

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MARY CUMMINS
Plaintiff,

vs.

**AMANDA LOLLAR, DENISE
TOMLINSON, DOROTHY HYATT,
MICHELLE MCCAULLEY, KATE
RUGRODEN, LESLIE STURGES, BAT
WORLD SANCTUARY, JOHN DOES 1-10**
Defendants.

) **Civil Action No.: 4:12-CV-00560-Y**
)
) **PLAINTIFF’S RESPONSE TO**
) **DEFENDANT KATE RUGRODEN’S**
) **MOTION TO DISMISS THE SECOND**
) **AMENDED COMPLAINT FOR**
) **INSUFFICIENT PROCESS &**
) **INSUFFICIENT SERVICE, FAILURE TO**
) **STATE A CLAIM, FEDERAL RULES OF**
) **CIVIL PROCEDURE 12 (b)(4)(5)(6)**
) **REQUEST FOR SANCTIONS**
)

**PLAINTIFF’S RESPONSE TO DEFENDANT KATE RUGRODEN’S MOTION TO
DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS &
INSUFFICIENT SERVICE, FAILURE TO STATE A CLAIM, FEDERAL RULES OF
CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS**

Plaintiff Mary Cummins files this Response to Defendant Kate Rugroden’s Motion to Dismiss the Second Amended Complaint for Insufficient Process & Insufficient Service, Failure to State a Claim, Requests Sanctions, and respectfully shows the Court as follows:

I. PROCESS WAS SUFFICIENT FED R CIV P 12(b)(4)(5)

SUMMARY

This Court ordered Plaintiff to properly serve Defendant Kate Rugroden with an amended pleading in compliance with Fed. R. Civ. P. 4. by July 19, 2013.

Defendant Kate Rugroden was legally served both the second amended complaint and summons personally by Zeke Jackson a registered Texas Process Service #SCH-1842. See (Doc 65, Exhibit 1). Process Server Zeke Jackson also mailed the second amended complaint and

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summons personally. November 2012 process server Brandon Yadegar mailed the summons and complaint to Kate Rugroden. April 2013 Ashley Barrett registered process server served the summons and complaint on Kate Rugroden at Bat World Sanctuary in person in Texas. See (Doc 59, Exhibit 1).

Defendant Kate Rugroden states that her name is misspelled in the proof of service as “Kate Rugrode” instead of “Kate Rugroden.” Only the “n” is missing in one instance of the cursive hand written proof of service. It is not misspelled anywhere else. It is typed correctly. The address on the proof of service is Kate Rugroden’s address. It is clear that “Kate Rugroden” was legally served.

Defendant Kate Rugroden admits receiving an envelope from process server Zeke Jackson via USPS July 8, 2013. Defendant Kate Rugroden has been legally served the summons and complaint.

Defendant Kate Rugroden has been trying to evade service for the past year. This has cost Plaintiff over \$500 in fees to three separate process servers.

ARGUMENT

The burden is on the plaintiff to ensure that defendants are properly served with summons and a copy of the complaint. FED. R. CIV. P. 4(c)(1). When service of process is challenged, the serving party bears the burden of establishing its validity. When process is insufficient or service of process is insufficient, a court may dismiss the suit. FED. R. CIV. P. 12(b)(4) and (5).

Defendant states “although the general rule is that a signed return of service constitutes prima facie evidence of valid service, this presumption disappears when there is a defect in the

completed return, such as a misspelling. Tuttle v. Serv U Success, 2011 WL 4433761 (C.D.Ill. 2011) (unpublished, App. 13).” Defendant is committing fraud upon the court by intentionally misrepresenting a cited case. Tuttle v. Serv U Success is not about the accidental omission of one letter of a name written in cursive handwriting on a proof of service. In Tuttle v. Serv U Success Plaintiff sued and served Serv U Success thinking they were his legal employer. Plaintiff did not know that the legal employer was not Serv U Success but actually IROL, Inc, two entirely different and completely unrelated entities. Tuttle v Serv U Success had nothing to do with an accidental extremely minor misspelling on a hand written proof of service. The case against Serv U Success was dismissed and Plaintiff was allowed to sue and serve the correctly named Defendant IROL, Inc.

A. Summons was served on Defendant

Defendant Kate Rugroden was legally served both the second amended complaint and summons personally by Zeke Jackson a registered Texas Process Service #SCH-1842. See (Doc 65, Exh 1).

B. Service of Process was Sufficient

Defendant Kate Rugroden was legally and personally served by process server Zeke Jackson a registered Texas Process Service #SCH-1842. See (Doc 65, Exh 1). A common spelling error will not invalidate the proof of service of the documents.

C. Second Amended Complaint against Defendant Kate Rugroden should not be dismissed

The facts here establish that Defendant Kate Rugroden was served with a copy of the summons and was properly served with the Second Amended Complaint. Both process and the service of process are sufficient as per Fed. R. Civ. P. 12(b)(4)(5).

The Court's Order of July 2, 2013 required Plaintiff to file proof of adequate service on this Defendant by July 19, 2013. See (Doc 62). Plaintiff adequately served Defendant Kate Rugroden July 5, 2013. Plaintiff filed Notice of Proof of Service July 15, 2013. See (Doc 65) .

II. PLAINTIFF STATED A CLAIM FED R CIV P 12(b)(6)

SUMMARY

Plaintiff's Second Amended Complaint states the claim of negligence against Defendants. Plaintiff stated a claim for negligence and premises liability upon which relief may be granted in Texas as per Fed R Civ P 12(b)(6).

A. Procedural Background

On June 5, 2012 Plaintiff filed her Original Complaint against Defendants Amanda Lollar, Bat World Sanctuary and John Does 1-10 in the Central District of California alleging negligence, negligent interference with prospective economic advantage and negligent infliction of emotional distress. See (Doc 1).

On July 2, 2012 Defendants Amanda Lollar, Bat World Sanctuary filed a Motion to Dismiss for improper venue, or Transfer the case to the Northern District of Texas. See (Doc 5).

On July 9, 2012 Plaintiff filed a First Amended Complaint which included the original causes of action, added new causes and new defendants, i.e. the members of the Board of Directors of Bat World Sanctuary.

On July 30, 2012 the Court ordered Plaintiff to show cause why the case should not be dismissed for improper venue or transferred to the Northern District of Texas. See (Doc 16). Plaintiff filed a motion showing cause stating that Plaintiff and her medical experts and witnesses are in California. The economic and emotional damages were suffered in California where Plaintiff lives and works. Plaintiff pro se believed these were legitimate claims for California venue. See (Doc 10).

On August 8, 2012 the Court entered an order stating the claims had been “added in bad faith to circumvent venue requirements.” See (Doc 18, p.2). Plaintiff Cummins did not add the new claims in “bad faith.” Cummins added the new claims because they are legitimate claims. They were not added in “bad faith” but as a pro se without help of legal counsel. The Court transferred the case to the Northern District of Texas due to improper venue.

August 29, 2012 Plaintiff filed her Second Amended Complaint which was later unfiled because leave to file had not been granted. See (Doc 28). Again, Cummins is not an attorney and did not realize she had to request leave to file an amended complaint.

September 21, 2012 Plaintiff filed a Motion for Leave to File Second Amended Complaint which was granted by the Court on September 28, 2012. See (Doc 42, 45).

November 11, 2012 Plaintiff finally filed her Second Amended complaint. In that complaint she removed all claims except those related directly to the personal injury she suffered in Texas in 2010. She added the board members of Bat World Sanctuary.

January 30, 2013 Defendants filed a motion to dismiss. Defendants did not confer with Plaintiff before filing this motion. They included no certificate of conference with their motion.

B. Factual Background

Plaintiff worked as an intern June 19 to June 28, 2010 at Bat World Sanctuary in Mineral Wells, Texas. See (Doc 46). Plaintiff was supposed to receive training, room and board in exchange for working in the sanctuary. While at Bat World Sanctuary the President of the sanctuary Amanda Lollar instructed her to don a hair net/hat, booties and a head lamp to enter the “wild sanctuary building” which had no lights on to clean guano and check for ill, injured and orphaned bats. Plaintiff stated she was “instructed to climb up a step stool and go through a window to go out onto the roof of the building to look for bats outside.” Plaintiff stated that she “attempted to climb through the window...she hit her head on a piece of wood” and fell backwards, injuring her head and back.

Plaintiff sued Defendants for \$500,000, claiming that their negligence was a “substantial factor in bringing about Cummins’ injury.” In support of this allegation she claims Defendant Lollar instructed her to don a hair net/hat and head lamp to enter the “wild sanctuary.” The building was dark because Defendant covered the windows with wood and did not turn on the lights. The hair net/hat and head lamp made it impossible to see anything directly above her head which is why she hit the beam and fell. Another intern also hit her head on the same beam the next day. Defendant Lollar was negligent in instructing Plaintiff to wear the items which obstructed her view then telling her to climb through a window to trespass onto the roof of her neighbor’s building next door. This claim is a claim under negligent activity theory and premise defect theory.

Plaintiff claims that these facts gave rise to a cause of action for “negligence,” “negligent interference with prospective economic advantage,” and “negligent infliction of emotional distress.”

Kate Rugroden is named as a Defendant because she is a member of the Board of Directors of Defendant Bat World Sanctuary in Bat World Sanctuary’s website (Exhibit 1), by her own admission and in Bat World Sanctuary’s 990 tax return from 2010 (Exhibit 3). Amanda Lollar is the President and Director. Kate Rugroden voted for Amanda Lollar to be the President and Director of the corporation, organization that is Defendant Bat World Sanctuary.

Director Kate Rugroden did not act in good faith, with ordinary care or in a manner the director reasonably believes to be in the best interest of the corporation. Kate Rugroden voted for Amanda Lollar to be in charge of the organization, instruct interns, manage/maintain Bat World Sanctuary’s properties and run the organization. Kate Rugroden lives in Texas, has visited the properties many times and knew of the condition of the buildings and the intern training program.

Defendant Kate Rugroden communicated directly with Plaintiff Cummins (Declaration) about Bat World Sanctuary’s internship program starting in May of 2010 (Exhibit 4). Rugroden picked Cummins up from the airport, drove Cummins to Rugroden’s house and allowed her to stay there that evening. The next day Rugroden drove Cummins and some bats to Bat World Sanctuary in Mineral Wells, Texas. In the car ride Rugroden told Cummins that she had known Defendant Lollar for many years and visits Bat World Sanctuary’s properties in Mineral Wells,

Texas often including the wild sanctuary building where Cummins was injured. Rugroden told Cummins that the wild sanctuary building is very hot so Cummins might want to wear shorts.

While Cummins was at Bat World Sanctuary in Mineral Wells, Texas Kate Rugroden and a volunteer named Mary (not Plaintiff Mary Cummins) visited the center, dropped off bats and picked up pharmaceutical supplies.

Amanda Lollar has not gone past the eighth grade, has never taken a class in animal care, has no other experience running an organization or managing real property. Defendant Kate Rugroden should not have voted for, allowed Amanda Lollar to be the President, run the organization or maintain the real property. Bat World Sanctuary has Director's and Officer's and liability insurance with Chubb Insurance (Exhibit 4) to cover these claims.

STANDARD OF REVIEW

A. Standard for Motion to Dismiss Pursuant to Rule 12(b)(6)

Defendants state that Plaintiff as per FRCP 12(b)(6) "failure to state a claim upon which relief can be granted." Plaintiff has indeed stated a claim upon which relief can be granted. Plaintiff stated the claim of negligence.

ARGUMENT AND AUTHORITIES

A. Negligent Interference with Prospective Economic Advantage as a Cause of Action

Plaintiff claims the cause of action of Negligent Interference with Prospective Economic Advantage. See (Doc 28 p 5).

1. Plaintiff had to state her profession on her application for internship. Defendants knew she was a working real estate appraiser. Plaintiff even did appraisal work via computer while at Bat World.
2. Defendant knew that Cummins had work booked for her return to California following her internship at Bat World Sanctuary.
3. Defendants owed a duty of care to Cummins based on the existence of a special relationship between the parties.
4. Defendants wrongfully interfered with the relationship between Cummins and her clients. Cummins was not able to work as a result of her injury. Cummins lost clients and employment.
5. As an actual and foreseeable result of Defendants' negligent interference, Cummins has suffered damages. Defendants' negligence caused Plaintiff Cummins to lose work and income.

B. Negligent Infliction of Emotional Distress as an Independent Cause of Action

Plaintiff has pleaded a physical injury. A claim for mental anguish damages must be supported through the proper pleading of a recognized duty, the breach of which will support mental anguish damages. Defendants breached a recognized duty.

In Plaintiff's complaint she stated the claim of negligence. See (Doc 28 p 4).

Under Texas law, the Defendants owed the Plaintiff the following non- delegable duties:

1. The duty to provide rules and regulations for the safety of servants, and to warn them, under certain conditions, as to the hazards of their positions or work;
2. The duty to furnish reasonably safe instrumentalities with which its servants are to work;
3. The duty to furnish its servants with a reasonably safe place to work;

4. The duty to exercise ordinary care to select careful competent fellow servants.

Defendant Bat World Sanctuary, through its agents, servants, and/or employees, breached these duties by:

- a. Appointing careless and incompetent Amanda Lollar who has not gone past the ninth grade as President and in charge of interns who directed Plaintiff to climb a step stool to crawl through a window to get onto the roof while wearing a hair net/hat and head lamp knowing that it posed an unnecessary risk to Plaintiff, and without warning Plaintiff of those risks;
- b. Failing to turn on adequate light so Plaintiff could see the beam and window;
- c. Failing to implement policies and procedures regarding workplace safety; and
- d. Failing to provide proper work equipment, i.e. proper lighting equipment which would not obstruct vision.

Defendants' breach of these duties proximately caused the damages.

C. Plaintiff has Stated a Negligence Claim Upon Which Relief May Be Granted

For all of the reasons stated above in item "B," Defendants were negligent and breached a duty to Plaintiff. The aforesaid negligent acts and omissions, when viewed objectively, involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiff.

1. Defendants were subjectively aware of such risk.
2. Defendants proceeded with conscious disregard for the rights, safety and/or welfare of Plaintiff.

3. For these reasons, Plaintiff contends that Defendants' acts of negligence rise to the level of gross negligence as defined by Chapter 41 of the Texas Civil Practices and Remedies Code.

4. Defendants are liable for punitive or exemplary damages resulting from its grossly negligent conduct because it:

a. Authorized the doing and the manner of the acts and omissions in question;

b. Recklessly employed personnel who were unfit, incompetent, and/or unqualified to perform the duties and tasks assigned to them;

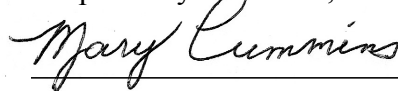
c. Employed personnel in managerial positions who were acting within the course and scope of their employment at the time the negligent acts and/or omissions occurred and failed to stop or prevent such acts and/or omissions; and/or

d. Through its officers, managers, supervisors, or higher-level employees, ratified or approved the negligent acts and/or omissions in question.

PRAYER

WHEREFORE, PLAINTIFF MARY CUMMINS respectfully requests that the court deny Defendant Kate Rugroden's request for dismissal per FED R CIV P 12(b)(4)(5)(6). Plaintiff further requests that Defendant Rugroden be sanctioned for the cost of the extra process server fees of \$400 due to her many attempts at evading service.

Respectfully submitted,



Mary Cummins, Plaintiff

645 W. 9th St. #110-140

Los Angeles, CA 90015-1640

August 12, 2013

In Pro Per

PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FAILURE TO STATE A CLAIM, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a copy of **PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FAILURE TO STATE A CLAIM, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS** was served on the Defendants' Attorneys of record by CM/ECF, FAX and EMAIL at,

Kevin Cook, Esq.

Payne & Blanchard, L.L.P.


717 N. Harwood Street, Suite 3350

Dallas, TX 75201

Phone: 214.231.3245

Fax: 214.220.0439

Email: kcook@pandblaw.com

By: 
Mary Cummins, Plaintiff Pro Se
August 12, 2013

PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FAILURE TO STATE A CLAIM, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS


DECLARATION OF MARY CUMMINS

I, MARY CUMMINS, declare under penalty of perjury under the laws of the States of California and Texas that the foregoing is true and correct, and that I could and would testify thereto as herein if called upon to do so, based upon my personal knowledge of the facts set forth herein.

1. Exhibit 1 attached to Plaintiff's PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS is a true and correct copy of a page from Defendant's website Batworld.org listing the members of the board of directors of Bat World Sanctuary.
2. Exhibit 3 attached to Plaintiff's PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS is a true and correct copy of Defendant Bat World Sanctuary's 990 IRS tax return which lists the board of directors.
3. Exhibit 4 attached to Plaintiff's PLAINTIFF'S RESPONSE TO DEFENDANT KATE RUGRODEN'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR INSUFFICIENT PROCESS & INSUFFICIENT SERVICE, FEDERAL RULES OF CIVIL PROCEDURE 12 (b)(4)(5)(6) AND BRIEF, REQUEST FOR SANCTIONS is a true and correct copy of an email exchange between me and Kate Rugroden of Bat World Sanctuary.
4. I hired and paid Zeke Jackson a licensed process server #SCH-1842 to serve Defendants Dorothy Hyatt and Kate Rugroden at their homes in person.

5. Kate Rugroden picked me up from the airport June 19, 2010 and drove me to Bat World Sanctuary in Mineral Wells, Texas June 20, 2010.
6. I stayed the night of June 19, 2010 at Kate Rugroden's house and fed bats and raccoons.
7. Amanda Lollar stated in sworn court and deposition testimony that she did not go past the ninth and tenth grades, later she stated the eighth grade.
8. Amanda Lollar stated in sworn court and deposition testimony that she has never taken a class in animal care.
9. Amanda Lollar stated that the building did not have an occupancy permit.
10. I did not know that Amanda Lollar had no education or training and the building did not have an occupancy permit before I went to Bat World Sanctuary in Texas.

Executed on August 12, 2013 in Los Angeles, California.

By: 
Mary Cummins

Bat World Sanctuary is operated by a dedicated group of volunteers.

BOARD OFFICERS

Amanda Lollar, Founder and President

Amanda is an author of both scientific and popular literature about bats, including her most recent work, *Standards and Medical Management for Captive Insectivorous Bats*. Amanda is a licensed bat care specialist in the State of Texas, permitted to work with threatened and endangered species. Growing up she had the unique existence of bouncing between the life of an army brat and a farm girl, and -starting with a crippled chicken- began rescuing animals at around age twelve. In 1989, she found an injured bat on a hot Texas sidewalk. She nursed it back to health, and in the process this small helpless creature taught Amanda the enchanting language of bats, sparking her indelible love for this remarkable species. In 1994, Amanda liquidated her furniture business to found Bat World Sanctuary. She credits her military upbringing with giving her the discipline it took to keep the organization going despite tremendous odds, and credits her farm life for enabling her to love all creatures great and small. [Click here to read her CV.](#)



Dottie Hyatt, Vice President

Dottie Hyatt is a retired International Project Manager and a very active licensed bat specialist. She is also Director of Bat World Lone Star located in North-central Texas. She has worked with everything from bunnies to manatees in her native south Florida, and now concentrates her efforts exclusively to helping bats. Because bats are an integral part of most ecosystems, yet they are the most misunderstood animal on earth, it is only through education that we



can change ecological devastation going forward. Dottie has been presenting outreach education programs about bats for nearly 10 years to school children as well as adults, and also co-instructs Bat World's one-day workshops which are held throughout the year. Dottie has had articles in the press from the Washington Post to the Ft. Worth Star Telegram to the Miami Herald. She has also been featured on television and the radio.

Michelle McCaulley, Secretary

Michelle is a biologist and licensed wildlife rehabilitator specializing in bats. She is a Product Specialist and also directs Bat World Rio Grande Basin, in Corrales, NM. Throughout her childhood she was surrounded by a wide array of animals from horses, cows, dogs and cats to cottontails and coyotes. There was always an animal, wild or domestic, needing special care. She still surrounds herself with an assortment of animals but has a special place in her heart for bats.



Michelle attended a workshop on the rehabilitation of insectivorous bats at Bat World Sanctuary in 2008, and now dedicates her time to specifically rescuing and caring for bats.

Denise Tomlinson, Treasurer

Denise has a Bachelors of Science degree in Biology from Western Michigan University. She is very active in the bat community as a member of the American Zoo and Aquarium Association (AZA) Taxon Advisory Group for bats and a member of the Florida Bat Working Group. She currently holds licensure from the United State Department of Agriculture, United States Fish and Wildlife Service and the Florida Fish and Wildlife Conservation



Commission. Denise has authored various articles and book chapters including some on acclimating bats for use in educational programs, hand rearing of flying foxes, bats of Florida and other topics. She loves the abundance and diversity of Florida's wildlife, where she currently resides. Denise was instrumental in creating the first standards ever written for bats in captivity. She is a surgical, onological and critical care technician for a veterinary clinic. She is also certified as a veterinary dental technician, and Director of Bat World Everglades.

Kate Rugroden, Director of Special Projects

Kate is a Business Systems Analyst/Project Manager and licensed wildlife care professional specializing in bats, raccoons, and opossums. She is the director of Bat World Mid-Cities in Arlington, TX. Kate has an extensive background in presenting educational programs utilizing both live animals and artifacts as a docent at the Minnesota Zoo. Upon moving to Texas in 2004, she became involve

in wildlife rehabilitation as a way to expand her knowledge of wildlife while caring for orphaned, ill, and injured native species. She discovered the fascinating world of bats while attending a program given by Dottie Hyatt of Bat World Lone Star, and seized the opportunity to attend a one-week training workshop at Bat World Sanctuary in 2008. She is a passionate teacher and mentor, sharing her love of all animals and especially bats, with everyone she meets. Kate now co-instructs Bat World's one-day workshops which are held throughout the year.



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Short Form Return of Organization Exempt From Income Tax

2010

Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions). All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form.

Open to Public Inspection

Department of the Treasury Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2010 calendar year, or tax year beginning , 2010, and ending , 20

B Check if applicable:

- Address change
Name change
Initial return
Termination
Amended return
Application pending

C Name of organization: BAT WORLD SANCTUARY
Number and street (or P.O. box, if mail is not delivered to street address): 217 N. OAK
Room/suite:
City or town, state or country, and ZIP + 4: MINERAL WELLS, TX 76067

D Employer identification number: 75-2503642
E Telephone number: (940) 325-3404
F Group Exemption Number:

G Accounting Method: X Cash Accrual Other (specify)

I Website: HTTP://WWW.BATWORLD.ORG

J Tax-exempt status (check only one): X 501(c)(3) 501(c) () (insert no.) 4947(a)(1) or 527

H Check if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

K Check if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$50,000. A Form 990-EZ or Form 990 return is not required through Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. \$ 145,348.00

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I.) Check if the organization used Schedule O to respond to any question in this Part I. X

Table with 21 rows and 2 columns. Rows include Revenue (1-9), Expenses (10-17), and Net Assets (18-21). Values include 131,647.00, 26.00, 13,547.00, 5,189.00, 8,358.00, 128.00, 140,159.00, 1,651.00, 28,587.00, 4,858.00, 112,449.00, 147,545.00, -7,386.00, 56,533.00, and 49,147.00.

For Paperwork Reduction Act Notice, see the separate instructions.

Form 990-EZ (2010)

Part II Balance Sheets. (see the instructions for Part II.)

Check if the organization used Schedule O to respond to any question in this Part II X

	(A) Beginning of year		(B) End of year
22 Cash, savings, and investments	27,266.00	22	24,892.00
23 Land and buildings	51,099.00	23	42,449.00
24 Other assets (describe in Schedule O)	0.00	24	2,482.00
25 Total assets	78,365.00	25	69,823.00
26 Total liabilities (describe in Schedule O)	21,832.00	26	20,676.00
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	56,533.00	27	49,147.00

Part III Statement of Program Service Accomplishments (see the instructions for Part III.)

Check if the organization used Schedule O to respond to any question in this Part III

What is the organization's primary exempt purpose? BAT CONSERVATION AND REHABILITATION
Describe what was achieved in carrying out the organization's exempt purposes. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

Expenses
(Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts; optional for others.)

28 <u>BATWORLD IS DEDICATED TO THE CARE, REHABILITATION AND RELEASE OF INJURED BATS AS WELL AS A SANCTUARY FOR NON-RELEASABLE BATS. THIS YEAR 422 BATS WERE RESCUED WHILE ANOTHER 234 WERE RELEASED.</u> (Grants \$) If this amount includes foreign grants, check here <input type="checkbox"/>	28a	128,009.00
29 <u>BATWORLD ACTIVELY ENGAGES IN RAISING THE AWARENESS OF THE PUBLIC THROUGH SPEAKING ENGAGEMENTS CONCERNING BAT WELFARE. THIS YEAR, 119 PROGRAMS WERE PRESENTED TO ALMOST 8,000 PEOPLE.</u> (Grants \$) If this amount includes foreign grants, check here <input type="checkbox"/>	29a	19,536.00
30 _____ (Grants \$) If this amount includes foreign grants, check here <input type="checkbox"/>	30a	
31 Other program services (describe on Schedule O) _____ (Grants \$) If this amount includes foreign grants, check here <input type="checkbox"/>	31a	
32 Total program service expenses (add lines 28a through 31a)	32	147,545.00

Part IV List of Officers, Directors, Trustees, and Key Employees. List each one even if not compensated. (see the instructions for Part IV.)

Check if the organization used Schedule O to respond to any question in this Part IV

(a) Name and address	(b) Title and average hours per week devoted to position	(c) Compensation (if not paid, enter -0-.)	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
AMANDA LOLLER 217 N. OAK AVE., MINERAL WELLS, TX	PRESIDENT 60	0	0	0
DOTTIE HYATT 1324 ROBIN COURT, ROANOKE, TX	V. PRESIDENT 40	0	0	0
MICHELLE MCCAULLEY CORRALES, NEW MEXICO	SECRETARY 40	0	0	0
DENISE TOMLINSON 19112 TOLEDO BLADE, PORT CHARLES, FL	TREASURER 40	0	0	0
KATE RUGRODEN ARLINGTON, TX	DIRECTOR S.P. 40	0	0	0
LESLIE STURGES 4512 STARR JORDAN ROAD, ANNADALE, VA	V.P. EDUCATION 40	0	0	0

Part V Other information (Note the statement requirements in the instructions for Part V)
Check if the organization used Schedule O to respond to any question in this Part V

Form 990-EZ (2010) Part V questions 33-44d regarding organizational activities, tax reporting, and financial accounts. Includes a table with Yes/No columns and a shaded area for questions 35-40.

45	Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)?	Yes	No
45			x
a	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		
45a			x
46	Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I		
46			x

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only. All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this part VI

47	Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II	Yes	No
47			x
48	Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E		
48			x
49a	Did the organization make any transfers to an exempt non-charitable related organization?		
49a			x
b	If "Yes," was the related organization a section 527 organization?		
49b			

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				

f Total number of other employees paid over \$100,000

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

d Total number of other independent contractors receiving over \$100,000

52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A. Yes No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer		Date		
	AMANDA LOLLAR, PRESIDENT				
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN P01422660
	Firm's name	PATRICIA N. HUITT, CPA		Firm's EIN	75-1909932
	Firm's address	PO BOX 789 MINERAL WELLS, TX 76068		Phone no.	(940) 325-0781
	May the IRS discuss this return with the preparer shown above? See instructions <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

TAXPAYER'S COPY

SCHEDULE 1

Line 16

Advertising	482.50
Promotional	276.00
Auto Expense	5,176.99
Bank Service Charges	25.99
Food	28,959.96
Credit Card Fees	1,832.58
General Supplies	20,912.18
Internet	939.24
Bat Care	10,087.00
Licenses/Permits	400.00
Medical/Veterinary	8,508.24
Office Expense	10,736.98
Program Supplies	613.04
Telephone	721.17
Travel	1,603.61
Lease Expense	
Depreciation Expense	4,750.67
Insurance	2,284.67
Interest Expense	1,309.17
Utilities	8,714.51
Repairs and Maintenance	3,458.01
Taxes	656.21
Total	<u><u>\$112,448.72</u></u>

Part III Support Schedule for Organizations Described in Section 509(a)(2)
 (Complete only if you checked the box on line 14, and if the organization failed to qualify under Part II.
 If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
Calendar year (or fiscal year beginning in) ▶						
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	100,009.00	135,051.00	114,737.00	138,818.00	131,647.00	620,262.00
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose	10,050.00	19,009.00	7,528.00	5,725.00	13,547.00	55,859.00
3 Gross receipts from activities that are not an unrelated trade or business under section 513						0
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						0
5 The value of services or facilities furnished by a governmental unit to the organization without charge						0
6 Total. Add lines 1 through 5	110,059.00	154,060.00	122,265.00	144,543.00	145,194.00	676,121.00
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						0
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year	0	0	0	0	0	0
c Add lines 7a and 7b.						0
8 Public support (Subtract line 7c from line 6.)						676,121.00

Section B. Total Support	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
Calendar year (or fiscal year beginning in) ▶						
9 Amounts from line 6.	110,059.00	154,060.00	122,265.00	144,543.00	145,194.00	676,121.00
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	60.00	59.00	5,762.00	5,160.00	26.00	11,067.00
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975	60.00	59.00	5,762.00	5,160.00	26.00	11,067.00
c Add lines 10a and 10b						0
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						0
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)			2,583.00		128.00	2,711.00
13 Total support. (Add lines 9, 10c, 11, and 12.)	110,119.00	154,119.00	130,610.00	149,703.00	145,348.00	689,899.00

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here.

Section C. Computation of Public Support Percentage		Percentage
15 Public support percentage for 2010 (line 8, column (f) divided by line 13, column (f)).	15	98.0029%
16 Public support percentage from 2009 Schedule A, Part III, line 15	16	97.8689%

Section D. Computation of Investment Income Percentage		Percentage
17 Investment income percentage for 2010 (line 10c, column (f) divided by line 13, column (f))	17	1.6041%
18 Investment income percentage from 2009 Schedule A, Part III, line 17	18	1.7299%

19a **33 1/3% support tests - 2010.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

b **33 1/3% support tests - 2009.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions

Part IV Supplemental Information. Complete this part to provide the explanations required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Also complete this part for any additional information. (See instructions.)

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PART III, LINE 12, COLUMN C - EXCESS OF INSURANCE PROCEEDS FROM HAIL STORM REPAIR.

PART III, LINE 12, COLUMN E - CURRENCY CONVERSION.

Schedule of Contributors

2010

▶ Attach to Form 990, 990-EZ, or 990-PF.

Name of the organization

Employer identification number

BAT WORLD SANCTUARY

75-2503642

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

501(c)(3) (enter number) organization

4947(a)(1) nonexempt charitable trust not treated as a private foundation

527 political organization

Form 990-PF

501(c)(3) exempt private foundation

4947(a)(1) nonexempt charitable trust treated as a private foundation

501(c)(3) taxable private foundation

Check if your organization is covered by the **General Rule** or a **Special Rule**.

Note. Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3 % support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi), and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h or (ii) Form 990-EZ, line 1. Complete Parts I and II.

For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, aggregate contributions of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use *exclusively* for religious, charitable, etc., purposes, but these contributions did not aggregate to more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc., purpose. Do not complete any of the parts unless the **General Rule** applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year. ▶ \$ _____

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it **must** answer "No" on Part IV, line 2 of its Form 990, or check the box on line H of its Form 990-EZ, or on line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

Complete to provide information on Form 990 or 990-EZ to specific questions on Form 990 or 990-EZ or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Employer identification number
75-2503642

Name of the organization
BAT WORLD SANCTUARY

PART 1, LINE 8 - CURRENCY CONVERSION.

PART I, LINE 16 - SEE ATTACHED SCHEDULE.

PART II, LINE 24 - \$16,826.00: AUTO/TRANSPORTATION EQUIPMENT.

(16,826.00) LESS ACCUMULATED DEPRECIATION AUTO.

\$10,548.00: MACHINERY AND EQUIPMENT.

(8,066.00) LESS ACCUMULATED DEPRECIATION MACHINERY AND EQUIPMENT

PART II, LINE 26 - MORTGAGE PAYABLE ON BUILDING.

Multiple horizontal dashed lines for supplemental information.

From: mmmaryinla@aol.com
Subject: **Re: Bat World Sanctuary Internship Confirmation**
Date: June 18, 2010 8:08:40 PM PDT
To: bwmidcities@batworld.org



I won't be checking in any bags. I'm just packing three changes of clothes that I can wash.

I can't wait to see your bats. I've only gotten in pips and hoary bats here. See ya tomorrow! I will be wearing a yellow bat shirt and jeans.

-----Original Message-----

From: Bat World MidCities <bwmidcities@batworld.org>
To: mmmaryinla@aol.com
Sent: Thu, Jun 17, 2010 10:30 pm
Subject: Re: Bat World Sanctuary Internship Confirmation

Does pizza appeal to you for dinner Saturday? There's a really good pizza place on the way home from the airport, and I know they do a veggie pizza without cheese. Here's a link to their website.....they also have good salads and a veggie sandwich. Or if you prefer, we can do Chinese. Also, let me know about breakfast on Sunday. You'll need lots of energy at Bat World!

<http://www.nypddeli.com/index.html>

If you're up for it, I have a respectable little group of animals going here and you're welcome to help feed them Saturday night and/or Sunday morning.....six bottle baby raccoons, two juvenile opossums, 17 adult bats, and (at the moment) 10 pups.

See you soon!

Kate

----- Original Message -----

From: mmmaryinla@aol.com
To: bwmidcities@batworld.org
Sent: Sunday, June 06, 2010 6:37 PM
Subject: Re: Bat World Sanctuary Internship Confirmation

Thanks so much! I'm vegan but I can always find something to eat anywhere.

-----Original Message-----

From: Bat World MidCities <bwmidcities@batworld.org>
To: mmmaryinla@aol.com
Sent: Sun, Jun 6, 2010 4:33 pm
Subject: Re: Bat World Sanctuary Internship Confirmation

Thanks, Mary. If you'll call my cell phone (817-229-5653) when your plane lands, I'll meet you at the baggage claim. I'll be wearing a Bat World shirt.....let me know if you have any particular preferences for dinner and breakfast (we are not a vegetarian or vegan household, but can certainly accommodate). We'll head down to BWS around 9 AM on the 20th, and I'll plan to pick you up about noon on the 4th.

Kate

----- Original Message -----

From: mmmaryinla@aol.com

To: bwmidcities@batworld.org

Sent: Sunday, June 06, 2010 3:52 PM

Subject: Re: Bat World Sanctuary Internship Confirmation

Thanks so much for your kind offer! If you are ever in Los Angeles, California and need a place to stay overnight, just ask. I have a guest house.

Here is my itinerary.

Mary 310 877 4770

Traveling to Dallas

Sat 19-Jun-10

Los Angeles (LAX)
Depart 2:28 pm
Terminal 8

to

Dallas (DFW)
Arrive 7:35 pm

Terminal E

1,238 mi
(1,992 km)
Duration: 3hr 7mn

Flight: 6942
Operated by: UNITED EXPRESS/SKYWEST AIRLINES

Economy/Coach Class (14B), Canadian Regional Jet 700

Total distance: 1,238 mi (1,992 km)

Total duration: 3hr 7mn

Traveling to Los Angeles

Note: Your airport check-in is with American Airlines.

Sun 4-Jul-10

Dallas (DFW)
Depart 3:10 pm
Terminal C

to

Los Angeles (LAX)
Arrive 4:20 pm
Terminal 4

1,238 mi
(1,992 km)
Duration: 3hr 10mn

Flight: 1513
Operated by: AMERICAN AIRLINES

Economy/Coach Class (Seat assignments upon check-in More Information), Food For Purchase, Boeing 757

-----Original Message-----

From: Bat World MidCities <bwmidcities@batworld.org>
To: mmmaryinla@aol.com
Cc: Bat World Sanctuary <sanctuary@batworld.org>
Sent: Thu, May 27, 2010 8:17 am
Subject: Fw: Fwd: Bat World Sanctuary Internship Confirmation

Mary,

Since you're coming from California you'll probably want to fly into DFW the day before. I can put you up here at my house and then get you to the sanctuary in the morning on the 20th, or you can stay overnight here and rent a car; it's about an hour and 15 minutes from here to Bat World. I live about 20 minutes from the airport. You can fly out any time after noon on the 4th; if you can't get a flight out until the 5th then you can stay here again.

If you need me to pick you up at the airport, just let me know your flight information.

Kate

----- Original Message -----

From: Bat World Sanctuary

To: bwmidcities@batworld.org

Sent: Thursday, May 27, 2010 8:14 AM

Subject: Fw: Fwd: Bat World Sanctuary Internship Confirmation

----- Forwarded Message -----

From: "mmaryinla@aol.com" <mmaryinla@aol.com>

To: sanctuary@batworld.org

Sent: Wed, May 26, 2010 10:46:33 PM

Subject: Fwd: Bat World Sanctuary Internship Confirmation

Thanks so much!

Which airport should I fly into? Should I arrive the night before? What is best way to get from airport to sanctuary? Thanks again. I can't wait!

-----Original Message-----

From: Bat World MidCities <bwmidcities@batworld.org>

To: mary@animaladvocates.us

Sent: Fri, May 21, 2010 3:08 pm

Subject: Bat World Sanctuary Internship Confirmation

Congratulations! You have been selected for an internship position with Bat World Sanctuary for the Summer 2010 season. The caliber of applicants this year has been exceptional and we believe you will find this learning experience to be invaluable.

Your internship will begin on Sunday, June 20, 2010 and will end on Sunday, July 4. As part of the internship, you will be

provided with sleeping accommodations and breakfast each day. During orientation on your first day, we will review the daily schedule and the logistics of your stay.

Should you have any questions or concerns prior to your arrival, please do not hesitate to contact Amanda at Bat World Sanctuary (sanctuary@batworld.org).

Again, congratulations! We look forward to working with you and introducing you to the wonderful world of bats!

Kate

Kate Rugroden

Special Projects Director, Bat World Sanctuary

Director, Bat World MidCities Rescue Center