated that you were there for  
21 approximately a month beginning July 3rd, 2010; is that  
22 correct?

23 A. That's correct.

24 Q. Have you ever physically met me in person?

25 A. I'm sorry?

1 Q. Have you ever physically met me in person?

2 A. Met you in person?

3 Q. Have you met me physically?

4 A. No.

5 Q. So you were not there when I was at Bat World?

6 A. No. I arrived a few days later.

7 Q. So you did not experience what I experienced  
8 at Bat World, correct?

9 A. As far as I know, I experienced everything at  
10 Bat World that's pretty much what Bat World is -- is  
11 like.

12 Q. But you weren't there when I was there, that's  
13 my question, correct?

14 A. I answered that. I was not there when you  
15 were there. I arrived a few days later.

16 Q. Earlier you stated that Kismet, which is the  
17 tan dog which is older and medium size, could actually  
18 run. This was the dog that had surgery on its knees and  
19 hips. Did you actually see Kismet run?

20 A. Yes, I did.

21 Q. Did any bats die while you were at Bat World?

22 A. Some of the sickly ones that -- that came from  
23 the sanctuary, that came from the wild sanctuary, either  
24 sickly or dehydrated, they didn't make it. They were  
25 too weak.

1 Q. What did you do with the bodies?

2 A. I didn't do anything about them. I pretty  
3 much had -- had Amanda handle anybody like that. She  
4 would take them.

5 Q. And what did you see her do with the bodies?

6 A. She would put them in a little blue box with  
7 some Isoflurane.

8 Q. Oh, she would euthanize them?

9 A. Yes.

10 Q. What would she do with their bodies  
11 afterwards?

12 A. I didn't see what she did with the bodies  
13 afterwards.

14 Q. Excuse me. What is your user name?

15 A. My user name? It's wingitsonar.

16 THE REPORTER: I'm sorry?

17 THE WITNESS: On my DV Art account, it's  
18 wingitsonar.

19 Q. (BY MS. CUMMINS) Okay. And what is your  
20 YouTube user name?

21 A. What is my what?

22 Q. YouTube?

23 A. That is wingitsonar also. And there is also  
24 my -- my fan for a TV show, my fan name is  
25 megabytesplan214. I have two of them.

1 Q. What is your Facebook user name?

2 A. SaraKennedy. I had one that was wingitsonar.  
3 Neither of them is used.

4 Q. You stated earlier that you had made a post  
5 about me on Life Journal; is that correct?

6 A. There was a post about an individual on my  
7 Life Journal account, but there is no name revealed.

8 Q. You also uploaded a photo, a photo of  
9 yourself -- I mean, a drawing of yourself with that  
10 post. Do you remember that?

11 A. That was not for that post. That's a drawing  
12 that I created I think around 2004 that was supposed to  
13 be myself, yes.

14 Q. But you added text to it, didn't you?

15 A. There has always been text on it.

16 Q. Has the text always said, quote, unquote,  
17 Would you expect room service?

18 A. Yes.

19 Q. And so you drew this photo of yourself giving  
20 the finger to people before you made the post?

21 A. Yes. The full one is -- the -- the full one  
22 of it someone giving the finger and also giving a  
23 thumb's up with a shrug.

24 Q. So you didn't make that one to go with the  
25 post?

1           A.    No, not at all.  It's there for when something  
2 frustrates me and I use that for it.  I haven't had to  
3 use it all that often.  Then again, I don't really use  
4 Life Journal that often either.

5           Q.    What did Amanda Lollar tell you about me?

6           A.    She said that you had posted some things on  
7 Facebook, and that if I wanted to make my own opinion  
8 that I should go and see what you had posted publicly  
9 for everybody to read.  Since it was for everyone to  
10 see, I figured why not.

11          Q.    So you went to my personal Facebook page and  
12 read it?

13          A.    Yes.  Read them and saw the photos that you  
14 had posted saying the things about the dogs and yourself  
15 wading through feces outside the door to get outside and  
16 all those other things.

17          Q.    So after you read those posts, then you wrote  
18 your blog entry on August, 2010?

19          A.    No.  It was when I had posted those -- those  
20 comments to your YouTube page saying, Oh, I recognize  
21 this footage here.  You -- You must have interned at Bat  
22 World, you know, and then I read the other things that  
23 you wrote in which case I got kind of annoyed.

24                        Then you contacted me telling me to cease  
25 posting crap on your YouTube and defamation, what I was



1 saying was libel. At which point, as you know and are  
2 going to mention, I had said that -- well, rather, I had  
3 asked everybody -- this seems to be like she is just  
4 posting some things from various places, but I'm not  
5 sure what the source is, or something like that. I  
6 don't remember exactly what it was at this point, but it  
7 was --

8 (Someone joins conference call.)

9 THE REPORTER: Who has joined?

10 MR. TURNER: Hello? Has somebody joined  
11 in?

12 THE REPORTER: Not that I know of.

13 MS. CUMMINS: I will continue.

14 MR. TURNER: Go ahead.

15 Q. (BY MS. CUMMINS) Ms. Kennedy, would you  
16 consider yourself a bat expert?

17 A. No, I do not.

18 Q. Did Ms. Lollar tell you anything else about  
19 me?

20 A. No.

21 MS. CUMMINS: I will pass the witness.

22 MR. TURNER: Can you -- Can we just take  
23 about a two minute break?

24 MS. CUMMINS: Okay.

25 THE VIDEOGRAPHER: The time is

1 10:52 a.m., and we are going off the record.

2 (Break in proceedings.)

3 MR. TURNER: Are we back on, Mr. --

4 THE VIDEOGRAPHER: The time is

5 10:56 a.m., and we are back on the record.

6 MR. TURNER: Okay. Thank you.

7 FURTHER EXAMINATION

8 BY MR. TURNER:

9 Q. Ms. Kennedy, I just have a few more questions.  
10 You -- You mentioned something about Ms. Cummins saying  
11 there was feces on the floor. Did -- Did you ever see a  
12 problem at Bat World with feces or -- or urine being on  
13 the floor of the facility?

14 A. No. If -- If there was, I guess it was  
15 cleaned up before I saw any.

16 Q. Okay. And now the dogs that were at Bat  
17 World, did they appear to be healthy and well cared for?

18 A. Yes. Yeah.

19 Q. Was there an old dog there named Pooply?

20 A. Yes, I know -- I knew Pooply.

21 Q. Okay. And he was -- he was very old, about 18  
22 years old or so; is that right?

23 A. So far as I knew, yes. And he had this little  
24 black poodle that was, you know, he was around her as  
25 well. She was about as old. I believe she's -- she's

1 still around today.

2 Q. Okay.

3 A. Yes. Both of them, but they were, you know,  
4 they -- they both ate and acted pretty much normally  
5 for -- for dogs their age. I mean, honestly I've never  
6 been around dogs, except for these two, that were that  
7 old. But they acted like normal dogs as far as they  
8 could move and get about.

9 Q. And as far as you could tell, were they --  
10 were they -- were they too obese or too thin, or were  
11 their claws overgrown, anything like that?

12 A. No.

13 Q. Did you -- Did you notice any type of -- Well,  
14 let me back up.

15 Do you know whether or not Pooply  
16 received regular veterinary care?

17 A. Well, as far as I would know, he was 18 years  
18 old, so they had to be doing something right, paying  
19 attention to his needs as far as a vet was concerned, I  
20 would think.

21 Q. You didn't notice any type of problems with  
22 excessive tartar on his teeth or anything like that?

23 A. No, not that I saw. No.

24 Q. And did -- were the dogs at Bat World walked  
25 every morning?

1           A.     Yes, so as far as I know. Amanda's husband  
2 took care of that, or a couple of times she would let me  
3 walk the dogs if I got up early enough.

4           Q.     So -- And just so I'm clear, you were threaten  
5 by Mary Cummins that she -- she threatened to sue you  
6 for defamation or libel if you didn't take down certain  
7 things -- certain things that had been put on the  
8 Internet, not necessarily about her; is that correct?

9           A.     That's correct. I -- I felt threatened, so  
10 I -- I took them down or I felt that Bat World also felt  
11 threatened because I saw that -- that Mary Cummins had  
12 contacted them about that -- about that post, so I  
13 didn't want to cause trouble for them. I figured it's  
14 just an -- It was just a post made to blow some steam,  
15 so just take it down.

16          Q.     Okay. Thank you, Ms. Kennedy.

17                   MR. TURNER: Pass the witness.

18                   MS. CUMMINS: I have a few more  
19 questions.

20                                   **FURTHER EXAMINATION**

21 BY MS. CUMMINS:

22          Q.     You stated earlier that you're not a licensed  
23 veterinarian; is that correct?

24          A.     That's correct.

25          Q.     You also stated that you're not a licensed vet

1 tech; is that correct?

2 A. That's correct.

3 Q. Did you physically examine all of the dogs  
4 there?

5 A. No, I did not physically examine them. No. I  
6 played them and --

7 Q. Did you examine the dogs' teeth?

8 A. No, I did not.

9 Q. So you wouldn't know if the teeth had tartar  
10 or infections?

11 A. If they barked or something, they all -- they  
12 all looked pretty healthy, but I did not closely examine  
13 their teeth as a vet tech would or a vet would.

14 MS. CUMMINS: I pass the witness.

15 MR. TURNER: That's all I have,  
16 Ms. Kennedy. Thank you very much for your time. We can  
17 go off the record now.

18 (End of videotape.)

19 MR. TURNER: At this time, Your Honor, we  
20 would like to call Larry Crittenden for about five  
21 minutes. Crittendon, it's C-r-i-t-t-e-n-d-o-n.

22 THE WITNESS: E-n.

23 MR. TURNER: E-n, I'm sorry.

24 THE REPORTER: Spell it again for me,  
25 please?

1 THE WITNESS: C-r-i-t-t-e-n-d-e-n.

2 (Witness sworn.)

3 THE COURT: Thank you. Please be seated.

4 Use the microphone.

5 **LARRY CRITTENDEN,**

6 having been first duly sworn, testified as follows:

7 **DIRECT EXAMINATION**

8 BY MR. TURNER:

9 Q. Your name is Larry Crittenden?

10 A. Yes.

11 Q. And are you the husband of Amanda Lollar?

12 A. I am. Yes, sir.

13 Q. How long have you been married?

14 A. Almost ten years.

15 Q. And you live with her above the Bat World

16 sanctuary?

17 A. Yes.

18 Q. You're -- You're familiar with how these posts

19 have -- that have been put on the Internet by Mary

20 Cummins have affected Amanda, correct?

21 A. That is correct.

22 Q. Would you tell the Judge what you have seen in

23 the way of how these have affected her?

24 A. I have seen a -- a huge change in her

25 personality. It has greatly affected her. We used to

1 go into town, spend time together, do general things,  
2 shopping. And I do all the errands now. She won't go  
3 into town.

4 She has trouble sleeping. She has  
5 nightmares, wakes up several times a night. She has had  
6 periods of throwing up throughout the day from stress  
7 and worry, and has stressed over various things that  
8 have been posted. We hear and get messages of various  
9 posts and go and see things, and it -- it affects her.

10 Q. Larry, have you noticed -- I think you were  
11 telling me about some type of nervous tick that  
12 developed after these things started appearing on the  
13 Internet. Can you tell the Judge about that?

14 A. Her -- The corner of her eye twitches when  
15 she's very stressed.

16 Q. Does that happen often?

17 A. It has happened frequently.

18 Q. Okay. Thank you.

19 MR. TURNER: Pass the witness.

20 **CROSS-EXAMINATION**

21 BY MS. CUMMINS:

22 Q. Mr. Crittenden --

23 THE COURT: Please use the microphone.

24 MS. CUMMINS: Oh, I'm sorry. Can you  
25 hear me?

1 THE COURT: Yes. If you use the  
2 microphone, I can. Without it, I can't.

3 Q. (BY MS. CUMMINS) Okay. Is there anything  
4 else happening in your wife's life now that could  
5 possibly be causing stress?

6 A. I don't believe so.

7 Q. Did -- Did Bat World Sanctuary just sell half  
8 of their building?

9 A. Yes, they did.

10 Q. Has -- Is it possible that the reports to the  
11 city health inspector and the Texas Health Inspector  
12 might have caused some stress to your wife?

13 A. No.

14 Q. So you don't believe any of the complaints  
15 from the Health Department, the City, have caused her  
16 any stress?

17 A. That sort of thing -- we know the individual.

18 Q. So you've been married ten years. How long  
19 have you been together?

20 A. About 11 and a half years.

21 Q. During that time, has -- have there been any  
22 complaints made to Bat World Sanctuary or your wife?

23 A. No.

24 Q. I guess my question is: Have there been any  
25 complaints about her buildings?



1 A. Yes, there have.

2 Q. And where were those complaints from?

3 A. There was an individual living -- or I should  
4 not living, but operating next door to the building and  
5 there are two other individuals --

6 Q. So there are three people that have been  
7 complaining about her?

8 A. That I know of.

9 Q. The person next door that is complaining, is  
10 that the art gallery?

11 A. I can't say exactly what it is. I really  
12 don't know. I've met the woman once.

13 Q. Have those complaints caused her -- her any  
14 stress?

15 A. Not very much, no.

16 MS. CUMMINS: No further questions.

17 **REDIRECT EXAMINATION**

18 BY MR. TURNER:

19 Q. You -- You heard your -- you heard Amanda's  
20 testimony yesterday, correct?

21 A. I did.

22 Q. Are you in agreement with what she said?

23 A. Yes.

24 Q. Did Amanda learn recently that Mary Cummins  
25 had posted on the Internet that she had Amanda's Social

1 Security number?

2 A. Yes, she did.

3 Q. Was -- Did she take any action as a result?

4 A. Frantic action.

5 Q. How was the -- What was the action and how was  
6 it frantic?

7 A. She learned that Ms. Cummins had her Social  
8 Security number and driver's license number and  
9 immediately started researching online ways to prevent  
10 any -- any action against her or any release, any -- I'm  
11 sorry, I'm trying to think of the word. Anything from  
12 happening to her or her account or -- I'm sorry, I'm  
13 drawing a blank.

14 Q. Okay. And what time of day or night was this?

15 A. This was about 10:00 p.m.

16 Q. So at 10:00 at night she learned that Mary  
17 Cummins had posted, I've got the Social Security number.  
18 So at 10:00 at night she's frantically on the Internet  
19 trying to do whatever she can to prevent damage?

20 A. That's correct. She actually broke away from  
21 feeding animals to do this.

22 Q. Thank you.

23 MR. TURNER: Pass the witness.

24 **RECROSS-EXAMINATION**

25 BY MS. CUMMINS:

1 Q. Did you see the post where I mentioned that I  
2 had her Social Security number?

3 A. I did not see the post.

4 Q. How did she hear about it then?

5 A. It was delivered to her.

6 Q. Do you know from whom?

7 A. I don't know, no.

8 Q. Has any negative or illegal action happened to  
9 your wife since I posted that I knew her Social Security  
10 number?

11 A. Not that I know of.

12 Q. So no one has broken into her bank accounts or  
13 stolen money?

14 A. Not that I know of.

15 MS. CUMMINS: No further questions.

16 MR. TURNER: That's all we have from this  
17 witness, Your Honor.

18 THE COURT: Please step down.

19 MR. TURNER: Your Honor, at this time,  
20 the plaintiff rests.

21 THE COURT: All right.

22 MS. CUMMINS: May I take a two-minute  
23 break before I start?

24 THE COURT: Yes.

25 MS. CUMMINS: Thank you.

1 THE COURT: It's now five until 10:00.  
2 How much time do you need?

3 MS. CUMMINS: Five minutes. Just going  
4 down the hall.

5 THE COURT: All right. We will take up  
6 again at 10:00.

7 (Break from 9:54 a.m. to 10:01 a.m.)

8 THE COURT: Be seated, please.

9 You ready to proceed, Ms. Cummins?

10 MS. CUMMINS: Yes, Your Honor.

11 THE COURT: Call your next witness.

12 MR. TURNER: Your Honor, I hate to  
13 interrupt, but as a housekeeping matter, the court  
14 reporter brought to my attention that we haven't given  
15 her the -- the DVD videos of the deposition of Sara --  
16 we haven't given the court reporter the DVDs of the  
17 deposition of Sara Kennedy and Dr. Messner. So I  
18 would -- on the record I would like to go ahead and show  
19 that we're offering those as -- as evidence that that's  
20 been played.

21 MS. CUMMINS: May I object because he  
22 rested?

23 THE COURT: Overruled. They're admitted.  
24 You may proceed.

25 MR. TURNER: Thank you, Your Honor. I'm

1 sorry for interrupting.

2 MS. CUMMINS: My name is Mary Cummins --

3 THE COURT: Ma'am, are you going to  
4 testify now?

5 MS. CUMMINS: Oh, yes. I'm testifying  
6 now.

7 THE COURT: All right. I thought you had  
8 gone out to bring in a witness.

9 MS. CUMMINS: Oh, no. They're coming  
10 later. I just had to go to the restroom. Sorry.

11 THE COURT: All right. Go ahead.

12 **MARY CUMMINS,**  
13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 BY NARRATIVE: My name is Mary Cummins  
16 the last name is C-u-m-m-i-n-s. My address is 645 West  
17 Ninth Street, Los Angeles, California, 90015.

18 For the past 25 years, I have been  
19 rescuing animals, and I have been a wildlife  
20 rehabilitator since 2001. And I rescue ill, injured,  
21 and orphaned native wildlife for release -- for release  
22 back to the wild. I rescue coyotes, bobcats, skunks,  
23 all the way down --

24 THE REPORTER: Ma'am, please slow down.

25 MS. CUMMINS: I'm sorry.

1           I rescue coyotes, bobcats, skunks all the  
2 way down to bats.

3           And I went to the University of Southern  
4 California. I was on the Dean's list. I had a swim  
5 scholarship and an educational scholarship. And I have  
6 been taking classes in wildlife care and native wildlife  
7 care since the year 2000.

8           I went through the police academy in 2005  
9 so that I could become a humane officer. And I also  
10 went through the Animal Law Enforcement Academy in 2005  
11 so I could be a humane officer. And that's run by the  
12 SPCA, and it's approved by the California Veterinary  
13 Medical Association.

14           In the Animal Law Enforcement Academy, I  
15 learned how to recognize animal cruelty and animal abuse  
16 and animal neglect. We were taught how to be able to  
17 look at animals and see if they were sick, what type of  
18 injuries they had. We learned about hoarding  
19 situations. And we were trained in cock fighting, dog  
20 fighting, how to be to able to recognize these things.

21           I also, in 2005, became certified to  
22 euthanize animals by the American Humane Association. I  
23 was taught how to legally and humanely euthanize  
24 domestic pets and wildlife. In 2005, I also trained  
25 with the American Humane Association for two weeks and I

1 was trained to be an inspector on films so that they  
2 could have the -- the slogan, No Animals Were Harmed. I  
3 worked for them for a while.

4 In 2006, I went -- I was trained by the  
5 Pasadena Police Department. And in 2005 and up to 2010,  
6 I have taken many classes with LA Animal Services, LA  
7 County Animal Control, the Humane Society of the United  
8 States, the Humane Society -- Society Academy. And in  
9 2010, I took the Desert Study Center Southwestern Bat  
10 Research Techniques, which was taught by Dr. Patricia  
11 Brown-Berry who has over 40 years' experience with bats.

12 I am currently licensed by the California  
13 Department of Fish and Game to care for native wildlife.  
14 I am also licensed by the United States Department of  
15 Agriculture to possess wildlife and other animals. So  
16 I'm familiar -- very familiar with the Animal Welfare  
17 Act. I also have a trapping permit so I can trap ill  
18 and injured wildlife. And I have a specific coyote  
19 rider so I can rescue coyotes.

20 I have received many awards over the  
21 years from the City of Los Angeles, from Los Angeles  
22 Animal Services, and from various rescue groups,  
23 including ASPCA. I have written many articles, and I  
24 have been on quite a few TV shows, a cable show, I've  
25 been on radio interviews, on Discovery Channel, Animal

1 Plant. I've been quoted in the Los Angeles Times, Daily  
2 News, and all of these things have to do with native  
3 wildlife. Generally, if they have a story that involves  
4 native wildlife, they contact me.

5 I've been in a book by the Autobahn. I  
6 didn't bring in any of it, because it seems if I submit  
7 a book then you guys keep it for a while. And I kind of  
8 need them back. But they use my photographs and videos  
9 from some scientific displays.

10 And I received many recommendations from  
11 the mayor of Los Angeles and different people in  
12 different cities, because I help other cities with bat  
13 problems and other wildlife problems.

14 Since 2001, I have rescued over 5,000  
15 wild animals with the release rate around 90 percent.  
16 And I give -- I'm accredited by the California  
17 Department of Fish and Game to give classes on care of  
18 small mammals. I have given classes for Los Angeles  
19 Unified School District after-school programs. I've  
20 given classes at animal control centers. I have given  
21 classes to veterinarians.

22 I help the -- I volunteered with the  
23 California Department of Fish and Game to help rescue  
24 some tigers. And got the new wildlife quality passed in  
25 the City of Los Angeles in 2004. I got an amendment to



1 zoning for LA County in 2005 to allow wildlife  
2 rehabilitation. And I'm currently on the Humane Society  
3 of the United States National Disaster Animal Response  
4 Team, and we go into cock fighting and dog fighting  
5 raids, we intervene with hoarders, when people who are  
6 committing animal cruelty and animal neglect.

7 In 2010, I went to the International  
8 Conference on Disease of Zoo and Wild Animals in Spain.  
9 I have been on numerous committees for the City of LA.  
10 I was on a coyote task force. I was approved to be a  
11 commissioner for Los Angeles Animal Services. I was on  
12 Proposition F committee which dealt with the new animal  
13 shelter design. And I'm a member of various wildlife  
14 rehabilitation organizations.

15 I would like to submit my resume into  
16 evidence as Exhibit 1.

17 MR. TURNER: No objection.

18 THE COURT: Defendant's Exhibit Number 1  
19 is admitted.

20 (Defendant's Exhibit Number 1 was  
21 admitted into evidence.)

22 THE COURT: Will you please have it  
23 marked? Will you please have it marked?

24 MS. CUMMINS: Oh, I'm sorry. Thank you.

25 As I said earlier, I have written quite a

1 few manuals on the care of small mammals and I have  
2 written three different manuals which I let anyone use  
3 for free on online, because I want to help animals and  
4 help people help animals.

5 And I'm going to -- I want to submit  
6 these three manuals that I wrote as Exhibit 2.

7 THE COURT: Any objection?

8 MR. TURNER: No objection, Your Honor.

9 THE COURT: Admitted.

10 (Defendant's Exhibit Number 2 was  
11 admitted into evidence.)

12 MS. CUMMINS: And I provide all of my  
13 educational materials free of charge on my website just  
14 because I want to help animals. I've also written  
15 medical reports about various illnesses --

16 THE COURT: Ma'am, slow down.

17 MS. CUMMINS: I have also --

18 THE COURT: You have given me one, two  
19 three.

20 MS. CUMMINS: Three manuals, yes.

21 THE COURT: Do each of these altogether  
22 comprise Defendant's Exhibit Number 2?

23 MS. CUMMINS: Yes.

24 THE COURT: Give me a rubberband, please.  
25 Please proceed.

1 MS. CUMMINS: I've also written medical  
2 report on the treatment of various wild animals. And I  
3 only brought one today, which deals with malocclusion in  
4 squirrels injuries. I wrote the first one who was able  
5 to recommend that the incisors of rodents can be safely  
6 removed. And I have a medical article, which I wrote  
7 about that.

8 I would like to submit this as Exhibit  
9 Number 3.

10 THE COURT: Any objection to Defendant's  
11 3?

12 MR. TURNER: No objection, Your Honor.

13 THE COURT: Defendant's 3 is admitted.  
14 (Defendant's Exhibit Number 3 was  
15 admitted into evidence.)

16 MS. CUMMINS: I have also worked  
17 positively with many cities in Southern California to  
18 pass animal friendly motions and legislations. And one  
19 of them was the New Wildlife Policy for the City of Los  
20 Angeles. Prior to 2004, the protocol was to euthanize  
21 wildlife that came into the shelter, and that was  
22 probably about, maybe, 25,000 animals per year.

23 But it took me a couple of years. And I  
24 worked with the City and the mayor and I was able to  
25 change that policy so that they would give the

1 wildlife -- the wildlife to licensed rehabilitators.  
2 And I set up the shelter program, the referral program  
3 for the City of Los Angeles.

4 I would like to submit as Exhibit Number  
5 4. Exhibit Number 4 --

6 THE COURT: Wait a minute. Any  
7 objection?

8 MR. TURNER: This is the first time I've  
9 seen this, Your Honor.

10 MS. CUMMINS: It's on the Internet.

11 MR. TURNER: No objection.

12 THE COURT: Defendant's 4 is admitted.  
13 (Defendant's Exhibit Number 4 was  
14 admitted into evidence.)

15 MS. CUMMINS: And Exhibit 4 is a press  
16 release that went out on Business Wire in 2004  
17 announcing the New Wildlife Policy with the  
18 commissioners.

19 I'm also, for my day job, I'm a real  
20 estate appraiser and I have been a broker in the past  
21 for 27 years, almost 28 years. And so for a living, I  
22 appraise real estate. I'm also an expert witness in  
23 real estate, and I have done that for probably, maybe,  
24 23 years. I work for lawyers and expert witness  
25 companies, credit unions, mortgage brokers.

1 I received my sales license in 1985,  
2 brokerage license in 1986. I became a notary public in  
3 '89 and received my appraisal license in '94. I have  
4 been an expert witness in such cases as Schine versus  
5 Schine, which dealt with an appraisal of the -- of the  
6 Ambassador Hotel for \$115 million. It was for a project  
7 with Donald Trump. And I been deposed numerous times.  
8 I've been an expert witness in trials quite a few times.

9 I would like to enter this as Exhibit 5.

10 MR. TURNER: No objection.

11 THE COURT: Admitted.

12 (Defendant's Exhibit Number 5 was  
13 admitted into evidence.)

14 MS. CUMMINS: I also have been building  
15 websites by hand, starting in approximately 1994 before  
16 we had HTML editors. I had to build everything from raw  
17 code back then. And I have created over -- at least 200  
18 websites for various businesses, including government  
19 agencies.

20 I built the websites for the City of Los  
21 Angeles Animal Services Department. And I also do  
22 search engine optimization, and I beta tested Google  
23 when it first came out in 1998. Some of my clients have  
24 been Beverly Hills BMW and also the City of Los Angeles.

25 I would like to submit Exhibit Number 6.

1 MR. TURNER: No objection.

2 THE COURT: Defendant's 6 is admitted.

3 (Defendant's Exhibit Number 6 was  
4 admitted into evidence.)

5 MS. CUMMINS: Not only do I try to help  
6 animals, but I also try to help people. I have been a  
7 proponent trying to protect people from securities  
8 fraud. And in the past I have made detailed financial  
9 reports which I posted on the Internet with tons of  
10 evidence. When it came to reporting public companies  
11 that were dishonest, that were stock scams. And for  
12 that reason I have been sued twice in the past for  
13 defamation.

14 I was sued by Ashton Technology because I  
15 had posted on the Internet that the Philadelphia mob had  
16 a boiler room and pumped and dumped their IPO. After I  
17 was sued, I helped the FBI and the SEC go after Ashton  
18 Technologies and First United Equities and they arrested  
19 50 people. All but two pled guilty. The other two were  
20 found guilty, and they are in prison.

21 After this, I posted a report on the  
22 Internet about the public company Nanopierce. I posted  
23 that it was a stock scam and they had a company paid  
24 stock promoter and the CEO had been found guilty of SEC  
25 violations, Securities and Exchange Commission. And I

1 posted the history of management and that it was a stock  
2 scam, and they had no real product. I wasn't sued by  
3 the company, but I was sued by their company-paid stock  
4 promoter. She sued me for defamation, securities fraud,  
5 trademark infringement, and a few other things.

6 Oh, let me go back to Ashton. I was sued  
7 by Ashton Technology. I represented myself pro se, and  
8 I prevailed in that action. It was dismissed with  
9 prejudice. I was then sued by the stock promoter of  
10 Nanopierce. I posted about the stock promoter, that  
11 none of her calls were any good, that she was trying to  
12 sell people's shares of stock scams and she sued me.  
13 And I represented myself pro se again, and I prevailed.

14 So I have a history of when I see animals  
15 or people being taken advantage of or anything cruel  
16 happening, that I want to stand up and help these  
17 people. I will report the bad guys to the authorities.  
18 I will report the scammers to the FBI and the Department  
19 of Justice. And I have about a 25-year history of doing  
20 this.

21 On -- Just about on the Internet. I am  
22 well known as a scam buster. I was interviewed for the  
23 Wall Street Journal for the Ashton Technology case. I  
24 have been interviewed for quite a few different  
25 newspapers about being a scam buster and a truth seeker.

1                   Now, I originally heard about the  
2 internship around May of 2010. Someone from Bat World  
3 had forwarded me an e-mail about the internship. And I  
4 want to help bats. I want to help people help bats, so  
5 it sounded great. So I made my application, and I  
6 agreed to go. And I was supposed to stay there from  
7 June 19th for about two weeks.

8                   And I arrived in Fort Worth, Texas, on  
9 June 19th. And Kate Rugroden of Midcities Bat World  
10 Sanctuary, she picked me up. I spent my first night at  
11 her place, and we feed bats and raccoons. The next  
12 morning, June 20th, Kate Rugroden drove me to Mineral  
13 Wells, Texas, in the morning. And then that was the  
14 first time I met Ms. Lollar.

15                   When I -- Within an hour of going into  
16 the building, Ms. Lollar gave me a couple of things,  
17 couple of agreements, and she also gave me the intern  
18 rules. These intern rules say, General Rules and  
19 Expectations During Your Internship. In Item Number 14  
20 says, Take as many pictures as you like of both  
21 procedures and bats; however, do not follow or attempt  
22 to capture a fruit bat that flies away.

23                   I would like to enter this into evidence  
24 as Exhibit Number 7.

25                   MR. TURNER: No objection.



1 THE COURT: Defendant's Exhibit 7 is  
2 admitted.

3 (Defendant's Exhibit Number 7 was  
4 admitted into evidence.)

5 MS. CUMMINS: May 3rd is when I first  
6 received the e-mail from Bat World Sanctuary offering --  
7 offering the continuing education internship for animal  
8 care professionals. It stated, Training will cover  
9 housing, husbandry, orphan care, nutrition, and medical  
10 care of native insectivorous bats.

11 I would like to submit into evidence as  
12 Exhibit Number 8 the e-mail which I received from Bat  
13 World Sanctuary.

14 MR. TURNER: No objection.

15 THE COURT: It's admitted.

16 (Defendant's Exhibit Number 8 was  
17 admitted into evidence.)

18 MS. CUMMINS: Before I actually went to  
19 Texas on June 17th, I had e-mail conversations with Kate  
20 Rugroden, who is Bat World Mid-Cities.

21 And I would like to submit into evidence  
22 our e-mail conversation, which shows that I was to  
23 arrive on June 19th.

24 MR. TURNER: No objection.

25 THE COURT: Defendant's 9 is admitted.

1 (Defendant's Exhibit Number 9 was  
2 admitted into evidence.)

3 MS. CUMMINS: I arrived at Mineral Wells,  
4 Texas, on June 20th, 2010. The very first day that I  
5 arrived, I was taking photos and videos in full view of  
6 the other interns and in full view of Amanda Lollar, and  
7 I think maybe even the volunteer, Janet Villarreal, and  
8 the other intern, Cassandra Gearheart and Kay Singleton.

9 The first evening that I was in Mineral  
10 Wells, Texas, at night I loaded up all the photos and  
11 video that I had taken that day. And I took photos and  
12 videos every single day that I was there, and I would  
13 load them up at night. And on June 25th -- I'm sorry --  
14 on June 24th, I e-mailed Amanda Lollar a link to my  
15 Facebook page which had the album entitled bats. And  
16 there were about 40 photos at that time. And on  
17 June 25th, she e-mailed me back and said, Thank you,  
18 Mary.

19 I would like to submit into evidence as  
20 Exhibit Number 10 the e-mail exchange.

21 MR. TURNER: No objection.

22 THE COURT: Defendant's 10 is admitted.

23 (Defendant's Exhibit Number 10 was  
24 admitted into evidence.)

25 MS. CUMMINS: On June 26th, I sent

1 Ms. Lollar another e-mail, and I stated, I posted a few  
2 videos from my trip besides photos. Here is one of me  
3 feeding a baby Mexican bat. I hope it looks okay. I  
4 linked it to your site in the video and photos. I then  
5 posted a link to one of the videos.

6 I would like to enter this as Exhibit  
7 Number 11.

8 MR. TURNER: No objection.

9 THE COURT: Admitted.

10 (Defendant's Exhibit Number 11 was  
11 admitted into evidence.)

12 MS. CUMMINS: During the time I was at  
13 Bat World Sanctuary, I took many photos and videos. And  
14 my camera has a time-date stamp, so I -- my camera was  
15 set to California time, which is minus two hours. And  
16 it was off by maybe 12 minutes.

17 I would like to enter into evidence  
18 Exhibit Number 12, which is a printout of the time-date  
19 stamps of all the photos and videos that I took while I  
20 was at Bat World Sanctuary.

21 MR. TURNER: No objection.

22 THE COURT: Defendant 12 is admitted.

23 (Defendant's Exhibit Number 12 was  
24 admitted into evidence.)

25 MS. CUMMINS: And this exhibit shows that

1 I took photos and videos from June 20th all the way to  
2 June 28th.

3 I arrived at Bat World Sanctuary  
4 June 20th and I left June 28th. This -- And I spent one  
5 day in Fort Worth, Texas, and nine days in Mineral  
6 Wells, Texas. So I was in Texas at Bat World Sanctuary  
7 or for another ten days.

8 I would like to admit into evidence  
9 Exhibit 13, which is a printout of the -- some of the  
10 photos from my Facebook page and the album was bats.  
11 And this shows the date that the photos were loaded up  
12 and it shows they were loaded up from -- onto Facebook  
13 June 21st, through June 28th.

14 MR. TURNER: No objection.

15 THE COURT: Defendant's 13 is admitted.

16 (Defendant's Exhibit Number 13 was  
17 admitted into evidence.)

18 MS. CUMMINS: Now, these photos, if you  
19 look at them, it's basically me holding a bat, a wild  
20 unknown bat in my own hand. And one photo is the  
21 ceiling of the wild sanctuary with bats hanging off the  
22 rafters and one bat flying around and more photos of  
23 bats on the rafters.

24 And you can see there are quite a few  
25 bats there. I'm also holding a baby bat in my hand.

1 And there is one picture of the street view of the rehab  
2 center.

3 And I would like to submit into evidence  
4 as Exhibit 14, a printout of some of the photos which I  
5 took while at Bat World Sanctuary. I don't have a copy  
6 of this, but plaintiff has a copy of all the photos and  
7 videos that I took, and they received it in discovery.  
8 I'm sorry, I don't have another copy.

9 MR. TURNER: We have not seen that, Your  
10 Honor. If she's offering it, can I take a look at it?

11 MS. CUMMINS: Oh, I will get it.

12 MR. TURNER: No objection.

13 THE COURT: Defendant's 14 is admitted.  
14 (Defendant's Exhibit Number 14 was  
15 admitted into evidence.)

16 MS. CUMMINS: Again, in those photos,  
17 it's basically me holding an unknown wild bat and photos  
18 of the wild sanctuary. There is a photo there of baby  
19 bats being fed, just hanging around.

20 There is a photo of the other intern,  
21 Cassandra Gearheart, and she has baby red tree bats  
22 hanging on her shirt. And there is a photo of the other  
23 intern with a fruit bat in her hair and on her shirt.  
24 Not doing anything nefarious, just hanging out.

25 Now, all these photos -- I will be

1 showing some photos and videos briefly, but all of the  
2 photos that I just handed to you, those are the photos  
3 that I was told to remove in the temporary injunction  
4 because they were supposedly defamatory, copyrighted,  
5 and shared proprietary information. It's basically just  
6 me holding a baby bat, I would say probably 95 percent  
7 of them, or me taking photos of the wild sanctuary.

8           So while I was at Bat World Sanctuary, I  
9 posted the photos to my Facebook page every night and I  
10 posted the videos to my YouTube account every night.  
11 The Internet connection was slow, so I would have it  
12 load while I was asleep. I posted probably 99 percent  
13 of every photo and video I took while I was at Bat World  
14 Sanctuary. And my YouTube account automatically posts  
15 the videos to my Facebook page.

16           And I would like to enter into evidence  
17 Exhibit Number 15, and this is a printout of my Facebook  
18 page during the time I was at Bat World Sanctuary from  
19 June 20th to June 28th.

20           MR. TURNER: No objection.

21           THE COURT: Defendant's 15 is admitted.

22           (Defendant's Exhibit Number 15 was  
23           admitted into evidence.)

24           MS. CUMMINS: And so on this document,  
25 you can see the date and the time that I posted all of

1 those photos and videos. It's in reverse chronological  
2 order.

3           And I would like to take the opportunity  
4 just to show a few more photos and videos on the  
5 computer. All of these photos and videos I gave to  
6 plaintiffs in discovery. I'm just going to show a few,  
7 just so you can get a sample of the photos that I took  
8 which they ordered me to take down.

9           Here I am holding a baby red tree bat.  
10 Here are some baby crevice bats. Here is one of her  
11 outdoor cats. Here is some photos of her dogs and her  
12 husband's dogs. Here is the very old pallid bat, which  
13 had crawled out of its roost and I put it back into its  
14 roost. It's rather skinny, as you can see. This is a  
15 photo of another pallid bat.

16           And here is a photo which I took in the  
17 wild sanctuary building. Now, Ms. Lollar told me there  
18 are approximately, maybe, 30,000 bats which are living  
19 in the building. And, of course, with that many bats  
20 some of them are going to die.

21           And here are two dead bats that I picked  
22 up off the floor. I'm wearing blue gloves here. And I  
23 don't know if you can see tiny dots, but the tiny dots  
24 are mites and lice.

25           I don't know if you've been to Mineral

1 Wells, but the Baker Hotel is across the street, and  
2 it's been vacant for many years, you can see the broken  
3 windows. There are quite a few bats living in there.  
4 This is the side of the top floor of the building.

5 THE COURT: Are you saying top floor of  
6 the building of the Baker Hotel?

7 MS. CUMMINS: Oh, I'm sorry. The top  
8 floor of the wild sanctuary building on First Street.  
9 And here is a view looking up at the rafters of the  
10 inside of the wild sanctuary. You can see she ripped  
11 the ceiling out and the bats are hanging on the wood  
12 beams. And you can see the -- the stains from urine.

13 Here is a view of the inside of the  
14 building. You can see the walls are -- looks like they  
15 have been stripped bare. There is a bat flying in the  
16 middle. Now, this building is dimly lit.

17 And this is guano on the floor of the  
18 building. We would sweep it up every morning. Here is  
19 another view of the building where you can see the bats  
20 hanging on the wood beams. And I took these photos in  
21 front of Amanda Lollar. She was there sweeping the  
22 guano with me. And as you can see, I have flash, so she  
23 would, of course, be able to see that I'm taking photos.

24 Here is a little pile of guano that I  
25 just swept up. We would sweep about 30 pounds of guano



1 a day. I don't know if you can see, but there is  
2 insects in the guano and other things in there.

3           And I was there when the babies -- the  
4 mother's were giving birth, and this is the afterbirth.  
5 And that is my hand and the tiny little dots are mites  
6 and lice.

7           And this is the bottom of my shoe with  
8 bootie on after I finished. And this is a picture of  
9 Kismet, the dog on the left that has a problem with its  
10 rear hips and knees. And when I was there, I saw her  
11 dragging herself. I did not see her run and jump.

12           This is a photo of Cassandra with a bat  
13 on her head. The bat is extremely friendly. There is  
14 no problems with this. There is the bat again. These  
15 are the types of photos that I was taking of Bat World.  
16 There is a bat again. Here is some little baby bats  
17 just hanging around. It's probably after we fed them.  
18 And here is a bat learning how to eat mealworms.

19           Here is a photo of Ms. Lollar. She --  
20 This bat came in supposedly cut by a hawk or an owl, and  
21 she is trying to suture up the bat. And in the back you  
22 see a bottle, that is Isoflurane. You need a  
23 prescription from your vet for it. She was using this  
24 Isoflurane to anesthetize this bat.

25           And here she is, the bat has stopped

1 breathing because it probably had too much Isoflurane,  
2 so she's giving it oxygen to make it come to. And  
3 that's a bottle of Isoflurane in the background on the  
4 left. And you can see she's wearing glasses.

5 I'm just going to show a few quick little  
6 videos, because you've basically seen what I showed.

7 (Discussion off the record.)

8 (Beginning of video.)

9 MS. CUMMINS: That was a bat eating a  
10 mealworm.

11 (Video playing.)

12 MS. CUMMINS: That is a video of an  
13 elderly pallid bat. I had gone to feed the other bats  
14 at the desk, and this bat came out. It was very, very  
15 skinny. It's also an older bat. I was told it was  
16 older. I don't know. I can just tell it was  
17 malnourished.

18 (Video playing.)

19 MS. CUMMINS: That is a video of a bat  
20 Ms. Lollar told me that she suspected that had rabies.  
21 And the tremors were a symptom of the rabies. And when  
22 they curl their rear foot up on their abdomen, that is a  
23 symptom of rabies. And the only thing humane you could  
24 do is to euthanize it, and she did euthanize it. And  
25 she euthanized it with the -- I will show you.

1                   In the -- One second you will see it. So  
2 she's holding a possibly rabid bat in her bare hand.  
3 And you're going to see a bottle on the right, which has  
4 a purple top on it. So there is the bottle. That's the  
5 Isoflurane. So she's using the Isoflurane to basically  
6 OD them to euthanize them.

7                   (Video playing.)

8                   MS. CUMMINS: And that was a little bitty  
9 bat we named Stinker. After he ate his meals, he kept  
10 coming out and wanting to eat again. So he came -- he  
11 came out on his own. I didn't drag him out.

12                   (Video playing.)

13                   MS. CUMMINS: This is the same bat. The  
14 bat is not breathing.

15                   (Video playing.)

16                   MS. CUMMINS: I'm almost done.

17                   (Video playing.)

18                   MS. CUMMINS: After we feed them, we  
19 brush them and we clean them.

20                   (Video playing.)

21                   MS. CUMMINS: That bat had just eaten and  
22 was licking its lips.

23                   (Video playing.)

24                   MS. CUMMINS: So while I was at Bat World  
25 Sanctuary, the main thing I did was feed and clean

1 babies. After I was there for about, maybe -- before I  
2 went to Bat World Sanctuary, I was already rehabbing  
3 bats, but I hadn't met any bat experts or taken any of  
4 the advanced classes yet. So when I heard about the  
5 internship, it sounded great, because generally two  
6 other members of Bat World, Dottie the Kate, they do a  
7 class called bat boot camp. And I heard that was a nice  
8 class from a couple of people who were beginners like  
9 me. And they generally charge \$500 for it.

10 So I heard about this internship, which  
11 is free, and -- so I thought, great. Because I couldn't  
12 afford \$500 for a bat boot camp. But after a couple of  
13 days there, I learned that Ms. Lollar was not all that  
14 she appeared to be.

15 Before I went there, I had only seen  
16 their website, which is really nice. And I seen the  
17 book which she wrote with Barbara French. And so I --  
18 that was all I had that I knew about. I didn't know  
19 about anything else. But after a couple of days -- I've  
20 been rescuing animals for an awful long time. Whenever  
21 there is a class, I want to take it.

22 If there is something that I learn --  
23 even learn one new little thing to help animals, I want  
24 to learn it. I want to help animals, I want to help the  
25 public help animals. But after two days, I realized

1 that her methods were not that humane and some -- I  
2 didn't believe what she was doing was legal.

3           When I was there, she told me to give  
4 rabies vaccinations to bats. And only veterinarians can  
5 give rabies vaccinations. And I told her, I said, Wow,  
6 this would be illegal in California. I would be in jail  
7 before I could turn around. I said -- And she said,  
8 Well, it's legal here. I said, Wow, that's great. I  
9 said, So where do you get the rabies vaccination? And  
10 she says that she buys it from the company. I said,  
11 Don't you have to be a doctor? And she told me that  
12 they think I'm a doctor.

13           When I was there, Kate Rugroden came  
14 after about, maybe, a week or so with another volunteer  
15 named Mary, and they helped us feed bats for an hour or  
16 two. And when Kate left with Mary, the other volunteer,  
17 she had a box full of bottles of Isoflurane and  
18 antibiotics that she was taking back to -- I believe she  
19 lives in Arlington, that's around Fort Worth.

20           So after a couple of days, I realized  
21 that she is probably violating some regulations. I know  
22 the building and safety code, because I inspect  
23 buildings. I know the health and animal codes because I  
24 went to the Humane Academy. I know the Animal Welfare  
25 Act, because I have the same permits that she does.

1                   And I saw her try to suture a bat. And  
2 she had on a couple of magnifying glasses and Janet  
3 Villarreal was also there and intern Kay Singleton was  
4 also there. And she couldn't see very well. And she  
5 lost the needle in the bat a couple of times. And Janet  
6 Villarreal, the volunteer, had to go pick up the needle  
7 with her bare hands off the bat's body, and then gave it  
8 back to Ms. Lollar, who tried to suture again. She tore  
9 out some sutures. Then just said, I will just glue it.

10                   So this bat, I could tell it was torn all  
11 up here. And it wasn't just the skin. It was also the  
12 muscle underneath was torn. So in order to actually fix  
13 it, you would need to sew underneath, and then do  
14 topical sutures as well. And she just went and she put  
15 some glue on a piece of wood and then used something  
16 else to put that on to the bat and just glued it. And  
17 it wasn't really -- it wasn't a good job at all. I  
18 mean, it was really --

19                   MR. TURNER: Your Honor, I'm going to  
20 object. This witness is not qualified --

21                   THE COURT: Sustained.

22                   MR. TURNER: -- to give an opinion.

23                   MS. CUMMINS: I didn't personally feel  
24 that it was a good job --

25                   MR. TURNER: I'm going to object. What

1 she feels was a good procedure, it's beyond --

2 THE COURT: The objection is sustained.

3 MS. CUMMINS: Okay. Now, the first day  
4 that I -- I arrived at Bat World -- Well, when I went to  
5 the Bat World Sanctuary, Ms. Lollar never asked to see  
6 my proof pre-exposure rabies vaccination card. She  
7 never asked for it at all.

8 And I came there with a couple of pairs  
9 of gloves, because I have always been told never ever  
10 touch a bat with bare hands even if you're feeding it.  
11 And all the bat experts know never even show a photo or  
12 a video of you holding a bat in bare hands. But when I  
13 got there, Ms. Lollar says, Don't wear gloves, you can't  
14 feel the animal if you wear gloves. And one time --  
15 now, she hasn't checked my rabies pre-exposure card, she  
16 handed me a bat in my bare hands, and previously I had  
17 been bitten by the little red tree bats and they have  
18 very sharp teeth.

19 She handed me a bat that she just picked  
20 up from the wild sanctuary, her bare hand to my bare  
21 hand and she said, Try to feed it. I think it's rabid.  
22 And I'm sitting there thinking, I have a possibly rabid  
23 bat in my hand. Where is the saliva going? Where are  
24 the little cuts? And she didn't think anything of it,  
25 and I have -- and I tried to feed and it. And after a

1 couple of days, it still didn't want to eat. I don't  
2 know what happened with that bat.

3           One time I was feeding in the sanctuary  
4 in the rehab building, the animals in the sanctuary in  
5 the rehab building and also cleaning, and she told me we  
6 have to check every bat every day. And then she told  
7 me, You have to clean absolutely every square inch. So  
8 I got on my hands and knees to clean under the desk,  
9 because I took her literally, to clean every square  
10 inch. And I saw a dead bat under her desk. It only had  
11 one wing.

12           And I can tell -- I could tell it had  
13 been there a few days. And it looked like it died from  
14 dehydration. And I picked it up and there were bugs on  
15 it eating, so -- I picked it up and I took this one back  
16 to Amanda and she said, Oh, that was one of my  
17 favorites. I said, What should I do with it? She said,  
18 Put it in the trash.

19           And generally, I -- you're not allowed to  
20 throw dead animals in the trash. They have to be  
21 properly disposed of as per the law. But I did what she  
22 instructed and I tossed it in the trash. And the desk  
23 where I found that one-winged bat it's an area where  
24 there are, like -- they're extremely disabled,  
25 unreleasable bats.



1                   Now, the food and water for the bats is  
2 up higher. This bat had one wing and it probably fell  
3 off the table and it couldn't crawl back up. And  
4 someone -- I don't know who should have been checking  
5 that bat every day to make sure it was in the pouch.  
6 And no one had checked it.

7                   When I was there, I was walking by the  
8 fruit bat enclosure, and I -- it was later at night, I  
9 saw an -- an obese bat on the floor flapping its wings  
10 because it was too fat to fly. I thought it was in  
11 distress. I went to Ms. Lollar and she says, No, he's  
12 fat. He needs to lose weight. He can just flap on the  
13 floor like that.

14                   While I was there, I would say two or  
15 three times a day, I would pick -- clean up dogs' feces  
16 and urine from the hallways. And, in fact, on the  
17 General Rules and Expectations During Your Internship  
18 number five, it says, Keep your bedroom closed during  
19 the day as the dogs will go into your room and have a  
20 pee party. So the dogs were urinating and defecating  
21 inside the building.

22                   And I saw her euthanize that bat, which  
23 she suspected of rabies. And if you -- legally, if you  
24 suspect a bat of rabies, you have to send it to the lab  
25 so they can test it to see if it is rabies, because you

1 must report rabies cases. And she didn't. She just  
2 threw it in the trash.

3                   Now, when I first arrived at Bat World  
4 Sanctuary in Mineral Wells on June 20th, she handed me  
5 two pieces of paper that she wanted me to sign. Well,  
6 the first two days I was so busy feeding and cleaning,  
7 we were feeding from 7:00 in the morning until past  
8 midnight every night. I didn't even have time to read  
9 it. Plus she told me I had to read chapter 9.

10                   Let me back up a little. I read the book  
11 written by Amanda Lollar and Barbara French in 2005. I  
12 read the entire book. I had read all the techniques, I  
13 had read all their data. I had seen their photos in the  
14 book. I already knew all of that before I ever went to  
15 Bat World.

16                   Anyway, I would say almost every day she  
17 kept asking me to sign a contract and she started to get  
18 a little bit huffy about it. After awhile, I read it  
19 and I thought, this is -- sounds a little crazy, like  
20 someone who wants to overcontrol. Why does someone want  
21 to control absolutely everything? It seems very  
22 strange. And by then, I had seen evidence of animal  
23 abuse and neglect and I wanted to report it.

24                   On June 26th is when I went to the wild  
25 sanctuary building. And she told me to wear -- it's

1 kind of like a hairnet, but it's a hat and the little  
2 booties, which you saw a photo of, and a headlight,  
3 which kind of sticks out like this. And there weren't  
4 any lights on in the building, but it was daytime and  
5 there were some windows, but it was very dimly lit. She  
6 told me to go up this step stool and then crawl out of a  
7 window to crawl on the roof of the neighbor's building  
8 to go outside to look for bats that needed help.

9           So I got up on the step stool, but it's  
10 not quite tall enough, so I couldn't crawl through. So  
11 I -- I grabbed the sides of the window to try to pull  
12 myself through, and because of the headlamp I can't see  
13 above my head, I hit the wood beam and I fell backwards  
14 and I landed on the floor. And I think I passed out for  
15 a few seconds. And then I got up because my mouth was  
16 open and guano was falling into it.

17           When you're in the wild sanctuary there  
18 are at least --

19           MR. TURNER: Your Honor, I am going to  
20 object to the personal injury case being presented in  
21 this trial.

22           THE COURT: Sustained.

23           MS. CUMMINS: When you're walking through  
24 the building, because there are so many bats, it feels  
25 like a constant light rain, because the guano is coming

1 down on you. And the mites and lice are also coming  
2 down on you. Plus, we're picking up dead animals and  
3 sweeping up the guano.

4                   Anyway, I got back to the wild  
5 sanctuary -- I mean, the rehab center. Actually, I told  
6 her in the car -- Well, never mind about my head. But I  
7 told her I wasn't feeling well, and instead of eating  
8 lunch I'm going to go take a nap. This is June 26th. I  
9 go sleep and take a nap. She throws open the door and  
10 turns on the light and she says, Sign this contract.

11                   Now, I get up and I go to sign the  
12 contract. And I have an issue with the sleepwalking,  
13 sleep talking. If you ask me anything when I'm asleep,  
14 I will answer. It won't always be a sane answer. If  
15 you ask me to do something while I'm asleep, I will  
16 generally do it and I will generally not remember it. I  
17 have been -- I have slept walked and talked and do just  
18 about everything since I was a kid.

19                   So she woke me up, she told me to sign  
20 it. And I went to go and sign it. As I put my pen  
21 down, I became extremely nauseous, because I wasn't  
22 feeling well.

23                   And then I woke up and I was like, who  
24 was this person who wakes me up when she knows I don't  
25 feel well, to try to force me to sign this thing. And I

1 couldn't even read, because I wasn't feeling well. I  
2 couldn't see the signature line. Everything is jumping  
3 around. I was seeing spots. So I never signed it.  
4 After that day, she never asked me to sign it again.

5           Anyway, on June 26th, Kay Singleton, the  
6 other intern, arrived and I had just come back from the  
7 wild sanctuary, I was dirty. And we were instructed if  
8 you're dirty, don't go back to the room. Go take a  
9 shower first. But Ms. Lollar says, Go get Kay chapter  
10 9. I said, okay. But she says, Go get it right now.  
11 So I walked back with mites and lice and got her the  
12 chapter 9. And then I came back and she yelled at me  
13 for walking back there without taking a shower, even  
14 though she instructed me to do so.

15           Anyway, I warned Kay Singleton about the  
16 wood beam. I told her watch out for it. Even though I  
17 told her this, she hit her head. And we were there --  
18 Kay and I got along. We started going out to lunch and  
19 dinner. So instead of me spending 24 hours a day with  
20 Amanda Lollar, I was now spending lunch and dinner with  
21 Kay. Amanda Lollar seemed to be upset by that. We  
22 offered her to -- we invited her and we offered to buy  
23 her food and bring it back, but she said no. She all of  
24 sudden became very cold and just ordering us around and  
25 being rude and just giving us the cold shoulder.

1                   Let me back up one tiny bit. All those  
2 photos and videos which I showed you --

3                   THE COURT: Slow down.

4                   MS. CUMMINS: Okay.

5                   THE COURT: Go ahead.

6                   MS. CUMMINS: All the photos and the  
7 videos which I showed you, those are the photos and  
8 videos which you ordered me to take down. Those are the  
9 photos and videos which Ms. Lollar claims are defamatory  
10 and share confidential and proprietary data. You just  
11 saw those photos. It's mainly me holding a baby bat in  
12 my hand. And I had already seen all of her techniques  
13 in her book, I had read her book, which was written by  
14 Barbara French also in 2005.

15                   Anyway, Amanda Lollar -- at that point,  
16 we were only allowed to feed baby bats and clean. She  
17 wasn't teaching us anything. I mean, Kay and I are  
18 already wildlife rehabilitators. We had already taken  
19 care of bats for years. We were receiving no training.  
20 We were only feeding baby bats. And Ms. Lollar wasn't  
21 being nice to either of us.

22                   And Kay asked her -- Well, I guess I  
23 can't say that. She will tell you later today. After  
24 Kay spoke with her, I spoke with her and Amanda says,  
25 Well, you're just going to be feeding babies for the

1 rest of your time here, so if you to want leave, that's  
2 okay. I said, Okay, I'm going to leave. But we will  
3 feed the rest of the babies tonight and we will feed  
4 them in the morning and then we will leave. So we gave  
5 her advance notice.

6                   And we left on the morning -- thank God  
7 Kay gave me a ride back to Fort Worth on June 28th. So  
8 I couldn't afford to come back because of the flight  
9 difference. They wanted \$1,500. I had to wait a day.  
10 But I finally got back home in a couple of days. I flew  
11 back.

12                   And I -- on July 2nd, I reported  
13 Ms. Lollar to -- I tried to report her to Fish and  
14 Wildlife. At the time I didn't know who controls bats  
15 and bat care. On July 2nd, I contacted Barbara Douglas  
16 with Fish and Wildlife Services, because I knew they  
17 controlled endangered and protected bats. And I asked  
18 her who has jurisdiction over bats, is it state, is it  
19 Federal?

20                   And then I told her what I witnessed,  
21 that I witnessed the head of the facility break state  
22 and Federal laws. She has controlled drugs without a  
23 license or veterinarian oversight. I saw rabies  
24 vaccinations and Isoflurane. She performed surgery with  
25 anesthesia without a veterinarian license or oversight

1 and bats had been dying because of the violations. I  
2 stated I believe that public safety in Mineral Wells was  
3 jeopardized because of Bat World Sanctuary.

4 I stated that bats were dying of rabies,  
5 and she put them in the regular trashcan. And I said,  
6 All of these things are illegal in my state. Please let  
7 me know where I should file my complaint. I have photos  
8 and videos of the violations.

9 I would like to submit this into evidence  
10 as Exhibit Number 16.

11 MR. TURNER: No objection.

12 THE COURT: Defendant's 16 is admitted.

13 (Defendant's Exhibit Number 16 was  
14 admitted into evidence.)

15 MS. CUMMINS: A few days later Barbara  
16 Douglas replied to my e-mail, and she basically said  
17 that they only have jurisdiction --

18 MR. TURNER: Your Honor, I'm going to  
19 object to hearsay.

20 MS. CUMMINS: Okay.

21 THE COURT: Sustained.

22 MS. CUMMINS: I then made FAIR reports to  
23 different government agencies reporting them for the  
24 violations that I saw, the violations of the Health  
25 Code, the violations of the Animal Welfare Act, and



1 animal cruelty, animal neglect, because that bat was  
2 found dead under her desk.

3 I also reported her for the building and  
4 safety violations that I saw at -- at the building. I  
5 then started doing various Freedom of Information Act  
6 and Public Record Act requests to get information about  
7 Amanda Lollar and Bat World Sanctuary.

8 And I would like to enter into evidence  
9 Exhibit Number 17, which is a Public Information Act  
10 request to the City of Mineral Wells.

11 MR. TURNER: No objection.

12 THE COURT: Admitted.

13 (Defendant's Exhibit Number 17 was  
14 admitted into evidence.)

15 MS. CUMMINS: I made another Freedom --  
16 Public Information Act request on May of 2012, and I  
17 made other requests to the Health Department, to the  
18 USDA, and to other agencies. In response, I received  
19 many public documents. And these public documents are  
20 basically many complaints made by individuals and  
21 government agencies against Amanda Lollar and Bat World  
22 Sanctuary. They go back at least 15 years. They're  
23 various complaints about her building, it had problems,  
24 and about the bats and about rabies and a few other  
25 things.

1 MR. TURNER: Your Honor, I'm going to  
2 object to out of Court statements that are made by  
3 these --

4 THE COURT: Sustained.

5 MS. CUMMINS: I received these documents  
6 and I posted them online. And then Ms. Lollar tried to  
7 amend the injunction to include these documents to get  
8 them removed. And I would like to show the Court the  
9 documents that I posted online.

10 I would like to enter into Exhibit 18,  
11 it's the result of a Public Information Act request, and  
12 it's communications with the health inspector and a  
13 biologist about the problems at Bat World Sanctuary.  
14 And it basically -- most of the complaints are along  
15 this line.

16 Over the years --

17 MR. TURNER: Excuse me. It sounds like  
18 we're starting to read hearsay. And I'm going to object  
19 to any --

20 THE COURT: Let me hear the question, see  
21 what she -- where she is going, and then I will hear  
22 your objection.

23 MR. TURNER: Okay.

24 MS. CUMMINS: I just want to show you  
25 what I posted online and what she wanted removed, which

1 she considers to be defamatory.

2 THE COURT: Sustained.

3 MS. CUMMINS: Okay.

4 THE COURT: I told him I would hear his  
5 objection after you asked your question.

6 MS. CUMMINS: Thank you.

7 Over the years, the City has received  
8 complaints regarding the foul smell coming from the  
9 building in the hot summer months. The odor is so  
10 strong that if you walk by the building briefly, your  
11 clothing will smell like bat guano. In a hundred degree  
12 weather, the smell permeates the entire downtown area.

13 And it says, The City's concern is the  
14 intense odor coming from the building, which is in the  
15 heart of the downtown area.

16 And I would like to enter this into  
17 evidence as Exhibit 18.

18 MR. TURNER: Your Honor, the plaintiffs  
19 object to Exhibit 18. It appears to be a letter written  
20 by someone named Brett Johnson. It's hearsay. And a  
21 Janet Hurley. It's hearsay.

22 THE COURT: Sustained.

23 MS. CUMMINS: I also received in my  
24 Public Information Act requests various documents which  
25 I also posted online, which plaintiffs wanted to be

1 removed. And these are complaints from the City of  
2 Mineral Wells about the wild sanctuary building, which  
3 is located at 115 Northeast First Street. And there is  
4 also complaints on the bat rehab building, which is at  
5 217 North Oak Avenue. And these complaints go back to  
6 1995.

7 I posted these -- They're government  
8 reports and public documents. I posted these online and  
9 she tried to amend the injunction to get them removed  
10 calling them defamatory.

11 I would like to enter into evidence  
12 Exhibit 18.

13 THE COURT: You given me 18 here, which  
14 is not admitted.

15 MS. CUMMINS: Yeah, so -- Oh, should I  
16 make it 19?

17 THE COURT: Pardon me?

18 MS. CUMMINS: Should I make it 19?

19 THE COURT: It's your lawsuit.

20 MS. CUMMINS: Okay. I will do 19.

21 MR. TURNER: Plaintiffs object to  
22 Exhibit 19 because it's hearsay. It's statements made  
23 out of Court by other people.

24 MS. CUMMINS: Your Honor, I am being  
25 sued --

1 THE COURT: Just a minute, please.  
2 Sustain the objection.

3 MS. CUMMINS: In July of 2010 after I  
4 left Bat World Sanctuary, I reported them to the Texas  
5 Department of State Health Services because she didn't  
6 check my pre-exposure rabies vaccination card. And I  
7 had told her that I had been bitten repeatedly by the  
8 red tree bats, and I -- she was having people handle  
9 bats without gloves. And she was having us give rabies  
10 injections, so I reported her to the authorities because  
11 those are violations.

12 And I would like -- I received this  
13 document in a Public Information Act request. It's a  
14 letter from the Texas Department of State Health  
15 Services to Ms. Lollar telling her things that she has  
16 to do in order to comply with the law.

17 I would like to enter into evidence as  
18 Exhibit 20.

19 MR. TURNER: Plaintiffs object to Exhibit  
20 20, because it's hearsay.

21 THE COURT: Sustained.

22 MS. CUMMINS: In response to my Public  
23 Records Act request I received, well, quite a few more  
24 complaints about Ms. Lollar and her building from  
25 various government agencies. And here is a complaint,

1 again, from the Mineral Wells health inspector. And  
2 she's contacted the Texas Parks & Wildlife Department  
3 complaining about Ms. Lollar and Bat World Sanctuary  
4 because of the smell again.

5 I would like to enter this into evidence  
6 as Exhibit 21.

7 MR. TURNER: Plaintiffs object to  
8 Exhibit 21 because it's hearsay.

9 THE COURT: Sustained.

10 MS. CUMMINS: Another response to my  
11 Information Act Request is a newspaper article from the  
12 Mineral Wells Index newspaper dated September, 1999. A  
13 toddler was bitten by a rabid bat directly next door to  
14 Bat World Sanctuary and the toddler was bitten on the  
15 cheek. And they took the bat and tested it. And it  
16 tested positive for rabies.

17 I would like to enter this newspaper  
18 article Exhibit 22.

19 MR. TURNER: No objection to Exhibit 22.

20 THE COURT: Admitted.

21 (Defendant's Exhibit Number 22 was  
22 admitted into evidence.)

23 MS. CUMMINS: I also received as --  
24 Actually, I found -- while researching -- I found an  
25 article online and it's a copy of a journal article

1 entitled Dead and Dying Brazilian Free-tailed Bats from  
2 Texas. Rabies and Pesticide Exposure. Amanda Lollar  
3 is -- I believe she -- it states here 23 --

4 MR. TURNER: I'm going to object without  
5 seeing it, I think we're getting ready to get into some  
6 hearsay, Your Honor.

7 MS. CUMMINS: This is a journal article  
8 which is available on the Internet. And it states, 23  
9 dead and dying Brazilian free-tailed bats.

10 THE COURT: What's the exhibit number  
11 you're reading from?

12 MS. CUMMINS: 23.

13 MR. TURNER: No objection.

14 THE COURT: It's admitted.

15 (Defendant's Exhibit Number 23 was  
16 admitted into evidence.)

17 MS. CUMMINS: It basically says that --

18 THE COURT: I can read. Bring it up.

19 MS. CUMMINS: Okay. Thank you. I also  
20 received copies of the documents of the investigation  
21 into the rabid bat found next to her wild sanctuary.  
22 And I have here a public notice, a rabies notice, which  
23 is a public document. It's also available on the  
24 Internet. It says September 9th, 1999, a 20-month-old  
25 child was found standing over a bat which was on the

1 floor and unable to fly.

2 MR. TURNER: Your Honor, I'm going to  
3 object to her reading from an exhibit that apparently  
4 contains hearsay.

5 THE COURT: Sustained.

6 MS. CUMMINS: I would like to enter as an  
7 Exhibit Number 24 a copy of the public rabies notice for  
8 Palo Pinto County, and it's also a copy of the police  
9 report in regard to the rabid bat that bit the child.

10 MR. TURNER: Can we have just one moment,  
11 Your Honor?

12 THE COURT: Yes, sir.

13 MR. TURNER: No objection.

14 THE COURT: Defendant's 24 is admitted.

15 (Defendant's Exhibit Number 24 was  
16 admitted into evidence.)

17 MS. CUMMINS: I also received copies of  
18 police reports from the Mineral Wells Police Department  
19 which have to do with Ms. Lollar. One of them is a  
20 welfare check, one is forgery.

21 I would like to enter this Exhibit Number  
22 25.

23 MR. TURNER: No objection.

24 THE COURT: Defendant's 25 is admitted.

25 (Defendant's Exhibit Number 25 was



1 admitted into evidence.)

2 MS. CUMMINS: I also received from the  
3 City of Mineral Wells a letter from Ms. Lollar to Donna  
4 Robins, the health inspector, and this is Ms. Lollar's  
5 letter. And this is June, 2009, before I ever met her.  
6 And she is basically responding to some complaints and  
7 she's, in summary stating that she realizes that there  
8 is a conflict. And she stated she's going to be leaving  
9 town.

10 I would like to enter this into evidence  
11 as Exhibit Number 26.

12 MR. TURNER: No objection.

13 THE COURT: Defendant's 26 is admitted.  
14 (Defendant's Exhibit Number 26 was  
15 admitted into evidence.)

16 MS. CUMMINS: I also received another  
17 letter -- I mean, an e-mail from Amanda Lollar to just  
18 about every government official in the City of Mineral  
19 Wells, and it's also cc'd to Mr. Turner at his old law  
20 firm. This is dated June 2nd, 2011, and she is, again,  
21 responding to complaints about her building.

22 And I will just read two sentences. It  
23 says, I can no longer continue to run a world-class  
24 organization with the constant distractions of having to  
25 defend our work protecting the environment and bats.

1 The burden has just become too overwhelming.

2 I would like to enter this as Exhibit  
3 Number 27.

4 MR. TURNER: No objection.

5 THE COURT: Defendant's 27 is admitted.  
6 (Defendant's Exhibit Number 27 was  
7 admitted into evidence.)

8 MS. CUMMINS: I also did a Public Records  
9 Act request to the Texas Parks & Wildlife Department,  
10 and I received this e-mail in response where they're  
11 concerned that she's allowing her bats to breed.

12 I would like to enter this as Exhibit  
13 Number 28.

14 MR. TURNER: Plaintiffs object to this  
15 exhibit, because it's hearsay.

16 THE COURT: Sustained.

17 MS. CUMMINS: I also received copies of  
18 many complaints that were made against Ms. Lollar and  
19 Bat World Sanctuary. These complaints are from the  
20 Texas Parks & Wildlife Department.

21 I would like to enter this as Exhibit  
22 Number 29.

23 MR. TURNER: Plaintiffs object to this  
24 Exhibit 29, because it's full of hearsay.

25 Your Honor, we would like to withdraw our

1 objection. No objection to Exhibit 29.

2 THE COURT: Defendant's 29 is admitted.  
3 Just a minute.

4 (Defendant's Exhibit Number 29 was  
5 admitted into evidence.)

6 THE COURT: Just a minute.

7 MS. CUMMINS: I'm sorry.

8 THE COURT: Go ahead.

9 MS. CUMMINS: In doing my research, I  
10 received a copy of a letter to the editor, which  
11 Ms. Lollar wrote in the fall of 1995 where she talks  
12 about freezing bats to death.

13 I would like to enter this into evidence  
14 as Defendant's Exhibit Number 30.

15 MR. TURNER: Plaintiffs object to  
16 Exhibit 30, because it's hearsay.

17 THE COURT: Sustain the objection to  
18 Defendant's 30.

19 MS. CUMMINS: Your Honor, that's a letter  
20 that Ms. Lollar wrote. What if I remove the last page?

21 THE COURT: Let me see. It's signed off  
22 by Susan M. Borner.

23 MS. CUMMINS: That's -- The first page  
24 says, Letter to editor. This was written by Amanda  
25 Lollar. It continues to the second page.

1                   Now, I don't have a problem ripping the  
2 third page out.

3                   THE COURT:   Okay.  If you want to redact  
4 the hearsay matters, then it can be admitted.  But as it  
5 has been submitted, it is not admitted.

6                   MR. TURNER:  We have no objection to  
7 anything attributed to Ms. Lollar.

8                   MS. CUMMINS:  I would like to submit that  
9 into evidence.

10                  MR. TURNER:  What did you take out?

11                  MS. CUMMINS:  The last page.

12                  MR. TURNER:  We have no objection as  
13 redacted.

14                  MS. CUMMINS:  In doing my research --

15                  THE COURT:  Just a minute.

16                  MS. CUMMINS:  Oh, I'm sorry.

17                  THE COURT:  It's still laced with hearsay  
18 by somebody by the name of Christine Scott.

19                  MS. CUMMINS:  Can I cross out all --  
20 everything except for her letter?

21                  THE COURT:  What?

22                  MS. CUMMINS:  Could I cross out  
23 everything except for --

24                  THE COURT:  I told you before.  I can't  
25 help you.  I'm just telling you what it -- I'm

1 sustaining the objection. It's hearsay. Period.

2 Blatant hearsay.

3 You may proceed.

4 MS. CUMMINS: I would like to submit into  
5 evidence as Exhibit Number 31 the American Veterinary  
6 Medical Association Guidelines on Euthanasia, which deal  
7 with freezing to death -- freezing bats to death. It  
8 states it's not humane.

9 MR. TURNER: We object to this exhibit as  
10 well because it's hearsay. It's also not authenticated.  
11 It hasn't been properly proved up by an expert treatise  
12 or anything.

13 MS. CUMMINS: Can I authenticate it? I  
14 will try to authenticate it.

15 THE COURT: Defendant Exhibit 31 is not  
16 admitted. Sustain the objection.

17 MS. CUMMINS: Through discovery, I  
18 received from Ms. Lollar and Bat World Sanctuary a  
19 receipt for the purchase of rabies -- pre-exposure  
20 rabies vaccination.

21 I would like to submit this into evidence  
22 as Exhibit Number 32.

23 MR. TURNER: No objection.

24 THE COURT: Defendant's 32 is admitted.

25 (Defendant's Exhibit Number 32 was

1 admitted into evidence.)

2 MS. CUMMINS: All of these documents  
3 which I've been showing to you I posted online and  
4 plaintiffs have asked --

5 THE COURT: Wait a minute. You -- You  
6 started before I started listening. So start all over  
7 again.

8 MS. CUMMINS: Okay. All of these reports  
9 by individuals and government agencies which I'm  
10 presenting to you today I posted online, and plaintiffs  
11 have asked to amend the injunction to include all of  
12 these documents which I have posted online.

13 In Ms. Lollar's book, she doesn't  
14 recommend pinning the bones -- the broken bones of bats.  
15 Instead she feels that you can just put glue on -- let's  
16 say, my arm is broken here, she says you can just put  
17 glue on the skin here and glue on the skin here and that  
18 should be good enough. I have a few pages from her book  
19 which shows her telling people to fix broken wings that  
20 way.

21 I would like to submit this into evidence  
22 as Exhibit Number 33.

23 THE COURT: That isn't one of the  
24 exhibits that has previously been admitted?

25 MS. CUMMINS: No.

1 THE COURT: One of the books?

2 MS. CUMMINS: Did she admit the book?

3 THE COURT: At the beginning of this  
4 trial, several books by Ms. Lollar were admitted. And  
5 I'm asking you is the item that you now wish to admit in  
6 one of the books that's previously been admitted?

7 MS. CUMMINS: If she submitted this book,  
8 then it's in there.

9 THE COURT: Well, let me see what you  
10 have.

11 MS. CUMMINS: Okay.

12 MR. TURNER: We will represent to the  
13 Court that we -- we think it is in evidence. It's just  
14 an excerpt's from that book that's already in evidence.

15 THE COURT: Then show it to me.

16 MS. CUMMINS: Okay. It would be in  
17 Plaintiffs' Exhibit 3.

18 THE COURT: It's in Plaintiffs' Exhibit  
19 Number 3; is that correct?

20 MS. CUMMINS: Yes, Your Honor.

21 THE COURT: Then I will admit Defendant's  
22 Exhibit 33.

23 (Defendant's Exhibit Number 33 was  
24 admitted into evidence.)

25 MS. CUMMINS: While I was at Bat World

1 Sanctuary, I witnessed Ms. Lollar try to do an  
2 episiotomy on a bat, and I videotaped it and Janet  
3 Villarreal was taking still photos. Ms. Lollar then put  
4 the photos of the episiotomy into her book. This is a  
5 different version of the book. This is the online PDF  
6 version. It might not be exactly like the version you  
7 have up there, because there are a few versions of the  
8 book.

9                   And she states that this was a -- Well,  
10 she uses the photos from the episiotomy, which I  
11 witnessed, in her book. And I would like to --

12                   Am I on 33?

13                   THE REPORTER: 34.

14                   THE COURT: Defendant's 33 was admitted  
15 previously.

16                   MS. CUMMINS: Thank you.

17                   THE COURT: You may want to mark it as  
18 34.

19                   MS. CUMMINS: I would like to submit  
20 this, which is a few pages from her online PDF version  
21 of her book, as Exhibit 34.

22                   MR. TURNER: No objection to 34, Your  
23 Honor.

24                   THE COURT: It's admitted.

25                   (Defendant's Exhibit Number 34 was



1 admitted into evidence.)

2 MS. CUMMINS: Ms. Lollar has a Yahoo  
3 group called World Bat Line and she posts about  
4 different aspects of caring for bats. And I have here  
5 message number 11128 in which Ms. Lollar admits to  
6 perform C-sections and amputations and neutering  
7 free-tailed bats.

8 I would like to submit this into evidence  
9 as Exhibit Number 35.

10 THE COURT: What does 1128 -- What is  
11 that?

12 MS. CUMMINS: That's the message number I  
13 just circled.

14 MR. TURNER: We object to this exhibit,  
15 Your Honor, because it appears to be hearsay. And there  
16 is no -- it's not -- a predicate has not been laid  
17 showing Ms. Amanda Lollar, in fact, authored this  
18 exhibit.

19 MS. CUMMINS: Your Honor, Amanda Lollar's  
20 user name on Yahoo is sanctuaryatbat --  
21 sanctuary@batworld.org, she admitted this in her  
22 deposition, and she signed it Amanda --

23 THE COURT: I'm trying to -- Ms. Cummins,  
24 I'm trying to read your Defendant's Exhibit 35. And  
25 there has been an objection to it, and I'm trying to

1 rule on the objection. So slow down, please.

2 MR. TURNER: I apologize, Your Honor. We  
3 withdraw our objection.

4 THE COURT: Then it will be admitted.  
5 (Defendant's Exhibit Number 35 was  
6 admitted into evidence.)

7 THE COURT: Go ahead.

8 MS. CUMMINS: Anyway, Your Honor, I went  
9 to Bat World Sanctuary in the hopes of learning more  
10 about bats so I could help bats and help people help  
11 bats. And while I was there I witnessed violations of  
12 the Animal Welfare Act, the -- the Texas Veterinary  
13 Board, the Health Department, Building and Safety, USDA,  
14 and various other government agencies.

15 And when I returned home to California, I  
16 instantly reported them to the various agencies and then  
17 I again reported them later. And the purpose of my  
18 reports were to protect animals and protect public  
19 safety, because I felt that it was a public safety issue  
20 because bats can carry rabies. Not all bats have  
21 rabies, but they can carry them. And it seemed to be a  
22 health -- public safety situation to me.

23 And you haven't been here throughout the  
24 entire trial, but during this entire case, Mr. Turner  
25 has probably filed, I don't know --

1 MR. TURNER: I'm going to object to  
2 discussions about what's happened in pretrial.

3 THE COURT: Sustained.

4 MS. CUMMINS: Then I would like to say  
5 one last thing is that yesterday Mr. Turner got up and  
6 cried and said I talked about his wife and he read the  
7 statement. And I agreed with it, and it sounded  
8 familiar -- I thought maybe I did. But I went home last  
9 night and I didn't write that and I didn't post that. I  
10 just wanted to be clear on that.

11 I guess that's a summation of my  
12 testimony of what I saw when I was at Bat World  
13 Sanctuary. I saw -- I witnessed animal cruelty, animal  
14 neglect, animal abuse violations, violations of various  
15 government agencies, and I did what I did as a  
16 conscientious citizen and I reported them.

17 And then I also posted all these items  
18 online. And my purpose for posting all of these items  
19 online was to warn people. If I had seen any of these  
20 documents before I went to Bat World Sanctuary, I never  
21 would have gone. I would have never been a part of Bat  
22 World Sanctuary and what they were doing and encouraging  
23 other people to do.

24 I believe that it was my responsibility  
25 to report them and my responsibility to share this

1 information with the public to protect the animals and  
2 public safety. And I believe I was -- I believe it was  
3 freedom of speech for me to warn the public, just as I  
4 warned the public about stock scams.

5 MR. TURNER: Your Honor, I'm going to  
6 object to a closing argument.

7 THE COURT: Sustained.

8 MS. CUMMINS: Okay. Sorry. That's the  
9 end of my testimony.

10 THE COURT: Cross-examination, we will  
11 begin at 1:30.

12 MR. TURNER: Pardon me, Judge?

13 THE COURT: We will start your  
14 cross-examination of Ms. Cummins at 1:30.

15 MR. TURNER: Okay. Thank you.

16 THE COURT: It's too close to lunchtime  
17 to begin. We will stand in recess until 1:30.

18 (Break from 11:56 a.m. to 1:30 p.m.)

19 THE COURT: Be seated, please.

20 You may proceed, Mr. Turner.

21 MR. TURNER: Thank you, Your Honor.

22 **CROSS-EXAMINATION**

23 BY MR. TURNER:

24 Q. Now, Ms. Cummins, you -- you've been involved  
25 in several lawsuits; is that correct?

1 A. Yes.

2 Q. And you have -- you have posted on the  
3 Internet that you always win your lawsuits, correct?

4 A. I posted I always won my pro se.

5 Q. Okay. And this is the third time you've been  
6 sued for defamation for reporting people to authorities?

7 A. Yes.

8 Q. And I'm going to show you what's been marked  
9 as Plaintiffs' Exhibit Number 42, and ask you what that  
10 is?

11 A. It seems to be a printout of a very old Yahoo  
12 account I had.

13 Q. Okay. And please read for the Court what you  
14 said your occupation was.

15 A. Causing havoc on the web.

16 Q. Thank you.

17 MR. TURNER: We offer Plaintiffs' 42,  
18 Your Honor.

19 THE COURT: Any objection?

20 MS. CUMMINS: No objection.

21 MR. TURNER: Okay. So you --

22 THE COURT: Plaintiffs' 42 is admitted.

23 (Plaintiffs' Exhibit Number 42 was  
24 admitted into evidence.)

25 MR. TURNER: I apologize.

1 Q. (BY MR. TURNER) So you posted on the Internet  
2 that you're -- at one time you said that your occupation  
3 was causing havoc on the Internet?

4 A. I posted that, but --

5 Q. Okay. What -- What does causing -- How do you  
6 cause havoc on the Internet?

7 A. It's a joke. Obviously, I'm there to protect  
8 shareholders. I'm not causing havoc.

9 Q. Okay. Now, you sued a city employee in  
10 California for harassment and you received \$130,000 in  
11 settlement in that case, correct?

12 A. No.

13 Q. How much did you receive?

14 A. A \$72,000 check.

15 Q. Now, I'm going to show you what's been marked  
16 as Plaintiffs' Exhibit Number 43, and ask you what that  
17 is?

18 A. Exhibit 43 is a printout from Red Fin about  
19 the -- Oh, this is -- it's incorrect. It's an incorrect  
20 printout of the sale of my old house.

21 Q. Okay. You used to live at 359 North Sweitzer  
22 Avenue in Los Angeles?

23 A. Yes.

24 Q. And does that Exhibit 43 show the house at 359  
25 North Sweitzer?

1           A.    It looks like the new owner completely redid  
2 it.  But, yes, that's my old house.

3           Q.    Okay.  And so Exhibit 43, the second and third  
4 page and fourth page of Exhibit 43 are photographs of  
5 the house that you owned at North Sweitzer until 2011?

6           A.    No.

7           Q.    Do you still live there?

8           A.    No.

9           Q.    When did you sell that house?

10          A.    March, 2008.

11          Q.    Okay.  And how much did you sell it for?

12          A.    1,050,000.

13                   MR. TURNER:  We will offer Plaintiffs'  
14 Exhibit Number 43, Your Honor.

15                   MS. CUMMINS:  No objection.

16                   THE COURT:  Admitted.

17                           (Plaintiffs' Exhibit Number 43 was  
18                           admitted into evidence.)

19          Q.    (BY MR. TURNER)  So four years ago you sold  
20 your house for 1 million -- how much?

21          A.    1,050,000.

22          Q.    Now, I'm going to show you Plaintiffs' Exhibit  
23 Number 44, and ask you what those are?

24          A.    These are photos of me from my Flickr account  
25 and one page from my Facebook account.

1 Q. And these are posts by you?

2 A. Well, this last one on Facebook is a mistake.  
3 I wasn't in Guatemala in 2012.

4 Q. Well, basically, with the -- how is it a  
5 mistake? Or did you go somewhere else?

6 A. No, I don't know. It must have been some  
7 typo.

8 Q. Who posted that? It says Mary Cummins at the  
9 top, correct?

10 A. Yeah, but this is a mistake. I wasn't -- I  
11 haven't left the country this year.

12 Q. Okay. Let's tear off that last page.

13 MR. TURNER: And then I would like to  
14 offer Exhibit 43.

15 THE REPORTER: 44.

16 MR. TURNER: I'm sorry. 44.

17 MS. CUMMINS: No objection.

18 THE COURT: Plaintiffs' 44 is admitted.

19 (Plaintiffs' Exhibit Number 44 was  
20 admitted into evidence.)

21 Q. (BY MR. TURNER) So these -- Exhibit 44 shows  
22 you on motorcycles. Are these expensive motorcycles?

23 A. One was.

24 Q. Which one?

25 A. The white with the pink flames?



1 Q. How much was it?

2 A. When it was stolen, I only got \$9,000. I  
3 guess that's what the value --

4 Q. Then the third page shows -- it has a picture  
5 of you mountain climbing. It says, Hiking in Mammoth;  
6 is that correct?

7 A. Yes.

8 Q. So where is that?

9 A. Mammoth, California.

10 Q. And then the next page has a picture of you in  
11 Hawaii; is that correct?

12 A. Yes.

13 Q. It says, After ten days of solid surfing, I  
14 take a day off to relax; is that correct?

15 A. Yes.

16 Q. And then the next page is a post that's a  
17 picture -- and I guess it's a picture of you standing  
18 there with a pair of skis, correct?

19 A. Can I see it? Yes.

20 Q. And then you posted, Paragliding off a cliff  
21 in Aspen, skiing off the cliff was the best part,  
22 correct?

23 A. Yes.

24 Q. So you went paragliding in Aspen?

25 A. Yes.

1 Q. And then the next page has a picture of you  
2 standing next to -- I guess it looks like a stream or  
3 lake or something. It says, Hiking in Belize or maybe  
4 Guatemala near the boarder of both. Is -- Is that what  
5 it says?

6 A. Yes.

7 Q. Did you go to Belize or Guatemala?

8 A. Yes.

9 Q. So you like to travel?

10 A. Yes.

11 Q. And then the last -- Well, the next page has a  
12 picture of you on a motorcycle and it says, Las Vegas,  
13 HD Cafe; is that correct?

14 A. Yes.

15 Q. And then the next page has a picture of you at  
16 Boulders Resort in Scottsdale, Arizona; is that correct?

17 A. Yes.

18 Q. And the second to the last page says, After a  
19 long day of skiing at the Warner Miller Extreme Team Ski  
20 Camp. Were you there?

21 A. Warner Miller, yes.

22 Q. I'm sorry. Warner Miller. Where is the  
23 Warner Miller Extreme Ski Team Camp?

24 A. It changes locations every time.

25 Q. And then the last -- second to the last page

1 has Mary Cummins on a sailboat off of Catalina Island;  
2 is that correct?

3 A. Yes.

4 Q. Were you sailboating off Catalina Island?

5 A. Yes.

6 Q. And then the last page says -- has a picture,  
7 I guess, you snorkeling. It says, Snorkeling in Hawaii;  
8 is that correct?

9 A. Yes.

10 Q. So you were snorkeling in Hawaii?

11 A. Yes.

12 Q. Now, I'm going to show you what's been marked  
13 as Plaintiffs' Exhibit Number 45, and ask you what that  
14 is?

15 A. It's an e-mail that I sent to --

16 MS. CUMMINS: Well, I would like to  
17 object to the --

18 MR. TURNER: Well, I haven't offered it.

19 MS. CUMMINS: Okay.

20 Q. (BY MR. TURNER) I just -- That's an e-mail  
21 that you sent to Bat World, correct?

22 A. Yes.

23 Q. In June of 2010?

24 A. Yes.

25 Q. And in your e-mail didn't you say -- didn't

1 you tell this person, If you're ever in Los Angeles,  
2 California, and need a place to stay overnight, just  
3 ask, I have a guesthouse?

4 A. Yes.

5 Q. And so did you have a guesthouse?

6 A. It's an -- an illegal 15 by 20-foot  
7 outbuilding which used to be a patio.

8 Q. But you call it a guesthouse when you weren't  
9 in a lawsuit, correct?

10 A. It's not a guesthouse. It's not even a legal  
11 house.

12 Q. Well, but -- but you called it a guesthouse?

13 A. A guest could stay in there.

14 Q. But you called it a guesthouse?

15 A. Okay. Yes.

16 Q. Now, you live next door to the movie star  
17 Charlie Sheen, correct?

18 A. I'm not next door to him.

19 Q. Well, your -- you -- you posted on Facebook  
20 that you live next door to him, didn't you?

21 A. I said he's a neighbor.

22 Q. Didn't you say on Facebook, talking about  
23 Charlie Sheen, Actually I'm next door?

24 A. I was next door getting a squirrel out of a  
25 pool.

1 Q. Okay. So you -- but you live on his street?

2 A. I don't live anywhere near there any more.

3 Q. But you used to live on his street?

4 A. No.

5 Q. Now, I'm going to ask you: Did you -- You had  
6 a gardener working for you back in 2011?

7 A. My landlord had a gardener.

8 Q. Who was your landlord?

9 A. The Judge -- Judge Bonnie Sudderth wrote an  
10 order stating I don't have to give my address or  
11 anything that would lead to my home address.

12 Q. Okay. You don't want anybody to see what kind  
13 of house you live in, do you?

14 A. No. No. That's not it. I'm sorry. That's  
15 not it at all.

16 Q. Now, on October 24th, Ms. Cummins, you were  
17 ordered by Judge Sudderth to disclose your home address  
18 to me and she signed an order to that effect on  
19 November 28th, 2010, correct?

20 A. I don't have the documents in front of me, but  
21 that sounds about right. Can I see the order?

22 Q. After the Judge announced her ruling from the  
23 bench that you had to turn over your address to me, you  
24 told the Judge in open court that you did not intend to  
25 comply with her order, correct?

1           A.    I don't remember saying that.  Do you have the  
2 minutes?

3                   MR. TURNER:  Get the transcript.

4                   May I have just a moment, Your Honor?

5                   THE COURT:  Yes, sir.

6           Q.    (BY MR. TURNER)  Okay.  I'm going to hand you  
7 a transcript of that hearing, and I would like for you  
8 to read the part that I've highlighted in yellow.  
9 And -- And that was a transcript of that hearing.  Go  
10 ahead and read it, please.

11                   THE COURT:  What are you reading from?

12                   MR. TURNER:  It's a transcript of a  
13 hearing that was held on January 9th, 2012 --  
14 January 9th, 2012, Your Honor.

15                   THE WITNESS:  QUESTION:  And do you  
16 recall that on November -- or excuse me -- I said  
17 November 28th, it was actually November 28th that this  
18 Court signed an order that ordered you to furnish and  
19 disclose to me your home address within ten days.  Do  
20 you recall the Court ordering you to do that?

21                   My answer:  I think so.  I think the  
22 hearing was on November 4th and the order was on -- the  
23 order was the 28th.

24                   QUESTION:  Okay.  And you recall that on  
25 the 28th, the Court did sign an order ordering you to

1 disclose the information?

2 ANSWER: Yes.

3 QUESTION: And as of today, you still  
4 have not given me that information; is that correct?

5 My ANSWER: Correct.

6 QUESTION: And, in fact, on the day that  
7 we had the hearing, you told the Judge at that time that  
8 you didn't intend to comply with the order. Do you  
9 remember that?

10 ANSWER: Yes.

11 Q. (BY MR. TURNER) Now, Ms. Cummins, after that  
12 hearing, you posted on the Internet, quote, Randy  
13 Turner, attorney, lawyer in Fort Worth, Hurst, Texas,  
14 does not need my home address, correct?

15 A. It's possible. I would have to check my  
16 record.

17 Q. Why do you refer to me when you post things on  
18 the Internet as Randy Turner, attorney, lawyer in Fort  
19 Worth, Hurst, Texas?

20 A. I did -- There are a few attorneys named Randy  
21 Turner in Texas, and some of them are close to you, and  
22 I didn't want anyone to think I'm talking about the  
23 other one, so I did a find and replace on your name. It  
24 replaced your name in the entire website with that  
25 phrase.

1 Q. And so that didn't have anything to do with  
2 trying to -- any kind of search engine optimization?

3 A. No.

4 Q. Now, as of the hearing on January 9th, 2012,  
5 you had not complied with the Court order, correct?

6 A. I'm not sure. I ultimately complied.

7 Q. At that hearing, Judge Sudderth found you in  
8 contempt of court and ordered you to pay \$100 a day for  
9 each day thereafter that you did not provide -- provide  
10 me with your home address, correct?

11 A. Yes.

12 Q. You still refused to give me your home address  
13 for 41 days, right?

14 A. I filed a protective order, and then I filed  
15 an appeal on the court order. So I think we're still  
16 out on appeal.

17 Q. So you did not give me your home address for  
18 41 days after being ordered to do so by the Court?

19 A. Yes.

20 Q. And at a subsequent hearing, Judge Sudderth  
21 ordered you to pay \$4,100 in attorney's fees, correct?

22 A. No.

23 Q. How much did she order you to pay?

24 A. Zero.

25 Q. And as of today, you have not paid me \$4,100,



1 have you?

2 A. Judge Bonnie Sudderth said I didn't owe you  
3 anything.

4 Q. At a hearing on February 9th, Judge Sudderth  
5 ordered my client to give you certain financial  
6 information about Bat World, correct?

7 A. Yes.

8 Q. And the Judge also ordered you not to post  
9 this on the Internet, correct?

10 A. I was not allowed to post the actual financial  
11 documents.

12 Q. But you still -- Okay. But you -- so she did  
13 order you not to the put financial information on the  
14 Internet?

15 A. She said not the financial documents.

16 Q. And then you posted on the Internet the income  
17 of Bat World in 2010 and 2011, correct?

18 A. This was after Judge Bonnie Sudderth gave me  
19 permission in court. I asked her if could state the  
20 dollar amounts; she said, yes.

21 Q. Now, let's talk about your direct -- Let's  
22 talk about some of the things you testified to on  
23 direct. The intern rules at Bat World encourage you to  
24 take as many pictures as you like, correct?

25 A. Yes.

1 Q. The intern rules don't say you can post  
2 pictures on the Internet or share them with anyone else,  
3 do they?

4 A. No.

5 Q. In the Exhibit 13 that was admitted into  
6 evidence it was some photographs. Did you obtain  
7 written permission to -- to published those or put them  
8 on the Internet?

9 A. I believed I had written permission with the  
10 intern rules.

11 Q. The intern rules that said, Feel free to take  
12 pictures?

13 A. Yes.

14 Q. Now, you're -- you're aware that the contract  
15 that's in dispute in this case required you to obtain  
16 written permission?

17 A. It didn't -- It doesn't mention photos or  
18 videos in the contract, and I didn't sign it.

19 Q. Did you -- Did you ever -- Okay. So the only  
20 written permission that you had to post photographs or  
21 videos on the Internet were the intern rules, correct?

22 A. Yes.

23 Q. The rules that allowed you to take pictures?

24 A. Yes. Well, those are the only written  
25 permission.

1 Q. Okay. And the same thing would be true with  
2 Exhibit 14, these were other photographs that have been  
3 admitted into evidence, correct?

4 A. Could you --

5 Q. Well, the only -- the only written permission  
6 you had to post the photographs in Exhibit 14 was what  
7 you're saying was in the intern rules?

8 A. I believe I also had oral permission.

9 Q. Okay. But the only written permission you had  
10 was in the intern rules?

11 A. I also believed the e-mail exchange where she  
12 thanked me for posting them on the Internet.

13 Q. Okay. Now, the photographs that you showed us  
14 on your computer that had pictures of the dogs, you  
15 holding the bats, dead bats, guano, did you have written  
16 permission from anyone to put that on the Internet  
17 anywhere?

18 A. Only the intern rules.

19 Q. And you posted videos on the Internet. Can  
20 you tell us what written permission you had to post  
21 videos on the Internet?

22 A. The intern rules.

23 Q. Now, you had pictures -- Strike that.

24 You testified earlier that Amanda Lollar  
25 lost a needle when she was sewing up a bat, correct?

1 A. Yes.

2 Q. And you testified that Janet Villarreal had to  
3 fish it out, correct?

4 A. Yes, once.

5 Q. Okay. I would like to show you Plaintiffs'  
6 Exhibit 19. Take a look at page 11, and start with,  
7 She. What did you put on the Internet?

8 A. She could not see very well and lost the  
9 needle in the bat in surgery. I had to fish it out even  
10 though I wasn't wearing gloves. Her first two stitches  
11 ripped out and tore more flesh. The bat almost died  
12 from the anesthesia. She admitted to me that many have  
13 died from the anesthesia.

14 Q. Okay. So at least on March 20th, you were  
15 telling everybody that you had to fish out the needle?

16 A. She lost -- She lost the needle twice.

17 Q. Oh, okay. So she lost two needles?

18 A. The same needle.

19 Q. She lost the same needle twice?

20 A. Yes.

21 Q. You had to fish it out once and Janet  
22 Villarreal had to fish it out once?

23 A. Yes.

24 Q. So there were two people fishing around in  
25 this little bat that Amanda Lollar is working on for the

1 needle that she lost in the bats.

2 A. It was on the bat.

3 Q. Okay. And you -- you -- you put all this on  
4 the Internet that she couldn't see and as a result she  
5 lost a needle while she was performing illegal surgery,  
6 correct?

7 A. Yes.

8 Q. Now, you testified you -- you testified that  
9 you weren't feeling well and you were seeing spots; is  
10 that correct?

11 A. Yes.

12 Q. And you also testified that you became friends  
13 with Kay Singleton and that Amanda was upset that you  
14 and Kay became friends; is that correct?

15 A. That's what I believed.

16 Q. Did she get upset at other interns who became  
17 friends while they were there?

18 A. She got upset at other interns.

19 Q. But did she -- did she get upset when two  
20 interns would form a friendship, or was it just you and  
21 Kay?

22 A. Kay and I were the only two who became friends  
23 that went to lunch and dinner.

24 Q. And I'm also confused about the contract, the  
25 sleepwalking incident. Are you telling the Court that

1 you -- you may have signed the contract while you were  
2 sleepwalking? I'm a little confused.

3 A. No.

4 Q. So she woke you up and asked -- she came in  
5 and woke you up and demanded that you sign the contract;  
6 is that correct?

7 A. She threw open the door, turned on the lights,  
8 and said, Sign it.

9 Q. Okay. And you -- you got up at the time?

10 A. Yes.

11 Q. Were you sleepwalking?

12 A. I was half asleep.

13 Q. So you got up, and what did you do when you  
14 got up?

15 A. I went to the dresser and I grabbed the pen  
16 and I looked at the signature line, and then I became  
17 nauseous.

18 Q. Okay. But you didn't sign it?

19 A. No.

20 Q. And you -- you also testified that you were  
21 bitten by what you thought was a rabid bat, correct?

22 A. I was bitten by many bats.

23 Q. How many of them did you think were rabid?

24 A. The one that she handed me that she said might  
25 possibly be rabid because it didn't want to eat.

1 Q. Well, did that concern you that you had just  
2 been bitten by a rabid -- a bat that Amanda Lollar said  
3 was rabid?

4 A. Yes.

5 Q. So I assume when you went back to California,  
6 you got a postexposure booster?

7 A. Yes.

8 Q. Did you produce that in discovery?

9 A. You didn't ask for it.

10 Q. Who was the doctor you saw in California for  
11 the postexposure booster?

12 A. It's a nurse for a doctor in Pasadena. I  
13 don't remember her name.

14 Q. What's the name of the clinic?

15 A. I don't remember.

16 Q. Where was it located?

17 A. In Pasadena, old town.

18 Q. Do you remember the name of the street?

19 A. No, I'm not that familiar with the area.

20 Q. Do you have records that would show you where  
21 that clinic was --

22 A. Yes.

23 Q. -- that you got that booster?

24 A. Yes.

25 Q. So you heard Sara Kennedy -- You watched her

1 deposition, the lady in New York?

2 A. Yes.

3 Q. And you saw her testify about how there was  
4 some pressure on a glove and Amanda Lollar asked her,  
5 Did you feel any pressure? Yes, I did. And that Amanda  
6 Lollar was very aggressive and insisted that she go get  
7 a -- a rabies booster. You heard all that?

8 A. Yes.

9 Q. So it sounds like your experience was way  
10 different than that?

11 A. Yes.

12 Q. In fact, Amanda Lollar actually told you,  
13 Don't worry, you don't need to go to the doctor?

14 A. No.

15 Q. You didn't testify to that just now?

16 A. No.

17 Q. What did she say when you were bitten by what  
18 she thought was a rabid bat?

19 A. She said nothing.

20 Q. She said nothing?

21 A. Uh-huh.

22 Q. Did she see you get bitten?

23 A. No. She didn't -- She didn't say anything.  
24 We were bitten repeatedly. I mean, every time we were  
25 bitten we would be going, ouch, ouch, right -- Sitting



1 right next to her. She knew.

2 Q. So Amanda Lollar saw you being repeatedly  
3 bitten by what she thought were rabid bats, and it's  
4 your testimony that she didn't care?

5 A. The bats that were biting us repeatedly were  
6 the baby red tree bats, and she didn't say anything.  
7 She didn't say they could possibly be rabid.

8 Q. In any event, it's your testimony to the Court  
9 that when she saw you bitten by what she had said was a  
10 rabid bat, it's your testimony that she didn't say  
11 anything?

12 A. Correct.

13 MR. TURNER: Pass the witness.

14 MS. CUMMINS: First, I would like to do  
15 some housekeeping. I forgot to submit as Exhibit -- I  
16 believe -- are we on 37?

17 THE REPORTER: 36.

18 MS. CUMMINS: Okay. I would like to  
19 submit an exhibit to the Court, Exhibit 36, which is a  
20 copy of all photos and videos that I displayed.

21 MR. TURNER: No objection.

22 THE COURT: Okay. What's the exhibit  
23 number?

24 MS. CUMMINS: 36.

25 MR. TURNER: No objection.

1 THE COURT: Admitted.

2 (Defendant's Exhibit Number 36 was  
3 admitted into evidence.)

4 **REDIRECT EXAMINATION**

5 BY NARRATIVE: I would like to address  
6 what Mr. Turner said about my Yahoo profile stating that  
7 I was causing havoc on the web. That is an absolute  
8 joke. My main purpose is to out stock scam on the web  
9 when I had that profile.

10 Also, he submitted Exhibit 43, which he  
11 said was the sale of my house in December of 2011. I  
12 hadn't owned that house since 2008. Someone else just  
13 resold the house. It looks completely different than  
14 when I was there. Those aren't photos of my house when  
15 I lived there.

16 And he -- he submitted Exhibit 44, which  
17 are photos with me with motorcycles and taking various  
18 vacations. Guys paid for all the vacations. I didn't  
19 pay for any of them and all the trips. And one of my  
20 motorcycles was given as a gift and another one someone  
21 did all the work on it for absolutely free, so I didn't  
22 have to pay for that.

23 And I would like to address where he  
24 talks -- where I say I have a guesthouse. I should have  
25 probably put in quotes, guesthouse. It's about 15 by

1 20-foot outbuilding that used to be a patio. It's not  
2 even legal. It leaks quite a bit. But there is a futon  
3 in there, so that's how I call it a guesthouse.

4           And then Judge Bonnie Sudderth did order  
5 me to give the home address. I then filed a protective  
6 order, and I lost, and then I appealed. And then -- I  
7 mean, months later finally she said, Ms. Cummins, you  
8 have to give the address and he will take it under seal  
9 and not share it with anyone. And I finally did give  
10 him the address under seal.

11           And I was -- I didn't have to pay the  
12 hundred dollars a day, because I asked for clarification  
13 from the Judge, which address? My old address or my new  
14 address? She said, Your current address. And there  
15 were no days that had gone by without me obeying the  
16 order.

17           And -- oh, on the sale of my house, there  
18 was very little profit. And the \$72,000 that I got from  
19 the lawsuit against the City for unlawful termination  
20 and harassment, by then I had quite a few bills and that  
21 money was gone pretty quickly.

22           In fact, I would like to testify that I  
23 have a negative net worth. I don't own a home. I -- I  
24 have no assets. I couldn't even afford to fix my car,  
25 so I had to donate it. Mr. Turner knows this through

1 discovery.

2                   And Judge Bonnie Sudderth, she told me I  
3 was not allowed to share the financial documents, and I  
4 didn't. And then I came to Court and said, Am I allowed  
5 to share the dollar amount for 2010 and 2011? And she  
6 said, Yes. And that is the only reason why I shared it  
7 to prove that, you know, I haven't damaged this woman.  
8 She is making almost twice as much money as before.

9                   And I would like to submit into evidence  
10 the -- I would like to submit into evidence Plaintiffs'  
11 Second Supplemental Responses to Defendant's Fourth  
12 Request for Production. These are the financial  
13 documents for 2010 and 2011 for Bat World Sanctuary.  
14 And on top of this, I have included a summary where I  
15 added up -- added up the actual dollar amounts for each  
16 year.

17                   I would like to submit this as Exhibit  
18 Number 37.

19                   I'm not allowed to share this with the  
20 public. Can it go underseal?

21                   THE COURT: Once you admit them into  
22 evidence today --

23                   MS. CUMMINS: Yeah.

24                   THE COURT: -- they will not be under  
25 seal.

1 MS. CUMMINS: How do I -- I don't want to  
2 violate the Court order where she says I can't share  
3 this with the public. This is the Court, I would like  
4 to enter into evidence Number 37.

5 THE COURT: Any objection?

6 MR. TURNER: No objection, Your Honor.

7 THE COURT: Defendant's 37 is admitted.

8 (Defendant's Exhibit Number 37 was  
9 admitted into evidence.)

10 MS. CUMMINS: Now, the only reason why  
11 my -- my signature expert couldn't be here today is  
12 because I couldn't afford the \$1,200 that she wanted.  
13 So I would like to submit her curriculum vitae and  
14 examiner report as Defendant Exhibit 38.

15 MR. TURNER: We object to the CV of  
16 someone who is not coming to trial. And we object to a  
17 report from someone who is not going to be here, because  
18 it's hearsay.

19 THE COURT: Sustain the objection.

20 MS. CUMMINS: I pass the witness.

21 MR. TURNER: No further questions.

22 THE COURT: All right. You may call your  
23 next witness, Ms. Cummins.

24 MS. CUMMINS: I would like to call Amanda  
25 Lollar.

1 THE COURT: Ms. Lollar, you're recalled  
2 to the witness stand. You understand you remain under  
3 oath?

4 THE WITNESS: I do, Your Honor.

5 THE COURT: Please be seated.

6 MS. CUMMINS: I would like to submit into  
7 evidence Defendant's Exhibit 37, which is the offering  
8 for the internship at Bat World Sanctuary.

9 MR. TURNER: Your Honor, may I consult  
10 with my client really quickly, Your Honor?

11 THE COURT: Yes, sir.

12 THE REPORTER: Is that a different 37?

13 MS. CUMMINS: Oops. I'm sorry. 38.

14 THE REPORTER: Huh-uh, 39.

15 MS. CUMMINS: Okay. 39. Okay. I would  
16 like to submit into evidence Exhibit 39.

17 MR. TURNER: No objection.

18 THE COURT: Defendant's 39 is admitted.

19 (Defendant's Exhibit Number 39 was  
20 admitted into evidence.)

21 MS. CUMMINS: May I approach the witness  
22 and show it to her?

23 THE COURT: Yes.

24 **AMANDA LOLLAR,**

25 having been previously duly sworn, testified as follows:



1 procedures and bats; however, do not follow or attempt  
2 to capture a fruit bat that flies away. Some bats may  
3 take fruit offered by hand, particularly Millin, and do  
4 not mind having their picture taken with a flash.

5 MS. CUMMINS: I would like to submit into  
6 evidence Exhibit Number 39, which is a letter from at  
7 Texas Department of State Health to Ms. Lollar?

8 THE COURT: You've got your exhibits  
9 wrong.

10 MS. CUMMINS: Item 40.

11 THE COURT: 39 has been admitted already.

12 MS. CUMMINS: I would like to submit into  
13 evidence Exhibit Number 40, which is a letter from the  
14 Texas Department of State Health Services to Ms. Lollar  
15 and Bat World Sanctuary.

16 MR. TURNER: Plaintiff objects because  
17 it's hearsay.

18 MS. CUMMINS: May I show this to the  
19 witness?

20 THE COURT: Let me see it.

21 MS. CUMMINS: Okay. I want her to --

22 THE COURT: There is a hearsay objection.  
23 Sustain the objection.

24 MS. CUMMINS: May I show the witness a  
25 letter?



1 THE COURT: Yes.

2 Q. (BY MS. CUMMINS) Ms. Lollar, can you tell me  
3 what that is?

4 THE WITNESS: Am I allowed to comment on  
5 something that has not been entered as an exhibit?

6 THE COURT: Answer the question.

7 What is your question?

8 Q. (BY MS. CUMMINS) Can you tell me what that  
9 letter is?

10 A. It is my hope that the City will take --

11 MR. TURNER: Well, I'm going to object as  
12 nonresponsive. She was asked what it is and now she is  
13 reading from it. We're going to make an objection. I  
14 think --

15 THE COURT: Just answer the question.

16 Q. (BY MS. CUMMINS) Can you tell me what that  
17 letter is?

18 A. It is a letter from Donald Ferrer to the City  
19 of Mineral Wells.

20 Q. Can you read what is circled on the second  
21 page?

22 MR. TURNER: May I take a look at it  
23 quickly, Your Honor?

24 THE COURT: Yes.

25 MR. TURNER: I'm going to -- I'm going to

1 object to reading from this document because it's  
2 hearsay.

3 THE COURT: Sustained. The exhibit  
4 number is what?

5 THE WITNESS: 41.

6 THE COURT: Give it back to me.

7 MS. CUMMINS: I would like to submit into  
8 evidence Exhibit Number 42, which is Amanda Lollar's  
9 letter to the editor for Chiropteran care, which has  
10 been redacted.

11 MR. TURNER: I'm sorry. Your Honor, I  
12 apologize. If -- If it has been redacted as -- as  
13 suggested, then we have no objection.

14 THE COURT: Defendant's 42 is admitted.  
15 (Defendant's Exhibit Number 42 was  
16 admitted into evidence.)

17 MS. CUMMINS: I already entered into  
18 Exhibit -- Exhibit Number 2, which is an e-mail from me  
19 to Ms. Lollar, and I would like to show it to her.

20 Q. (BY MS. CUMMINS) Ms. Lollar, is that an  
21 e-mail from me to you and your response back to me?

22 A. Yeah, it appears to be, yes.

23 Q. Can you read my quick e-mail on the bottom?

24 A. It says, Cute ones on the second page, and  
25 then there is a link.

1 Q. And what was your response?

2 A. Thank you, Mary.

3 MS. CUMMINS: I already submitted into  
4 evidence Exhibit 3. I would like to show it to the  
5 plaintiff.

6 Q. (BY MS. CUMMINS) Is this an e-mail which I  
7 sent to you?

8 A. It appears to be, but I have never seen this  
9 e-mail. In other words, if you sent it, I never  
10 received it.

11 Q. I believe in your first day of testimony,  
12 Ms. Lollar, you stated that you were kicked off the Fish  
13 & Wildlife White-nose Syndrome Task Force; is that  
14 correct?

15 A. I believe we said we were dropped from the  
16 task force.

17 Q. And you said you knew because no one had  
18 contacted you?

19 A. After your defamation, no, no one contacted me  
20 or responded.

21 Q. So no one has contacted you from the Fish &  
22 Wildlife Task Force?

23 A. No.

24 MS. CUMMINS: I would like to enter into  
25 evidence Exhibit 43, which is an e-mail from the Fish &

1 Wildlife Services Task Force to Ms. Lollar.

2 MR. TURNER: No objection.

3 Q. (BY MS. CUMMINS) So you stated previously --

4 THE COURT: We have got a conflict in  
5 exhibits again.

6 MS. CUMMINS: Oh.

7 THE COURT: You've given me Defendant's  
8 43 and you first identified Defendant's 43 as an e-mail  
9 from the defendant to the plaintiff --

10 MS. CUMMINS: Can I change that --

11 THE COURT: -- it was not offered.

12 MS. CUMMINS: Oh.

13 THE COURT: Please pay attention to what  
14 you should be doing.

15 MS. CUMMINS: I would like to enter in as  
16 an Exhibit Number 43, which is the e-mail which I sent  
17 to Ms. Lollar about the video.

18 THE COURT: Any objection?

19 MR. TURNER: No objection.

20 THE COURT: Admitted.

21 (Defendant's Exhibit Number 43 was  
22 admitted into evidence.)

23 THE COURT: Hold on. Slow down. Get  
24 back here. There is the other Exhibit 43 that you  
25 handed me.

1 MS. CUMMINS: Oh, okay. Right.

2 THE COURT: Do you need to take five  
3 minutes to get yourself more organized?

4 MS. CUMMINS: Yes, that would be great.

5 THE COURT: I would welcome it.

6 (Break from 2:19 p.m. to 2:20 p.m.)

7 THE COURT: Okay. You may proceed.

8 MS. CUMMINS: I would like to enter  
9 Exhibit Number 44, which is an e-mail from the Fish &  
10 Wildlife Services to Ms. Lollar.

11 THE COURT: Any objection, Mr. Turner?

12 MR. TURNER: What's the number of that  
13 exhibit, Your Honor?

14 THE COURT: Defendant's 44.

15 MR. TURNER: No objection.

16 THE COURT: It's admitted.

17 (Defendant's Exhibit Number 44 was  
18 admitted into evidence.)

19 Q. (BY MS. CUMMINS) Ms. Lollar, earlier you  
20 stated that Fish & Wildlife Service wasn't contacting  
21 you any more. Did you receive this e-mail on June 3rd?

22 A. I don't know what -- I haven't seen it, so I  
23 don't know what you're talking about.

24 Q. I'm sorry.

25 A. I don't recall seeing this. It looks like a

1 conclusion to the task force that was developed, but I  
2 don't recall seeing this e-mail at all.

3 Q. Are you stating that you never received that  
4 e-mail from Fish & Wildlife?

5 A. I'm stating that -- no, if it -- if I did  
6 receive it, it must have went to my spam folder, because  
7 I don't recall reading this. No, I don't see my e-mail  
8 address listed here.

9 Q. It's there. Would you like me to circle it  
10 for you?

11 A. Oh, there it is. Yes, I see it. I do not  
12 recall getting this letter.

13 Q. Do you remember where I supposedly signed this  
14 contract?

15 A. It was either on the shipping counter in the  
16 office or the guestroom, which the table in the  
17 guestroom are approximately six to eight feet of each  
18 other. It was either on the counter or the small table  
19 in the guestroom. One of the two. They're both within  
20 viewing distance of each other.

21 Q. Do you remember in your March, 2011, hearing  
22 that you stated that I signed it in the guestroom?

23 A. I may have said that. That's been over a year  
24 ago. So as I just stated, it could have been in the  
25 guestroom or on the shipping counter.

1 Q. So you're not sure where I signed it?

2 A. Not sure exactly where. It was on one table  
3 or the other within six feet of each other.

4 Q. Do you remember in your November 8th, 2011,  
5 deposition that you stated I signed it in your office?

6 A. The shipping counter is in my office. The  
7 guest bedroom is also in close proximity to my office.  
8 You can see everything standing in one spot. You can  
9 see my office, the shipping counter, and the table in  
10 the guestroom all at the same -- from the same vantage  
11 point. So you were either in my office on the shipping  
12 counter, or you signed it in the bedroom, which is about  
13 six feet from the shipping counter.

14 Q. So you're not absolutely sure where I signed  
15 it? Could have been one of those three places?

16 A. There is two places. The shipping counter is  
17 in my office, so that would be like a table being inside  
18 a living room. That's one place. The other place is  
19 the guestroom, this is right off -- right beside the  
20 office within a few feet. I'm positive you signed it.  
21 I'm not sure which table you placed it on to sign it,  
22 but I am positive that you signed it.

23 Q. Doesn't your office face the street?

24 A. It does, yes. I have a new office now. We  
25 moved into -- I moved my office into what used to be our

1 educational lobby. The old office, which was right off  
2 the guestrooms -- both offices face the street, so  
3 regardless they both face the street.

4 Q. Isn't there -- When I was there, wasn't your  
5 office and main computer facing the street in the room  
6 next to the street?

7 A. They both still face the street. They have  
8 always faced the street, so, yes.

9 Q. How many days do you believe I was at Bat  
10 World in Mineral Wells?

11 A. I believe you interned for six full days. I  
12 believe you were actually present in the building for  
13 eight days. You left early one morning, which doesn't  
14 really count as a full day, because you left around 7:00  
15 or 8:00 a.m. And you arrived in the afternoon or  
16 evening one day, so you didn't really intern -- you  
17 interned for six full days. You may have been there for  
18 eight days, in other words.

19 Q. What day did I arrive?

20 A. I believe it was on the 19th.

21 Q. When did I arrive at Mineral Wells?

22 A. Well, I wasn't there -- I wasn't with you when  
23 you first drove into town. I only know when you arrived  
24 in the building, and that again, was on the 19th.

25 Q. I arrived at Bat World Mineral Wells on the



1 19th?

2 A. I believe, to the best of my recollection,  
3 that, yes, that's when you arrived.

4 Q. Didn't you previously state that I arrived on  
5 the 20th and I signed the contract on the 20th.

6 A. You began your internship on the 20th, that's  
7 when you were scheduled. But you arrived -- I believe  
8 you arrived the evening previous, the afternoon or the  
9 evening previous. And you signed your intern -- you  
10 signed the contract before you began your internship  
11 because that is our rules. You could not begin the  
12 internship unless you signed the contract.

13 Q. You don't believe I flew into Fort Worth,  
14 Texas, and spent the night at Kate Rugroden's in  
15 Arlington, and then drove to Mineral Wells the next  
16 morning?

17 A. I -- I never said that you didn't.

18 Q. Just so I'm clear, I arrived at Mineral Wells  
19 June 19th?

20 A. That's what I believe, because you began your  
21 internship on the 20th.

22 Q. Previously didn't you state I arrived on the  
23 20th?

24 A. If I did I was mistaken, it could have been  
25 the 19th, it could have been the 20th. But you -- you

1 were at Mineral Wells -- you did come to Mineral Wells  
2 and began interning.

3 Q. If I arrived --

4 A. We had 12 -- 14 interns that summer, all of  
5 their dates were staggered. We had over 250 orphans. I  
6 was trying to keep up with teaching all of the students  
7 and saving as many lives as I could at the same time, so  
8 I didn't think it was necessary for me to keep up with  
9 the exact date and time everyone arrived. I just know  
10 they came when should have. And I did the best of my  
11 ability to teach all the interns while they were there.

12 Q. Do you remember at your April 6th, 2012,  
13 deposition that I asked you if you had any physical  
14 reason that would affect your ability to recall?

15 A. Yes, I remember you asking that question.

16 Q. What was your response?

17 A. Are you talking about the deposition that was  
18 in California?

19 Q. Yes.

20 A. I responded that I run an organization, I care  
21 for over 300 animals a day, I answer about a hundred  
22 e-mails a week from around the world for people that  
23 need help with rescue as well as educational efforts and  
24 I'm involved in trying to go raise funds, and, of  
25 course, fight defamation. And I don't remember every

1 single solitary thing that might have happened on a  
2 particular day two years ago, something along those  
3 lines. But it may not be exact because, again, about a  
4 month has passed and I don't remember exact phrases or  
5 statements. I just remember most of what happened.

6 Q. So you remember most of what happened, but not  
7 everything?

8 A. I don't think anyone remembers everything that  
9 always happens to them every single moment of their  
10 entire life.

11 Q. I'm going to read your two -- three-sentence  
12 response, and I want you to tell me if this is what you  
13 said. I answer approximately a hundred e-mails a day, I  
14 run a nonprofit and 20 rescue centers across the U.S.,  
15 I make numerous posts and respond to numerous requests  
16 for help around the world on a daily basis. I can't  
17 remember every post I make two months ago or even last  
18 week, much less six months ago or a year ago or two  
19 years ago.

20 Is that what you stated?

21 A. Yes, that sounds accurate. Except I believe I  
22 said a hundred e-mails a week, not a day.

23 Q. This is the certified deposition which you  
24 signed, which means you agreed that you said that. Did  
25 you sign your April 6th --

1 A. I believe I did. Yes, I believe I did.

2 Q. So did you read the deposition before you  
3 signed it?

4 A. I read most of it.

5 Q. But do you realize when you signed it that  
6 means, yes, that's what I said? What was your response?

7 A. Was that a question?

8 Q. Yes.

9 A. I thought it was a statement.

10 Q. Do you -- Do you realize that when you sign  
11 your deposition that means that everything that you read  
12 in your deposition that is what you said and you are  
13 agreeing to that?

14 A. Yes.

15 Q. Back to when I arrived real quickly. Do you  
16 remember in your November 8th, 2011, deposition that you  
17 stated I arrived late at night. It was around 9:00 or  
18 10:00 at night?

19 A. I believe that that's when it was. At the  
20 time I believed that that's when it was. I -- As --  
21 Again, I was staggering 14 interns working 18 hours a  
22 day caring for over 300 captive care bats and over 250  
23 orphans and trying to train the interns as well. So I  
24 don't remember exactly --

25 THE REPORTER: Okay. You've got to slow

1 down, please.

2 THE WITNESS: Okay. I do not remember  
3 exactly when each intern arrived.

4 Q. (BY MS. CUMMINS) So you're telling me there  
5 were 14 interns there when I arrived?

6 A. No, I did not say that.

7 Q. Did you just not say that there were 250  
8 infants there?

9 A. During the summer, yes, there was -- there  
10 were over 250 orphan bats that summer. Over 250, yes.

11 Q. So you were juggling that when I arrived?

12 A. I was juggling -- That summer I juggled 14  
13 interns in staggered schedules and cared for over 250  
14 orphaned bats and maintained a wild sanctuary of 30,000  
15 bats as well as a captive colony of 300 bats as well as  
16 running an organization --

17 Q. My question --

18 A. -- so I do not remember exactly when you  
19 arrived.

20 Q. Do you remember in your November 8th, 2011,  
21 deposition that you stated you -- I asked you: What is  
22 the last year of schooling that you actually finished?  
23 And you said, The 10th grade. Is that true? Is that  
24 what you said?

25 A. When I answered that, I believe I had thought

1 you asked me what is the last of year of school I  
2 attended, so I answered as the 10th grade is the last  
3 year of school I attended.

4 Q. Your answer was 10th grade?

5 A. That's what I just said, yes.

6 Q. Okay.

7 A. I agree with that -- that is the statement I  
8 made. I'm not disputing that in any way, shape, or  
9 form.

10 Q. Okay. Do you remember in your April 6th,  
11 2012, deposition I asked you the same question. I said:  
12 What's the last grade of school that you finished? And  
13 you said, The ninth. Did you say that?

14 A. I remember that. I'm not disputing that in  
15 any way, shape, or form.

16 Q. So you're stating that you're just confused?

17 A. I'm stating that I did not understand you when  
18 you asked the question. In one question I thought you  
19 had asked what is the last year you attended. That year  
20 was the 10th grade. In the other question I thought you  
21 asked what is the last year you finished. So I answered  
22 the questions in the way that I thought you had asked  
23 them.

24 Q. Can you tell me what that document is?

25 A. This is my rehabilitation permit that allows

1 me to care for orphaned and injured bats, including  
2 threatened and endangered species with the Texas Parks &  
3 Wildlife.

4 Q. Can you turn to the second page, item number  
5 15A? Can you read where it says, Permit holder is  
6 prohibited from?

7 A. From, A, propagating, selling or bartering  
8 animals or animal remains received or held under the  
9 authority of this permit.

10 Q. Would you agree that propagating is allowing  
11 animals to breed?

12 A. No. I believe that propagating would be  
13 encouraging animals to breed, and then perhaps selling  
14 or bartering them after you've raised a sufficient  
15 breeding stock.

16 Q. Are your bats breeding?

17 A. We were inspected by the Texas Parks &  
18 Wildlife by game wardens, who found absolutely no  
19 violations based on your complaints that I was breeding  
20 animals. In their report, they stated that the animals  
21 were breeding but it was occurring naturally. In other  
22 words, it was an accident. And that they found no  
23 violations.

24 You manipulated their e-mail and posted  
25 it online to say, Yes, they are breeding bats. And then

1 went on to say that I was found guilty of breeding bats  
2 at my facility, which is absolutely not true.

3 That is one of the URLs that I have that  
4 I would like to have removed, because you have URLs  
5 listed with defamatory names in the files. Maybe the  
6 e-mail or the PDF is the accurate truth, but the way  
7 you've listed the URLs is what's defamatory. Bat World  
8 Sanctuary rabies complaint, Bat World Sanctuary stinks,  
9 Bat World Sanctuary breeding bats.

10 Q. I just want you to answer the question.

11 A. I believe I did.

12 MS. CUMMINS: I would like to enter into  
13 evidence Exhibit Number 45, which is a copy of  
14 Ms. Lollar's permit.

15 MR. TURNER: No objection.

16 THE COURT: Defendant's 45 is admitted.

17 (Defendant's Exhibit Number 45 was  
18 admitted into evidence.)

19 Q. (BY MS. CUMMINS) Earlier I admitted into  
20 evidence a letter you sent June 26th, 2009, to Donna  
21 Robins, the health inspector. In that letter, did you  
22 state that you would be eventually leaving town?

23 A. I would need to see a copy of that, please.

24 Q. It's on the second page. Did you state in  
25 that letter that you would be leaving town?



1           A.     We stated that we were hoping to help the City  
2 relocate the wild bat population into an artificial cave  
3 in the country, but this says nothing about us leaving  
4 town.

5                     This letter is addressing the wild bat  
6 population in the City of Mineral Wells, because we have  
7 been working with the City for quite some time to try to  
8 get those bats moved out for the City to avoid any  
9 bat/human conflicts.

10           Q.     In this letter, didn't you write, I understand  
11 you may have concerns about our building located at 115  
12 Northeast First Avenue where a colony of Mexican  
13 free-tailed bats resides. I would like to take this  
14 opportunity to explain the history of the building as  
15 well as our future plans.

16                     Did you write that?

17           A.     Yes, I believe I did. Again, that's  
18 addressing the wild colony. There are numerous wild  
19 colonies downtown, including in the Baker Hotel.

20           Q.     It says, I understand you may have concerns  
21 about our building located at 115 Northeast First Street  
22 where a colony of Mexican free-tailed bats reside. It  
23 seems to be talking about this one colony in this one  
24 building, your building?

25           A.     Yes, it is.

1 Q. Earlier I submitted into evidence an e-mail  
2 you sent June 2nd from you to the officials at Mineral  
3 Wells. Did you send this e-mail?

4 A. I -- I don't have a copy of it. I don't know.  
5 Yes, I sent this e-mail after we started  
6 receiving complaints based on your defamation.

7 Q. Let me try to understand what you just said.  
8 You sent -- I'm going to read just the first two  
9 sentences and ask if this is what you wrote. My  
10 neighbor advised me that several city officials were  
11 inspecting the front of the Bat World Sanctuary building  
12 on north -- North Oak and our other building on First  
13 Avenue this morning as there was a complaint made about  
14 the guano on the sidewalk.

15 This seems to be a complaint about guano.  
16 How is this a complaint about defamation?

17 A. In the past year before that letter was  
18 written, I have been contacted by the City numerous  
19 times based on complaints that you have made to them.  
20 The relationship that I have had with the City, the  
21 wonderful working relationship that I have had has been  
22 ruined with the complaints that you have made to the  
23 City.

24 The complaint that was made about the  
25 guano from a bat house mounted on the front of our

1 building was made by one of the three people in town who  
2 have been complaining, who the City are aware about, who  
3 they -- who they completely understand don't like bats.  
4 We have all been on the same page for quite sometime.

5           It wasn't until you came along and sent  
6 your horrific reports of cruelty, illegal drug use,  
7 abuse, neglect, those things undermined, ruined my  
8 relationship with the City of Mineral Wells. And I  
9 can't take any -- any more of what's going on.

10           If you had not stepped into the picture,  
11 we were doing fine until you came along and did the  
12 damage that you did. We were doing wonderfully. We had  
13 no intention to move out of town.

14           Q.    Didn't you tell them in 2009 you were going to  
15 move out of town before you met me?

16           A.    In 2009, the Baker Hotel, which has about  
17 100,000 bats that roost in the top of the Baker Hotel  
18 more than any other building in the downtown area, in  
19 2009 a real estate developer was interested in that  
20 building. And the City contacted me about the building,  
21 they -- we started working together. They knew that we  
22 were going -- had plans to build an artificial cave --

23           Q.    Ms. --

24           A.    -- to build -- to get all of the bats out of  
25 the downtown area including our colony.

1 Q. That's not actually the question. I'm sorry  
2 to interrupt you. I asked you if you sent this letter  
3 in June of 2009, which is a year before I met you, to  
4 the health inspector of Mineral Wells stating that there  
5 have been concerns about your building at 115 North  
6 First Street and that your future plans include leaving  
7 in the next two years?

8 A. Again, that was addressing the wild bat  
9 population that resides in 115 Northeast First Street,  
10 the same building that is addressed in that letter, does  
11 not include the 217 address, which is where we run our  
12 indoor sanctuary. That's where we've been located for  
13 18 years.

14 Q. Okay. So you were stating you were just going  
15 to move out of the property at 115 Northeast First?

16 A. I was stating that we were going to try to  
17 make attempts to help all of the wild bats downtown,  
18 including the ones in our building, by building a  
19 artificial cave and getting all of the bats to move out  
20 of the downtown area.

21 As you will notice on the second page, we  
22 state that there is developing taking place and we want  
23 to try to avoid any human/bat conflict by trying to get  
24 all of the bats out. That's our future goal.

25 Q. Have they started redeveloping the Baker

1 Hotel?

2 A. I believe the deal fell through. I haven't --  
3 As -- As I stated, do not have a good working  
4 relationship any more with the City of Mineral Wells  
5 because of your defamation, so --

6 Q. So you're telling me --

7 A. -- I do not know.

8 Q. You're telling me you've always had a  
9 wonderful relationship with the City of Mineral Wells?

10 A. We've had -- Yes, I've had a good  
11 relationship.

12 Q. Back in 1999, didn't a rabid bat bite a  
13 toddler on the cheek next door to your building? Just  
14 yes or no.

15 A. No.

16 Q. You're saying a rabid did not bite a toddler  
17 on the cheek directly next to your building?

18 A. I'm saying -- Well, there is two questions  
19 there.

20 Q. Let me just rephrase it. Did a rabid bat bite  
21 a toddler on the cheek in the building next door to you?

22 A. No.

23 Q. I already submitted -- I already submitted  
24 this in evidence. It is a copy of an article of a  
25 toddler being bitten on the cheek by a rabid bat at the

1 building at 113 Northeast First Street, which is  
2 directly next to you.

3 Have you seen that article?

4 A. Yes, I have.

5 Q. I will ask you again: So did a rabid bat bite  
6 the toddler on the cheek in the building directly next  
7 to you?

8 A. No.

9 Q. So you're saying that article is wrong?

10 A. I'm saying that the report that you -- is also  
11 part of evidence also states that the child was not  
12 bitten. There was a spot of blood on his cheek, but  
13 there was no bite.

14 Q. So there was -- no one actually saw the bat  
15 bite the child on the cheek, but there was blood on his  
16 cheek?

17 A. Correct. Because he was stomping the bat  
18 according to his mother.

19 Q. Isn't it true anytime there is a scratch or  
20 blood or anything with a bat/human contact you have to  
21 send the bat out for testing for rabies?

22 A. Exactly. Which is why when she called me for  
23 help, I told her I couldn't intervene. That she needed  
24 to call animal control and have that bat tested  
25 immediately.

1 MS. CUMMINS: I would like to enter into  
2 evidence Exhibit Number 49, which is a rabies notice for  
3 Palo Pinto County.

4 First, I want to show it to the witness.

5 Q. (BY MS. CUMMINS) Have you seen that document  
6 before?

7 A. Yes, I have.

8 Q. Can you tell me what it is?

9 A. It is a rabies notice for Palo Pinto County.  
10 It's a standard notice that's put out when any rabid  
11 animal is found in a -- in a county, not just bats,  
12 skunks, raccoons, anything. It also states that --  
13 doesn't say anything about the child being bitten.

14 Q. Doesn't this document state on September 8th,  
15 1999, in --

16 MR. TURNER: Your Honor, before we read  
17 this into evidence, I would request to take a look at  
18 it.

19 MS. CUMMINS: Oh.

20 MR. TURNER: I'm going to object to  
21 reading from a communication by unknown person, it's not  
22 even authored. It's hearsay.

23 MS. CUMMINS: This is a notice from the  
24 Texas Department of Health. I would like to enter it as  
25 Exhibit 49.

1 MR. TURNER: We object. It's hearsay.

2 THE COURT: Sustain the objection.

3 Q. (BY MS. CUMMINS) Did you tell me when I was  
4 in -- at Bat World Sanctuary that you had -- that you  
5 buy the rabies vaccination?

6 A. No, I did not.

7 Q. Did you tell me in your November 8th, 2011,  
8 deposition that you buy the rabies vaccination?

9 A. Are you talking about human?

10 Q. Yes.

11 A. Oh, yes, definitely.

12 Q. Have you ever bought the animal rabies  
13 vaccination?

14 A. No.

15 Q. Didn't you say in your deposition, November  
16 8th, that you did years earlier?

17 A. Oh, yes. When it was legal, because at one  
18 time you could buy it from feed stores, anyone could buy  
19 it.

20 Q. What year was that?

21 A. I don't remember. It was in the early '90s,  
22 maybe the late '90s. I'm not exactly sure when the law  
23 changed.

24 Q. So you just stated that you currently buy the  
25 human rabies vaccination, correct?



1 A. Correct.

2 Q. Don't you have to be a doctor, nurse,  
3 veterinarian, or pharmacist to purchase it?

4 A. No. It's -- It's like insulin. You just need  
5 to have a doctor that works with you and anybody who is  
6 as diabetic can have insulin. Anyone who works with  
7 rabies vector species that has the facility, the  
8 responsible thing to do would be to have that on hand in  
9 case --

10 THE COURT: Slow down. Slow down.

11 THE WITNESS: I'm sorry.

12 THE COURT: That's the last time I'm  
13 going tell you about that. Any more you're going to be  
14 excused from the witness stand.

15 THE WITNESS: Anytime there is a rabies  
16 exposure, the responsible thing to do is -- having a  
17 facility that handles rabies vectors species would be to  
18 have that vaccine on hand.

19 Q. (BY MS. CUMMINS) You bought -- You buy a  
20 rabies vaccination from Novartis?

21 A. Yes, we have an account with them.

22 Q. When you applied to buy the rabies  
23 vaccination, didn't you have to list a doctor, nurse,  
24 pharmacist, or veterinarian who was located at the  
25 address where it would be delivered?

1 A. No. The veterinarian, doctor, or health  
2 practitioner does not have to be located at the address.

3 Q. Didn't you tell me when I was at Mineral Wells  
4 that Novartis thinks you're a doctor?

5 A. No, I absolutely did not.

6 Q. So even though you're not a doctor, Novartis  
7 has been selling you the human rabies vaccination?

8 A. Yes. Novartis is aware that I'm not a doctor.  
9 We have a veterinarian that we work with in order to  
10 obtain the vaccine legally.

11 Q. What's the name of the veterinarian?

12 A. It's a -- Her name is Lindsey Rosen.

13 Q. Where is she located?

14 A. In South Carolina, I believe.

15 Q. Doesn't she have to be licensed in the state  
16 where it's delivered?

17 A. No.

18 Q. Do you still communicate with her?

19 A. Yes. She's a past intern.

20 Q. Have you ever performed C-sections on bats?

21 A. I performed one, yes.

22 MS. CUMMINS: One second, Your Honor.

23 Q. (BY MS. CUMMINS) Did you ever post on Yahoo  
24 group as user sanctuarybatworld.org that you have done  
25 C-sections and amputations and neutered free-tailed

1 bats?

2 A. I believe that I posted that my coauthor and I  
3 have done -- done so.

4 Q. Did you post -- Did you make that post on the  
5 group?

6 A. I believe so.

7 Q. And it states that you've done C-sections,  
8 amputations, and you've neutered bats?

9 A. Yes. I did perform one C-section when my  
10 veterinarian was out of town. She was in distress, so I  
11 had a choice of euthanizing her or trying to save her  
12 life, so -- because she was already out and unconscious  
13 with Isoflurane, I chose to try to save her life in the  
14 process of --

15 MS. CUMMINS: I would like to enter this  
16 as Exhibit 50.

17 MR. TURNER: Let me take a look at it,  
18 please.

19 No objection.

20 THE COURT: Admitted.

21 (Defendant's Exhibit Number 50 was  
22 admitted into evidence.)

23 MS. CUMMINS: Can I read from it before I  
24 give it you?

25 THE COURT: Pardon me?

1 MS. CUMMINS: Can I read a sentence out  
2 of it before I hand it to you?

3 THE COURT: I can read.

4 MS. CUMMINS: Okay.

5 Q. (BY MS. CUMMINS) Ms. Lollar, didn't that post  
6 state, Sometimes animals die from anesthesia under your  
7 care?

8 A. I don't remember reading that part.

9 MS. CUMMINS: May I look at the exhibit  
10 again, Your Honor? May I look at Exhibit Number 50?

11 THE COURT: Yes.

12 While you're doing that, we will take a  
13 15-minute recess.

14 Step down, please.

15 THE WITNESS: Thank you.

16 THE COURT: We will take up again at  
17 3:15.

18 (Break form 3:00 p.m. to 3:15 p.m.)

19 THE COURT: Please be seated. Be seated,  
20 please.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: You were reviewing  
23 Defendant's 50.

24 MS. CUMMINS: Yes. I wanted to ask the  
25 witness a question about it.

1 Q. (BY MS. CUMMINS) In this Yahoo post, do you  
2 admit that you have done C-sections and amputations and  
3 neutered free-tailed bats?

4 A. Yes.

5 Q. Did you also state that if you have a vet that  
6 is willing to supply you with Isoflurane that you've got  
7 nothing to lose by trying it?

8 A. Yes. Excuse me.

9 Q. Did you also state, If it dies while  
10 anesthesia, at least it had a more merciful death than  
11 it would have had otherwise?

12 A. Yes. In the wild is what I meant.

13 Q. Did you also state, And hopefully you've  
14 learned something in the process?

15 A. Yes.

16 MS. CUMMINS: I would like to submit --  
17 oh.

18 THE COURT: It's already been admitted.

19 THE WITNESS: Excuse me.

20 Q. (BY MS. CUMMINS) Earlier you stated that  
21 three people have been complaining about you in Mineral  
22 Wells for quite awhile; is that true?

23 A. That's true. They have been actually  
24 complaining about the bat population in downtown Mineral  
25 Wells, not just me specifically, but the bats. The wild

1 bats that live in a lot of the buildings downtown.

2 Q. But have they complained about your buildings?

3 A. Yes, they have. Because they -- they know  
4 that I work with bats, so it's natural that they would  
5 base their complaints on me.

6 Q. When the toddler was -- had the interaction  
7 with the rabid bat, did your attorney then send a letter  
8 to the City of Mineral Wells threatening to sue them if  
9 they didn't find the claim groundless?

10 A. I don't believe that's the way it happened.

11 Q. Did your attorney send a letter to the -- Did  
12 your attorney, Donald Pierce, send a letter to the City  
13 of Mineral Wells --

14 MR. TURNER: Your Honor, I'm going to  
15 object to her lawyer sending letters to the City of  
16 Mineral Wells unless she can tie that into this lawsuit  
17 somehow.

18 THE COURT: Sustained.

19 Q. (BY MS. CUMMINS) In your complaint, you  
20 stated that I posted all the photos after I left Bat  
21 World Sanctuary; is that correct?

22 A. I believe that is correct. I don't have the  
23 complaint in front of me, so I'm not sure.

24 Q. Do you still believe that I posted all the  
25 photos after I left Bat World Sanctuary and videos?

1           A.     I'm not sure if it was after or before. I  
2 only know that you never received permission to post  
3 them.

4           Q.     So you're now stating that I could have posted  
5 them all before I left?

6           A.     No, I'm not stating that. I'm stating I don't  
7 recall what the report says if it was after or before,  
8 but I do know that photos did appear on the Internet  
9 after.

10          Q.     Could you please read the dates on those  
11 photos?

12          A.     It says added June 21st, 2010.

13          Q.     Can you just flip through and read them all,  
14 there are not that many there?

15          A.     It looks like they may all have the same date  
16 of June the 21st, 2010. Excuse me. This one -- one of  
17 them -- or several say June the 23rd, 2010, and June the  
18 24th, 2010.

19                   MS. CUMMINS: I would like to submit this  
20 Exhibit Number 51 into evidence. I'm sorry.

21                   MR. TURNER: I'm going to object to these  
22 photographs, because I don't know what they are. It's  
23 been established that there is a date on the  
24 photographs, but we don't know who took them, what they  
25 are, what it is, so we object on that basis.

1 THE COURT: The predicate hasn't been  
2 laid. Objection is sustained.

3 Q. (BY MS. CUMMINS) I'm going to ask you again:  
4 Your testimony is that -- what percentage of all the  
5 photos do you believe I posted while I was at Bat World  
6 Sanctuary?

7 A. I would have no idea, because I wasn't aware  
8 that you were posting them.

9 Q. I just entered into evidence an exhibit where  
10 I sent you a link to the photos. Do you remember that?

11 A. I remember receiving a link to photos of  
12 Cassandra, one of the interns, and she was with a fruit  
13 bat. I did not receive links to those photos. And I  
14 did not approve that they were posted on the Internet.

15 Q. Didn't I send you the e-mail on June 24th  
16 stating, Here, I posted some photos on the Internet?

17 A. I never received that e-mail.

18 Q. You admitted to it earlier today. And you  
19 replied back with, Thanks.

20 A. That was the e-mail that I just admitted to  
21 receiving about Cassandra Gearheart with the fruit bat.  
22 I did not approve of any of the other photos that you  
23 have shown me with the bats being held incorrectly and  
24 uncomfortably.

25 Q. Didn't the e-mail state, Cute ones on the



1 second page?

2 A. Yes.

3 Q. And Facebook has 20 photos per page, so the  
4 second page would be 40 photos. So there was one more  
5 than?

6 A. I don't recall. And I'm not familiar with the  
7 way Facebook loads up photos. At the time I didn't even  
8 use Facebook that much.

9 Q. I have in front of me the printout from my  
10 Facebook account from the entire time I was at Bat  
11 World, and I would like you to take a look at it. I  
12 entered it earlier as an exhibit. It's in reverse  
13 chronological order.

14 Can you take a look at the dates when the  
15 photos and videos were posted?

16 A. Excuse me. It looks like one of the photos  
17 was uploaded on June the 23rd of 2010. And another one  
18 may have been uploaded on June the 21st. Two of them --  
19 on this page on June the 21st.

20 Q. You don't have to look at all of them. Just  
21 the beginning and end to save time.

22 A. Okay. June the 21st and the others were --  
23 looked like the last one was up uploaded on June the  
24 29th, 2000 -- Well, it doesn't actually say 2010.

25 Q. So the document I just showed you, does it

1 show the photos and videos were loaded up while I was at  
2 Bat World Sanctuary?

3 A. Yes, it appears that that's the case.

4 Q. When Kay Singleton -- Oh. When Kay Singleton  
5 left Bat World Sanctuary, did she cancel the fundraiser  
6 she was doing for you?

7 A. I believe we canceled the fundraiser.

8 Q. Have you ever testified in a court of law as a  
9 bat expert?

10 A. No, I haven't. I've been asked to, but I  
11 declined.

12 Q. Have you ever testified as a bat expert in any  
13 deposition?

14 A. No.

15 Q. Have you ever by yourself -- completely by  
16 yourself published a journal article?

17 A. No.

18 Q. Did you post 70 videos from my deposition on  
19 YouTube?

20 A. I believe --

21 MR. TURNER: Your Honor, I'm going to  
22 object. That's not relevant to the proceeding we're  
23 here on today.

24 THE COURT: Sustained.

25 Q. (BY MS. CUMMINS) Are you an expert -- Are you

1 an expert witness in real state?

2 A. In real estate?

3 Q. Yes.

4 A. No.

5 Q. Do you have a real estate appraisal license?

6 A. No.

7 Q. Are you an expert in defamation damages?

8 A. No.

9 Q. Do you remember in your first supplemental  
10 response to disclosure that you are suing me for  
11 approximately \$4 million in damages?

12 A. Yes.

13 Q. And do you remember stating that \$2 million is  
14 lost revenue over ten years at \$200,000 a year? Do you  
15 remember that?

16 A. Yes.

17 Q. Do you remember stating that my complaints --  
18 I have made it impossible for you to remain in Mineral  
19 Wells because of my complaints to the City and Health  
20 Department?

21 A. Yes.

22 Q. And you then came up with a figure -- you're  
23 going to have to sell your building and -- you're going  
24 to have to sell your building and receive approximately  
25 \$70,000, and then you're going to need \$2 million to

1 build a new Bat World?

2 MR. TURNER: Your Honor, can I interrupt?  
3 If I remember correctly, disclosures -- responses to  
4 requests for disclosures are not admissible under the  
5 Rules of Civil Procedure.

6 THE COURT: Sustained.

7 Q. (BY MS. CUMMINS) Earlier your attorney  
8 submitted --

9 MS. CUMMINS: Is that 34 or 36?

10 MR. TURNER: 36.

11 Q. (BY MS. CUMMINS) Before I get to that.

12 Ms. Lollar, do you believe you've had a  
13 loss in revenue?

14 A. Absolutely.

15 Q. Do you believe you've had a loss in gross  
16 revenue?

17 A. Absolutely. And I don't believe it will  
18 recover anytime soon.

19 Q. Didn't you make approximately 95,000 in 2011  
20 and approximately 175,000 -- I mean, 2010 and then  
21 175,000 in 2011?

22 A. The extra revenue was from various sources  
23 that will -- we can't count on. Our revenue that we can  
24 count on that I worked for 20 years to build to sustain  
25 the organization year after year that stability has been

1 lost. It's been completely lost.

2 Q. My question is: Hasn't your revenue gross  
3 increased?

4 A. It increased in 2011 from incidents that we  
5 can never count on -- we can't count on one of our  
6 members passing away and leaving an estate or another  
7 organization folding. I can't count on being able to  
8 borrow money or remortgaging property to stay afloat.  
9 And I can't count on a video to go viral to increase our  
10 money. None of those things can be counted on.

11 Q. Didn't you win a Chase contest and get  
12 approximately \$25,000?

13 A. Yes, we did. And we also can't count on  
14 contests. And that money was used to help build a wild  
15 sanctuary to help move the bats out of town.

16 Q. Didn't you also win another contest where you  
17 got even more than \$25,000 recently?

18 A. Yes, we did recently. We have had to resort  
19 to entering contests to stay afloat.

20 Q. So you're stating that you can only guarantee  
21 that people will always donate and renew their  
22 memberships, but you cannot guarantee the contests?

23 A. Exactly. I worked for almost 18 years to  
24 build our membership base and our donor base through  
25 grants and foundations, and I -- we can't count on that

1 any more.

2                   We have suffered a 40 percent loss after  
3 the defamation. And there's no way that we're going to  
4 know if we will ever recover from that.

5           Q.    Can anyone count on getting a donation? Is it  
6 absolutely guaranteed no matter what, that you would  
7 continue to get donations?

8           A.    No.

9           Q.    Okay. You entered as Exhibit 36, Plaintiff's  
10 Exhibit, it's a chart which shows revenue from -- from  
11 2007 to 2011, correct?

12          A.    Correct.

13          Q.    Now, this is just a summary, correct?

14          A.    Correct.

15          Q.    Did you bring any evidence today to show what  
16 is a donation, what is a membership fee and what is a  
17 contest? Did you break it up, or am I just supposed to  
18 take this one-page chart at its face value?

19          A.    We based the chart on several different  
20 factors. That chart is accurate. I'm not sure what we  
21 brought with us today.

22          Q.    Did -- Do you have any financial documents  
23 which can definitely show that this money was a  
24 donation, this was sales, this was membership, and this  
25 was contest?

1           A.    Yes.  We used those financial documents to  
2 create that chart.

3           Q.    Did you bring the underlying financial  
4 documents?

5           A.    I don't know.  I don't recall if we have those  
6 with us or not.

7           Q.    So there is no way that you can prove that the  
8 revenue income has gone, is it donation and membership  
9 you're stating?

10          A.    And membership and grant money and the money  
11 that we had that was stable for all those years before.

12          Q.    What does this represent?  Is this donations,  
13 grants, and memberships?

14          A.    Yes.

15          Q.    Did you bring any actual documents that would  
16 show how much is -- how much were donations, how much  
17 were grants, and how much were memberships?

18          A.    I don't believe we brought the documents, but  
19 that chart was based on all of our 990s.

20          Q.    Has anyone ever criticized your work?

21          A.    I believe Sue Barnard has criticized my work.

22          Q.    Did she state that your method --

23                   MR. TURNER:  Your Honor -- okay.  Sorry.

24          Q.    (BY MS. CUMMINS)  Did she state that your  
25 euthanasia method of freezing bats to death was

1 inhumane?

2 MR. TURNER: Objection. She's asking for  
3 hearsay.

4 THE COURT: Sustained.

5 Q. (BY MS. CUMMINS) In your December -- sorry --  
6 November 8th, 2011, deposition, did you admit to posting  
7 that I was a convicted criminal?

8 MR. TURNER: Your Honor, I'm going to  
9 object. Anything that this witness may have said about  
10 the defendant is not relevant to this proceedings.  
11 There is a defamation lawsuit in California pertaining  
12 to that subject, and so I object on the ground of  
13 relevance.

14 THE COURT: Sustained.

15 Q. (BY MS. CUMMINS) In your April 6th, 2012,  
16 deposition did you contradict anything you said in your  
17 November 8th deposition?

18 A. Yes, I did.

19 Q. What was that?

20 MR. TURNER: Well, I'm going to object on  
21 the basis of -- of relevance. We don't know what she's  
22 talking about.

23 THE COURT: I wondered myself. I'm going  
24 to sustain the objection.

25 MS. CUMMINS: I was just getting to the



1 truthfulness of the witness.

2 THE COURT: Line and page.

3 MS. CUMMINS: I can mention line and  
4 page?

5 THE COURT: Just ask a question and  
6 demonstrate by line and page what your question is.  
7 You're asking a general question, did you -- et cetera,  
8 et cetera. I sustained the objection to it.

9 Q. (BY MS. CUMMINS) On page 91 of your  
10 November 8th, 2011 deposition, on line -- on line 17,  
11 did you state that you made a post on your Yahoo board?

12 A. I may have. I don't have the information in  
13 front of me, so I can't be sure.

14 Q. Did I ask you if you made a post?

15 A. I believe you asked me if I made several posts  
16 during the deposition.

17 Q. Did you make a post stating I had a criminal  
18 record?

19 MR. TURNER: Your Honor, once again, I  
20 object on the ground of relevance.

21 THE COURT: Sustained.

22 MS. CUMMINS: I'm going to show a few  
23 videos and photos.

24 Q. (BY MS. CUMMINS) In your complaint, you  
25 stated that my photos and videos defame you and share

1 proprietary and copyrighted data; is that correct?

2 A. I believe that we -- our complaint regards  
3 breach of contract, which means posting photos and data  
4 without my permission or our permission. I believe  
5 that's what the complaint is.

6 Q. Would you agree that you stated that my  
7 posting these photos is sharing proprietary and  
8 copyrighted data?

9 A. I believe some of it is, yes.

10 Q. How -- How is this photo copyrighted or  
11 proprietary?

12 A. That is a photo that was simply -- I believe  
13 simply posted without my permission. We wouldn't have  
14 allowed a photo like that to be posted, because it  
15 depicts a red bat being held in an unnatural and  
16 uncomfortable position. And we wouldn't have wanted  
17 anyone to think that that's one of the methods that we  
18 teach.

19 Q. How does this photo cause you financial  
20 damages?

21 A. People that would want to train with us and  
22 would see a photo like that would think that we don't  
23 offer very good teaching techniques if that's the result  
24 of our training.

25 Q. Were you supervising me at Bat World

1 Sanctuary?

2 A. Unfortunately, no. I wasn't in the room  
3 90 percent of the time when you were taking photos and  
4 videos.

5 Q. Wasn't it your job to supervise me?

6 A. It was my job to instruct you to do certain  
7 duties and things. None of the other interns appeared  
8 to have a problem following the directions and operating  
9 procedures, doing -- feeding and cleaning cages,  
10 preparing food, things along those lines. No one  
11 appeared to have a problem doing that without direct  
12 supervision all the time.

13 The people that attended the workshop  
14 were experienced individuals and were accepted based on  
15 the fact that they already had previous experience. And  
16 people that have previous experience don't necessarily  
17 need to be supervised all the time.

18 Q. Did Sara Kennedy have any previous experience  
19 with live bats before?

20 A. I don't recall if she did, but she was with  
21 another intern that did have previous experience.

22 Q. Didn't you just say all your interns had to  
23 have previous experience?

24 A. Most of them did. Sara Kennedy had worked  
25 with wildlife before, maybe not necessarily bats, but

1 wildlife.

2 Q. So I was the only intern that had a problem?

3 A. Well, you and Kay Singleton, yes. During  
4 that -- that summer, we accepted 14 interns, and there  
5 were only two interns that appeared to have a problem.

6 Q. What is this a picture of?

7 A. It is a picture of a red bat pup hanging  
8 inside one of our bat huts.

9 Q. How is this defamatory?

10 A. It's not defamatory.

11 Q. How does this cause you financial damage?

12 A. I don't believe that is one of the photos that  
13 was ever posted on the Internet. But again, the photos  
14 that were posted were posted without our permission,  
15 which is why it was a breach of contract.

16 Q. Does this share proprietary data?

17 A. Not that I can see, no.

18 Q. How is this photo defamatory?

19 A. The photo is not defamatory.

20 Q. How does -- Does it show copyrighted or  
21 proprietary data?

22 A. Well, that is one of the foam roosting huts  
23 that is in the book that I sell that I wrote to benefit  
24 the organization. But I don't believe that is one of  
25 the photos that I saw shared on the Internet without our

1 permission.

2 Q. Didn't you get the temporary injunction to  
3 force me to take down all the photos and videos from the  
4 Internet and I also wasn't allowed to post any of the  
5 photos that I had taken, correct?

6 A. That's correct, but you didn't take them down.  
7 I had to go to the host providers and have them removed  
8 because you did not take them down.

9 Q. Do you think it's physically possible for me  
10 to remove other people's websites?

11 A. I'm not sure I understand the question.

12 Q. Do you remember the temporary injunction?

13 A. Yes, I do.

14 Q. And you provided to this Court links of all  
15 the sites that you wanted me to remove?

16 A. Yes.

17 Q. And do you think it would be physically  
18 possible for me to remove other people's websites?

19 A. The injunction didn't ask to have an entire  
20 website removed. It asked to have a page removed that  
21 was created on a website. And I was able to get those  
22 pages down with the injunction without your help.  
23 You -- Because you didn't take them down. I got them  
24 removed. So I guess it is physically possible.

25 Q. Did I own and control and have the user name

1 and password to all those websites in the injunction?

2 A. I -- I don't know what you might have created  
3 as far as user name and password, but I assumed that you  
4 could have also used an injunction to take those  
5 websites down just like I did. My answer is: Even if  
6 you didn't have or had forgotten the user name and  
7 password that you used to create those pages, you still  
8 could have had them removed using the injunction just  
9 like I had them removed using the injunction.

10 Q. Didn't you threaten to sue the websites?

11 A. No.

12 Q. Didn't your attorney threaten to sue the  
13 websites?

14 A. I don't know what my attorney did. I don't  
15 recall if he did or not. That would be something you  
16 would have to ask him.

17 Q. Do you remember seeing posted on the  
18 Internet -- on the public Internet a letter from an  
19 attorney from the ACLU to your attorney stating --

20 MR. TURNER: Your Honor, I'm going to  
21 object to letters I received from the ACLU unless they  
22 have some bearing on this case.

23 THE COURT: What does the ACLU have to do  
24 with this lawsuit, if any?

25 MS. CUMMINS: Mr. Turner took the

1 injunction and sent it to Indy Media and told them that  
2 they better remove all of the links on their website or  
3 he was going to add them as a defendant to this lawsuit  
4 and he gave them --

5 THE COURT: Sustain the objection.

6 Q. (BY MS. CUMMINS) Do you believe I own the  
7 website careto.com?

8 A. No. But I believe you created a page on  
9 careto. Anyone can create a page on that website.

10 Q. Do you believe I posted on Indybay.com --  
11 .org?

12 A. Absolutely.

13 Q. Do you have any proof?

14 A. I believe Eric Shupps provided proof  
15 yesterday.

16 Q. Do you have any physical proof that shows my  
17 IP, ISP, monitor, computer software ever posted on that  
18 website?

19 A. I believe that there are many things that tie  
20 you to that -- to that website, including statements  
21 that you have made in your blog that alludes to the fact  
22 that anytime anyone posts anything on that page -- on  
23 any Indybay -- such as the positive posts that I created  
24 on Indybay about both myself and Randy Turner in order  
25 to try to counteract your defamation, oddly enough those

1 posts were removed almost immediately after they  
2 appeared.

3           And in one case, my positive posts  
4 instead turned into defamatory information. And it was  
5 the same defamation that you had been posting on the  
6 Internet. And then later you bragged on your own blog  
7 that anytime anything is posted on Indybay that isn't  
8 the truth as you see it that it will point back to the  
9 defamation. And that you could get things removed,  
10 basically, I guess just by contacting Indybay.

11           There were several instances where you  
12 bragged about how you could get things removed from  
13 Indybay, even positive posts that were created by  
14 someone else entirely and really not anything at all to  
15 do with you.

16           Q. Do you have physical proof that I posted that?

17           A. It's -- It's on your blog. It's written by  
18 you.

19           Q. Do you have it here today? Can you look it  
20 up?

21           A. Yes. It's in folder number 17, I believe.

22           Q. Okay. I will ask you some other questions, if  
23 Mr. Turner wants to find it. But you don't have -- Oh.

24           If you were to post, let's say, three  
25 articles at a time, do you think it's possible a website



1 would think it was spam and remove all three?

2 A. I'm not an Internet expert, so I really can't  
3 answer that question.

4 Q. You don't think it's possible when you made  
5 those three negative articles about me, instantly that  
6 their robot picked it up as spam and deleted it?

7 MR. TURNER: Your Honor, once again, I'm  
8 going to object to any testimony concerning anything  
9 that may have been posted by Amanda Lollar, because it's  
10 not related to this lawsuit. It's related to another  
11 lawsuit in California that was filed by the defendant.

12 THE COURT: Sustained.

13 Q. (BY MS. CUMMINS) What is this a picture of?

14 A. Appears to be two red bats.

15 Q. Is this defamatory?

16 A. No.

17 Q. Does it share copyrighted or proprietary data?

18 A. No.

19 Q. What is this a picture of?

20 A. It's a picture of three of my rescued dogs.

21 Q. How -- Is this defamatory?

22 A. No.

23 Q. Does it share copyrighted and proprietary  
24 data?

25 A. Actually, if I remember correctly, this

1 picture was used on Flickr with some defamatory comments  
2 underneath about our dogs and our facility. I can't  
3 remember exactly what the comments were, but I do  
4 remember that the picture accompanied some -- or some  
5 defamatory comments went along with the picture. It was  
6 posted on Facebook, I believe.

7 Q. Was the comment, Amanda Lollar debarked all of  
8 her dogs?

9 A. I'm sorry?

10 Q. Was the comment attached to this photo, Amanda  
11 Lollar debarked all of her dogs?

12 A. I don't remember the comment.

13 Q. Did you debark your dogs?

14 A. Two of them have been debarked, which  
15 actually, it's not a debarking, it's a bark softening.  
16 The reason they were in the shelter is because they were  
17 chronic barkers and they were going to be euthanized.  
18 And my veterinarian did a bark softening procedure, so  
19 they can still bark as much as they want without it  
20 bothering anybody.

21 Q. Didn't you tell me when I was there you had  
22 all your dogs debarked but you didn't debark your  
23 husband's dog?

24 A. No, I did not say that.

25 Q. What's the difference between a debarking and

1 bark softening?

2 A. I'm not sure. I'm not a veterinarian.

3 Q. You didn't like the dogs barking?

4 A. The reason the dogs were slated to be  
5 euthanized was because they were chronic bakers and they  
6 were extremely loud. So I didn't mind them barking, but  
7 I wanted to save their lives. They can bark all they  
8 like now, because it's a little bit softer and it's  
9 not -- no one complains about it.

10 Q. Have you ever heard of a means of dealing with  
11 dogs that bark too much such as training?

12 MR. TURNER: Your Honor, I'm going to  
13 have to object at this point. I think we're going way  
14 astray of what's relevant for this case.

15 THE COURT: We haven't seen much that  
16 touched this lawsuit in the last 15 minutes.

17 Sustain the objection.

18 Q. (BY MS. CUMMINS) What is this a picture of?

19 A. That's a picture of a gloved hand holding two  
20 deceased bats that apparently did not survive the wild  
21 sanctuary.

22 Q. What are the little dots on the glove?

23 A. It's hard to say. It could be -- There is no  
24 longer a picture there.

25 Q. Oops. Oh, I'm sorry. Let me back up.

1 A. I can't really tell if it's dirt.

2 Q. What is this a picture of?

3 A. It is a picture of bats hanging in the rafters  
4 of our wild sanctuary.

5 Q. Is this one of the photos that you forced me  
6 to remove with the injunction?

7 A. It might have been.

8 Q. Why did you include this photo?

9 A. All of the photos were posted without our  
10 permission, so it was a breach of contract.

11 Q. Didn't you state in the temporary injunction  
12 hearing that having these photos and videos was causing  
13 you financial damage and it was defamation?

14 A. I never said the photos were defamation, no.

15 Q. Do you remember stating in your November 8th,  
16 2011, deposition we went through these photos and you  
17 said they were -- do you remember stating they were --  
18 showed copyrighted data, proprietary information, and  
19 they were defamatory?

20 A. None of the photos have ever been defamatory.

21 Q. So the photos are not defamatory?

22 A. No. It's what you wrote on the Internet that  
23 is defamatory and the way that you depicted some of the  
24 photos is what's defamatory.

25 Q. So these photos that you're seeing today

1 aren't causing you financial damage?

2 A. I didn't state that.

3 Q. How are they causing you financial damage?

4 A. Some of the photos -- in particular, the photo  
5 that you posted of the bat that was anesthetized and --  
6 on the table, the one that you posted with the bat that  
7 had just received the episiotomy with the caption,  
8 Amanda Lollar killed this bat. Another photo is one  
9 that shows me doing a dental extraction and there were  
10 defamatory comments that accompanied that one. There is  
11 a photo of the pallid bat that was rescued from research  
12 that had cancer of the mouth and you had posted skinny  
13 dying, pallid bat at Bat World Sanctuary --

14 Q. Ms. Lollar --

15 MR. TURNER: Your Honor, I will object.  
16 Let's let her finish the question -- the answer.

17 THE WITNESS: There were photos that you  
18 posted of my dogs saying that they -- one of them was  
19 forced to drag itself around, I believe on concrete  
20 floors. That they were obese. There were photos of the  
21 back of our facility that you posted was the front of  
22 our facility, and it -- I believe it says something  
23 about a run-down commercial building.

24 I really -- I can't recall, but there  
25 were several that were -- the photos weren't actually

1 defamatory, but it was the comments that were added to  
2 the photos that made them defamatory.

3 Q. (BY MS. CUMMINS) These photos and comments  
4 which you were just talking about, do you have absolute  
5 proof that I posted them?

6 A. Most of them either had your name tied  
7 directly onto them, like they are on the screen, or they  
8 were proven to be posted by you by Eric Shupps.

9 Q. Eric Shupps proved that I posted certain  
10 photos?

11 A. I believe that he posted -- that he proved  
12 several things yesterday in his -- in his testimony.

13 Q. Wasn't -- Isn't he a supposed expert on  
14 authorship?

15 A. I'm not sure how to answer that question.

16 Q. Doesn't his analysis have to do on words and  
17 word structures and sentence?

18 A. He actually referenced several photos as well.

19 Q. Can you show me where? Can you show -- That  
20 is the report that your attorney gave to me. Can you  
21 show me where in there that he states Mary Cummins  
22 posted these photos?

23 A. That wasn't the question you asked me a few  
24 minutes ago. The question -- The answer that I gave was  
25 concerning Mr. Shupps' testimony yesterday, not this

1 report.

2 Q. I asked you if you had any physical proof that  
3 I posted those photos and comments.

4 A. And I believe I respond with Eric Shupps'  
5 testimony yesterday.

6 Q. Oh, his testimony?

7 A. Yes.

8 Q. So you're --

9 A. That's what I was referring to and if I -- if  
10 I misspoke on that, then I apologize. But I was  
11 referring to his testimony yesterday.

12 Q. So you're stating -- Well, that you believe  
13 your expert -- Well, do you believe you have physical  
14 proof that I posted those photos?

15 MR. TURNER: Your Honor, I'm going to  
16 object. This has been asked and answered.

17 THE COURT: Sustained. Please move on.

18 Q. (BY MS. CUMMINS) What is this a photo of?

19 THE COURT: That's already been asked.  
20 Please move on.

21 Q. (BY MS. CUMMINS) What is this a photo of?

22 A. That is a photo of Cassandra with Peekabo, one  
23 of the hand-raised orphans that -- that likes to  
24 interact with people.

25 Q. Is this defamatory in any way?

1           A.    No, I have never said it was defamatory. I  
2 believe this is one of the photos that you initially sent  
3 to me when you said, Cute photos, and provided a link.  
4 And that's one of the photos that I responded with,  
5 Thank you.

6           Q.    Is this one of the photos you ordered me to  
7 take down from the Internet?

8           A.    No.

9           Q.    Didn't the injunction say I am not allowed to  
10 post any photos from Bat World?

11          A.    I believe -- I believe so, yes.

12          Q.    This is one of the photos that you forced me  
13 to take down. How is this showing proprietary or  
14 copyrighted data?

15          A.    That's simply one of the photos that you  
16 uploaded without permission.

17          Q.    So it's your testimony that you wanted the  
18 photos down because I didn't have your permission to  
19 post them?

20          A.    That, along with the fact that you were using  
21 the photos that you took in an extremely malicious and  
22 harmful way to hurt the organization's reputation. The  
23 only way that I felt that we could protect the  
24 organization was to have all of the photos removed  
25 because I had no idea what you had planned and how you



1 intended to use any of the photos to hurt us.

2 Q. Do you think this photo hurts you?

3 A. Again, I have no idea what you might have in  
4 store for us based on what I've seen so far and the  
5 damage you've caused to us so far. I have no idea what  
6 you would say about that photo. You might post it and  
7 say that we feed baby red bats to mealworms. That could  
8 easily be a caption you would add to that photo.

9 Q. Couldn't I do that with any photo on the  
10 Internet?

11 A. Well, yes, you could. And you could target  
12 anybody you wanted to on the Internet, as you have in  
13 the past ten years.

14 Q. You're stating that I targeted people in the  
15 past ten years?

16 A. I have had, since this lawsuit, 15 people come  
17 to me and state that they were a victim of yours, that  
18 you have posted horrendous things about them on the  
19 Internet. And they have encouraged me to continue with  
20 the lawsuit and not give up because they were terrorized  
21 by you, their friends and their family were terrorized,  
22 and they were forced to give up because they were so  
23 incredibly afraid of what you were doing to them on the  
24 Internet.

25 There was an LA City councilwoman, there

1 has been another attorney --

2 Q. Are you saying --

3 A. -- there have been -- there has been a  
4 director of animal services, a reporter for the Rolling  
5 Stone Magazine, someone who was in stocks, someone who  
6 was in real estate, several wildlife rehabilitators, one  
7 whom you posted her bankruptcy documents, including her  
8 Social Security number online.

9 There were, as I said, 15 different  
10 people have come forward and said, Please, don't stop  
11 because she has caused so much damage to so many people  
12 and ruined so many lives and careers. One woman said  
13 she lost her home. Another woman said she lost her  
14 retirement.

15 Yes, I am -- I am afraid of anything that  
16 was left on the Internet of ours that you could put your  
17 name to and make it defamatory and cause us more damage  
18 than you have already caused. So I want everything  
19 down. Everything I can possibly get down.

20 Q. So you're stating Councilwoman Janice Hong  
21 contacted you?

22 A. I'm stating she is one of the 15 people that  
23 was -- that actually called you a terrorist in a city  
24 council meeting. She stood up and called you a  
25 terrorist in a -- in a city council meeting.

1 Q. And didn't I then go and threaten to sue her  
2 if she didn't retract it?

3 MR. TURNER: Your Honor, I'm -- I'm --  
4 we're getting pretty far afield of what's relevant here.

5 THE COURT: Sustained.

6 Q. (BY MS. CUMMINS) Okay. What are the names of  
7 these 15 different people?

8 A. I believe you have their names already.

9 Q. No. Who is the reporter for the Rolling Stone  
10 is that Annette Stark?

11 A. I don't know if I want to answer that because  
12 they would not like to be victimized again by you.

13 Q. Did Annette Stark contact you?

14 A. I don't -- I'm not sure.

15 Q. Isn't she dead?

16 A. You stated she was dead in the -- in her  
17 past -- one of the past depositions.

18 Q. How does this photo damage you?

19 A. That photo -- I have never seen the photo  
20 before.

21 Q. Did I show you -- this is an exact copy of the  
22 discovery which I gave to you, all the photos and all  
23 the videos that I took.

24 A. I believe you have maybe a hundred photos. I  
25 can't recall every single one of them.

1 Q. What is this a photo of?

2 A. That is -- Those are foam roosting spots that  
3 we use for enrichment for Insectivorous bats.

4 Q. Does the -- Is the photo -- Does it cause you  
5 any damage?

6 A. I don't believe you ever posted that on the  
7 Internet. But again, if you did, it would be one of the  
8 photos that was posted without our permission.

9 Q. If it were posted on the Internet, how would  
10 it be damaging you?

11 A. It would depend on what caption you might add  
12 to it.

13 Q. So the photo itself is not damaging you?

14 A. As it sits on the screen today, no, it does  
15 not damage me.

16 (Video playing.)

17 Q. (BY MS. CUMMINS) What is that a video of?

18 A. It looks like someone's hand that just reached  
19 into the -- a bin of mealworms.

20 Q. Does this photo damage you in any way?

21 A. Not that I can tell, no.

22 Q. I'm now going to show you a video which was on  
23 your website, which you posted as a proper way to remove  
24 the molars on bats.

25 (Video shown.)

1 Q. (BY MS. CUMMINS) Was that a photo of you  
2 removing molars from a conscious bat?

3 A. That is a video that resides on our  
4 subscription book that people pay for to have access to.  
5 And that video has been altered. The first part of the  
6 video has been removed that explains how topical  
7 anesthetic and Metecam should first be applied.

8 The only way to get that video is to have  
9 a subscription to our online book that has videos of  
10 procedures, including those, that I've worked with my  
11 veterinarian to develop. And I'm not quite sure how you  
12 ended up with that video, but you do not have a legal  
13 copy of that video, because it's a copyrighted video  
14 that only resides on our website to people who have paid  
15 for the subscription book.

16 Q. Was that video in a password-protected part of  
17 the your website?

18 A. Yes, it was.

19 Q. So the only way I would have been able to see  
20 the video is if I were to have a password and a user  
21 name to your website?

22 A. I'm not an Internet expert, but I do know that  
23 you gained access to that video and then posted it on  
24 the same websites edited, altered to depict cruelty  
25 rather than a medical procedure. And that video showed

1 up on the same websites that -- or the same web pages  
2 that Eric Shupps identified as being authored by you.

3 Q. Are you saying I illegally gained access to  
4 the video?

5 A. That's what I believe, absolutely.

6 Q. When I was at Bat World Sanctuary, did you ask  
7 me how much -- did you ask you me if you thought it was  
8 appropriate for you to charge \$6,000 to consult to a zoo  
9 for one day?

10 A. No.

11 Q. You never said that?

12 A. Excuse me. No, I did not.

13 Q. Do you remember telling me that a lot of  
14 people dislike you in Mineral Wells?

15 A. No, I do not remember saying that at all. I  
16 absolutely did not make that statement.

17 Q. Do you remember that you said the people have  
18 been complaining about you and Bat World Sanctuary?

19 A. I probably told you about the three people in  
20 town who -- one of them is on the city council, one of  
21 them is on the historical society, and another one owns  
22 the building right next to our wild sanctuary. I may  
23 have told you about those three people.

24 Q. What is the name of the city council member?

25 A. I -- Margaret. I'm not sure if I remember her

1 last name.

2 Q. What's the name of the person on the  
3 historical society?

4 A. Her name is Carolyn Hogg.

5 Q. And the person who owns the building next to  
6 you? Do you mean 113?

7 A. Yes.

8 Q. Is it the person who runs the gallery?

9 A. Yes. I believe you already have her contact  
10 information. You've already contacted her about me.

11 MS. CUMMINS: I pass the witness.

12 **CROSS-EXAMINATION**

13 BY MR. TURNER:

14 Q. Amanda, regardless of when these photographs  
15 were put on the Internet by Ms. Cummins, when was the  
16 first time that you found out that they had been put on  
17 the Internet?

18 A. When one of our interns said that they had  
19 seen posts on Ms. Cummins' Facebook page that were very  
20 disparaging towards -- toward Bat World and were verging  
21 on animal cruelty, that the place was -- had bedbugs --

22 Q. So you found this out after she left?

23 A. Yes, after she left.

24 Q. So if she was posting things on the Internet  
25 while she was at Bat World, you didn't know about it?

1           A.    No, I did not know about it.  I didn't --  
2 didn't even know she was filming and taking pictures of  
3 some of the bats that she took pictures and filmed.

4           Q.    Holding -- There was some discussion about  
5 holding a possibly rabid bat with bare hands.  Do other  
6 experts do this?

7           A.    With any -- With any bat pup, which is an  
8 orphan, which is what I was holding, they -- one, they  
9 don't have teeth that they could use to break the skin  
10 and cause a bite, so any researcher might hold a pup  
11 that has neurological symptoms, that could be pesticide  
12 poisoning or could be rabies, and hold them in their  
13 bare hands.  It's -- It's done all the time.

14          Q.    It's done all the time by other experts on  
15 bats?

16          A.    Researchers and biologists and professionals.

17          Q.    I think it was posted on the Internet that  
18 there was a dead bat and bugs were feeding on it, it was  
19 one of your -- you said that it was one of your  
20 favorites and you -- you threw it in the trash or you  
21 told Ms. Cummins to throw it in the trash?  Did that --  
22 Did that happen?

23          A.    No, it did not.

24          Q.    What do you -- What do you do when a bat dies?  
25 What do you do with the corpse?



1           A.    If the corpse is in decent shape, meaning  
2 it -- it could be used for educational or teaching  
3 purposes, then we wrap them in foil and then double bag  
4 them in a clear plastic bag and freeze them to use for  
5 teaching with injection techniques and even amputations.

6                        If the bat is a rabies or a pesticide  
7 suspect, then they're incinerated in the back of our  
8 facility. We have a small burner and charcoal and  
9 starting fluid and -- well --

10           Q.    Okay. When you have a bat that you -- that  
11 you think is obese do you -- do you let them stay on the  
12 floor and flap so they can burn off some calories?

13           A.    There is one fruit bat that is a little bit  
14 lazy, a little bit chubby. The floor of our flight cage  
15 is padded with 4-inch high density foam. We pad it to  
16 prevent any injuries from bats that may happen to fall  
17 because our sanctuary provides a refuge for bats that  
18 don't fly well and don't -- and have injuries and  
19 arthritis, et cetera, and can't hang upside down well.

20                        So the floor prevents injuries and  
21 occasionally a bat may fall or may flap around on the  
22 floor to get to one of the various ladders. There are  
23 numerous ladders in the flight cage that allow them to  
24 climb back up once they -- if they have fallen. But we  
25 do have a chubby bat. He's a little lazy and we

1 actually expanded our flight cage to 55 feet and added  
2 extra toys and ropes and swings to encourage him to  
3 exercise a little bit. He just prefers to hang by the  
4 food bowl.

5 Q. Now, in addition, you have filed this lawsuit  
6 asking for monetary damages, you and Bat World. In  
7 addition to that, are you asking the Court to order  
8 Ms. Cummins to take down from the Internet those things  
9 which we have outlined in yellow in exhibits, I think,  
10 17, 18, and 19 which we say are defamatory?

11 A. Yes.

12 Q. Is there anyway that -- Well, if these -- if  
13 these types of things -- if these things in those  
14 exhibits -- if these statements stay on the Internet  
15 does it cause continuing harm to you and Bat World?

16 A. Yes, it does.

17 Q. Is there any other way to undue that harm  
18 other than a court order ordering that this -- these  
19 statements be taken down from the Internet?

20 A. That would -- That might be -- taking them  
21 down would be a first step. It would help, but I don't  
22 think there is any way, maybe in my lifetime, to fix the  
23 damage that she's done, the work I have done for all  
24 these years.

25 Q. Now, do you understand that -- or it's your

1 understanding that under the law the Court cannot order  
2 her to not put things up in the future, you understand  
3 that?

4 A. I understand that.

5 Q. That's called a prior restraint and we have  
6 talked about that?

7 A. Yes.

8 Q. But you're asking the Judge to order her by  
9 injunction to take down the -- the things that -- that  
10 have been highlighted in yellow in those three exhibits?

11 A. Yes.

12 Q. Thank you.

13 MR. TURNER: Pass the witness.

14 **REDIRECT EXAMINATION**

15 BY MS. CUMMINS:

16 Q. I'm looking at -- this is the first that I  
17 have heard that the items in yellow are what you want me  
18 to remove. Did you ever see that I had posted and sent  
19 an e-mail to your attorney to forward to you stating  
20 that if there is anything on my web pages that's not  
21 true, I will delete it or edit it?

22 MR. TURNER: Your Honor, I'm going to  
23 object. This sounds like settlement negotiation and  
24 that's not admissible.

25 THE COURT: Sustained.

1 Q. (BY MS. CUMMINS) Did you ever send me a  
2 communication asking me to remove certain things?

3 A. I have never sent any communication to you  
4 whatsoever after you left our internship.

5 Q. So you could have asked me to remove some  
6 things, but you didn't?

7 A. I don't believe that you would have removed  
8 anything. You just stated that you -- if you had proof  
9 that these things weren't true, you would remove things,  
10 but you have proof. I've been investigated by everyone  
11 that you have complained to and we have reports that  
12 completely clear me and that state that your complaints  
13 are completely without merit, yet you still to this day  
14 are saying that I committed animal cruelty. So based on  
15 that, I don't believe that you would do anything that  
16 you're offering to do or --

17 Q. Do you have copies of these statements from  
18 the USDA, the Health Department, Texas Parks & Wildlife  
19 Department that state you have been vindicated of  
20 everything and that you were thoroughly investigated and  
21 have found -- they found absolutely nothing wrong?

22 A. I have copies. I have uploaded them to our  
23 website. You have admitted on your blog that you viewed  
24 those copies and you didn't even believe them because  
25 USDA doesn't know what they're doing.

1 Q. Do you have copies of these statements from  
2 USDA and Texas Parks & Wildlife you can point to today  
3 that state you have been cleared of absolutely all  
4 wrongdoing?

5 A. Yes. I believe I just stated that I have  
6 copies and I have also uploaded those to the Internet so  
7 they're in full -- full public view. And you have  
8 actually seen those copies and commented on them on your  
9 blog.

10 Q. Have you entered them as exhibits in this  
11 case?

12 A. I don't believe we have.

13 MS. CUMMINS: This is the first that I  
14 heard they want the items in yellow removed. I'm just  
15 going to read a couple.

16 Q. (BY MS. CUMMINS) One of the items in yellow  
17 says, I reported Amanda Lollar of Bat World Sanctuary  
18 for animal cruelty and neglect. In retaliation, she  
19 sued me for defamation, on top of this she defamed me  
20 and libeled me.

21 How is that untrue?

22 A. You did not report any animal cruelty at our  
23 facility until after you were sued, and you admitted  
24 that in your August 25th deposition.

25 Q. Do you have that here right now to prove that?

1 Because I don't remember that.

2 A. Yes, we did.

3 Q. Is this statement correct, I reported Amanda  
4 Lollar of Bat World Sanctuary for animal cruelty and  
5 neglect?

6 A. Yes, obviously.

7 Q. That's the truth. She defamed and libeled me.  
8 Meaning you.

9 Is that the truth?

10 A. No, that's not the truth. I did not defame  
11 and libel you.

12 Q. Didn't you state I was a convicted criminal?

13 A. I stated it appeared you had a criminal  
14 record.

15 Q. Are you sure you said appears?

16 MR. TURNER: Your Honor, I'm -- once  
17 again, we're getting into the subject matter of the  
18 California lawsuit.

19 THE COURT: Sustained.

20 Q. (BY MS. CUMMINS) Here is another one. The  
21 City has written up the building numerous times.

22 Is that untrue?

23 A. Yes, that's untrue.

24 Q. Weren't you written up quite a few times?

25 A. No, we were not.

1 Q. Weren't -- Didn't you receive a letter from  
2 the City stating that you were disbursing water on the  
3 ground outside of your building on Oak Street?

4 A. I believe that was a plumbing issue that we  
5 had in 1991 or '2. And it was immediately fixed. We  
6 were unaware that water was going out the back of the  
7 building.

8 Q. So this statement, the City has written up the  
9 building numerous times, that's true then?

10 A. One isn't numerous.

11 Q. Weren't you also -- you tried to get an  
12 occupancy permit on the building on First Street and  
13 they gave you a list of violations that you had to  
14 correct; isn't that true?

15 A. When you apply for an occupancy permit, you  
16 are -- that means you have to -- you're required to get  
17 an inspection from the City to bring that building up to  
18 code before you can rent it. So any time that occurs,  
19 especially if a -- if a building hasn't been rented in  
20 ten years, they're going to find things that are not in  
21 code because it's been quite awhile. So that's standard  
22 procedure. It's not a violation. It's simply doing  
23 what the City requires in order to rent a building.

24 Q. Here is another statement, Lollar lied to her  
25 attorney.

1                   Is that untrue?

2           A.     That's completely untrue.

3           Q.     Before you filed the lawsuit, did you give him  
4 a copy of the intern rules?

5           A.     I don't recall.

6           Q.     When I, for the first time, showed you a copy  
7 of the intern rules, did your attorney ask you what is  
8 this?

9                   MR. TURNER:   Your Honor, I'm -- this is  
10 privileged.   We object.

11                   THE COURT:   Sustained.

12           Q.     (BY MS. CUMMINS)   Here is another statement,  
13 Her vet is credited in the manual which recommends  
14 freezing bats to death.

15                   Is that untrue?

16           A.     The way that you have written the statement is  
17 completely untrue.   I have never recommended freezing  
18 bats to death.

19           Q.     I just submitted into evidence your letter to  
20 the editor where you admitted to recommending freezing  
21 bats to death.

22                   MR. TURNER:   Objection.   It's not -- It's  
23 not a question.

24           Q.     (BY MS. CUMMINS)   Did -- Did you admit to  
25 freezing bags to death in your letter to the editor in



1 Chiropteran care?

2 A. I have recommended -- The letter to the editor  
3 is a rebuttal to someone who was addressing the rapid  
4 freezing of conscious animals, which is something the  
5 AVMA finds inhumane. The method of freezing that was  
6 being discussed is a method that was used by researchers  
7 for years as a method of euthanasia for bats, because by  
8 being placed in the refrigerator first and inducing  
9 torpor and then putting them into the freezer, that was  
10 a method that was common practice. Since then,  
11 euthanasia has evolved, just like any other medicine  
12 evolves, and it is no longer used as a method of  
13 euthanasia. Not since the mid '90s has it been  
14 recommended or used.

15 Q. Did you charge Sara Kennedy for the rabies  
16 vaccination?

17 A. No, we did -- I did not.

18 Q. Did you give it to her free of charge?

19 A. Yes, of course.

20 Q. So you gave it to her?

21 A. We provided the vaccine, drove her to the  
22 doctor's office and a nurse practitioner administered  
23 the vaccine -- or the booster.

24 Q. Here is a statement that you want me to  
25 remove, She indeed did give the rabies vaccination to

1 Sara Kennedy, aka winged sonar.

2 Did you just state that you gave her the  
3 vaccine?

4 A. The connotation that you have alluded to all  
5 along is that we -- is that I actually injected the  
6 vaccine, I was basically practicing medicine without a  
7 license.

8 Q. Where did I post that Amanda Lollar injects  
9 rabies vaccinations into humans?

10 A. There were several instances. Some of those  
11 were in letters to the officials, the false complaints  
12 that you made. Some of those were on your website.  
13 We -- I believe we have already provided those in one of  
14 the evidence folders.

15 Q. Where is it?

16 A. I don't have it in front of me, so I can't  
17 actually find it for you, but I believe you have a copy  
18 of all of the evidence folders.

19 Q. I haven't seen it -- Well, okay.

20 How -- Here is another statement. It's  
21 actually a question that I asked. Could it be she was  
22 kicked off the task force because she lied to the  
23 Mineral Wells Health Department when she told them,  
24 quote, unquote, White-nose Syndrome has come to Texas  
25 earlier than expected. Quote, unquote. It's the

1 beginning of the end. Quote, unquote, My bats have  
2 something white on them.

3 That is the question, how is that  
4 defamatory?

5 A. Some of those quotes aren't actually correct  
6 and it alludes to the fact that I have lied to the City  
7 of Mineral Wells.

8 Q. So you told -- You're telling me you did not  
9 state -- You did not send a letter to Donna Robbins of  
10 the Health Department stating, White-nose Syndrome has  
11 come to Texas earlier than expected?

12 A. No, because it has not been proven that  
13 White-nose Syndrome has come to Texas yet, so --

14 Q. I don't care if it's been proven. Did you say  
15 that?

16 A. No. I would not have made a statement that  
17 has not been proven by laboratory results.

18 Q. So you're stating now under oath you didn't  
19 make that statement?

20 A. I'm saying I would not have said that it  
21 was -- has come to Texas -- that it has entered Oklahoma  
22 and it could be in Texas, but I would never make a  
23 statement of fact like that when it's not yet been found  
24 in Texas.

25 Q. Did you make that statement?

1           A.    I believe I said, I feared that it could have  
2 come to Texas earlier than normal, but I would not say,  
3 it has come to Texas earlier than normal.

4           Q.    Did you say, It is the beginning of the end?

5           A.    I might have said, It appears it could be the  
6 beginning of the end.

7           Q.    Do you have proof right here right now that  
8 you said appears?

9           A.    No, I do not.

10          Q.    Did you say, My bats have something white on  
11 them?

12          A.    I may have because there was definitely an odd  
13 fungus that was growing on the rafters and in the floor  
14 of the wild sanctuary. And we did have it tested by  
15 several different laboratories across the U.S.

16          Q.    Here is a question/statement. Guess who was  
17 libeling and defaming me on Guide Scout and Great  
18 Nonprofits? Amanda Lollar of Bat World Sanctuary.

19                            Is that untrue?

20          A.    That's untrue.

21          Q.    Didn't you post on my Animal Advocates account  
22 that I've been sued over 20 times and I was found in  
23 criminal contempt of Court?

24                            MR. TURNER: Your Honor, I'm -- once  
25 again, we are getting into an unrelated lawsuit.

1 THE COURT: Sustained.

2 Q. (BY MS. CUMMINS) You put in yellow, She swore  
3 to them under oath, she perjured herself in her own  
4 document and in her deposition.

5 How is that defamation?

6 A. You've just stated that I committed perjury.  
7 I believe that's a defamatory statement when you accuse  
8 someone of committing perjury.

9 Q. And this relates to where I asked you if you  
10 ever posted on the Facebook page Animal Advocates and  
11 the Truth and you said, No. I then showed her a page  
12 which shows both of her user names Lorraine Curts and  
13 Bat World Sanctuary posted on the page. Then you  
14 finally admit to it.

15 Is that true?

16 A. I don't remember exactly what happened in the  
17 California deposition, but any time I have ever made a  
18 post has been in defense of your defamation. I have  
19 never had to defend myself so feverishly against  
20 someone's constant assaults in all my life, so it's been  
21 all encompassing.

22 And I can hardly keep up, because you put  
23 so much out on the Internet. All I can do is try to  
24 monitor it, see the defamation, and post in defense,  
25 which you have always considered defamation because --

1 just because we defend ourselves, you consider  
2 defamation.

3 Q. What did you just say? You're stating that  
4 because you defend yourself, I call it defamation?

5 A. That's -- That's what it appears to me to be.

6 Q. Here is another one. They -- They criticize  
7 other methods in her manual, in turn she attacked them.

8 How is that defamation?

9 A. It's not true.

10 Q. Didn't Sue Barnard criticize your euthanasia  
11 method of freezing bats to death?

12 A. Yes, she did because she was not addressing --  
13 she was addressing the rapid freezing of conscious  
14 animals. And in my letter to the editor that you  
15 submitted into evidence, I actually state in that letter  
16 that my rebuttal is not meant as a personal attack. So  
17 the statement that you made that I attack people that  
18 criticize me is absolutely not true.

19 Q. In your own manual, the 2010 version, that you  
20 gave to me, on page 188, didn't you write, Freezing was  
21 recommend as a method to euthanize torpid bats for many  
22 years, Barnard, personal communication. You're stating  
23 that Sue Barnard told you she freezes bats to death and  
24 you had a personal communication?

25 A. Yes, that is exactly what I'm stating.

1 Q. You're stating here today that you -- you  
2 actually have a written document from Sue Barnard saying  
3 she freezes bats to death?

4 A. The personal communication mark in the book  
5 means it was verbal, not written.

6 Q. So you're saying she called you on the phone  
7 and says she recommends freezes bats to death?

8 A. We discussed -- Sue Barnard and I discussed  
9 several methods of euthanasia back in the early '90s.  
10 She is the one who told me that freezing was an option,  
11 as well as a drug called T61 that has also now been  
12 deemed inhumane. She recommended both of those  
13 euthanasia methods to me. At the time they were  
14 considered humane. It has been since found out that  
15 they're not.

16 As I stated a few minutes ago, I'm not  
17 the only person who used freezing as a last resort. The  
18 only difference is I used freezing when no other  
19 reasonable method of euthanasia could be found when  
20 bats -- for bats that were agonal, which means they're  
21 suffocating or bats that are already unconscious. And  
22 even then, it was not the rapid freezing of conscious  
23 animals. It was inducing torpor first, which slows the  
24 metabolism and causes an extremely deep sleep so the  
25 animal isn't aware. Especially if it's already

1 unconscious. And then placing that bat into the freezer  
2 to induce euthanasia.

3 And again, those methods -- that method  
4 in my book was only recommended as a last resort when no  
5 other method was available. It is extremely -- it is  
6 much, much better than allowing an animal to suffer for  
7 hours on end until you can find a veterinarian to help  
8 you with that animal.

9 And in the early '90s, bat -- bat  
10 veterinarians were simply not available. Rehabilitators  
11 had to use any method they could find to humanely  
12 euthanasia a bat. Ultimately, euthanasia is to produce  
13 quick and painless and stress-free death. That's what  
14 you -- the true definition of euthanasia is. So any  
15 means that you can find to end suffering and use and  
16 make -- and -- and assure that that death is as pain  
17 free and stress free and rapid as possible is the method  
18 that should be used.

19 Q. Do you have any physical proof that Sue  
20 Barnard ever suggested freezing a bat to death?

21 A. My testimony is the proof.

22 Q. I'm just reading what they have outlined. It  
23 says, Amanda Lollar of Bat World Sanctuary continues to  
24 libel -- libel me.

25 How is that defamation?



1           A.    Because I'm not continuing -- continuing to  
2 libel you.

3           Q.    Here is another one which I wrote.  Here is  
4 the disgusting photo of my face which they Photoshopped  
5 semen onto then they added the caption, Yep, screw you,  
6 too, Mary.

7                               How does that defame you?

8           A.    That is a photo that we found about two years  
9 ago that was on the Internet.  It is one of two photos  
10 of you where you are flipping the camera off, or, you,  
11 know, just holding it up.  And in one of those photos  
12 someone -- I'm not sure if it was you or someone else --  
13 has Photoshopped what appears to be -- and excuse me for  
14 saying this -- it appears to be semen dripping from your  
15 face.

16                               And you uploaded that photo to your  
17 website with the URL that reads Bat World Sanctuary -- I  
18 can't remember what else it is, but you tied our name to  
19 a photo that has existed about you on the Internet well  
20 before I even knew who you were.

21                               This photo is, from my understanding --  
22 was created either by you or a biker group that you were  
23 on when, I believe, it was maybe in the mid '90s when  
24 you were on a Yahoo list server that consisted of  
25 motorcycle enthusiasts and I believe you were bantering

1 back and forth. And this photo was shown -- the URL of  
2 this photo you actually uploaded to that website so the  
3 bikers could see it. That was my understanding.

4 Q. You have --

5 A. Since then you have accused us of doing that  
6 to your face and putting it on the Internet, when that  
7 is so far removed from the truth. In fact, it's so  
8 disgusting it make me nauseous.

9 Q. Do you have any proof that I loaded up that  
10 photo?

11 A. I don't have proof. I just have what the  
12 e-mail alludes to and the link that is in your name  
13 going back to your website. And one of the URLs says,  
14 Mary -- or MMMaryCummins, something along those lines,  
15 finger one. And one of them says, MMMaryfingertwo. And  
16 you were the author of the e-mail that pointed -- that  
17 included those links and it said something along the  
18 lines, look -- look at me or look what I have done, or  
19 something like that. I can't -- I can't remember  
20 exactly.

21 Q. Do you have a copy of that?

22 A. No. If I did I would probably remember. But,  
23 no, I don't have it in front of me. But I do know that  
24 that photo existed well before we ever -- ever knew you.

25 And you have tried to use that photo

1 against us in the California -- or the federal lawsuit.  
2 And you brought it up several times in Court trying to  
3 make it look like we're doing something to you when that  
4 is -- that is so disgusting. That is something I  
5 wouldn't even think of doing.

6 Q. Where does it say here, Amanda Lollar  
7 Photoshopped semen on my face and then loaded up the  
8 video to the Internet?

9 A. I'm not positive. Maybe if you read the  
10 comment, I would know exactly what it said.

11 Q. It says, Here is the disgusting photo of my  
12 face which they Photoshopped semen onto, then they added  
13 the caption, Yep, screw you, too, Mary.

14 A. I think you basically just stated what -- I'm  
15 not sure how to answer the question.

16 Q. How is this defamatory to you? Have I stated  
17 that you took a photo of me and Photoshopped semen on my  
18 face and loaded it to the Internet?

19 A. Yes. You have actually stated that in one of  
20 the court hearings here in front of Judge -- Judge  
21 Sudderth. And the URL of that photo has Bat World  
22 Sanctuary on it. So what may happen, because you are so  
23 good at Google bombing, eventually when people type in  
24 Bat World Sanctuary in Google they may end up with that  
25 photograph of a person with that substance on their face

1 and our name tied to it.

2 Q. What is a Google bomb?

3 A. I believe Mr. Shupps explained it yesterday.  
4 It's a way of making a URL get higher in the search  
5 engines.

6 Q. Here is another one, I did not turn over my  
7 home address as ordered because I know people will give  
8 it to Amanda Lollar. She and her friends will try to  
9 harm me.

10 How is that defamatory?

11 A. It's completely untrue.

12 Q. Have you done anything to harm me?

13 A. Absolutely not. All I have ever done is try  
14 to defend myself.

15 Q. Have you signed me up for spam?

16 A. No.

17 Q. Are you sure you didn't sign me up for senior  
18 citizen dating websites?

19 THE REPORTER: For what?

20 Q. (BY MS. CUMMINS) Senior citizen dating  
21 websites.

22 A. I still did not understand. Can you --

23 Q. Senior citizen dating websites.

24 A. I can hear you, you're just not speaking  
25 clearly. Can you speak a little more clearly?

1 Q. Did you sign me up for spam?

2 A. No.

3 Q. Okay. Here is another one. It's a question.  
4 She thinks her book is a medical reference. She tells  
5 people to use Isoflurane illegally, inhumanely, and  
6 unsafely in her book.

7 Is that defamation?

8 A. Yes.

9 Q. Are you using Isoflurane legally?

10 A. Yes.

11 Q. Are you using it humanely?

12 A. Yes.

13 Q. Are you using it safely?

14 A. Yes.

15 Q. How come you don't -- Do you use a nebulizer  
16 with the Isoflurane?

17 A. A nebulizer -- A nebulizer isn't required with  
18 Isoflurane. As -- As the two vets who testified  
19 yesterday also stated that a nebulizer isn't always  
20 recommended or used.

21 Q. Didn't you provide the box that the bottle of  
22 the Isoflurane came in to the City of Mineral Wells?

23 A. Yes.

24 Q. And doesn't it say it must be used with a  
25 nebulizer?

1           A.     I don't recall if it says that. Researchers  
2 and professionals in the field use Isoflurane in the  
3 same manner that I use it. The AVMA panel on euthanasia  
4 also recommends it as a humane method of euthanasia for  
5 small mammals. I'm not using it in any way that is  
6 considered illegal or harmful or cruel in any way,  
7 shape, or form.

8                         MS. CUMMINS: I didn't realize before  
9 what all these yellow marks were. And I would like to  
10 take a look at these yellow marks to see what it is that  
11 she's asking to be removed. And I don't want to  
12 continue on with this. I think it will take me awhile  
13 to go through it, and I don't want to --

14           Q.     (BY MS. CUMMINS) Here is one. She claims she  
15 is a scientist, a scholar, yet she didn't go passed the  
16 tenth grade.

17                                 How is that defamatory?

18           A.     I have never claimed I am a scientist or a  
19 scholar.

20           Q.     Doesn't your resume say you are a scientific  
21 wildlife rehabilitator?

22           A.     That is what it states on my permit with Texas  
23 Parks and Wildlife. That is not the same as being a  
24 scientist.

25           Q.     Didn't you state that on your curriculum vitae

1 and your website, that you're a scientific wildlife  
2 rehabilitator?

3 A. That is what it states on my Texas Parks and  
4 Wildlife permit. It doesn't state that I am a scientist  
5 on my permit -- I mean, on my resume.

6 Q. Here is another one. She's been telling the  
7 media for years that she graduated from Mineral Wells  
8 High School. That is obviously not true.

9 How is that defamatory?

10 A. That -- That statement is not true. I've  
11 never told the media that I graduated from Mineral Wells  
12 High School. I'm almost 60 years old. I don't think my  
13 high school -- whether or not I graduated would ever  
14 come into play in any kind of an article that they're  
15 doing about me.

16 Q. Aren't there a few articles online where it  
17 stated that you graduated from Mineral Wells High  
18 School?

19 A. I have never seen one.

20 Q. Here is one. That is Amanda's hand. I would  
21 never hold a rabid bat in my bare hand.

22 How is that defamatory? It's a photo --  
23 It's the video of you holding a possibly rabid bat in  
24 your bare hand.

25 A. I believe that is the video you uploaded on

1 YouTube to try to make it appear that I don't know what  
2 I'm doing. And a lot of the captions underneath are  
3 talking about how -- how dumb I must be to be holding a  
4 rabid bat in my bare hand. And --

5 Q. So that statement is not defamatory, what I  
6 just read?

7 A. In the context in which the entire video was  
8 uploaded and created -- and I believe the -- the title  
9 says something about Rabid Bat Found in Bat World  
10 Sanctuary, Mineral Wells, Texas. I believe that the  
11 title says something -- I'm not looking at what you are,  
12 but I believe that is also what the title of that video  
13 is called, is Rabid Bat Found in Mineral Wells, Texas,  
14 at Bat World.

15 Q. Doesn't it state, Bat most likely with rabies  
16 found in Mineral Wells, Texas, at Bat World?

17 A. If you say -- If that's what you're reading,  
18 then you're saying that's what -- I suppose so.

19 Q. Is that defamatory?

20 A. It makes it sound like -- because of the way  
21 that you portrayed the video and the statement, makes it  
22 sound like someone doesn't know what they're doing  
23 because they're holding a rabid bat in their bare hands.  
24 When, in reality, there is no way to know if that bat  
25 had rabies or pesticide poisoning.



1                   When I was teaching you that day with the  
2 bat and I encouraged you to film, I was showing you the  
3 neurological signs that can accompany both rabies and  
4 pesticide poisoning, and I was trying to point out the  
5 differences in the two.

6           Q.     Here is another one. I attended the YouTube  
7 partners event today in Google offices in Venus. Great  
8 meeting, great people, great food. Learned a lot.  
9 Thanks, YouTube creators. This is the only photo I'm  
10 allowed to post.

11                   How does that defame you?

12           A.     I don't believe that's in -- I don't know what  
13 post you're looking at actually.

14           Q.     Here is one more. Learned some -- Learned  
15 some new information about Al. For one, I did not  
16 realize that the Google search engine rank algorithm was  
17 called Al.

18           A.     Are you --

19           Q.     This is -- You're saying that the statements  
20 that are highlighted in yellow defame you, and I'm  
21 reading things -- I mean, I see the truth. I don't --  
22 Okay. I'm just trying to understand.

23           A.     I don't know what book you're looking at.

24           Q.     Seventeen. Mr. Turner, I believe, stated that  
25 the things that are highlighted in yellow in the

1 Exhibits 17, 18, and 19 you believe are defamatory and  
2 you want them removed from the Internet.

3 A. In 17 in the URLs that are listed in the  
4 front, those are where the statements are found. And  
5 one of those -- Actually, three of those sites are your  
6 website and your blog where you've been stalking me for  
7 two years and watching every post I make and every move  
8 I make on the Internet and taking it back to your  
9 website and blogging about it in some disparaging way in  
10 order to make our organization look horrible.

11 Q. I'm just looking at your Exhibit Number 17.

12 A. I don't know -- What it appears to me that  
13 maybe some of those papers were mixed up, because those  
14 do not belong in Number 17.

15 Q. So you're saying your Exhibit 17 everything  
16 that's highlighted in yellow is not necessarily what you  
17 feel is defamatory and you want removed with a permanent  
18 injunction?

19 A. Everything that is highlighted in yellow that  
20 has -- that belongs to the URL recall that is in the  
21 table of contents, the two posts that you just  
22 referenced are not in those URLs, are not in the table  
23 of contents.

24 Q. I'm looking at this URL table of contents and  
25 I see my Google page for my personal profile. And I go

1 to it, and I see this comment, They were teaching us how  
2 to optimize our videos for search on YouTube and Google.  
3 Learned some things I never knew before. Using them.

4           How does that statement of mine defame  
5 you?

6           A.     The URLs that are in -- that are in the -- in  
7 the first of the book that belong to your Google page  
8 are the ones where you state -- and I'm not sure that  
9 you read all of those, but some of those are where you  
10 state that I never finished the ninth -- or that I only  
11 went to the ninth grade, yet I operate on bats -- or I  
12 do surgery on bats without anesthesia and they die.  
13 They're statements along those lines. Along with the  
14 ones where you posted that Randy Turner is staring at  
15 your crotch and your breasts during a deposition. Those  
16 are the ones that --

17           Q.     How does that defame you?

18           A.     It doesn't defame me. But there are comments  
19 on the same pages where you have posted about him trying  
20 to, I guess, in an attempt to ruin our relationship or  
21 get him to drop me as a client. That's the only reason  
22 I think you might have posted those things about him.

23           Q.     You're telling me that I posted your attorney  
24 was staring at my crotch and breasts in order to cause a  
25 problem with your relationship with him? How would --

1 What -- What did you just say?

2 A. Exactly what you just said.

3 Q. Okay. So -- It's ridiculous.

4 A. There is no other reason it would have been  
5 posted. There were seven people in the room.

6 Mr. Turner has never ever looked at your crotch and your  
7 breasts. That's another disgusting statement that  
8 appeared on the Internet that you have made and  
9 attributed in some way tied to our organization and to  
10 Mr. Turner --

11 Q. Did you see --

12 A. -- Mr. Turner to -- in an attempt to ruin our  
13 reputations online.

14 Q. Did you compile these exhibits yourself?

15 A. Some of them, yes.

16 Q. Did you do the highlighting?

17 A. Some of it, yes.

18 Q. Who did the rest?

19 A. I am not sure. I -- I don't have the book in  
20 front of me, so I really can't tell you what you're -- I  
21 don't know what you're looking at, so it's hard for me  
22 to comment.

23 Q. I'm looking at Exhibit 17.

24 A. Again, I don't -- I can't see it, so I have no  
25 idea what you're looking at or how to comment.

1 MS. CUMMINS: Can I show her just one  
2 comment in the back?

3 THE COURT: Yes.

4 MR. TURNER: We ask which page we're  
5 looking at, Your Honor?

6 MS. CUMMINS: 150 -- Oh, I'm sorry. 174.  
7 The last page.

8 Q. (BY MS. CUMMINS) Did you highlight that in  
9 yellow?

10 A. Yes. I believe this was -- this actually was  
11 a -- this was not meant as a defamatory comment. This  
12 was one that was -- this was actually supposed to be in  
13 reference to the YouTube video you had uploaded, so this  
14 page is a mistake. It was supposed to go on the folder  
15 that we had compiled on your Internet expertise.

16 Q. So your Exhibit 17 has mistakes?

17 A. The last page is a mistake.

18 Q. Could there be others?

19 A. No, not -- No. I do not see any others  
20 whatsoever. I do remember that I added that page. That  
21 is a mistake on my part and that page should have been  
22 in a different folder. But the rest of these comments  
23 in here such as, Just confirmed that Amanda Lollar of  
24 Bat World Sanctuary is illegally obtaining human and  
25 animal rabies vaccinations again breaking the law. In

1 her report she admits Pooply the old dog died. She does  
2 not state it died from neglect of care. Bat World is  
3 pretending to be a medical center in order to get rabies  
4 vaccinations. Earlier in the year, the vet noted that  
5 the dog had major dental issues. Why didn't she take  
6 the dog to the vet? Do you know how painful it would be  
7 to have a mouthful of rotten teeth? This is animal  
8 neglect.

9 Q. Did you give me a copy of your vet records for  
10 that dog?

11 A. Yes, I did.

12 Q. Didn't the vet record state that it had  
13 periodontitis?

14 A. Yes. He had a form of periodontitis. He was  
15 19 years old when he was euthanized. It was too late to  
16 have any dental work done on him. Up until that point,  
17 he had maintained a very healthy mouth. But when an  
18 animal reaches an age that they're too old to have  
19 anesthesia administered, there is no way to do any  
20 dental work on them because they might not wake up from  
21 surgery.

22 He was also at the very end of his life.  
23 He was euthanized after he collapsed a -- a few weeks  
24 after that.

25 THE COURT: It's now 5:00 p.m. We are

1 going to take a recess for the day. Be back at 9:00  
2 tomorrow morning. We will stand in recess.

3 Please step down.

4 (Proceedings adjourned at 5:00 p.m.)

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1 STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Carolyn Hawks-Gayaldo, Deputy Official Reporter  
4 in and for the 352nd District Court of Tarrant County,  
5 State of Texas, do hereby certify that the above and  
6 foregoing contains a true and correct transcription of  
7 all portions of evidence and other proceedings requested  
8 in writing by counsel for the parties to be included in  
9 this volume of the Reporter's Record in the above-styled  
10 and numbered cause, all of which occurred in open court  
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is waived due to  
17 the Trial Court's finding of indigency on Defendant's  
18 behalf.

19 WITNESS MY OFFICIAL HAND on this the 13th day of  
20 February, 2013.

21 /s/Carolyn H. Gayaldo  
22 CAROLYN H. GAYALDO CSR 7181  
23 EXPIRATION DATE 12/31/13  
24 Deputy Official Court Reporter  
25 352nd District Court  
Tarrant County, Texas  
Allied Court Reporters  
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February 13, 2013

February 13, 2013

REPORTER'S RECORD

DEBRA SPISAK, CLERK

DEBRA SPISAK, CLERK

TRIAL COURT CAUSE NO. 352-248169-10

COURT OF APPEALS NO. 02-12-00285-CV

VOLUME 5 OF 6

BAT WORLD SANCTUARY, ET AL.\* IN THE DISTRICT COURT

\*

VS.

\*

352ND DISTRICT COURT

\*

\*

MARY CUMMINS

\*

TARRANT COUNTY, TEXAS

\*\*\*\*\*

TRIAL ON MERITS

\*\*\*\*\*

On the 14th day of June, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable William Brigham, Judge Presiding, held in Tarrant County, Texas.

Proceedings reported by machine shorthand.

CAROLYN H. GAYALDO, CSR  
Deputy Official Reporter  
352nd District Court  
Tarrant County, Texas

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16	EXHIBITS		
17	PLAINTIFFS EXHIBIT		
18	<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u> <u>ADMITTED VOL.</u>
19		None	
20	ALPHABETICAL WITNESS LIST		
21		DIRECT	CROSS
22	Dottie Hyatt	12,23	16
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**PROCEEDINGS**

(Thursday, June 14, 2012, 9:00 a.m.)

THE COURT: Please be seated everyone.

Are you ready to proceed?

MR. TURNER: Plaintiffs are ready.

MS. CUMMINS: Ready.

THE COURT: You may proceed.

Do you understand you remain under oath?

THE WITNESS: I do, Your Honor.

THE COURT: Please be seated.

Ms. Cummins, you ready?

MS. CUMMINS: I rest my case. I mean, I rest examining her.

THE COURT: Do you have any questions of this witness?

MS. CUMMINS: No more.

MR. TURNER: Just one question, Your Honor.

AMANDA LOLLAR,  
having been previously duly sworn, testified as follows:

**CROSS-EXAMINATION**

BY MR. TURNER:

Q. Now, Ms. Lollar, did -- did the defendant, Mary Cummins, post on the Internet where your father lives?

1           A.     She -- Well, I have to explain.  First, in the  
2 depo -- when she deposed me, she asked a series of  
3 questions about where my father was.  He is in nursing  
4 care.  He is a War hero.  He fought in World War II --

5                   THE COURT:  If you have a question, don't  
6 really --

7                   MR. TURNER:  Okay.

8                   THE WITNESS:  Sorry.

9           Q.     (BY MR. TURNER)  And then did she post on the  
10 Internet that she knew where he was?

11           A.     All along.

12                   MR. TURNER:  Thank you.  Pass the  
13 witness.

14                                   **FURTHER DIRECT EXAMINATION**

15 BY MS. CUMMINS:

16           Q.     Have I posted your father's address?

17           A.     No.  But you just posted that you knew where  
18 he was all along.

19           Q.     Have I have posted the name of his retirement  
20 hotel?

21           A.     No.

22           Q.     Has anything happened to him negative because  
23 someone would have known where he was staying?

24           A.     Not yet.  I alerted the entire nursing home so  
25 that no one could come and see him at all except for me.

1 Q. But nothing has happened? I haven't visited  
2 him or sent him anything, have I?

3 A. Not yet.

4 MS. CUMMINS: No further questions.

5 MR. TURNER: No further questions.

6 THE COURT: Step down. Thank you.

7 MS. CUMMINS: Your Honor, my witness is  
8 parking her car right now. She should be here any  
9 second.

10 THE COURT: We will give her five minutes  
11 to get here.

12 Yesterday you, Ms. Cummins, you placed  
13 some exhibits that were not admitted on the bench,  
14 Defendant's Exhibit 49, Defendant's Exhibit 41,  
15 Defendant's Exhibit 40, Defendant's Exhibit 38,  
16 Defendant's Exhibit 31, Defendant's Exhibit 30,  
17 Defendant's Exhibit 28, and Defendant's Exhibit 21 and  
18 20, as well as Defendant's Exhibit 19 and 18. I will  
19 return these to you at this time.

20 MS. CUMMINS: Can I go outside and call  
21 her?

22 THE COURT: You may proceed.

23 (Defendant leaves courtroom.)

24 (Break in proceedings.)

25 MS. CUMMINS: She says she should be here

1 within five minutes.

2 THE COURT: It's five minutes past 9:00.  
3 We will wait until ten minutes past 9:00, if she's not  
4 here, you may call another witness.

5 (Break in proceedings.)

6 THE COURT: Ms. Cummins, if your proposed  
7 witness is not here, you may call your next witness.

8 MS. CUMMINS: I have Mr. Turner on my  
9 witness list. I would like to call Randy Turner.

10 THE COURT: Purpose?

11 MS. CUMMINS: He stated he visited Bat  
12 World Sanctuary.

13 Should he be sworn in?

14 THE COURT: He's already sworn.

15 MS. CUMMINS: Oh, okay.

16 **RANDY TURNER,**

17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. CUMMINS:

20 Q. State your name for the record?

21 A. Randall Turner.

22 Q. And your address? Business is fine.

23 A. Okay. 5101 Airport Freeway, Hurst, Texas --  
24 or excuse me -- 1901 Airport Freeway, Hurst, Texas.

25 Q. Have you ever been to Bat World Sanctuary in

1 Mineral Wells?

2 A. Yes.

3 Q. When were you there?

4 A. Probably three months ago.

5 Q. Did you visit the wild sanctuary building on  
6 First Street?

7 A. No.

8 Q. Did you -- Did you visit the rehab center at  
9 217 North Oak?

10 A. Yes.

11 Q. Did they have any injured or ill bats while  
12 you were there?

13 A. I don't remember.

14 Q. Did you see the fruit bats while you were  
15 there?

16 A. Yes.

17 Q. Did you go into the enclosure?

18 A. Yes.

19 Q. Did you see the insectivorous bats when you  
20 were there?

21 A. Yes.

22 Q. Did you go into the enclosures?

23 A. Yes.

24 Q. Do you have a pre-exposure rabies vaccination  
25 card?



1 A. No.

2 Q. So Ms. Lollar didn't ask for your pre-exposure  
3 vaccination card?

4 A. No.

5 Q. And again, you were in both the flight cages  
6 for the insectivorous bats and the fruit bats?

7 A. I'm not sure I was in the cage that has  
8 Peekaboo in it. I can't remember which one that was.

9 Q. As you enter the building from the back, the  
10 kitchen is the right and the rehab room is on the left,  
11 correct?

12 A. That sounds right.

13 Q. And then you go through a little short door  
14 and there is a long hallway, and there was one enclosure  
15 on the right and one enclosure on left. Does that sound  
16 right?

17 A. Sounds right.

18 Q. Did you go into the enclosure on the right?

19 A. I can't remember which one -- which enclosure  
20 I went in to.

21 Q. What time of day were you there?

22 A. I don't remember. Early afternoon, I think.

23 Q. Did you witness Amanda Lollar treat any  
24 animals while you were there?

25 A. No.

1 Q. Did you witness her feed any animals while you  
2 were there?

3 A. Yes.

4 Q. Which bats did she feed?

5 A. I remember her giving some fruit to a couple  
6 of bats while I was there just to show me how it was  
7 done.

8 Q. So you saw her give fruit to some bats?

9 A. Yes.

10 Q. So you saw the fruit bats?

11 A. Maybe that's the one I saw.

12 Q. They're the larger bats?

13 A. Right.

14 Q. Okay. So you were in the enclosure with the  
15 fruit bats?

16 A. Yes.

17 Q. Did you go to the enclosure on the other side?

18 A. I don't remember if I went inside it, or if I  
19 just looked at it from the outside.

20 Q. Did you take a look at the rest of the  
21 facilities?

22 A. I didn't go upstairs to her living quarters,  
23 but other than that, yes.

24 Q. So you took a look at the mailroom and her  
25 office?

1 A. Yes.

2 Q. Did you see the interns' living quarters?

3 A. I think she opened the door and I peaked  
4 inside, or I saw inside.

5 Q. Were you in the room that had -- it's the  
6 rehab treatment room that has the incubators and a long  
7 table with four stools next to it?

8 A. Probably.

9 Q. Did you see any medications on the counter?

10 A. I think so.

11 Q. Do you have any idea what they were?

12 A. No.

13 MS. CUMMINS: I have no further questions  
14 for this witness.

15 MR. TURNER: I have no questions -- no  
16 other answers.

17 MS. CUMMINS: I would like to call Dottie  
18 Hyatt.

19 THE COURT: Go ahead.

20 MS. CUMMINS: Can you please go to the  
21 witness stand, Dottie?

22 (Witness approaches witness stand.)

23 THE COURT: Will you raise your right  
24 hand to be placed under oath.

25 (Witness sworn)

1 THE COURT: Please be seated.

2 THE WITNESS: Thank you.

3 DOROTHY HYATT,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. CUMMINS:

7 Q. Could you please state your name for the  
8 record?

9 A. Dorothy Hyatt.

10 Q. What is your position with Bat World  
11 Sanctuary?

12 A. Vice president.

13 Q. How long have you been involved with Bat World  
14 Sanctuary?

15 A. Fifteen, sixteen years.

16 Q. Do you have a Ph.D.?

17 A. No, I do not.

18 Q. Do you have a Master's degree?

19 A. No, I do not.

20 Q. Do you have a college degree?

21 A. Yes, I do.

22 Q. From where, which college?

23 A. Well, since everything winds up on the  
24 Internet. South Florida University.

25 Q. What was your major?

1 A. Business.

2 Q. Who trained you how to care for bats?

3 A. Amanda Lollar.

4 Q. Have you ever been trained by any other -- by  
5 a bat expert?

6 A. Amanda Lollar.

7 Q. Have you been trained by anyone else?

8 A. No.

9 Q. How long have you been the vice president?

10 A. Ten years.

11 Q. Are you a licensed wildlife rehabilitator?

12 A. Yes, ma'am.

13 Q. And you're licensed in -- Are you licensed in  
14 the State of Texas?

15 A. I am.

16 Q. How long have you been a licensed wildlife  
17 rehabilitator?

18 A. I don't recall. Many years.

19 Q. What animal do you primarily rehab?

20 A. Bats.

21 Q. Are those the only wild animals you rehab?

22 A. Now, yes.

23 Q. Have you ever rehabbed any protected or  
24 threatened or endangered bats?

25 A. When I worked for the USDA in Florida, I

1 worked with manatees. I have also worked with primates.

2 Q. What was your position at the USDA?

3 A. Oh, gosh. A long time ago. Field technician.

4 Q. What does that entail?

5 A. You work in the field with -- with aquatic  
6 species, particularly in South Florida, Hydrilla  
7 Verticillata. It's a problem in the waterways. We use  
8 manatees to clean up the waterways, so we work very  
9 closely with them. We had 60 of them. It's the largest  
10 aquatic -- it's the largest aquatic weed laboratory in  
11 the world in South Florida for the USDA.

12 Q. How many bats do you think you've treated  
13 during -- ever?

14 A. Probably 3,000.

15 Q. About how many do you treat a year?

16 A. It varies. Sometimes we're called in for  
17 rescues. One single rescue was 1,284. I had to had  
18 have my hands on every single one of them within a  
19 36-hour period. Typically in a single year, it will be  
20 somewhere around 300.

21 Q. What species of bats have you rehabbed?

22 A. Tadarida Brasiliensis Mexicana. Let me see.  
23 Lasiurus borealis. Do you mean common names? I'm  
24 sorry. Mexican Free-tail, red bats, evening bats,  
25 Northern Yellows, Pipistrelles, Western, Eastern,

1 Mastiffs, big free-tails. Let me think. Big browns,  
2 little browns, Eidolons, Pteropus, I can't think. I'm  
3 not feeling well. I'm on medication for my cold.

4 Q. When was the last time you were at Bat World  
5 Sanctuary Mineral Wells?

6 A. Three weeks ago.

7 Q. Did you visit the wild sanctuary?

8 A. No.

9 Q. Are there still bats in the wild sanctuary?

10 A. Yes.

11 Q. Are they in the building at 117 Northeast  
12 First Street?

13 A. Well, 115, yes.

14 Q. When you were at Bat World Sanctuary three  
15 weeks ago, did you go into the enclosure with the fruit  
16 bats?

17 A. Probably.

18 Q. Have you seen the new flying fox that she has?

19 A. Yes.

20 Q. How many flying fox does she have in there?

21 A. Oh, I don't know. Probably 150.

22 Q. Fifty flying fox?

23 A. 150.

24 Q. Oh. When you say flying fox, what is the  
25 scientific name that you're referring to?

1 A. Which species?

2 Q. Just give me one of them.

3 A. Gosh. What is the name? She has an Indican  
4 flying fox. She has the Eidolons, which are the  
5 Straw-colored flying foxes. She has the Pteropus, which  
6 are one of the smaller ones. There is also -- I can't  
7 remember.

8 Q. Do you need a Fish & Wildlife permit for  
9 flying foxes?

10 A. Depends on the species.

11 Q. Do you need a Fish & Wildlife permit for the  
12 Indian flying fox?

13 A. Yes.

14 Q. Does Bat World Sanctuary have a permit for the  
15 Indian flying fox?

16 A. Yes.

17 Q. When did they get that permit?

18 A. When the bat was transferred from --

19 Q. When was it --

20 A. I don't know. I don't remember.

21 MS. CUMMINS: No further questions.

22 **CROSS-EXAMINATION**

23 BY MR. TURNER:

24 Q. Ms. Hyatt, have you seen Amanda Lollar perform  
25 episiotomies?



1 A. Yes, I have.

2 Q. Have you ever seen her do one without first  
3 applying topical anesthetic?

4 A. Never.

5 Q. Do rabid bats bite people at Bat World?

6 A. No, we wouldn't have very many people coming  
7 there if we did.

8 Q. Okay. You were there three weeks ago. How  
9 often do you go out there, say, in a year?

10 A. Oh, in a year. Let me see. More than once a  
11 month, so probably 15 to 20 times. If there is a  
12 particular rescue that we're involved in, it could be  
13 more.

14 Q. Are bat -- dead bats thrown into the trash?

15 A. Never.

16 Q. What happens the dead bats?

17 A. They're -- If they're viable, meaning that  
18 it's a good specimen, we will freeze them and use them  
19 for educational purposes. Many of the veterinarians  
20 that we work with or that train with us like to have the  
21 corpses so that they can practice on them, cutting  
22 techniques for surgical procedures for later on. And we  
23 will give them those.

24 If there is a bat -- Like, if it was a  
25 bat that was a suspected rabies case, but you're not

1 certain, and in Texas the Health Department does not  
2 want to test bats for rabies unless there is confirmed  
3 bite, so those bats would be incinerated.

4 Q. Okay. Are you the one -- Or are you one of  
5 the Bat World people who takes bats out to schools for  
6 educational programs?

7 A. I am. I'm a lecturer.

8 Q. Can you describe how that works? What happens  
9 when you get to the school, what do you do?

10 A. We have a little bat mobile, and the kids get  
11 real excited. They're in a large containment cage that  
12 is padded all the way around and it's covered to keep  
13 them in the dark. There is holding cages inside, so  
14 it's a cage within a cage. And they're taken out to be  
15 viewed.

16 We also have a program where the teachers  
17 get our magazine and the children are always given  
18 educational cards, rat cards, that they take home so  
19 that they can share with their family to see what they  
20 learned that day. Every single child has to take a bat  
21 scout pledge to promise to never touch a bat if they  
22 find one. And if they find one, they have to go get an  
23 adult, and together they can rescue the bat, but they  
24 can never ever touch it. And then they receive their  
25 official bat scout ring.

1                   And the lecture runs about an hour and a  
2 half and there is a Q and A at the end of it.

3           Q.     And the schools invite Bat World -- Well, let  
4 me back up. Does anybody besides you do that at Bat  
5 World?

6           A.     Well, we have satellites across the country.  
7 I believe there is three of us that do the bat lecturing  
8 in the entire United States. Sometimes what they will  
9 do, like, Texas Parks & Wildlife has called me in before  
10 for a broadcast. It's a -- Where I'm televised to  
11 possibly -- one time it was 168 schools. And they put  
12 the children in auditoriums in their own schools and  
13 then I do a lecture.

14                   And I show the bats. And, of course,  
15 they can see them through the TV screen. Because there  
16 has never been an decent movie made about bats,  
17 everybody -- not everybody, but a lot of people believe  
18 bats are the size of me, they carry off cows and they  
19 suck your blood. So the children are shown and they're  
20 quite fascinated by the fact that the average bat is  
21 only three inches long. That's the size of the average  
22 bat. About -- Just like a child's eraser, a worn-down  
23 eraser, you know, those rubber erasers, that's about the  
24 size of a bat.

25           Q.     Okay. Now, were do you -- where are the

1 schools that -- that Bat World has been giving these  
2 lectures?

3 A. Mostly in the North Texas area.

4 Q. Okay.

5 A. I stay in the North Texas area.

6 Q. After this stuff started appearing on the  
7 Internet that we have been talking about today, did that  
8 effect the invitations that you were receiving to go  
9 lecture?

10 A. Yes. One of our primary means of supporting  
11 our efforts is through our lecturing programs. We do  
12 charge for them. The schools understand that is going  
13 to help bats, and for that purpose there is a lot of  
14 school districts, particularly in the of State of Texas  
15 that's very progressive, they teach a bat unit in the  
16 second grade and also in the fourth grade.

17 And I have entire school districts where  
18 I'm signed up to go out there every single year and have  
19 been with us for -- some of them six, seven, eight,  
20 nine, ten years. Every year they book with us. And  
21 when that defamation started, it was an entire school  
22 district that we depend very heavily on, we did not get  
23 one lecture from them. It's a Catholic High School that  
24 had booked, and then they called and canceled.

25 And they gave me the reason why, because

1 of what they saw on the Internet. I was able to recover  
2 that program because I explained to her the situation  
3 that we were involved in a legal action with this  
4 person. And I tried to give the circumstances  
5 surrounding that, and then I was able to recover that  
6 lecture. The other school district, I have not been so  
7 lucky.

8 Q. Ms. Hyatt, at -- at Bat World is there a  
9 problem with insects, roaches, mites, things like that  
10 getting on the interns?

11 A. No. Excuse me. As a matter of fact, you have  
12 been there yourself, when you walk in there is a faint  
13 smell of bleach because it's a sanitizer and everything  
14 is wiped down. So it's either alcohol or bleach. And  
15 we keep alcohol in spray bottles. Like, when you come  
16 back from the wild sanctuary, you're not allowed to  
17 enter until you spray yourself completely down outside.  
18 And then you come in and you're expected to take your  
19 clothes off, shower, and put your clothes in the wash  
20 right away.

21 And, I mean, it's kept immaculate. You  
22 can't have that number of animals -- excuse me -- and  
23 have it dirty. Amanda Lollar has established the  
24 protocol for husbandry of bats in captivity, and she is  
25 fanatical about it, that you have to -- if you have --

1 if an animal has to live in a cage for the rest of their  
2 life, you're going to give them enrichment, you're going  
3 give them pleasure, you're going to give them safety,  
4 and above all, you're going to make it clean for them.

5 Q. Have you ever seen Amanda Lollar administer a  
6 rabies vaccine to a person?

7 A. No.

8 Q. Does she make the interns buy rabies vaccines  
9 from her?

10 A. She doesn't have it. No, she doesn't do that.

11 Q. Now, Dottie, I want to ask you: How long have  
12 you known Amanda?

13 A. About -- I believe it's 16 years.

14 Q. From what you've seen personally in Amanda  
15 since this -- since all of these things started  
16 appearing on the Internet by Mary Cummins, can you tell  
17 the Court if you've noticed how it's affected her, any  
18 change?

19 A. I'm sorry. Amanda one of my closest friends,  
20 and this has been devastating to her. Accusing someone  
21 involved with animals with animal cruelty is akin to  
22 accusing somebody like a minister of child molestation.  
23 And even if she is victorious in this lawsuit, that  
24 stigma will never ever go away.

25 And for her, who has dedicated her life

1 to educating children -- because they used to be  
2 bustling to Bat World for field trips and she educated  
3 about 10,000 children a year, she's written books, she  
4 has a children's book that she had worked on for a good  
5 number of years that she had planned on releasing a  
6 couple of years ago and she couldn't do that. I've seen  
7 her personality change. I have seen her cry. I've seen  
8 her not be able to control the crying, and that is a  
9 strong woman.

10 She has built the largest rehabilitation  
11 teaching sanctuary in the entire world that's dedicated  
12 to bats. She's world renowned and highly respected, and  
13 that was taken away from her. Yes, I have seen a change  
14 in Amanda Lollar.

15 Q. Thank you.

16 MR. TURNER: Pass the witness.

17 **REDIRECT EXAMINATION**

18 BY MS. CUMMINS:

19 Q. I only have two quick questions.

20 A. I'm sorry. Yes.

21 Q. Now, you stated that the one Catholic high  
22 school had canceled their educational program with you;  
23 is that correct?

24 A. Yes. They called to cancel.

25 Q. And then you spoke with them, and you

1 recovered it, correct?

2 A. Yes.

3 Q. You said there was another school district who  
4 didn't ask for your educational programs any more,  
5 correct?

6 A. That is correct.

7 Q. Did they write you a letter tell you why?

8 A. No, they did not.

9 Q. You just stated a few minutes ago that  
10 Ms. Lollar was writing a children's book and she can't  
11 continue to write it. Is that what you said?

12 A. No, that's not what I said.

13 Q. Could you clarify? If you need a second, go  
14 ahead.

15 A. She had to hold off on publishing it and  
16 releasing it because of what was out there on the  
17 Internet.

18 Q. Didn't Bat World Sanctuary just post on their  
19 Facebook page three days ago that they're finishing up  
20 their children's book right now?

21 A. It was completed. The cover is what they were  
22 talking about.

23 Q. So you're saying that they can't release their  
24 book now?

25 A. That's not what I said. I said a couple of



1 years ago, it could not be released.

2 Q. Her book couldn't be released a couple of  
3 years ago? Did -- Okay. Obviously --

4 MS. CUMMINS: I pass the witness.

5 MR. TURNER: No further questions.

6 THE COURT: You may step down. Thank  
7 you.

8 THE WITNESS: Thank you.

9 MS. CUMMINS: I would like to Kay  
10 Singleton to the stand.

11 (Witness approaches witness stand.)

12 THE COURT: Raise your right hand to be  
13 placed under oath.

14 (Witness sworn.)

15 THE COURT: Please be seated.

16 KAY SINGLETON,  
17 having been first duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 BY MS. CUMMINS:

20 Q. Could you please state your name for the  
21 record?

22 A. Kay Singleton.

23 Q. And do you live in Texas?

24 A. I do.

25 Q. Were you an intern at Bat World Sanctuary?

1 A. I was.

2 Q. Were you an intern between approximately  
3 June 26th and June 28th of 2010?

4 A. Yes, I was.

5 Q. Are you a wildlife rehabilitator?

6 A. I am.

7 Q. What type of animals do you rehabilitate?

8 A. Possums. Opossums. Virginia opossums.

9 Sorry.

10 Q. Do you also treat bats?

11 A. I do.

12 Q. How many years have you been rescuing animals;  
13 cats, dogs, opossums, bats?

14 A. Well, wildlife -- native Texas wildlife about  
15 four years. Cats and dogs forever.

16 Q. Did you meet me when you interned at Bat World  
17 Sanctuary?

18 A. I did.

19 Q. Did Ms. Lollar hand you the General Rules and  
20 Exceptions during your internship? I will show this  
21 document and ask if you've seen it? This is Defendant's  
22 Exhibit Number 1.

23 A. I don't remember the General Rules. I  
24 remember her telling me to look at the clipboards and --  
25 and read the procedures.

1 (Ms. Cummins approaches witness.)

2 Q. (BY MS. CUMMINS) Have you seen that before?

3 A. I don't recall. I probably did, yeah. I'm  
4 sure I got it from Kate in the packet.

5 Q. When you were at Bat World Sanctuary, did you  
6 take any photos?

7 A. A couple.

8 Q. Did you see me taking any photos or videos?

9 A. Quite a few.

10 Q. Was Amanda Lollar in the room when I was  
11 taking photos and videos?

12 A. Yes.

13 Q. Do you remember when Amanda Lollar had a --  
14 what she stated was a possibly rabid bat and she was  
15 holding it in her bare hand?

16 MR. TURNER: I'm going to object to  
17 leading the witness.

18 THE COURT: Sustained.

19 Q. (BY MS. CUMMINS) Okay.

20 A. What do I do?

21 Q. Did you witness Amanda Lollar giving me  
22 permission to take a video?

23 A. Yes.

24 Q. In fact, did you ever witness her telling me  
25 take a photos of this, videotape this?

1 A. Yes.

2 Q. When you were at Bat World Sanctuary, were you  
3 bitten by any bugs?

4 A. Yes.

5 Q. When you were there, did you see any bugs?

6 A. Yes.

7 Q. Did Amanda Lollar tell you to give rabies  
8 vaccinations to the bats?

9 A. No.

10 Q. Did Amanda -- Did you witness Amanda Lollar  
11 emptying one of her bat pouches over the trash?

12 A. Yes.

13 Q. Did she almost accidentally dump some babies in  
14 the trash?

15 A. Yes.

16 Q. Do you remember seeing the dog named Kismet,  
17 it's a medium-sized dog, a female with -- that's tan?

18 A. Yes.

19 Q. Could that dog run and jump, or did she have  
20 problems with the knees and hips? It was an older dog.

21 A. Right. I don't think any of them ran and  
22 jumped, as I recall they're all old.

23 Q. When you arrived at Bat World Sanctuary, did  
24 Amanda Lollar ask to see your of proof pre-exposure  
25 rabies vaccination card?

1 A. No.

2 Q. Do you have one?

3 A. Yes.

4 Q. Did I tell you that I hit my head in the wild  
5 sanctuary?

6 A. Yes.

7 Q. And then did I tell you when you go to the  
8 wild sanctuary, Watch your head?

9 A. Yes, you do.

10 Q. And what happened when you went to the wild  
11 sanctuary?

12 A. I hit my head.

13 Q. What was the main thing that we -- that you  
14 did when you were at Bat World Sanctuary?

15 A. I feed baby bats. That's all I was allowed to  
16 do.

17 Q. And how -- from what time in the morning until  
18 what time at night did you feed baby bats?

19 A. We started at 7, 00 usually ended around 10:30  
20 or so, then take a quick nap, go to lunch, come back  
21 start up at 2:00, feed to until 5:30. Quick nap, diner,  
22 come back, feed again. Go to bed about midnight.

23 Q. Did you ever see anyone walk her dogs when you  
24 were there?

25 A. No.

1 Q. Would you say that Amanda Lollar was extremely  
2 nice to you, or how would you -- how did she relate to  
3 you? Was she nice or cold or what?

4 A. Not nice, not cold. Not -- Pretty -- She's  
5 somewhat lacking in people skills, I would think.  
6 Training was not her forte.

7 Q. Did she give you any training when you were  
8 there?

9 A. No. The intern that came before me was doing  
10 all the training. She stayed on afterward.

11 Q. And were you going to do a fundraiser, I  
12 believe, at dinner at a golf course for Bat World?

13 A. Yes. Yes. At a country club, not a golf  
14 course.

15 Q. Okay. And would you say your experience at  
16 Bat World was a pleasant experience, or not?

17 A. No. No.

18 Q. On -- Did Ms. Lollar finally tell you at one  
19 point that you would only be feeding babies for the rest  
20 of the time?

21 A. Yes.

22 Q. And what did you tell her at that point?

23 A. That was okay with me. I didn't really mind  
24 that. We were there to learn how to set up colonies,  
25 but her -- her reason for assigning me to feed babies

1 only was -- How do you say -- Gosh. I'm sorry.  
2 Retaliatory. Sorry.

3 Q. And what was the reason why you left early?

4 A. She was saying bad things about me and I  
5 confronted her.

6 Q. And did she kick you out and tell you to  
7 leave?

8 A. No.

9 Q. So you left on your own?

10 A. Yes.

11 Q. And then did you give me a ride back to Fort  
12 Worth, Texas?

13 A. Yes.

14 Q. Now, you were going to do the fundraiser for  
15 her, correct?

16 A. Correct.

17 Q. After you left Bat World Sanctuary, did you  
18 cancel the fundraiser?

19 A. I did.

20 Q. So Ms. Lollar didn't cancel the fundraiser?

21 A. No.

22 MS. CUMMINS: I pass the witness.

23 **CROSS-EXAMINATION**

24 BY MR. TURNER:

25 Q. Amanda Lollar never emptied a bat into the

1 trash, did she?

2 A. Not that I recall.

3 Q. And no dogs dragged their legs at Bat World,  
4 correct?

5 A. I don't recall much about the dogs. It was  
6 not my primary focus. They all seemed handicapped in  
7 some way or another, but I don't -- I didn't pay that  
8 much attention to them.

9 Q. Okay. Don't you think -- you would have  
10 remembered if you saw a dog that got around by dragging  
11 its hind legs as was posted on the Internet, correct?

12 A. You would think I would, but --

13 Q. Now --

14 A. Yeah.

15 Q. -- when you said that you were assigned to  
16 feed babies, you said it was retaliatory, correct?

17 A. Correct.

18 Q. Why was Amanda Lollar retaliating against you?

19 A. After our first visit over to the wild colony,  
20 I told her that suffered from COPD and I had also  
21 suffered of catastrophic back injury in 2004, so it was  
22 really difficult for me to sweep and carry large bags of  
23 guano and breathe in for fear histoplasmosis and such.

24 So she said, Well, then you couldn't  
25 possibly have a bat colony, and there is no reason for



1 me to train you to have a bat colony, so you will be  
2 feeding babies only from now on.

3 Q. And you hadn't told her in your application  
4 that you had Chronic Obstructive Pulmonary Disease and  
5 asthma and a bad back, did you?

6 A. I worked through Kate, her board of director.

7 Q. And you didn't -- But you didn't put in your  
8 application that you --

9 A. Yes, sir, I did.

10 Q. So these health problems were in your  
11 application?

12 A. Yes, sir, they were. And I specifically asked  
13 Kate before I went, I said, Is there any reason that you  
14 can think of that it would not appropriate for me to go  
15 there? And she said, No.

16 Q. Okay. So you -- So Amanda Lollar was  
17 retaliating against you -- when you say she was  
18 retaliating, if I understand you correctly, when she  
19 found out that you had these medical conditions, she  
20 told you that, well, because of those medical  
21 conditions, you can't do these other things. So I'm  
22 going to assign you to feeding babies. Is that what  
23 happened?

24 A. She refused to show me -- She refused to train  
25 me to do the tasks that I was there to -- that I had

1 gone there to learn. Yes.

2 Q. But it was because -- It was after she learned  
3 of your medical conditions that she said, Okay. You're  
4 just going to be feeding babies, correct?

5 A. Yeah.

6 Q. Now, when you -- when you went to Bat World  
7 you signed a contract, right?

8 A. No.

9 Q. You didn't sign a contract either?

10 A. No, sir. I didn't sign anything.

11 Q. Now, you were asked to leave -- you were asked  
12 to leave Bat World at some point, correct?

13 A. No, sir.

14 Q. And you Mary Cummins became friends?

15 A. I don't see the connection.

16 Q. Well, I mean, you -- I will ask it this way.  
17 You're -- You deny that you were asked to leave Bat  
18 World?

19 A. I do.

20 Q. Are you and Mary Cummins friends?

21 A. Yeah.

22 MR. TURNER: One moment, Your Honor.

23 Pass the witness.

24 **REDIRECT EXAMINATION**

25 BY MS. CUMMINS:

1 Q. I've just one -- one or two quick little  
2 questions for you.

3 So Amanda Lollar knew of your medical  
4 conditions before you arrived, correct?

5 A. If she had read the paperwork that Kate sent,  
6 which I assume she had, she would have known. Yes.

7 Q. So she didn't want you sweeping up in the wild  
8 sanctuary any more, correct?

9 A. Correct.

10 Q. But couldn't you have worked with the -- the  
11 fruit bats or the other insectivorous bats inside?

12 A. They were -- I figured there were a lot of  
13 other things I could besides --

14 Q. But after she told you that you would only be  
15 feeding babies, isn't that the only thing that you saw  
16 me do also?

17 A. Yes.

18 Q. She didn't let me go take care of the fruit  
19 bats --

20 A. No, she did not.

21 Q. So both of us were --

22 A. Punished.

23 Q. Yes.

24 A. Okay.

25 MS. CUMMINS: No further questions.

1 MR. TURNER: No further questions.

2 THE COURT: Let me have your name,  
3 please.

4 THE WITNESS: Kay, K-a-y, Singleton.

5 THE COURT: Got it. Thank you.

6 Your next witness?

7 MS. CUMMINS: I have no more witnesses.

8 THE COURT: Do you rest?

9 MS. CUMMINS: Yes.

10 MR. TURNER: We have no rebuttal  
11 witnesses, Your Honor.

12 THE COURT: Final comments?

13 **PLAINTIFF'S CLOSING ARGUMENT**

14 MR. TURNER: Your Honor, I think the  
15 evidence in this case shows that Mary Cummins waged a  
16 relentless -- relentless, ruthless, malicious Internet  
17 campaign whose sole purpose, the intent was to destroy  
18 Amanda Lollar's reputation. I think the evidence shows  
19 that she clearly either knew that what she was saying  
20 was false or she had an utter disregard for whether or  
21 not it was true or false.

22 Mary Cummins did not just publish  
23 outrageous lies and slander about Amanda Lollar, she  
24 willfully did everything in her power to make sure that  
25 it had the most devastating affect possible. She did

1 this by sending the defamation to Amanda Lollar's peers,  
2 rehabilitation organizations, wildlife conservation  
3 organizations, animal welfare organizations. She did  
4 this by sending defamation to a charitable trust that  
5 Amanda Lollar had established a relationship with to  
6 choke off Bat World's funding and unfortunately  
7 succeeded. She did this by sending defamation to law  
8 enforcement and other regulatory -- government  
9 regulatory agencies who she knew would be required to  
10 investigate these allegations.

11 She did this by using what our expert  
12 testified was a Google bomb. As the Court heard a  
13 Google bomb ensures that the defamation is picked up and  
14 goes everywhere on the Internet for everyone to see.  
15 Then Mary Cummins cleverly hides behind -- she used her  
16 knowledge of the Internet to hide the fact that she was  
17 the one who was behind this -- these horrible things on  
18 the Internet.

19 She blamed it on robots and she blamed it  
20 on other people saying, I don't have any control. You  
21 can't blame me. I can't -- I can't control that website  
22 when she was the originator of this horrible material on  
23 the Internet.

24 Amanda Lollar is a gentle, kind, selfless  
25 person who has literally devoted her life, her heart and

1 her sole and her worldly possessions to saving an animal  
2 that is misunderstood by society.

3 She is a woman who somehow subsists on  
4 \$600 a month after paying her mortgage. Out of that  
5 \$600, 150 of it goes to a life insurance policy that  
6 names Bat World as the beneficiary. This woman did not  
7 deserve to be the victim of this campaign.

8 Unfortunately, Amanda Lollar does not  
9 have the power, the money, or the expertise to defend  
10 herself against such a relentless attack. She no longer  
11 goes any where in Mineral Wells because of the  
12 humiliation and shame that she feels because of this  
13 campaign.

14 She doesn't know if her beloved Bat World  
15 is going to survive that she's worked for 18 years to  
16 build up. The charitable trust that she was counting on  
17 is gone. They won't return her calls. Donations are  
18 down 40 percent.

19 Now, how does a civilized society stop  
20 someone who has such -- who has demonstrated such utter  
21 contempt for the legal system, for court orders, for  
22 ethics, for privacy, for the truth, and for common  
23 decency? Who claims to know the law of defamation and  
24 tries to hide behind the First Amendment and who  
25 obviously thinks she can get away with anything because

1 she, quote, Always wins.

2           This is a woman whose idea of a joke is  
3 to use her Internet knowledge so that if somebody  
4 Googles a certain person's name and they search for that  
5 person on the Internet, they're taken to a picture of a  
6 skunk's anus with that person's name attached to it.

7           She sat on the witness stand and smiled  
8 about that and said it was a joke. That's the kind of  
9 person we're dealing with. How does society deal with  
10 someone like this?

11           Your Honor, we can't put people in is  
12 jail for doing this kind of awful behavior. The Court  
13 cannot order her to not do this in the future. It's a  
14 prior restraint, the Court doesn't have that authority.  
15 Your Honor, I submit the only possible way to stop and  
16 deter this woman, and others like her who would do the  
17 same thing, is with exemplary damages.

18           Now, let's talk about compensatory  
19 damages. Obviously, the purpose of compensatory damages  
20 is to compensate the victim. What does Amanda Lollar  
21 have? Well, on \$600 a month, she's unlikely to have a  
22 nice house or an expensive car, expensive clothes,  
23 jewelry, or other material possessions that most of us  
24 strive for. It's unlikely that she has a boat or takes  
25 big vacations. The only thing on this earth that this

1 woman has or that she owned is her reputation. That's  
2 literally it.

3           Your Honor, we live in an Internet age  
4 that's way different than the age we lived in 20 years  
5 ago. Reputations are -- are made and they're destroyed  
6 on the Internet. That's a fact of life.

7           People and companies spend millions of  
8 dollars to enhance or protect their reputation on the  
9 Internet. Unfortunately, Amanda Lollar doesn't have  
10 that ability. There is an entire industry in this  
11 country that's been built on protecting people's  
12 reputations on the Internet. Although Amanda Lollar,  
13 obviously, doesn't have the means to afford to do  
14 something like that.

15           Your Honor, I submit that given the  
16 devastating affect that this malicious, relentless  
17 defamation campaign has had on Amanda Lollar and her  
18 reputation, which may or may not ever recover, I submit  
19 that compensatory damages between \$1,000,000 and  
20 \$4,000,000 would be appropriate in the Court's sound  
21 discretion. We would ask the Court to consider  
22 something within that range.

23           And, Your Honor, I submit that the only  
24 way that we can stop or deter Mary Cummins from doing  
25 this -- from continuing to do this, and to deter others



1 who would do the same thing, and apparently that's  
2 getting to be a problem. There was a verdict down the  
3 hall for \$13 million in the defamation -- Internet  
4 defamation case, so apparently this is starting to be  
5 more common where people go out there and attack people  
6 on the Internet.

7           Your Honor, I think that the only way to  
8 stop somebody like Mary Cummins, and the only way to  
9 stop her from having another Amanda Lollar victim in the  
10 future, is to asses punitive damages against her of  
11 somewhere between 1 and \$4 million, somewhere -- that we  
12 would ask the Court to use its sound discretion to asses  
13 damages in those amounts.

14           And, of course, Article -- Section 41.008  
15 of the Civil Practice and Remedies Code authorizes --  
16 authorizes the Court to asses punitive damages of  
17 \$750,000, or two times the actual damages, whichever is  
18 greater.

19           Your Honor, we further request that the  
20 Court enter a permanent injunction ordering Mary Cummins  
21 to take down from the Internet those defamatory  
22 statements which have been highlighted in yellow in, I  
23 think, it's Exhibit 17.

24           Finally, Your Honor, we request that Bat  
25 World be awarded \$10,000 in liquidated damages pursuant

1 to the contract that was signed by Ms. Cummins. And we  
2 ask the Court to award attorney's fees in the amount of  
3 \$176,700.

4 Thank you very much.

5 **DEFENDANT'S CLOSING ARGUMENT**

6 MS. CUMMINS: I went to Bat World to  
7 learn more about bats, to help bats. While I was there,  
8 I instead witnessed animal cruelty, neglect, violations  
9 of the Health Code. When I returned home, I reported  
10 plaintiffs to authorities. In retaliation, I was  
11 frivolously and maliciously sued for defamation, libel,  
12 breach of contract, sharing proprietary and copyrighted  
13 data. I did not defame or libel Amanda Lollar or Bat  
14 World Sanctuary.

15 What I wrote was the truth. I did not  
16 sign a contract. My actions never would have even been  
17 considered a breach of this supposed contract or a  
18 violation of any law. I had permission to take and post  
19 photos and videos. I did not share proprietary or  
20 copyrighted data. I did not cause any financial or  
21 other damages to plaintiffs. If she has any damages,  
22 they're self-inflicted.

23 Now, in order -- The claim against me is  
24 for breach of contract and defamation. In order to show  
25 the essential elements of breach of contract that must

1 be proven are, number one, there was a valid contract.  
2 Number two, the plaintiffs performed or tendered  
3 performance according to the terms of the contract.  
4 Number three, that the defendant breached the contract.  
5 And, number four, the plaintiffs sustained damages as a  
6 result of the breach.

7           Now, number one, there was no valid  
8 contract, because I didn't sign it. If you were to even  
9 just eyeball the signature, you could tell. In fact,  
10 their handwriting analyst in writing stated that it was  
11 merely probably. It wasn't even -- there is one level  
12 above probably, and then there is one which is complete  
13 identification. She was only willing to put in writing  
14 that it was merely probably.

15           And the plaintiffs did not perform  
16 according to the contract. I was told I would be  
17 trained on how to take care of ill, injured, and  
18 orphaned native bats. Instead I just cleaned and fed  
19 babies all day long and I just cleaned the wild  
20 sanctuary once. I didn't learn anything new.

21           And, number three, they would have to  
22 show that I actually breached the contract, and they  
23 haven't proven this. And also, number four, the -- the  
24 plaintiffs must show that I -- the supposed breach of  
25 the contract caused damages.

1                   Now, most importantly you saw their  
2                   financials. They're making a lot more money than they  
3                   ever have before. And their only proof that they have  
4                   damages is their Exhibit 36, which is merely a chart  
5                   that she made up. There is absolutely no proof to see  
6                   if donations or grants are down. There is no underlying  
7                   documents here.

8                   In their claim, they stated I shared  
9                   proprietary data. Proprietary data would be  
10                  confidential information about a company, like a secret  
11                  formula. And the plaintiffs have not tried to keep any  
12                  of the information secret. They have a -- This is their  
13                  public book which they sell on the public Internet.  
14                  Anyone can buy it. This is a how-to book which shows  
15                  you how to take care of bats. If they didn't want  
16                  anyone to know this information, they shouldn't have  
17                  written a how-to book and sell it on the Internet.

18                  They also stated I shared copyrighted  
19                  data. Now, copyrighted protects the particular way  
20                  authors have expressed themselves, it does in the extend  
21                  to any ideas, symptoms, or factual information conveyed  
22                  in a work. Plus, copyright is a Federal claim. But I  
23                  didn't copy their book and sell it. I haven't copied  
24                  all their videos and sold them.

25                  Now, the fair use of Copyright Act

1 Section 107 states, There are various purposes for which  
2 the reproduction of a portion of a particular work may  
3 be considered fair, such as; criticism, comment, news  
4 reporting, teaching, scholarship, and research. And now  
5 I think I posted about half of a page of their book, so  
6 I could compare it to another book to show that they're  
7 almost identical word for word. So that was just a  
8 portion of the book.

9 I also posted her 1994 manual to show  
10 that she did recommend freezing bats to death. And it  
11 states here, This manual may be duplicated in part or in  
12 whole. So I didn't violate any copyright.

13 So plaintiffs has -- they have not shown  
14 that there was a valid contract. They -- They have not  
15 shown that they performed according to the contract.  
16 They have not shown that I breached the contract and  
17 they have not shown any damages as a result of the  
18 breach.

19 They also requested attorney's fees.  
20 Pursuant to Section 38.001 of the Texas Civil Practice  
21 and Remedies Code in order to recover the reasonable  
22 attorney's fees -- they cannot collect reasonable fees  
23 attorney's fees because it's barred because there was no  
24 valid contract. The plaintiffs did not perform  
25 according to the terms of the contract. The defendant

1 did breach the contract, and the plaintiffs were not  
2 damaged as a result of any alleged breach.

3           Now, the second claim of action against  
4 me is for defamation. The Texas Civil Practice and  
5 Remedies Code Section 73.001 states, A libel is a  
6 defamation expressed in written or other graphic form  
7 that tends to blacken the memory of the dead or that  
8 tends to injure a living person's reputation. And  
9 thereby expose the person to public hatred, contempt or  
10 ridicule, or financial injury. Truth is a defense.

11           Now, there are -- to prove a cause of  
12 action for defamation, the plaintiffs must prove the  
13 following six items. Number one, the defendant  
14 published a statement of fact. Number two, the  
15 statement was defamatory. Number three, the statement  
16 was false. Number four, the defendant acted  
17 negligently -- negligently in publishing the false and  
18 defamatory statement. Number five, the plaintiffs  
19 suffered damages as a result.

20           And in this situation, there is also a  
21 number six. Ms. Lollar states that she is a public  
22 figure when it comes to bats. So she's considered  
23 legally a quasi-public figure. That means she must also  
24 show that there was malice. And this has to do with the  
25 Supreme Court ruling of New York versus Sullivan.

1                   Now, to the first cause that they must  
2 show, the defendant published a statement of fact.  
3 Number one, they have to show that I posted the  
4 statement. I think about 95 percent of these items here  
5 I didn't post. They were posted anonymously. There is  
6 no way to even find out who posted them.

7                   In fact, Ms. Lollar demanded that the  
8 items be removed and the users be deleted. She  
9 destroyed any evidence they would have been able to  
10 subpoena to see who actually posted some of those items.  
11 So there is no way to show that I posted them.

12                   Now, they got their authorship expert to  
13 state that, Yes, I definitely posted these anonymous  
14 articles. But I'm sure you've heard the phrase, garage  
15 in, garage out. Their expert downloaded a free software  
16 off the Internet which was in beta, and it clearly  
17 states it cannot be used for a legal case.

18                   And one of main problems with their  
19 expert is that the JGAAP program it is a -- the main  
20 thing is that the open class problem. If you give the  
21 software program a copy of Moby Dick and you tell the  
22 software program the possible authors are the Marx  
23 Brothers, it's going to pick one of the Marx Brothers.  
24 It will never pick the person who actually wrote Moby  
25 Dick. The software can't do that.

1                   And another main problem with the  
2 software program is co-authorship. I didn't write --  
3 The main problem is he didn't authentic any of the  
4 samples of my writing. I didn't write most of those  
5 blogs. I didn't write all of them. Many people edited  
6 them. And I quoted long passages from other people.

7                   Now, the handwriting -- the authorship  
8 expert stated on the stand that he removed all the  
9 quotes, but he doesn't state that in his report. He  
10 stated, The textual content of -- Oh, here we go. He  
11 removed the images, the formatting, and the mark up.  
12 That's it. He didn't remove anything that was in  
13 quotes.

14                   So basically, that is garage in, garage  
15 out. Plus, that expert he's never professionally used  
16 that software before. He has never been an expert  
17 witness for authorship before. He has never testified  
18 in a deposition or trial using this authorship software.

19                   So they have not proven the first point  
20 that the defendant published the statement. And also,  
21 they have not proven that the defendant published a  
22 statement of fact. In -- I just found out yesterday  
23 that the supposedly highlighted materials are what they  
24 consider defamatory. Some of these are questions. It's  
25 not a statement of fact.



1           And they also have to prove that the  
2 statement was, number two, defamatory. I stated she  
3 debarked her dogs. In here -- because that's what she  
4 told me. In here, she stated, that statement is  
5 defamatory. She stated that she just soft barked her  
6 dogs. There is no such thing is -- you debark a dog,  
7 that's it.

8           Now, they also have to prove that the  
9 statement was false. I stated that I witnessed animal  
10 cruelty and neglect. Now, I have research the animal  
11 cruelties laws of the State of Texas. Title 9, Chapter  
12 7 of the Penal Code Section 42.09(a)2. Cruelty to  
13 animals is if you fail to provide necessary care. And  
14 all -- this includes cats, dogs, and it also includes  
15 wild animals which were previously captured. The ill  
16 and injured bats in her sanctuary were previously  
17 captured. They were previously wild animals and now  
18 they're in her captivity.

19           According to recent rulings, you don't  
20 have to prove that they intentionally were trying to  
21 torture the animal. It would be anything that causes  
22 any unjustifiable pain and it is also not given the  
23 animal sufficient and proper care and shelter.

24           When I was at Bat World Sanctuary, I  
25 witnessed -- I found a dead, one-wing bat under the

1 desk. That I believe is neglect. And I saw her  
2 performing surgery without anesthesia. I saw the  
3 animals in pain. She could have -- She -- She should  
4 have given proper veterinarian care by taking it to her  
5 vet, which is right down the street.

6           So I believe all the statements that I  
7 made were true. And then it states, number four, the  
8 defendant acted negligently in publishing the false and  
9 defamatory statements. I posted about this to warn the  
10 public. I made honest reports, fair reports to  
11 government agencies. My main purpose is to protect the  
12 animals and to protect public safety and people.

13           And, number five, they have to show that  
14 the plaintiffs suffered damages as a result. Now, you  
15 have, again, seen their financials. They're making more  
16 money than ever before.

17           And number six, the quasi-public figure.  
18 For this reason they must show that I intentionally with  
19 malice posted all these things about them just to be  
20 mean and cruel. Just to -- Just to harm her. And the  
21 main purpose for me to post these things was to report  
22 her to authorities and to warn other people.

23           If I had seen any of these items, if I  
24 had known even just ten percent of this, I never would  
25 have gone to Bat World Sanctuary. I never would have

1 exposed myself to rabies. I never would have wanted to  
2 witness what I witnessed.

3 Now, in order to show their cause of  
4 action for defamation they must prove for every  
5 statement in these Exhibits 17, 18, 19 that they meet  
6 all six of the qualifications. I'm just going to go --  
7 read a couple of these so you can see that they don't  
8 meet all six of the qualifications.

9 She states here that the results of my  
10 Freedom of Information Act requests are all defamatory.  
11 Now, these are items I received from government  
12 agencies, and I posted them as-is and I stated I  
13 received them. And she states -- and I didn't even  
14 write them. So number one, she can't prove the  
15 defendant published a statement of fact. I didn't write  
16 them.

17 And she can't prove it was defamatory.  
18 These are government reports. I mean, people have been  
19 complaining about her for almost, gosh, 18, 19 years.  
20 And she herself stated, three people in Mineral Wells,  
21 one person on City Council, one person on the Historical  
22 Society, and then her neighbor have been complaining  
23 forever. And I absolutely don't blame them.

24 And she states -- I'm going to go to one  
25 here. Here is one statement she says is defamation. I

1 stated, I reported Amanda Lollar of Bat World Sanctuary  
2 for animal cruelty and neglect. That's absolutely true.  
3 In retaliation, she sued me for defamation, on top of  
4 this she defamed and libeled me. Absolutely true.

5 I stated, Her building is a public  
6 nuisance, a threat to public safety, and it smells  
7 horrible. That's absolutely true. People have been  
8 complaining about the same thing for years, including  
9 the health inspector. Here is another one. It's not  
10 even a statement of fact. Did Amanda Lollar disgorge  
11 yet another document? That's a question. That's not a  
12 statement of fact.

13 I posted, She did indeed give the rabies  
14 vaccination to Sara Kennedy aka Winged Sonar. Now,  
15 yesterday on the stand I asked her, Did you give Sara  
16 Kennedy the rabies vaccination? She said, Yes. That's  
17 the truth. Here is another one. Her vet is credited in  
18 the manual which recommends freezing bats to death.  
19 Here is the manual. Her vet is credited, and it  
20 recommends freezing bats to death.

21 Here is another one. It's not a  
22 statement of fact, it's a question. Could it be she was  
23 kicked off the task force because she lied to the  
24 Mineral Wells Health Department when she told them,  
25 quote, unquote, White-nose Syndrome has come to Texas

1 earlier than expected. It is the beginning -- quote,  
2 unquote, It is the beginning of the end. Quote, unquote  
3 are things she actually stated in writing to the Health  
4 Department and that was entered into evidence.

5           And this the task force -- this is a  
6 question, it's not a statement of fact. Here is another  
7 one. Guess who was libeled and defaming me on Guide  
8 Star and Great Nonprofits? Amanda Lollar of Bat World  
9 Sanctuary. She posted on my account that I had been  
10 sued over 20 times and was found guilty of criminal  
11 contempt of Court. That's not true. And I got a  
12 subpoena to find out that she was the person who posted  
13 that.

14           She is obviously keeping those fruit bats  
15 in cramped quarters. Her own standards prove they are  
16 too small. And here I quote her exact standards of how  
17 many bats per how many square foot, and then I do the  
18 calculations to show that based on having that many  
19 fruit bats, it's way too small. Again the truth.

20           Amanda Lollar has basically admitted that  
21 the bat castle was a failure. Amanda Lollar stated on  
22 her Facebook account that she keeps taking the bats to  
23 the bat castle and they keep flying back. That's the  
24 truth. I won't go through all of them, but this is what  
25 she considers defamation.

1           And in Exhibit 18, which she says is  
2 defamation, these are all websites I don't control. I  
3 didn't write anything in here except for the last page.  
4 And not only that, but their authorship person said they  
5 didn't know who wrote a couple of the blogs. I checked  
6 last night. The names of the people who own those blogs  
7 are right on the blogs.

8           So I didn't write anything that's in here  
9 except for this one press release which I sent out. And  
10 it states -- I wrote, The complaint states that  
11 defendants also posted on the Internet that Cummins  
12 commits animal cruelty and tortures animals. I said,  
13 defendants. I didn't say Amanda Lollar. I'm suing  
14 Amanda Lollar, Bat World Sanctuary, and John Does one  
15 through ten. I have gotten some of the results with the  
16 subpoenas that I know that she did post some of these  
17 things, but I don't have all of the results yet.

18           Also, if I said, The complaint also  
19 states that defendants e-mailed some of these same false  
20 allegations of animal -- of criminal activity to  
21 government agencies, such as the USDA and the Department  
22 of Fish & Game which controls Cummins' permits.

23           One I said, Defendants. I didn't say  
24 Amanda Lollar or Bat World, and two, she actually did.  
25 She even gave me a copy of one of her e-mails and then I

1 received another one through subpoena.

2           In here she states this is defamatory.  
3 The comments were posted in Yahoo, Facebook, Google  
4 blogs, Indymedia, and other websites. How can that be  
5 defamatory in any way when I don't even mention her  
6 name?

7           Here in Exhibit 19 she has lists of all  
8 the reports I made to the government agencies. Now,  
9 reports made to government agencies are privileged.  
10 They're considered FAIR reports. Obviously, if someone  
11 could get sued for defamation every time they reported a  
12 crime, there wouldn't be anyone reporting crimes.  
13 That's why they are privileged and that's why they're  
14 FAIR reports.

15           I wrote in my report, This woman is  
16 breeding bats. She already admitted she's breeding  
17 bats. That's the truth. That's not defamation. I  
18 wrote, She cannot see very well and lost the needle in  
19 the bat in surgery. I had to fish it out even though I  
20 wasn't wearing gloves. Her first two stitches ripped  
21 out and tore more flesh. The bat almost died from the  
22 anesthesia. She admitted to me that many have died from  
23 the anesthesia. That, again, is the absolute truth.

24           In fact, I admitted an exhibit where she  
25 admits sometimes bats die from anesthesia. Here is

1 another one. Holds a rabid bat in her bare hand.

2 Ms. Lollar held a bat in her bare hand. She told me it  
3 most likely had rabies. She then just threw it in the  
4 trash. She didn't send it in for testing.

5 I will just go through a few more. And  
6 she believed the title of one of my complaints is  
7 defamation. Complaint against Amanda Lollar of Bat  
8 World Sanctuary. I don't see anything defamatory. I  
9 made a complaint about her. She admits it.

10 I hit my head on an obscured window and  
11 also injured my back. The other intern hit her head as  
12 well. That's the absolute truth. The other intern  
13 admitted it today. Even though I warned her, she still  
14 hit her head.

15 I was bitten by insects and developed  
16 blisters. I was infested with mites, lice and so was  
17 the intern. That's the truth, and you heard the other  
18 intern state that today. I just received this from the  
19 State Health Department in response to my complaint  
20 about rabies and rabies vaccinations at Bat World  
21 Sanctuary. How is that defamatory? And it was -- I'm  
22 not stating Amanda Lollar or Bat World Sanctuary did  
23 anything. I did just receive it. It's a copy of it.

24 She uses the Isoflurane to anesthetize  
25 bats while she performs surgery. She also uses it to



1 euthanize them. She admitted that herself. This is out  
2 of the loop. I also witnessed her do this personally.  
3 Yes, I did. She told me some had died from too much  
4 Isoflurane. I admitted it as one of my exhibits where  
5 she says, Sometimes they die from the anesthesia. I'm  
6 not going to go through all of them, but that basically  
7 what all these statements are.

8           They haven't proven that I have published  
9 the items, that I posted it as a statement of fact, that  
10 the statement was defamatory, or that the statement was  
11 false or that the defendant acted negligently in  
12 publishing the false and defamatory statement, the  
13 plaintiff has suffered damages as a result, and because  
14 she's a quasi-public person, she also would have to show  
15 that I did it with malicious intent.

16           And my entire life I spend trying to help  
17 animals and people. I used to out security -- people  
18 who commit securities fraud. I outed Action Technology.  
19 I stated that their IPO was boiler room by the Mob. I  
20 went out there and put myself with my name on the  
21 Internet and I stated this and I showed a lot of  
22 documents and facts to protect people from being ripped  
23 off.

24           Now, we're talking about the Philadelphia  
25 Mob. Not only was I sued for defamation and tortious

1 interference, but people were threatening to break my  
2 legs. I had to put more security in my house because of  
3 that, but I did that because I wanted to protect the  
4 public. There was one elderly investor he was listening  
5 to --

6 MR. TURNER: Your Honor, I am going to  
7 object to --

8 THE COURT: There is no evidence about an  
9 elderly investor in this case, so please move on.

10 MS. CUMMINS: Okay. Pursuant to the  
11 Texas Civil Practice and Remedies Code Section 41.003  
12 plaintiffs request for exemplary damage is barred  
13 because defendant did not commit defamation, libel, or  
14 libel per se, and there was no malice involved.

15 Plaintiffs request for a permanent  
16 injunction against defendant is also barred because the  
17 videos and photographs that I posted, they don't violate  
18 the contract. One, the contract doesn't say that I  
19 can't post photos and videos. And, two, I didn't sign  
20 the contract and it was void, because -- and also,  
21 plaintiffs did not perform according to the contract.  
22 And plaintiffs were not damaged by any breach. Plus,  
23 most certainly, plaintiffs have not proven that I made  
24 all statements in question -- in question.

25 Now, Amanda Lollar's vet, Dr. Tad Jarrett

1 got up here and he spoke, and he stated when he went to  
2 vet school, he didn't take the exotic animal track, so  
3 he wasn't trained. He said that Amanda Lollar trained  
4 him. And then I asked him who trained him he said, No  
5 one trained him. He seems like a really nice guy and  
6 I'm sure he's probably a good vet for cats and dogs.  
7 But he doesn't seem to -- I wouldn't call him a bat vet  
8 expert.

9                   In fact, there is books that are written  
10 by bat vet experts. He didn't realize it was inhumane  
11 and illegal to freeze bats to death. He didn't  
12 understand the basics of torpor or hibernation. I don't  
13 really -- while I'm sure he's a nice friend to her, I  
14 don't think he was the best witness to state that she  
15 does a good job.

16                   And her other vet, Dr. Messner, seems  
17 like a wonderful woman, too. Probably a really nice  
18 vet, and I'm sure a good friend of Amanda Lollar.  
19 Again, the only training in bats she has is from Amanda,  
20 so she doesn't know any better. She doesn't know if  
21 there is a better way or a more humane way of doing  
22 something. She hasn't taken any classes with all the  
23 other experienced bat vet experts.

24                   Now, Dottie Hyatt, I know she loves bats  
25 and she really cares about Amanda Lollar. She's her

1 really good friend who probably would do anything for  
2 her. But she was not there when I was at Bat World  
3 Sanctuary. She did not witness what I witnessed.

4                   And Sara Kennedy, the intern, definitely,  
5 definitely loves bats really, really infatuated with  
6 them, but she is not a wildlife rehabilitator and had no  
7 other training. The only thing she knows about bats is  
8 from Amanda Lollar. So if the only thing I knew about  
9 bats was from Amanda Lollar, I would think, well, this  
10 is great. But I have met other bat experts. People  
11 with double Ph.D.s who have over 40 year's experience  
12 and I have learned the correct and properly legal,  
13 humane ways to treat bats.

14                   And what I witnessed Ms. Lollar do was  
15 not humane. I absolutely believe it was animal cruelty  
16 and neglect. I'm not saying that she wanted to, like,  
17 take a hammer and beat a bat to death to torture it.  
18 That's not it at all. I believe she's really lost her  
19 way and cannot see what she's doing and should really  
20 being seeking outside expert help to learn more to take  
21 care of the bats humanely.

22                   In summary, I rescue animals in  
23 California. I have been doing this since I was a kid.  
24 I think I rescued a fawn when I was six. And baby  
25 bunnies and squirrels when I was seven.

1                   I also lobby for the protection of  
2 animals to get animal friendly legislation and bills  
3 passed. I have spoken in Sacramento, I have spoken at  
4 City Council.

5                   Now, I went to Bat World Sanctuary  
6 because I wanted to learn more about bats. I wanted to  
7 help bats. I wanted to help the people with bats.  
8 Instead I witnessed animal cruelty and neglect. As my  
9 civil duty, I reported Amanda Lollar to the authorities.

10                   Now, in retaliation, I was sued  
11 frivolously for defamation, breach of contract, and  
12 sharing -- supposedly sharing proprietary and  
13 copyrighted data.

14                   Ms. Lollar was upset because I reported  
15 her to the Health Department. Ms. Lollar was upset  
16 because I reported her to Fish & Wildlife. She was  
17 upset about that, and she got Mr. Turner to file this  
18 suit against me. And the -- the original complaint  
19 alleged that I had no permission to take the photos or  
20 videos and I posted them all -- I took them and posted  
21 them without her knowledge after I left.

22                   Now, the evidence which I have shown to  
23 you shows I had written permission and oral permission  
24 to take and post the photos. She encouraged me. She  
25 told me to post them. She liked having them up there.

1 She was proud. It wasn't until people started making  
2 negative comments about her holding a possibly rabid bat  
3 in her hand did she start to get upset.

4 And I also showed that I posted all of  
5 the photos and videos before I left and I gave her  
6 e-mails which showed that I had posted them. And she  
7 even said, Thank you.

8 Now, I have spent probably \$18,000 on  
9 this case and I only an attorney for a short period of  
10 time and I paid him \$4,500. Plaintiffs in this case  
11 have been filing motion after motion, hearing after  
12 hearing to drag me back here to Texas. In fact,  
13 Mr. Turner even said in writing, he's going to crank  
14 things up --

15 MR. TURNER: Hold on a second. I'm going  
16 to object to any -- any letters from me that aren't in  
17 evidence.

18 MS. CUMMINS: Okay.

19 MR. TURNER: Talking about a  
20 correspondence that's hasn't been admitted in evidence.

21 THE COURT: Sustained.

22 MS. CUMMINS: Okay. Well, nevermind the  
23 e-mail, but he's dragged me out here repeatedly. He  
24 knows that I don't own a home. I have no assets. I  
25 barely have any money. I had to give him my bank

1 statements so he could see that I barely have any money.  
2 I was down --

3 THE COURT: Stay in the evidence,  
4 Ms. Cummins.

5 MS. CUMMINS: Oh, I'm sorry.

6 THE COURT: Stay in the evidence, please.

7 MS. CUMMINS: Okay.

8 THE COURT: And you have five minutes  
9 left.

10 MS. CUMMINS: Okay. Thank you.

11 Anyway, my main purpose for reporting  
12 Amanda Lollar was to protect the bats and to protect the  
13 public. I do believe that her organization -- I mean,  
14 her personal part of it is a threat to public safety. I  
15 most certainly didn't post anything with malice. I  
16 posted the truth in the hopes of warning the public, so  
17 that to protect bats and animals in the future.

18 And I would like to ask the Court to rule  
19 in my favor. I would like to also ask the Court to  
20 award me costs and fees and any other amount to which I  
21 may be entitled. I would like to ask the Court to write  
22 an order stating that the temporary injunction is not  
23 permanent.

24 Thank you.

25 THE COURT: Thank you, Ms. Cummins.

1                                   **PLAINTIFF'S REBUTTAL CLOSING ARGUMENT**

2                                   MR. TURNER:   Just a brief rebuttal, Your  
3 Honor.

4                                   First of all, Amanda Lollar is not a  
5 public figure. She is not a limited use -- a limited  
6 purpose public figure. Defamation -- A person can't be  
7 elevated to a limited purpose public figure by  
8 defamation. That is, you can't defame somebody and then  
9 everybody finds out about it and then everybody knows  
10 about the -- the allegations that have been made and  
11 then claim that they're now a public figure because of  
12 your defamation.

13                                  So there is no requirement to show malice  
14 in this case. If there was a requirement to show  
15 malice, we have shown it. Malice isn't malicious intent  
16 as the Court knows very well. It's -- The defendant  
17 either knew the statements were false or had a reckless  
18 disregard for their truth or falsity.

19                                  Finally, Your Honor, I misspoke earlier.  
20 We are not asking that Exhibit -- that that the  
21 statements in Exhibit 19 be ordered to be taken down off  
22 the Internet. Those were reports to government  
23 agencies. We're asking for the defamation in Exhibit 17  
24 and 18 to be taken down off the Internet.

25                                  And for simplification, we put the



1 defamation, the URLs that identify where the defamation  
2 occurs, they're in -- as the witness testified, they are  
3 in the table of contents. They are at the front of both  
4 of those exhibits.

5 Thank you very much.

6 MS. CUMMINS: I have one comment.

7 THE COURT: Sorry. Your time has  
8 expired.

9 MS. CUMMINS: Okay. Could I say I have  
10 one rebuttal?

11 THE COURT: Pardon me?

12 MS. CUMMINS: Could I say I have one  
13 rebuttal to what he just said?

14 THE COURT: The evidence is complete.

15 MS. CUMMINS: Okay.

16 THE COURT: The summation is complete.  
17 That there will be no more evidence and no more  
18 summation. The Court is about to rule.

19 In this case the Court is of the opinion  
20 that plaintiff is entitled to recover. I think the  
21 plaintiff has clearly proven that a defamation in this  
22 case was egregious, as well as malicious, as well as  
23 intentional. I think that Amanda Lollar, the plaintiff,  
24 in this case and the world-wide reputation in the proper  
25 care of bats similar to that Jan Goodall in the of

1 primates.

2                   Jan Goodall went to Africa to find  
3 primates. Amanda Lollar in Mineral Wells, Palo Pinto  
4 County, Texas, where it probably has maybe one of  
5 largest concentrations of bats in Texas, at least, maybe  
6 Austin has a few more. I don't know. The concentration  
7 of bats in the old Crazy Water Crystal Hotel now known  
8 as the Baker Hotel that shut the Baker -- the Crazy  
9 Water Crystal Hotel years ago. Bats been there forever.

10                   The Court finds that the defendant did in  
11 fact sign the contract proven by excellent expert  
12 testimony point after point after point. So,  
13 Mr. Turner, if you will prepare a final judgment in this  
14 case, mail a copy of it to the defendant, Mary Cummins,  
15 at 645 West 9th Street, Number 110-140, Los Angeles,  
16 California, 90015-1640.

17                   And in that final judgment compensatory  
18 damages of \$3 million. Exemplary damages of an  
19 additional \$3 million. A permanent injunction on items  
20 Plaintiffs' 17 and 18. Liquidated damages, and then  
21 attorney fees of \$176,700.

22                   Mail it to her for her review, and her  
23 signature is not necessary. Upon proper submission it  
24 will be signed by the Court.

25                   Thank you. We will stand in recess.

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MR. TURNER: Thank you, Your Honor.  
(Proceedings concluded.)

1 STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Carolyn Hawks-Gayaldo, Deputy Official Reporter  
4 in and for the 352nd District Court of Tarrant County,  
5 State of Texas, do hereby certify that the above and  
6 foregoing contains a true and correct transcription of  
7 all portions of evidence and other proceedings requested  
8 in writing by counsel for the parties to be included in  
9 this volume of the Reporter's Record in the above-styled  
10 and numbered cause, all of which occurred in open court  
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is waived due to  
17 the Trial Court's finding of indigency on Defendant's  
18 behalf.

19 WITNESS MY OFFICIAL HAND on this the 13th day of  
20 February, 2013.

21 /s/Carolyn H. Gayaldo  
22 CAROLYN H. GAYALDO CSR 7181  
23 EXPIRATION DATE 12/31/13  
24 Deputy Official Court Reporter  
25 352nd District Court  
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