

2015-002259-2
CAUSE NO. _____

AMANDA LOLLAR,
Plaintiff

§
§
§
§
§
§
§
§

IN THE COUNTY COURT AT LAW

v.

NUMBER _____

MARY CUMMINS,
Defendant

TARRANT COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR TEMPORARY INJUNCTION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

Amanda Lollar, Plaintiff, files this original petition against Mary Cummins, Defendant, and for cause of action would respectfully show as follows:

DISCOVERY LEVEL

1. Discovery in this cause shall be conducted at Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

PARTIES

2. Plaintiff, Amanda Lollar is an individual residing in Parker County, Texas. The last three digits of her driver's license number are 000 and the last three digits of her social security number are 481.

3. Defendant, Mary Cummins, is an individual residing in the State of California and may be served with process at 858 N. Beverly Glen Blvd., Los Angeles, California 90077.

JURISDICTION

4. This court has *in personam* jurisdiction over Defendant because:
a) The Texas long-arm statute authorizes the exercise of jurisdiction because Defendant entered into a contract with Plaintiff, a Texas resident, and one or both parties were to

perform the contract in whole or in part in Texas (TEX. CIV. PRAC. & REM. CODE

ANN. § 17.042;

b) This lawsuit arises out of a tort committed by Defendant in whole or in part in Texas. *Id.*

c) The exercise of jurisdiction over Defendant is consistent with federal and state constitutional due-process guarantees. Specifically, Defendant has established minimum contacts with Texas, and the assertion of jurisdiction complies with traditional notions of fair play and substantial justice.

FACTS OF THE CASE

5. Amanda Lollar became interested in the care of bats in 1989 after she found and sought treatment for an injured bat. She began rescuing injured bats, and she and a local veterinarian began working together to learn how to treat bats for various injuries and ailments. In 1994 Amanda Lollar liquidated her furniture business and founded Bat World Sanctuary, a non-profit organization dedicated to rescuing, rehabilitating and caring for bats. Bat World Sanctuary is now an internationally renowned non-profit organization dedicated to the rescue and rehabilitation of bats. Bat World Sanctuary also has education programs for children, maintains a sanctuary for wild bats, and operates continuing education internships and workshops for animal care professionals, veterinarians, and rehabilitators from around the world.

6. Amanda Lollar, the founder and president of Bat World, is a bat expert, rehabilitator, and author of 7 books, including the definitive medical reference book on insectivorous bats that is used worldwide by veterinarians and wildlife centers. In 2005 Amanda Lollar received the Doris Day Kindred Spirit Award, and in 2008 she was a Top Ten Animal Planet Hero of the Year Finalist. In 2013 Bat World was listed as number one in an article

entitled "10 Amazing Wild Animal Sanctuaries You Should Support," by www.onegreenplanet.org. Amanda has twice been nominated by the Nominating Committee for the prestigious Indianapolis Prize, the world's top award for animal conservation.

7. In June of 2010 Defendant, Mary Cummins, was accepted as an intern into Bat World Sanctuary's internship program. Defendant and Bat World Sanctuary entered into a written contract in which Bat World Sanctuary agreed to train Defendant in the care, treatment and medical management of insectivorous bats at Bat World's facility in Mineral Wells, Texas. Unfortunately, Amanda Lollar did not do a background check on Mary Cummins and was totally unaware that she was an infamous cyber-stalker who had launched internet defamation campaigns against dozens of victims and that numerous websites had been created about her by her victims over the years.

8. While Defendant was on Bat World Sanctuary's premises in Mineral Wells, Texas she videotaped Amanda Lollar performing an episiotomy on a pregnant bat giving birth. Amanda Lollar applied a powerful topical anesthetic to the bat as she had been trained to do by a wildlife veterinarian. The veterinarian who trained her later viewed the videotape and testified under oath that it was a "textbook" example of the correct way to do an episiotomy and was "as good as it can get." The pup was stillborn but the mother survived and was later released into the wild.

9. Mary Cummins found the work at Bat World to be too challenging to complete and left the internship early, disgruntled and angry. When she returned to California she began inventing horrible lies about Amanda Lollar and posting them in hundreds of blogs, websites and social media pages all over the internet. She falsely accused Amanda Lollar of committing animal cruelty, practicing veterinary medicine without a license, getting sanctioned by animal

regulatory authorities, losing her USDA permit, murdering her baby, ordering a “hit” on her by a “hit man,” impersonating her mother, committing forgery, telephoning her with “death threats,” trying to break into her bank accounts, being obsessed with her vagina, and countless other bizarre and horrific lies. Defendant also posted on the internet an edited version of the episiotomy video with the part where Amanda Lollar applied anesthetic edited out and she added captions to the video falsely stating that Amanda did not use an anesthetic, caused the bat’s uterus to prolapse, glued the bat’s vagina shut, and caused the bat to die. As a result of this obsessive, relentless defamation campaign Bat World’s gifts and donations began drying up and Bat World came dangerously close to having to file bankruptcy.

10. In 2010 Amanda Lollar filed suit against Mary Cummins for defamation. During a four-day trial in June 2012 several witnesses, wildlife rehabilitators, veterinarians and other experts from around the United States testified that Amanda’s knowledge, care and treatment of bats are the gold standard among wildlife rehabilitators. They testified about Amanda’s love, devotion and compassion toward animals and totally disproved every hideous lie that Defendant had posted on the internet. Judge William Brigham, who was visiting in the 352nd District Court of Tarrant County, found that not only were Defendant’s statements false but also that her lies were “egregious as well as malicious as well as intentional.” He awarded Amanda \$3 million in actual damages and \$3 million in punitive damages. Defendant appealed.

11. On April 9, 2015 in a 76-page opinion the Fort Worth Court of Appeals affirmed the \$6 million defamation judgment. *See Cummins v. Bat World Sanctuary*, 2015 Tex. App. LEXIS 3472 (Tex. App. Fort Worth Apr. 9, 2015). The appellate court found that “Lollar showed by clear and convincing evidence that Defendant acted with malice” when she lied about Amanda and that Defendant “engaged in a persistent calculated attack on Lollar with the

intention to both ruin Lollar's life and her standing in the animal rehabilitation community." *Id.* The Court of Appeals affirmed the trial court's finding that the edited video with captions was defamatory per se and done with malice. *Id.*

12. Within one hour after the Court of Appeals released its opinion affirming the trial courts finding that the edited episiotomy video was defamatory Defendant began re-posting the same edited video along with the same defamatory captions all over the internet. Defendant further posted that the three Court of Appeals justices who were on the panel "support Amanda Lollar who committed animal cruelty" and posted links to information about the justices. Although Defendant has sworn under oath that she is "unemployed and does not own a business or company" she has done professional search engine optimization for clients in the past and spends countless hours raising her defamation as high as possible in search engine results.

DEFAMATION

13. Defendant's conduct as described herein constitutes common law defamation and libel under Section 73.001 of the Texas Civil Practice and Remedies Code. The defamation and libel were a proximate cause of actual damages to Amanda Lollar.

EXEMPLARY DAMAGES

14. Defendant committed the defamation and libel described above with malice. Therefore, Amanda Lollar brings this action to recover exemplary damages under Section 41.003 of the Texas Civil Practice and Remedies Code.

REQUEST FOR TEMPORARY INJUNCTION

15. The acts and conduct of Defendant have caused and will continue to cause irreparable harm unless Defendant is restrained and enjoined from allowing the episiotomy videotape, photographs, and false statements described above to remain on the internet. Amanda Lollar has no adequate remedy at law and is likely to succeed on the merits of this suit.

16. Amanda Lollar requests the Court to issue an order temporarily enjoining Defendant from allowing the videotape, photographs, and false statements described above to remain on the internet during the pendency of this suit and ordering Defendant to remove the videotape, photographs, and false statements from the internet

REQUEST FOR PERMANENT INJUNCTION

17. Upon final trial of the merits of this cause, Amanda Lollar requests that this Court enter an order enjoining Defendant from allowing the videotape, photographs, and false statements described above to remain on the internet and ordering Defendant to remove the videotape, photographs, and false statements from the internet.

REQUEST FOR DISCLOSURE

18. Defendant is requested to produce within fifty (50) days after service of this request the information and documents describe in Rule 194.2 of the Texas Rules of Civil Procedure.

PRAYER

19. Plaintiff seeks monetary relief of an amount under \$75,000 and non-monetary relief. Plaintiff prays that this Honorable Court grant her request for a temporary injunction and permanent injunction and enter judgment against Defendant for actual damages and exemplary damages within the jurisdictional limit of this court along with court costs, and grant such other relief at law and equity to which Plaintiffs may be justly entitled.

Respectfully submitted,

/s/ Randall E. Turner
RANDALL E. TURNER
Texas Bar No. 20328310

BAILEY & GALYEN

1300 Summit Avenue, Suite 650
Fort Worth, Texas 76102
Telephone: 817.417.9660
Fax: 817.764.6336
Email: rturner@galyen.com
Attorney for Plaintiff