

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY, ET AL ) IN THE 352ND JUDICIAL  
 )  
vs. ) DISTRICT COURT OF TEXAS  
 )  
MARY CUMMINS ) IN AND FOR TARRANT COUNTY

---

**TEMPORARY INJUNCTION**

May 4, 2011

On the 4th day of May, 2011, the following proceedings came on to be heard in the above-titled and numbered cause before the Honorable William Brigham, Judge Presiding, held in Fort Worth, Texas, reported by machine shorthand utilizing computer-aided transcription.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**APPEARANCES**

RANDALL E. TURNER  
SBOT NO. 20328310  
Turner & McKenzie, PC  
1800 N. Norwood Drive  
Suite 100  
Hurst, Texas 76054  
Telephone: (817) 282-3868  
Facsimile: (817) 268-1563

Attorney for Plaintiff

MARY CUMMINS  
645 W. 9th Street  
#110-140  
Los Angeles, California 90015  
Telephone: (310) 877-4770

Pro Se

INDEX

		PAGE	VOL.
1			
2			
3			
4	Opening Statement by Mr. Turner .....	6	1
5	Opening Statement by Ms. Cummins .....	8	1
6			
7	Plaintiff's witnesses            Direct    Cross    Voir Dire		
8	Amanda Lollar                            9            39		1
9			
10	Plaintiff Rests .....	47	1
11			
12	Defendant's witnesses            Direct    Cross    Voir Dire		
13	Mary Cummins                            49            55		1
14			
15	Defendant Rests .....	59	1
16			
17	Plaintiff's witnesses            Direct    Cross    Voir Dire		
18	Amanda Lollar                            59            61		1
19			
20	Plaintiff Rests .....	62	1
21	Closing Argument by Mr. Turner .....	62	1
22	Closing Argument by Ms. Cummins .....	63	1
23	Ruling by the Court .....	65	1
24	Proceedings Adjourned .....	65	1
25	Reporter's Certificate .....	66	1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ALPHABETICAL INDEX OF WITNESSES**

	Direct	Cross	Voir Dire	Vol.
Cummins, Mary	49	55		1
Lollar, Amanda	9	39		1
Lollar, Amanda	59	61		1

1 **PLAINTIFF'S EXHIBITS**

2

3 EXHIBIT	DESCRIPTION	OFFERED	ADMITTED	VOL.
4 1	Internship Contract	16	16	1
5 2	Websites	47	48	1
6 3	Websites	47	48	1

7

8

9

10 \* \* \*

11

12

13 **DEFENDANT'S EXHIBITS**

14

15 EXHIBIT	DESCRIPTION	OFFERED	ADMITTED	VOL.
16 1	Internet Listing	41		1
17 2	E-mail	50	50	1
18 3	General Rules and Expectations of Internship	51	51	1
19				
20 4	Affidavit	51		1
21 5	Photographs	52	52	1

22

23

24

25

P R O C E E D I N G S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*THE COURT:* You may proceed.

*MR. TURNER:* Thank you, Your Honor.

Your Honor, my name is Randy Turner. I represent Bat World Sanctuary and Amanda Lollar, the plaintiffs.

If the Court is unfamiliar with the case, I'll be happy to -- to give a little opening statement.

*THE COURT:* Go ahead with your opening statement.

*MR. TURNER:* Thank you, Your Honor.

Bat World Sanctuary is a nonprofit organization in Mineral Wells that basically is involved in rehabilitation and rescue of bats. And, in fact, Bat World Sanctuary is the largest bat sanctuary in the world. They have hundreds and hundreds of bats. They have volunteers that come in and work for them. Amanda Lollar is the president of this nonprofit organization.

Bat World Sanctuary has an internship where people can come in and study as interns under Amanda Lollar and the other people at Bat World Sanctuary. And they can learn how to care --

*THE COURT:* Mr. Turner, would you use the microphone there.

*MR. TURNER:* Oh, I'm sorry, Judge.

1                   And they learn how to care for and rehabilitate  
2 and work with bats.

3                   Ms. Cummins, the defendant in this case, applied  
4 for an internship with Bat World Sanctuary. And she came to  
5 Bat World from California and worked for a short period of  
6 time as an intern. She signed a contract with Bat World  
7 Sanctuary in which she agreed that all of the -- I'll  
8 introduce it into evidence -- but she would be learning  
9 proprietary information and techniques and so forth at Bat  
10 World Sanctuary. And she agreed not to disclose this  
11 proprietary information upon leaving Bat World.

12                   When she left she -- when she left Bat World she  
13 began posting on the Internet, all over the Internet,  
14 defamatory statements about Amanda Lollar. And she began  
15 disclosing all of this proprietary information that she had  
16 acquired while working as an intern at Bat World.

17                   The lawsuit has been filed in this case by Bat  
18 World Sanctuary and Amanda Lollar against Mary Cummins,  
19 seeking both damages for defamation as well as injunctive  
20 relief, asking the Court to order her to take down from the  
21 Internet -- YouTube and Facebook, and dozens of other  
22 places -- the defamatory statements that she's made and the  
23 proprietary information that she has disclosed.

24                   And Ms. Cummins previously filed a plea to the  
25 jurisdiction. That was overruled by Judge Sudderth. We're

1 here today on the plaintiff's application for a temporary  
2 injunction. Thank you.

3 *THE COURT:* Ms. Cummins?

4 *MS. CUMMINS:* I'm Mary Cummins. I applied for  
5 an internship last year to go to Bat World Sanctuary for two  
6 weeks to learn how to take care of ill, injured and orphaned  
7 bats. And I signed an application and I received some  
8 documents from them.

9 And while I was at Bat World Sanctuary I wasn't  
10 -- before I got there I had already read a book which Barbara  
11 French and Amanda Lollar had written. I had read that from  
12 cover to cover five years earlier.

13 And the entire time I was there I did not learn  
14 any proprietary information. I was not given any training.  
15 All I did was feed baby bats from 7:00 a.m. in the morning  
16 till past midnight every night. I was there for ten out of my  
17 14 days. And after the tenth day I said, what are we going to  
18 be doing for the next week? And she said, you'll just be  
19 feeding baby bats. If you want to leave, that's fine. I  
20 said, okay. So myself and the other intern we left.

21 While I was at Bat World Sanctuary -- I was  
22 taking photos and videos while I was at Bat World Sanctuary.  
23 And I loaded them up and posted them all up to the Internet  
24 before I left Bat World Sanctuary. I not only have written  
25 permission, I also had oral permission. And I have evidence



1 of that to show today. And I also have a declaration, an  
2 affidavit sworn and notarized by another intern to verify that  
3 it happened.

4 And I have not stated anything that wasn't the  
5 absolute truth about Amanda Lollar.

6 And just for the record, she stated she has the  
7 largest bat sanctuary in the world with 200 and 300 bats. The  
8 largest bat sanctuary in the world is 1.8 million to 2.5  
9 million bats. And that was verified for the Guinness World  
10 Book of Records by the Bat Conservation International in  
11 Austin, Texas.

12 **MR. TURNER:** Your Honor, we'd like to call  
13 Amanda Lollar as our first witness.

14 **THE COURT:** Raise your right hand.

15 *(Witness sworn.)*

16 **THE COURT:** Please be seated and use the  
17 microphone.

18 **AMANDA LOLLAR,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 **BY MR. TURNER:**

22 Q. Amanda, would you state your full name for the  
23 record, please?

24 A. Amanda Lorraine Lollar.

25 Q. And Amanda, you are the president of Bat World

1 Sanctuary; is that correct?

2 A. Yes, I am.

3 Q. Is that a nonprofit organization?

4 A. Yes, it is.

5 Q. And can you tell the Court a little bit about Bat  
6 World Sanctuary; when it was founded and what it does?

7 A. Bat World was founded in 1994. We are an all  
8 volunteer nonprofit. We rescue bats from the illegal pet  
9 trade, that are retired from zoos and research facilities and  
10 give them permanent sanctuary; as well as rescuing bats from  
11 the wild. And those that can be released are released back  
12 into the wild. Those that can't be released are given  
13 permanent sanctuary.

14 We also are involved in behavioral studies.  
15 We've produced some scientific papers on the behavior studies;  
16 mainly the behavior of Mexican Free-Tail bats and various  
17 other literature. I've written several books on the captive  
18 care and rehabilitation of bats.

19 Q. Are you sort of known around the United States as an  
20 expert in bats and bat rehabilitation and rescue?

21 A. Yes. Actually it's a global reputation. It's -- we  
22 have a listserv called World Bat Line where a lot of our  
23 methods are shared. Some of our methods are free, in order to  
24 save life -- the lives of bats and people need immediate  
25 assistance. Some of my methods are in the book. Which the

1 revenue from the book actually brings in money for the  
2 organization that helps us further our mission.

3           But we are -- we have a worldwide reputation.  
4 In fact, the internship that we offer, it's also a workshop  
5 that we offer, too. We've had people come from around the  
6 world, conservation scientists, biologists, veterinarians,  
7 zoologists from every bat inhabited continent in the world  
8 come to attend our workshops.

9       Q. Do veterinarians or zoologists ever contact you for  
10 you to give them advice or --

11       A. Yes.

12       Q. -- to act as a consultant in matters concerning bats?

13       A. Yes. All the time.

14       Q. Can you give us some examples of that?

15       A. I think it was Germany, I received an e-mail about  
16 two weeks ago about a colony of Vespertilionidae -- I'll just  
17 say big brown bats -- that are in a colony -- they were in a  
18 colony in Germany. And I'm not -- I can't specifically  
19 remember the species, but she was having trouble with  
20 dehydration with the bats and so she contacted me. It was a  
21 veterinarian in Germany who contacted me for help.

22           **THE COURT:** What did you call the brown bats?

23           **THE WITNESS:** Well, there's two different kinds  
24 of bats in the United States. Most of our bats are  
25 insectivorous and they fall into two different families. And

1 one is Vespertilionidae and the other one is Molossidae. So I  
2 just used Vespertilionidae because I wasn't positive they were  
3 big browns.

4 Q. (By Mr. Turner) And my guess is you're going to have  
5 to spell that for the court reporter some time after this  
6 hearing is over.

7 A. Okay.

8 Q. Now, you began in 1994. And is Bat World Sanctuary  
9 incorporated?

10 A. Yes, we are.

11 Q. Is it a 501(c)3 corporation?

12 A. Yes.

13 Q. And as far as how big it is, I may have misstated in  
14 my opening statement. But how big is the sanctuary? Is it  
15 one of the larger sanctuaries in the world?

16 A. It is the largest bat sanctuary in the world. Bat  
17 Conservation International has a cave, a protective cave that  
18 they -- we also have a protected well sanctuary, but their  
19 cave is very large. But BCI in Austin is not a sanctuary,  
20 they are a conservation organization. But they do provide  
21 protection for the cave.

22 A sanctuary is a facility that actually cares  
23 for animals on a day-to-day basis.

24 Q. So your bats are actually captive bats that live in  
25 your facility?

1 A. Exactly. Those that can't go free live with us, yes.

2 Q. Okay. And yours is the largest sanctuary of that  
3 type?

4 A. Yes.

5 Q. Now, the -- can you tell the Court about the  
6 internships that you sometimes have people participate in?

7 A. Well, we -- previously to last summer we gave  
8 workshops, where we had different groups of people coming in  
9 and staying a week and they stayed offsite. Last summer was  
10 our first internship where we had people come and actually  
11 stay at the facility.

12 And what the interns were required to do was  
13 help us take care of babies, because we -- our internships and  
14 our workshops always revolve around orphan season. Because  
15 that's when we receive not only the most orphans, but the most  
16 injured bats, the most pregnant bats, females that are in  
17 trouble, the most injured. So we do receive lots of different  
18 injuries than more so for the rest of the time of the year.  
19 So that's why we also have our internships revolve around that  
20 time of year.

21 The interns when they come -- everybody has a  
22 different experience level. So we try to gear the workshop or  
23 the internship to a level that everyone would learn something  
24 about.

25 We never know what's going to come in, because

1 it's mother nature. We -- sometimes there's injuries.  
2 Sometimes there's mothers that are in trouble. There's always  
3 orphans. There's always different -- different things happen  
4 every day that we -- where we treat. And the interns that are  
5 there learn to see different things every day, and learn  
6 different types of triage to the things that can occur to wild  
7 bats.

8 Q. Now, Amanda, with regard to the things you do there  
9 at Bat World Sanctuary and the things that these interns are  
10 exposed to, are any of your techniques or information or  
11 methodologies what you would consider proprietary?

12 A. Yes. Particularly last summer, because the book that  
13 I co-authored with was re-written, and the interns received a  
14 copy of the new book that had updated methods and procedures  
15 in it. And all of those updated methods and procedures are  
16 what they came to learn; including the equipment that we used,  
17 the way things were prepared, the caging, everything was --  
18 was updated. So it was nothing that was found in the older  
19 books.

20 Q. And was it your desire and the desire of Bat World  
21 Sanctuary to -- for these techniques and methodologies to not  
22 be distributed to the public?

23 A. Yes. Because one of the ways that we bring in  
24 funding for the organization is -- is to sell the book. When  
25 we sell the book that brings in proceeds. And if information

1 is shared from the book, then there's no reason for people to  
2 buy it.

3 We do share information that saves lives. But  
4 other information we'd like to be able to derive some income  
5 from so we can continue our rescue efforts.

6 Q. So there's a direct relationship between the income  
7 that your organization receives and these methodologies and  
8 techniques being proprietary and not being spread around the  
9 world?

10 A. Yes.

11 Q. Now, when you -- you offered Mary Cummins an  
12 internship; is that correct?

13 A. Yes.

14 Q. She contacted you by e-mail. And after some e-mail  
15 correspondence you and she agreed that she would come and be  
16 an intern?

17 A. Yes. She applied for the internship and was  
18 accepted.

19 Q. Okay.

20 **MR. TURNER:** May I approach, Your Honor?

21 **THE COURT:** Yes.

22 Q. (By Mr. Turner) Now, Amanda, you -- did you have  
23 Mary Cummins sign a contract?

24 A. Yes.

25 Q. And -- what is Exhibit Number 1 that I've just shown

1 you?

2 A. It's the contract that Mary Cummins signed while she  
3 was at Bat World Sanctuary.

4 **MR. TURNER:** I'm sorry, Judge, I don't have an  
5 extra copy. I thought I did. At this time I'll --

6 Q. (By Mr. Turner) Is that Mary Cummins' signature at  
7 the bottom?

8 A. Yes, it is.

9 **MR. TURNER:** At this time we'll offer into  
10 evidence Exhibit Number 1.

11 **THE COURT:** Any objection?

12 **MS. CUMMINS:** No.

13 **THE COURT:** It's admitted.

14 Q. (By Mr. Turner) Amanda, in the second paragraph --  
15 and I'm just going to -- well, would you read that for the  
16 Court, please? Just the second paragraph beginning with "It  
17 is understood."

18 A. "It is understood that the data, techniques, results  
19 and anecdotal information provided to trainee during their  
20 internship at BWS is proprietary and is copyrighted as  
21 intellectual property by BWS. Trainer agrees not distribute,  
22 share, publish or sell this information without obtaining  
23 prior written permission from BWS."

24 Q. And the purpose of this clause was to protect the  
25 proprietary nature of what you do there at Bat World?



1           A.    Yes.  And to protect the new information that's in  
2 the book that we were going to sell.

3           Q.    Now, while -- by the way, that contract is dated June  
4 20th of 2010; is that correct?

5           A.    Yes, that's correct.

6           Q.    How long was Mary Cummins there at Bat World  
7 Sanctuary before she left?

8           A.    She arrived late at night, I believe, on the 19th,  
9 because she signed the contract the very next morning, if I  
10 remember correctly.

11                         She stayed four or maybe six days, I'm not  
12 exactly remembering, and she left early one morning.  I think  
13 the total time she was there, including the morning -- the  
14 night she arrived and the morning she left was about eight  
15 days.

16           Q.    Did you at any time ever give her written permission  
17 to -- to distribute, share or publish or sell any of the  
18 information that's referenced in the contract there?

19           A.    No, I did not.

20           Q.    Did you ever give her oral permission?

21           A.    No, I did not.

22           Q.    And just for the benefit of all of us who aren't  
23 involved in bat care and rescue, can you give us an example of  
24 what you're talking about when you say a technique that you  
25 don't want people to know about that you put in your book.

1 Can you give us just an example of what we're talking about?

2 A. There are specific feeding techniques that we use for  
3 orphans, in particular, as well as adult bats. And in --  
4 well, specifically there is a species called a red bat and if  
5 you don't feed it in a certain position it gets milk formula  
6 on its coat, under its chin, which can result in ulcerated  
7 dermatitis, which can result in death. They have to be fed a  
8 specific way, which is called the V-position, which is a  
9 method I developed. And it keeps the bat pup clean while it's  
10 lapping the milk formula.

11 There are bats -- insectivorous bats are  
12 extremely small. When they're born some of them are about the  
13 size of a cashew. So I developed a method to feed them by --  
14 where you use an eye shadow applicator tip that's removed from  
15 the wand and it's cut in a certain way with scissors in order  
16 to fit inside the pup's mouth. So it ends up being a tiny  
17 web-shaped piece of foam that the pup can nurse from.

18 The two kinds of bats eat in completely  
19 different ways. So those two methods were specifically --  
20 those were methods that were updated and included in the new  
21 book and part of the proprietary information.

22 Q. Okay. Now, after the --

23 **THE COURT:** Clarification, please. Born the  
24 size of a cashew?

25 **THE WITNESS:** Uh-huh.

1           **THE COURT:** What is a cashew?

2           **THE WITNESS:** It's -- how about an almond.

3           **THE COURT:** All right.

4           **THE WITNESS:** A nut. I'm sorry, yes.

5           **THE COURT:** Okay. I just wanted to be sure that  
6 I understood what you were talking about.

7                       Go ahead.

8           Q.     *(By Mr. Turner)* After Amanda -- excuse me. After  
9 Mary Cummins left, did you learn -- when was the first time  
10 you learned that she might have been putting things on the  
11 Internet that you didn't approve of?

12           A.     One of the interns brought to my attention that there  
13 was some unsavory comments about Bat World on Ms. Cummins'  
14 Facebook page.

15           Q.     And just -- let's back up and talk about why she  
16 might have a conflict with you. Did anything happen there at  
17 Bat World, that you're aware of, that Ms. Cummins was upset  
18 about or angry about or anything like that?

19           A.     I'm not really sure what happened. I just know that  
20 there was a lot -- there was a lot of tense moments, and I'm  
21 not sure why.

22                       There were several times when cages were left  
23 open. I had to ask several times to have the caging cleaned,  
24 and it was never cleaned. There were specific tasks the  
25 interns were supposed to do, and they weren't being done. So

1 I had to, in turn, do them myself. Which, of course, I don't  
2 mind doing them, but it's not -- it doesn't teach anybody  
3 anything if the instructor is doing all the work.

4           So there were just a lot of -- there was a lot  
5 of tenseness going on. There were things that Ms. Cummins  
6 basically said she already knew and she didn't need to learn.  
7 So I wasn't -- I was confused about why she was there when --  
8 if she already knew some of the things that we were actually  
9 teaching; which I don't think she could have known because  
10 they were new methods.

11       Q.    So after she left and you were made aware that things  
12 were put on her Facebook page, did you -- did you start making  
13 a record of anything that she was putting on the Internet?

14       A.    I did. And I also had an intern who was -- who was  
15 helping to log information. Because at the time we ended up  
16 having over 250 orphans, we had a really horrible summer with  
17 the amount of orphans that came in. So I had help in  
18 obtaining the information that we collected that was being put  
19 on Facebook.

20           We basically got screen grabs, which are  
21 pictures of a computer as that page is up.

22       Q.    So when you got screen grabs -- I'm computer  
23 illiterate, but it's my understanding that you're basically --  
24 you're looking at something on the Internet and you're taking  
25 a snapshot of it; is that correct?

1           A.    Yes.  It's something you can do inside your computer  
2 to actually take a snapshot of what's on the screen at that  
3 time.

4           Q.    And then have you printed those off, the snapshots of  
5 the postings by Mary Cummins?

6           A.    Yes, I have.

7           Q.    And did you bring those with you to court here today?

8           A.    Yes, I did.

9                   **MR. TURNER:**  May I approach, Your Honor?

10                   **THE COURT:**  Yes.

11           Q.    *(By Mr. Turner)*  I'm showing you what's been marked  
12 by the court reporter as Exhibit Number 3.  And it's basically  
13 an expandable folder with lots of pages in it.  You can take a  
14 look at it.

15           A.    Oh.

16           Q.    And I'm going to ask you, what are those pages?

17                   **MR. TURNER:**  I've made a copy for Ms. Cummins,  
18 Your Honor.

19           Q.    *(By Mr. Turner)*  Would you just slip through that and  
20 tell me what, in general, those -- that is.

21           A.    The first page is a page from BlogSpot.com, which is  
22 a popular website Google produces.  Blogs that people can  
23 post things.  And there is a channel that's called, Amanda  
24 Lollar Bat World Sanctuary Animal Cruelty.  And it shows an  
25 episiotomy that I performed on a bat, which Mary --

1 Ms. Cummins filmed and helped during the procedure. But it's  
2 listed on this blog spot as animal cruelty.

3 Q. Okay. So, I just wanted to ask you, in general, are  
4 those screen grabs of various things that Ms. Cummins has put  
5 on the Internet?

6 A. Yes, they are.

7 Q. Concerning both you and Bat World Sanctuary?

8 A. Yes.

9 Q. And there are statements in Exhibit 3 pertaining to  
10 you and Bat World Sanctuary that she's made; is that correct?

11 A. Yes.

12 Q. And also photographs that she's posted on the  
13 Internet; is that correct?

14 A. Yes.

15 **MR. TURNER:** May I approach again, Your Honor?

16 **THE COURT:** Yes.

17 Q. *(By Mr. Turner)* Now, we've compiled -- I'm going to  
18 show you what's been marked as Plaintiff's Exhibit Number 2.

19 A. May I also state that there are videos from my new  
20 subscription book that have been taken from my book and  
21 manipulated and posted on YouTube.

22 Q. Okay.

23 A. And those were copyrighted. As well as there are  
24 other copyrighted pictures here that are on sites.

25 Q. Okay. So Exhibit 3 has copyrighted materials in it

1 too; is that correct?

2 A. Yes.

3 Q. And what is Exhibit Number 2?

4 A. Exhibit Number 2 is a list of the links. The URLs  
5 where all of these videos and defamatory information and  
6 copyrighted and proprietary information exists.

7 Q. Okay. So Exhibit 2 is basically a list of what you  
8 would type on to your computer to go to the sites that are --  
9 you've made screen grabs in Exhibit 3; is that correct?

10 A. Yes.

11 Q. So Exhibit 2 describes all of the locations where the  
12 material in Exhibit 3 may be found?

13 A. Yes.

14 Q. And there are about 150; is that correct?

15 A. As far as I can tell. I actually lost count.

16 Q. Now, I don't -- I don't intend -- I'm not going to  
17 ask you about every one of those 150 postings on the Internet  
18 that we're complaining about. But let's just go through the  
19 first -- well, how can I ask this?

20 It's my understanding you have a complaint about  
21 each item on Exhibit 2; is that correct?

22 A. That's correct.

23 Q. And can you tell me generally -- and it's my  
24 understanding that your complaint is it's either defamatory  
25 toward you, it publishes proprietary information or it

1 publishes copyrighted information; is that correct?

2 A. That's correct.

3 Q. So each one of the -- each one of the links in  
4 Exhibit 2, it's your testimony, it either has proprietary  
5 information, copyrighted information or photographs or  
6 defamatory statements?

7 A. Yes, that's correct.

8 Q. Can you tell me the nature of the defamatory  
9 statements that are -- that she's posted on the Internet?

10 A. They're -- well, in one recent case concerning the  
11 episiotomy that was done on the mother bat to save her life.  
12 This was a bat that came in that had a pup stuck in her birth  
13 canal for several hours. And the episiotomy was done to save  
14 her life.

15 There's no way to know if the pup is alive or  
16 dead when an episiotomy is done because you can't see it.  
17 Pain medication was given to the bat, as well as local numbing  
18 agent. In an episiotomy you make a small snip. In this case  
19 with this bat about a millimeter on each side of the vagina in  
20 order to extract the pup.

21 After the pup was extracted it was discovered  
22 that it was dead. And at that time I went ahead and  
23 anesthetized the mother so that I could close her up  
24 sufficiently. You can't -- you don't want to anesthetize a  
25 bat while the pup may still be alive, because there's a chance



1 it might not survive. Once the pup was extracted and it  
2 seemed to be dead, I went ahead and anesthetized the mother  
3 and closed her up, sufficiently with -- using a surgical glue.  
4 And then she was later released.

5 On the Internet in the blog this -- it states  
6 that -- that I -- that I was basically ripping a live pup out  
7 of a mother who was trying to naturally give birth. That the  
8 pup was killed in the process. That I cut through muscle  
9 tissue. The mother passed out from pain and died in the  
10 process. And all of these are not true.

11 There are also things that she stated about our  
12 facility. Such as, that there are bed bugs in the facility,  
13 the place was full of bees, roaches, ants, flies. That my  
14 dogs were mistreated. That they have -- one of my dogs has  
15 hip dysplasia and knee dysplasia, and Ms. Cummins has said  
16 that the dogs were -- she was not able to walk because her  
17 claws were too long, and that's why she drug herself around,  
18 and not because she actually has had surgeries and has a hard  
19 time getting up to walk.

20 One of my dogs was 19, and he passed away  
21 recently. He lost a lot of weight very quickly close to the  
22 end of his life. And we had \$400 of blood work done on him to  
23 try to figure out why he was losing weight, and my veterinary  
24 told me he was just old and picky.

25 We, in turn, bought anything he showed interest

1 in eating. For instance we gave him -- he wanted pizza one  
2 day, so we brought him frozen pizza and cooked him a pizza  
3 every morning and every night for dinner and cut it up in  
4 little pieces and fed it to him on a tray so he wouldn't even  
5 have to bend over. And Ms. Cummins later said that we were so  
6 broke that we couldn't afford to feed the animals and all we  
7 ever fed the dogs was leftover pizza.

8 So those were some of the things that I can  
9 remember off the top of my head.

10 Q. Now, all of the statements that you're calling  
11 defamatory, were these all statements that were untrue?

12 A. Yes. They were all untrue.

13 Q. And are these statements all statements that tend to  
14 hold you up to ridicule or disrepute or harm your reputation?

15 A. Yes. I have been nominated for Animal Planet Hero of  
16 the Year, I had been -- I was a finalist. I was nominated for  
17 the Indy Prize, which is one of the best awards you can  
18 possibly receive. These are all animal awards that are based  
19 on your reputation.

20 Having information like this out about me is,  
21 not only defamatory and ruins the reputation I worked 20 years  
22 to build, but it also -- it also destroys the organization  
23 that I'm associated with. And it's an organization I've  
24 devoted my life to and given everything off my back to make it  
25 go, to make it work; including remortgaging my building three

1 times. And it's been very stressful. (Crying.)

2 Q. Amanda, have you noticed whether or not these  
3 defamatory -- what you're saying are defamatory postings, have  
4 had any effect on Bat World or its income or hits to its  
5 website? Can you tell the Court if you've seen any  
6 consequences of these postings that you've complained about in  
7 Exhibits 2 and 3?

8 A. We -- we have had less -- less orders coming in.  
9 We've had -- the last two renewals that we sent out -- renewal  
10 notices for our members, usually we get at least half of those  
11 people renewing again for the following year, and we've had  
12 very few of those renewals come back. I think we had less  
13 than five the last time we sent them out, and we should of  
14 had about 30 people renewing.

15 Q. Has -- has she also been filing complaints with  
16 various law enforcement authorities about you?

17 A. Yes, she has. Last summer it started with the USDA,  
18 which is an animal care and use committee with the government.  
19 And when you have a sanctuary you are inspected by this  
20 governmental agency to make sure that you're compliant. That  
21 all the animals are cared for and they have fresh food and  
22 water and they're all treated humanely.

23 Q. That's under the Animal Welfare Act?

24 A. Yes.

25 *THE COURT:* What was that question?

1                   **MR. TURNER:** I asked her, that's under the  
2 Animal Welfare Act?

3                   **THE COURT:** Thank you.

4                   **THE WITNESS:** Yes. Yes, it is. And we had a  
5 surprise inspection. I did get to see the report, which  
6 included a lot of false statements in the report. Such as  
7 that I threw bats into the trash can, live bats. That I --  
8 that the bats were -- had mites all over their bodies. Things  
9 along those lines that are completely false.

10                  **Q.** (By Mr. Turner) Okay. Those were statements --  
11 those weren't statements made by the USDA, those were  
12 statements that someone had made to the USDA?

13                  **A.** Yes. And I did see the author of the report, the  
14 complaint.

15                  **Q.** Was Mary Cummins?

16                  **A.** Yes.

17                  **Q.** And have there been any other complaints filed  
18 against your organization?

19                  **A.** There was another complaint from USDA that actually I  
20 found out about today. And it involves the episiotomy.

21                                 My USDA officer explained to me that Ms. Cummins  
22 had also reported me to the Texas Veterinary Medical Board for  
23 animal cruelty. I have not received a complaint from them  
24 yet.

25                                 I did receive a complaint from our local health

1 department, as well as our local animal control, as well as my  
2 city manager. My -- Texas Department of -- Texas Parks and  
3 Wildlife Department, two game wardens came and said that they  
4 had received a complaint from Ms. Cummins stating that I was  
5 breeding and selling bats.

6 Q. Is that true?

7 A. No, that is not true. In fact, we have -- the only  
8 mating behavior that is allowed in our facility is with our  
9 scientific study on the reproductive habits of Mexican  
10 Free-Tail bats.

11 We have a strict nuder policy for our fruit  
12 bats, because one of the reasons they are so overpopulated and  
13 entering the pet trade is because zoos have allowed them to  
14 breed. When we get fruit bats from zoos the first thing we do  
15 is neuter them. My veterinarian has neutered probably 100  
16 fruit bats to date.

17 Q. That brings up something else I wanted to ask you  
18 about. Do you operate under the supervision and guidance of a  
19 veterinarian?

20 A. Yes, under two veterinarians. The other -- I wasn't  
21 -- I'm remembering more of the people that have investigated  
22 us or that we've had complaints from. There was also U.S.  
23 Fish and Wildlife -- Department of U.S. Fish and Wildlife.  
24 She also sent an e-mail -- or I should say an e-mail was sent  
25 to them alleging animal cruelty. So we also heard back from

1 them.

2 Q. Have any of these complaints resulted in any type of  
3 sanction or fine or reprimand or any other type of  
4 disciplinary action?

5 A. None whatsoever. The Health Department found all of  
6 the claims unsubstantiated. USDA also found the same thing,  
7 and said she wanted to be able to list more, but she said all  
8 she can list legally is no noncompliance found.

9 The Texas Parks and Wildlife Department actually  
10 left after their surprise inspection thanking me for what we  
11 do for bats, and telling me that they were sorry that they had  
12 to waste my time on such a frivolous complaint.

13 Q. Now, Exhibit 2, which is the list of the URL -- URL  
14 is what you type into a computer to go to somewhere on the  
15 Internet?

16 A. Yes.

17 Q. It's like a street address?

18 A. Yes. It's a website address, yes.

19 Q. Exhibit 2 lists all of the addresses or all of the  
20 URLs where you're complaining about these things that have  
21 been posted by Ms. Cummins?

22 A. Yes.

23 Q. I noticed that a lot -- there are several that are  
24 listed under YouTube?

25 A. Yes.

1           Q.    YouTube is -- I guess that's a public forum where  
2 people can put their videos on the Internet and other people  
3 can look at them?

4           A.    Yes.

5           Q.    Can you tell the Court what types of YouTube videos  
6 Ms. Cummins has been posting?

7           A.    She posted a lot of proprietary information,  
8 including the feeding techniques and holding techniques. My  
9 facility, which has a set-up that's proprietary.

10                         She also posted me holding an insectivorous bat  
11 pup in my hand that was going to be euthanized. I was  
12 explaining to Ms. Cummins, and the other intern that was  
13 present, the signs of rabies. That the bat could either have  
14 rabies or it could have pesticide poisoning, but in either  
15 case it was going to have to be euthanized because it was  
16 displaying neurological signs. I explained the neurological  
17 signs that are also proprietary information.

18                         And Ms. Cummins posted the video up. Not only  
19 describing all of the signs of insectivorous bat rabies that  
20 is found in my book, but also blasting me for holding a bat in  
21 my bear hands that was potentially rabid. There is no way to  
22 tell if a bat has rabies unless it's tested -- unless it's  
23 euthanized and tested. There's -- legally you do not have to  
24 test a bat for rabies unless it bites someone. And this was a  
25 helpless baby that was dying, and it was not trying to bite.

1           So one of the things that our organization  
2 prides itself on is teaching responsible handling of  
3 insectivorous bats. One of the things that we do is to  
4 encourage the public to never touch a bat with their bear  
5 hands and to never -- basically we talk about rabies. We've  
6 created guidelines for rehabilitators on handling bats.

7           So posting the video on the Internet with the  
8 captions that she used, it just completely went against  
9 everything that we have been saying and teaching over the past  
10 decade.

11         Q.    Okay. Can you tell the Court -- like I said, I don't  
12 want to go through every one of these 150 postings on Exhibit  
13 2. Let's just talk about the statements that you say are  
14 defamatory.

15           Is it your testimony that all of the statements  
16 that you're saying were defamatory were untrue and harmed your  
17 reputation?

18         A.    Yes, that is true.

19         Q.    And can you tell us all of the statements that were  
20 made, or are there too many?

21         A.    There are probably -- I -- I would have -- I'm sorry,  
22 I don't remember all of them. But there are probably 30 to 40  
23 to 50. So I'm not sure I could remember all of them.

24         Q.    And they all appear in Exhibit 3, the screen grabs --

25         A.    Yes.



1 Q. -- of all the statements that were made?

2 A. Yes, they do.

3 I'd like to go back and address for one second  
4 the video with the bat.

5 Q. Okay.

6 A. With me holding this bat. One of the requirements of  
7 anybody attending our internship is that they're vaccinated  
8 against rabies. Therefore, they have the option of using  
9 gloves or not. Because you are vaccinated against rabies you  
10 can handle bats with bear hands. If you're trained you can do  
11 that safely.

12 The video that Ms. Cummins made public was never  
13 meant to go public and was never meant to show the public that  
14 you could handle bats with bear hands safely. I would like to  
15 just point that out. That's another reason it's damaging.

16 Q. So that was a defamatory statement. Can you give us  
17 another example of defamatory statements that were made about  
18 you? You've talked about cruelty in the form of the  
19 episiotomy. And you've talked about mishandling of  
20 potentially rabid bats. Do you have some other examples?

21 A. There is another example where there is information  
22 about me doing dental extractions on a bat that had pain  
23 medication beforehand. And the video that was taken from my  
24 book was manipulated, and then text was written underneath  
25 that said that I was pulling teeth from a bat without any pain

1 medication.

2 Another thing that's been said is that I  
3 performed --

4 Q. Was that -- excuse me. Was that not true?

5 A. No, that was not true.

6 Q. Okay.

7 A. I was doing the extraction. But these were infected  
8 teeth that were causing pain to the bat. The bat was -- pain  
9 medication was administered, as well as a local anesthetic.

10 Q. Okay.

11 A. Another thing includes that I administer illegal  
12 drugs. That I use controlled substances on the bats. That I  
13 perform illegal surgeries on the bats.

14 Q. Those were all untrue statements?

15 A. Those were all untrue statements, yes.

16 Q. And those all appear in Exhibit 3?

17 A. Yes, they do.

18 Also that I'm being investigated by the police,  
19 by USDA. That -- also that YouTube is going to shut our  
20 channel down, because I did try to have our videos removed.  
21 And we were not -- unsuccessful in doing that, because we  
22 didn't -- YouTube has a certain timeline and we were not able  
23 to get the correct paperwork back to them to get it filed and  
24 back to them, according to their timeline. So the videos that  
25 she posted went back up.

1           And when they went back up Ms. Cummins had added  
2 text in there that said that we were going to lose our YouTube  
3 channel for posting false information about her and various  
4 things. The list is so long I -- I remember as we go.

5           Q. But the Judge can go through Exhibit 3 and see all  
6 the defamatory statements?

7           A. Yes.

8           Q. Do you -- okay. So that's the defamation, the false  
9 statements that harm your reputation.

10           Let's talk about the proprietary information.  
11 Is it your testimony, Amanda, that -- you've testified that  
12 all of the URLs in Exhibit 2 either have defamatory statements  
13 or proprietary information or copyrighted information. I want  
14 to talk about the proprietary information.

15           You've mentioned before that she's posted  
16 feeding techniques that are proprietary that you've developed.  
17 Do you have -- what other types of proprietary information is  
18 in the URLs on Exhibit 2?

19           A. There are housing -- specific housing for  
20 insectivorous bats that I've developed.

21           The entire rehab facility, the entire  
22 rehabilitation area is another thing that is proprietary.  
23 It's a system that I developed after 20 years of trial and  
24 error. It is also described in our book.

25           Some of the equipment that we use, the way that

1 we use it, the way things are arranged. These are all -- it's  
2 all proprietary information.

3 The instruments that we use, all of these things  
4 are proprietary information.

5 Q. Now, let's talk about if -- if a URL on Exhibit 2  
6 refers to copyrighted information, can you tell the Court what  
7 the copyrighted information would be?

8 A. Yes.

9 Q. Go ahead and tell us.

10 A. Okay. On a specific one here?

11 Q. Well, or give me some examples.

12 A. Oh. Well, the dental extraction is one of them.  
13 Injection techniques. Subcutaneous injection techniques for  
14 both pups and adults is another one. The signs of rabies in  
15 insectivorous bats. The proper holding procedure or technique  
16 for tree bats. The proper placement and feeding of crevice  
17 bats. The proper housing of both crevice bats and tree bats.  
18 Those are -- it's two entirely different things.

19 The way that bats are hand fed. The way they're  
20 introduced to live insects and taught how to self-feed. The  
21 soft -- the complete soft-food diet that I developed with a  
22 nutritional scientist. These are all proprietary information  
23 that's found in the book.

24 Q. Amanda, if these -- if these URLs in Exhibit 2 remain  
25 on the Internet, will it cause you or Bat World any continuing

1 harm?

2 A. Yes. We have decided to use our -- not to create the  
3 hard copy book, and our book is now a subscription. And it  
4 will -- it will -- it will hurt the sales of the book if this  
5 information remains up, because there's no need for people to  
6 buy the information when it's out there for everyone for free.

7 Q. And as far as damaging your reputation, is it --  
8 you're asking the Court to order Ms. Cummins to take down from  
9 the Internet the URLs in Exhibit 2; is that correct?

10 A. Yes.

11 Q. At least on a temporary basis during dependency of  
12 this lawsuit?

13 A. Yes.

14 Q. Is there any way that a monetary judgment or a  
15 judgment for money damages could fix the damage that's being  
16 done to your reputation and to the reputation of Bat World, or  
17 would it have to just -- I guess what I'm asking, is there any  
18 way that money would fix all of this?

19 A. I -- I don't know. I haven't thought about that.

20 Q. Okay.

21 A. I haven't thought about anything except for getting  
22 the information down at this point. So I don't even know how  
23 to answer that right now, I'm sorry.

24 Q. Okay. Bat World is a nonprofit organization,  
25 correct?

1 A. Yes.

2 Q. And -- so it doesn't -- it doesn't make a profit,  
3 other than it might make some income off the sale of the book,  
4 but that just goes to --

5 A. That keeps us going.

6 Q. Okay.

7 A. A monetary judgment would enable us to do more for  
8 the bats, to create -- we'd be able to do more rescue and  
9 create a bigger and a better environment for them, which is  
10 what my dream has been for quite some time. But I haven't  
11 thought about -- I'm sorry.

12 Q. Okay.

13 A. A monetary judgment would probably help with the  
14 amount of damage that's been done, as far as members that we  
15 may have lost and book sales that they may not get.

16 Q. But it wouldn't make things right with Bat World,  
17 would it, and with you, a money judgment?

18 A. No. It's not going to fix our reputation, I don't  
19 believe.

20 Q. Okay. Now, although you've asked for attorney's  
21 fees, I'm handling this case pro bono; is that correct?  
22 You're not paying me anything?

23 A. That's correct.

24 Q. And are you asking the Judge to order Ms. Cummins to  
25 take down from the Internet all of the URLs that are listed in

1 Exhibit 2?

2 A. Yes.

3 Q. Are you also asking that she be prohibited from  
4 posting on the Internet, or publishing in any way in the  
5 future, any videos or pictures describing procedure or  
6 techniques that are proprietary for Bat World?

7 A. Yes.

8 Q. And are you also asking that she be ordered not to  
9 put back up on the Internet any -- anything that's in the URLs  
10 on Exhibit Number 2?

11 A. Yes.

12 *MR. TURNER:* Thank you. Pass the witness.

13 *MS. CUMMINS:* Would you like me to ask questions  
14 here or here?

15 *THE COURT:* Either place that you can be heard.

16 *MS. CUMMINS:* Okay.

17 *THE COURT:* Whatever is comfortable for you.

18 **CROSS-EXAMINATION**

19 **BY MS. CUMMINS:**

20 Q. Ms. Lollar, are you a bat expert?

21 A. I'm considered to be by some.

22 Q. Do you have a Ph.D?

23 A. No, I do not.

24 Q. Do you have a Master's degree?

25 A. No, I do not.

1 Q. Do you have a college degree?

2 A. Nope, I do not.

3 Q. Do you have a high school diploma?

4 A. No, I do not.

5 Q. What higher learning institute did you receive all  
6 your years of training and experience to become a bat expert?

7 A. I experienced everything through the school of life,  
8 through trial and error, by working with a veterinarian to  
9 develop techniques and procedures that have never been used on  
10 insectivorous bats before.

11 Q. Do you have a veterinary license?

12 A. No, I do not.

13 Q. Do you have a DEA permit?

14 A. No, I do not.

15 Q. Have you ever had a scientific journal article  
16 published in a peer reviewed journal --

17 A. Yes.

18 Q. -- by yourself?

19 A. By myself?

20 Q. By yourself as the only writer.

21 A. No, I have not. Only as a co-author. Two scientific  
22 papers.

23 Q. Now, you stated that you derive income from your  
24 book?

25 A. Bat World derives income.



1                    *MS. CUMMINS:* I would like to submit into  
2 evidence -- should I put a flag and a number on it?

3                    *THE COURT:* Yes.

4                    *MS. CUMMINS:* And what this is, is for three  
5 weeks it showed on the Internet that she was giving her book  
6 away for free. And the link was on the Internet with a  
7 download button, so she was giving it away for free.

8                    *THE WITNESS:* May I address?

9                    *THE COURT:* Have you shown it to Mr. Turner?

10                   *THE WITNESS:* May I see a copy of that, please?

11                   *THE COURT:* Are you offering Defendant's Exhibit  
12 Number 1? You've placed it in front of me. Are you offering  
13 it?

14                   *MS. CUMMINS:* Yes.

15                   *THE COURT:* Any objection?

16                   *MR. TURNER:* I object. There's been no  
17 predicate for this exhibit.

18                   *THE COURT:* Sustained.

19                   *Q.* (By Ms. Cummins) Ms. Lollar, this book, Standards  
20 and Medical Management for Captive Insectivorous Books --  
21 Bats, I'm sorry. This is a how-to book. Is this a how-to  
22 book to care for bats?

23                   *A.* I wouldn't describe it as a how-to book. That would  
24 be something you would find in home improvement, I would  
25 think.

1 Q. What was the purpose of you writing this book about  
2 how to care for bats?

3 A. The purpose is to help other people to learn how to  
4 manage and care for insectivorous bats properly in captivity.

5 Q. So you wrote and distributed this book to help others  
6 learn how to care for bats?

7 A. I wrote -- I wrote and distributed it to the interns,  
8 but it has not been distributed to anyone else.

9 Q. This book -- the current version is available on the  
10 Internet right now?

11 A. The updated version, yes.

12 Q. Yes. Have you heard of the Copyright Fair Use Act?

13 A. I'm sorry?

14 Q. Copyright Fair Use Act.

15 A. I did not understand what you said. Could you please  
16 say that a little slower?

17 Q. Have you heard of the Copyright Fair Use Act?

18 A. No, I have not.

19 Q. You stated that I was there for four to six days; is  
20 that correct?

21 A. That's correct, to the best of my recollection.

22 Q. When did I arrive?

23 A. I believe you arrived on the 20th of June, maybe the  
24 evening of the 19th.

25 Q. When did I leave?

1 A. I can't remember. It was six to eight days later.

2 Q. You stated earlier that you never gave me written or  
3 oral permission to take photos or videos; is that true?

4 A. That's true.

5 Q. You also stated in your original complaint that you  
6 did not realize I was taking photos or videos; is that true?

7 A. That's true. I did not realize you were doing it  
8 when I was not in the room. I would like to clarify. I knew  
9 you were doing it when I was in the room, but I did not  
10 realize you were doing it while I was not in the room.

11 Q. So you admit that you realize that I was videotaping  
12 you holding the rabid bat in your hand?

13 A. The bat that was suspected of rabies, yes, I  
14 realized, because you said you wanted to use it to better  
15 educate yourself later.

16 Q. So you also admit that you allowed me to take the  
17 videotape of you performing an episiotomy on a bat?

18 A. Yes. Again, you wanted to use it to educate yourself  
19 later.

20 Q. You state that feeding a red tree bat in the  
21 V-position is a proprietary information of yours; is that  
22 true?

23 A. That's true.

24 Q. Did you ever read Sue Barnard's book from 1987, The  
25 Rehabilitation of Bats?

1 A. No, I did not. I have not read that book, no.

2 Q. Okay. Because she also feeds bats in the exact  
3 V-position. That was from 1987. I have a copy of the book.

4 **THE COURT:** I didn't understand anything you  
5 said just then.

6 **MS. CUMMINS:** I'm sorry.

7 **THE COURT:** You're going to have to use the  
8 microphone, please.

9 **MR. TURNER:** I'm going to object to her  
10 testifying about what some book said.

11 **THE COURT:** Sustained.

12 Q. *(By Ms. Cummins)* I asked her if she had ever  
13 read Sue Barnard's book from 1987, which is How to Care for  
14 Captive --

15 **THE COURT:** And she said that she had not.

16 Q. *(By Ms. Cummins)* Okay.

17 A. Can you tell me the name of that book?

18 Q. I think it's Captive Care and Rehabilitation of Bats.

19 When did you first file this suit against me?

20 A. I'm not sure of the exact date. It was last summer.

21 Q. These exhibits -- I haven't been able to go through  
22 them yet, but most of them seem to be recent. Yet you sued me  
23 for defamation last summer?

24 A. No. Most of these -- there are some here that have  
25 been up for several months, including ones from last summer.

1 Q. And you state that I was the one who put these blogs  
2 up, this Indybay up and all these other things. Do you have  
3 proof?

4 A. I do not have proof that you put these up. Although  
5 it showed up on your Facebook page first.

6 Q. Do you have proof that I put all the videos on  
7 YouTube or on Flickr?

8 A. They're on your channel. They're also on your  
9 Flickr channel. Your name is on the top of each of those.

10 Q. Now, you claimed that I have defamed you. That would  
11 mean that I said something untrue about you. So you're  
12 stating that what I have posted in Facebook and YouTube is  
13 untrue?

14 A. That's correct.

15 Q. And then you also -- you stated that my assumed  
16 defamation has affected your income. You stated that your  
17 orders and renewals from last summer were down by half?

18 A. I don't believe I stated that.

19 Q. What did you state?

20 A. I can't -- I just said they were down by quite a bit.  
21 I can't remember. It's been just a few minutes ago, but I'm  
22 sorry, I can't remember exactly what I stated.

23 I did state that normally we would get about  
24 half of our renewals back, and last time we only got about  
25 four to five.

1 Q. When was the last time?

2 A. That was in February, I think. That's when we sent  
3 our last renewal out.

4 Q. So February would be before these recent blog posts  
5 and Indybay articles?

6 A. And after the summer articles that also allege  
7 cruelty.

8 Q. You state that you operate under two veterinarians.  
9 What are their names?

10 A. Tad Jarrett and Sean Janette.

11 Q. When I was there, it was morning feeding, and I took  
12 out an adult bat and she had a baby crowning, and I told you  
13 about it. Did you contact your veterinarian at that time to  
14 ask what you should do?

15 **MR. TURNER:** I'm going to object --

16 **THE COURT:** Sustained.

17 **MR. TURNER:** -- to the testimony.

18 **THE WITNESS:** I'm sorry, does that --

19 **THE COURT:** The objection was sustained. Next  
20 question, please.

21 Q. *(By Ms. Cummins)* You stated earlier that your Subq  
22 method of giving fluids is proprietary?

23 A. It is for insectivorous pups, yes.

24 Q. How is it different than anyone else gives fluids?  
25 That's the only way I've seen it.

1           A.    The amount of fluids.  The amount that is allowed  
2 with insectivorous pups.  It's a very large volume, compared  
3 to what was previously thought to be accurate.

4                    *MS. CUMMINS:*  I have no more questions at this  
5 time.

6                    *THE COURT:*  Thank you.

7                    *MR. TURNER:*  I think we only allowed an hour for  
8 this hearing, Your Honor --

9                    *THE COURT:*  Yes, sir.

10                   *MR. TURNER:*  -- so I'll rest.

11                   *THE WITNESS:*  May I address one thing, this  
12 piece of evidence?

13                   *THE COURT:*  It has not been admitted, ma'am.

14                   *THE WITNESS:*  I'm sorry.

15                   *THE COURT:*  Step down.

16                   *MS. CUMMINS:*  May I respond?

17                   *THE COURT:*  Just a minute.

18                   *MR. TURNER:*  We rest, Your Honor.

19                   *THE COURT:*  You rest?

20                   *MR. TURNER:*  Yes, Your Honor.

21                   *THE COURT:*  Now, did you intend to offer  
22 Exhibits 3 and 2?

23                   *MR. TURNER:*  Yes.  We offer Exhibits 2 and 3.

24                   *THE COURT:*  Any objection?

25                   *MS. CUMMINS:*  I would like to -- yes, I accept.

1 And I'd like to respond.

2 *THE COURT:* Exhibits 2 and 3 are admitted. You  
3 may respond.

4 *MS. CUMMINS:* First of all, Your Honor, when  
5 they originally filed the complaint, they had no evidence of  
6 any type of defamation. I haven't even been able to see it.  
7 I haven't been able to read this or to read that at all. I  
8 have no idea what they're talking about.

9 And also they have also not proven the  
10 likelihood of irreparable harm. I see no evidence that shows  
11 that she's going to be irreparably harmed by this.

12 And most importantly she stated that she never  
13 gave me --

14 *THE COURT:* Do you wish to offer evidence in  
15 your defense? If you do, you may call witnesses now.

16 *MS. CUMMINS:* I'd like to.

17 *THE COURT:* If you want to argue your case later  
18 you may do so. But now do you have any evidence that you wish  
19 to present?

20 *MS. CUMMINS:* Yes, I do.

21 *THE COURT:* Please do so.

22 *MS. CUMMINS:* Amanda Lollar gave me written  
23 permission to take the photos and videos, and I would like to  
24 present this e-mail.

25 *THE COURT:* If you're going to testify, you're



1 going to get on the witness stand and be placed under oath.

2 *MS. CUMMINS:* Are you saying I have to put  
3 myself on the stand?

4 *THE COURT:* If you're going to testify, yes, you  
5 do.

6 *MS. CUMMINS:* Okay. Okay.

7 *THE COURT:* Come up. If you'll raise your right  
8 hand to be placed under oath as a witness.

9 *(Witness sworn.)*

10 *MS. CUMMINS:* So am I able to present my  
11 evidence?

12 *THE COURT:* That's the purpose that you're here,  
13 I thought.

14 *MS. CUMMINS:* Okay. I want to make sure.

15 *THE COURT:* Now, let me state, I cannot  
16 represent you in any way. I will not give you advice in any  
17 way; other than call the balls and strikes as they come over,  
18 okay?

19 *MS. CUMMINS:* Okay.

20 *THE COURT:* Do you understand?

21 *MS. CUMMINS:* Yes.

22 *THE COURT:* Okay. Proceed.

23 **MARY CUMMINS,**

24 having been first duly sworn, testified as follows:

25 **DIRECT EXAMINATION**

1 **BY NARRATIVE:**

2 Amanda Lollar in her original complaint stated  
3 that she never gave me any written or oral permission to take  
4 photos or videos. I would like to present evidence which  
5 shows that she gave me written and oral permission.

6 The first piece of evidence is an e-mail from  
7 January 24th. The subject is -- it's from me, it says: Bat  
8 World pics for Mary, cute one on the second page.

9 **MR. TURNER:** Your Honor, I'm going to object.  
10 It's hearsay.

11 **THE COURT:** Sustained.

12 **MS. CUMMINS:** I would like to put this into  
13 evidence, the e-mail.

14 **THE COURT:** If you're going to admit it do it  
15 properly. Show it to Mr. Turner.

16 **MS. CUMMINS:** Okay.

17 **MR. TURNER:** If she's offering it as evidence,  
18 we object. It's hearsay. It's not been authenticated.

19 **THE COURT:** Overruled. Defendant's Number 2 is  
20 admitted.

21 **MS. CUMMINS:** While I was at Bat World I was  
22 given a piece of paper called General Rules and Expectations  
23 During Your Internship. Item number 14 says, "Take as many  
24 pictures as you'd like of both procedures and bats."

25 I would like to admit this into evidence?

1                   **MR. TURNER:** No objection.

2                   **THE COURT:** Defendant's Exhibit Number 3 is  
3 admitted.

4                   **MS. CUMMINS:** While I was at Bat World Sanctuary  
5 there was also another intern there by the name of Kay  
6 Singleton. She has written an affidavit, which is sworn and  
7 notarized. And in this affidavit she states --

8                   **MR. TURNER:** I'm going to object to hearsay,  
9 Your Honor.

10                  **THE COURT:** Sustained.

11                  **MS. CUMMINS:** Can I admit this into evidence?

12                  **THE COURT:** I can't help you.

13                  **MS. CUMMINS:** I would like to admit this into  
14 evidence.

15                  **MR. TURNER:** Object as to hearsay.

16                  **THE COURT:** Show it to Mr. Turner, so he knows  
17 what you're talking about.

18                  **MR. TURNER:** We object to the proffered  
19 document, Your Honor. It's hearsay.

20                  **THE COURT:** Has it been marked?

21                  **MR. TURNER:** Not yet.

22                  **THE COURT:** Sustained. Defendant's Exhibit  
23 Number 4 is not admitted.

24                  **MS. CUMMINS:** In Amanda Lollar's original  
25 complaint she stated that I posted all of the photos and all

1 of the videos after I left Bat World Sanctuary. I actually  
2 posted all of them before I left. And I have printouts of all  
3 the photos and videos with a time stamp on them.

4 I would like to admit this into evidence.

5 *THE COURT:* Any objection to Defendant's Exhibit  
6 Number 5?

7 *MR. TURNER:* No objection.

8 *THE COURT:* Defendant's 5 is admitted.

9 *MS. CUMMINS:* While I was at Bat World Sanctuary  
10 she also gave me oral permission to take the photos and the  
11 videos. And I brought a video today, which is about two  
12 minutes long, which she gives me permission.

13 And I wanted to find a way to admit that into  
14 evidence. I have the video on my iPhone. I can show it to  
15 you, and then deliver any type of copy that you like, any  
16 format.

17 *THE COURT:* Again, you will recall, I told you I  
18 cannot help you in any way. So you may proceed. You're on  
19 your own.

20 *MS. CUMMINS:* Okay. I would like to show the  
21 video to you and to the plaintiff's lawyer.

22 *THE COURT:* Show it if you'd like to.

23 *MR. TURNER:* Your Honor, may my client come up  
24 here so she can see it as well.

25 *THE COURT:* (Nods head.)

1                   *(Video played.)*

2                   **MS. CUMMINS:** She's telling me to turn the light  
3 on and off.

4                   **WITNESS LOLLAR:** Mary, your voice can be heard.

5                   *(Video played.)*

6                   **MS. CUMMINS:** Anyway, that was a video of an  
7 episiotomy which Amanda Lollar tried to perform on the bat.  
8 But she is not a licensed veterinarian and she -- I don't  
9 believe she knew what she was doing. She cut the bat three  
10 different times. She cut it much too wide and her vagina and  
11 uterus fell out. And the baby was born dead, even though it  
12 was pink, which meant it had just recently died.

13                   And I checked on the mom bat in an hour, she was  
14 okay, but not wanting to drink. And then I checked on her an  
15 hour later and she wasn't in the cage, she was gone, and  
16 somebody had taken the number off the wall.

17                   While I was at Bat World Sanctuary I witnessed  
18 animal cruelty and animal neglect. I've gone through the  
19 police academy and I've gone through the humane academy in  
20 order to become a humane officer, so I'm trained in animal  
21 cruelty and neglect. I'm also on the Humane Society of the  
22 United States National Disaster Animal Rescue Team. We go  
23 into animal neglect and cruelty situations, such as hoarders  
24 and cock fighting and dog fighting.

25                   While I was there I witnessed Amanda Lollar

1 perform surgery while she's not a veterinarian. I witnessed  
2 her using and possessing controlled substances, while she's  
3 not a veterinarian and does not have a DEA permit.

4           While I was there I found a dead bat that had  
5 been dead under her desk for two days. It seemed to me to  
6 have died from dehydration and emaciation. And I picked up  
7 the dead bat that was being eaten by insects, and it only had  
8 one wing. I handed it to Amanda Lollar and she said it was  
9 her favorite bat. And that's why I believe that was neglect,  
10 because she states in her book and on her papers that she  
11 checks every bat every day, but she hadn't seen that bat in  
12 three days.

13           The most important thing today is that I took  
14 those photos and videos with full written and oral permission.  
15 And this case and Amanda Lollar and Bat World Sanctuary, it's  
16 in the public interest. It is a public health hazard. She  
17 does not report possibly rabid bats. She possesses rabies  
18 vaccinations when she's not a veterinarian. Only  
19 veterinarians can possess them. She's giving rabies  
20 vaccinations to bats when she's not a veterinarian.

21           She also did not check any of our pre-exposure  
22 vaccination cards. She didn't check mine. I could have been  
23 exposed to rabies while I was there.

24           So for this reason I believe it's protected  
25 freedom of speech. And I believe that the photos and the

1 videos they speak for themselves. And everything that I said  
2 was the absolute truth.

3 I have not had any time to look at any of the  
4 exhibits, because they were not given to me ahead of time. I  
5 haven't been able to read any of them. So I really have no  
6 response to that.

7 Just that I don't believe that if she's -- she  
8 defamed herself through the photos and the videos. She -- I  
9 mean, she hurt her own imagine herself through the photos and  
10 videos, which just speak the truth. And if she's done any  
11 harm to her own imagine, it's through her own actions by  
12 performing surgery while she's not a veterinarian, by  
13 illegally possessing and using controlled substances and  
14 neglecting some of the bats by not even realizing that they  
15 were missing. And for that reason I don't believe that she  
16 should have this temporary injunction.

17 *THE COURT:* Just a minute.

18 *MR. TURNER:* I have a few questions, Your Honor.  
19 Just a few.

20 **CROSS-EXAMINATION**

21 **BY MR. TURNER:**

22 Q. Now, Ms. Cummins, you're aware that in Texas you  
23 don't have to be a veterinarian to operate on your animal,  
24 aren't you?

25 A. That would be your own animal. This is not a owned

1 animal. Wild animals are owned by the citizens of the State  
2 of Texas.

3 Q. But these are captive animals that have been captured  
4 and they're captivity of Bat World; is that correct?

5 A. Well, even if they're in captivity they're still  
6 owned by the State of Texas.

7 Q. So you agree that you have posted on the Internet  
8 accusations that Amanda Lollar has committed animal cruelty?

9 A. I did not post that on the Internet.

10 Q. There's nowhere on -- you've not said anything about  
11 her committing animal cruelty on the Internet?

12 A. No. I filed reports about a month ago. I filed a  
13 report with the USDA, which controls her permit. I filed a  
14 report with the Texas Parks and Wildlife Department, which  
15 also controls her permit. And I spoke with them and they said  
16 to me that Amanda Lollar is not allowed to perform surgery or  
17 to have controlled substances or to administer.

18 **MR. TURNER:** Objection. Hearsay.

19 Q. *(By Mr. Turner)* Ms. Cummins, did Ms. Lollar ever  
20 give you written permission to publish, distribute, share or  
21 sell any of the photographs or videotapes that you took?

22 A. She gave me written permission to take them and to  
23 post them online, on YouTube and on Facebook. She saw them  
24 daily as I posted them.

25 Q. Okay. Where -- where -- do you have -- so it's your



1 testimony that she gave you written permission to post these  
2 videos anywhere on the Internet or to publish them to anybody?

3 A. Yes, she did.

4 Q. Where is that writing?

5 A. She gave me -- I sent her an e-mail and she responded  
6 saying: Great, thank you. And every day I would post more  
7 and more every day. And she said: Thank you, I like that,  
8 let's do videos like this, let's do photos like this.

9 In fact, the affidavit from the other intern  
10 says the exact same thing. She asked me to take the photos.  
11 She asked me to take the videos. She liked seeing them posted  
12 online.

13 Q. So it's your testimony that she sent you an e-mail  
14 saying thank you, and that was the written permission for you  
15 to post all these things on the Internet?

16 A. Yes. And also oral permission. Every day she would  
17 say, thanks, let's do some like this, let's do some like that.

18 Q. Did you know -- did you ever tell her about the  
19 photographs and the videos in Exhibit Number 5?

20 A. My Exhibit Number 5?

21 Q. Yes.

22 A. Yeah. The stack that I showed that they were all  
23 posted before I left, she saw all those.

24 Q. And once again, can you show us or did you bring the  
25 written permission where she gave you permission to put all

1 these things on the Internet?

2 A. The e-mail that I have and the affidavit from the  
3 other intern.

4 Q. Okay. But do you have anything signed by Amanda  
5 Lollar or anybody at Bat World giving you permission?

6 A. To me that was permission.

7 Q. The e-mail from Amanda Lollar --

8 A. Yes.

9 Q. -- that you've introduced that says "thank you"?

10 A. Yes.

11 Q. It's your testimony that that was the written  
12 permission?

13 A. Yeah.

14 Q. Okay.

15 *MR. TURNER:* Pass the witness.

16 *THE COURT:* Anything further?

17 *MS. CUMMINS:* No, that's it.

18 *THE COURT:* You may step down.

19 *MR. TURNER:* Can I briefly call Mrs. Lollar?

20 *THE COURT:* Wait a minute. She hasn't rested.

21 *MR. TURNER:* Oh, I'm sorry.

22 *THE COURT:* Do you desire to call any additional  
23 witnesses?

24 *MS. CUMMINS:* No.

25 *THE COURT:* Any further evidence that you wish

1 to offer?

2 *MS. CUMMINS:* Well, if I could possibly submit  
3 the affidavit, the sworn notarized statement.

4 *THE COURT:* That's been denied up to now.

5 *MS. CUMMINS:* Okay.

6 *THE COURT:* Any further evidence?

7 *MS. CUMMINS:* No.

8 *THE COURT:* You rest?

9 *MS. CUMMINS:* Yes.

10 *MR. TURNER:* Just real quickly, Your Honor, a  
11 couple of minutes, Amanda Lollar again.

12 **AMANDA LOLLAR,**

13 having been previously duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15

16 **BY MR. TURNER:**

17 Q. Ms. Lollar, did you ever give her written permission  
18 to post any of these things on the Internet?

19 A. No, I did not.

20 Q. Do you know what the e-mail is that she's referring  
21 to?

22 A. I believe it's a picture that she took of Cassandra,  
23 another intern that was there.

24 Q. Were you ever shown the photographs or videos in  
25 Exhibit Number 5? And that is -- those are the things that

1 Ms. Cummins testified she put on the Internet while she was  
2 interning at your place.

3 A. No, I did not.

4 Q. You were unaware of that at the time?

5 A. Yes, I was unaware.

6 Q. Is this the first time you've heard about it?

7 A. Yes.

8 Q. Do you -- did you have something else you wanted to  
9 say about what she testified to?

10 A. I would like to say that any -- any intern that comes  
11 to us has to show proof of vaccination before they're allowed  
12 to attend an internship.

13 And that there is no animal cruelty that goes  
14 on. I do not do surgeries. I do procedures, such as setting  
15 wings and life-saving procedures on bats. And these  
16 procedures are shared in the book as life-saving procedures.  
17 They're not acts of cruelty. And --

18 Q. Do you administer any controlled substances?

19 A. Never administered any controlled substances. The  
20 drugs that we use are not controlled. The -- we did  
21 participate in a vaccination study with Boston University, and  
22 we administered rabies vaccine at that time. But we do not  
23 administer any illegal drugs whatsoever.

24 **MR. TURNER:** Pass the witness.

25 **MS. CUMMINS:** I don't have any questions. But I

1 didn't mean to -- I had one last thing that I wanted to say.

2 *THE COURT:* No questions for this witness?

3 *MS. CUMMINS:* Actually, yes, I do.

4 **CROSS-EXAMINATION**

5 **BY MS. CUMMINS:**

6 Q. Have you ever -- do you have Isoflurane?

7 A. Yes, I do.

8 Q. Do you believe that's a controlled substance?

9 A. It's not a controlled substance.

10 Q. It's a Level 3 controlled substance?

11 A. It is not a Level 3 controlled substance. We order  
12 it by the case.

13 Q. Where do you order it from?

14 A. Veterinarians. We can get it through several of our  
15 local veterinarians. We actually have it donated by a  
16 veterinarian as well.

17 Q. Who donates it to you?

18 A. One of the veterinarians that's in Dallas, Texas.

19 Q. Do you have rabies vaccinations on your premises?

20 A. No, I do not.

21 Q. Have you ever administered a rabies vaccination?

22 A. Yes, I have. We were part of a rabies vaccination  
23 study with Boston University, and all of the bats were  
24 vaccinated at that time.

25 Q. When I was there you gave me what you told me was

1 rabies vaccinations in syringes and you told me to give them  
2 to the animals. What was I actually giving them?

3 A. I don't recall doing that. We do encourage the  
4 vaccination of insectivorous bats. We encourage it in the  
5 book, but we don't administer the rabies vaccine ourselves.

6 Q. Is there a video in your online book today which  
7 shows how to give fluids and rabies vaccinations to bats?

8 A. Yes, there is.

9 Q. In that video are you giving a rabies vaccination?

10 A. No. Not the vaccination, but the injection that was  
11 given was for explanatory purposes only. It was for visual  
12 purposes, but it was not the actual vaccine.

13 Q. I see.

14 **MS. CUMMINS:** I have no more questions for this  
15 witness. But I didn't mean to rest before. I have one last  
16 statement to make.

17 **THE COURT:** You may step down.

18 **MR. TURNER:** She rested, Your Honor. We object  
19 to any further evidence.

20 **THE COURT:** Final comment?

21 **MR. TURNER:** We have no further witnesses. We  
22 rest.

23 **THE COURT:** Final comment?

24 **MR. TURNER:** Oh, yes, Your Honor. We are asking  
25 -- I've prepared a temporary injunction. We're asking the

1 Court to order Ms. Cummins to take down from the Internet the  
2 URLs that are listed in Exhibit 2, which has been admitted  
3 into evidence. Ms. Lollar has testified that all of these are  
4 either defamatory, as we've gone through on the witness stand,  
5 or they contain proprietary or copyrighted information that  
6 written permission was never given for her to post on the  
7 Internet.

8 This is causing irreparable harm. This is a  
9 nonprofit corporation. A money judgment isn't going to help  
10 this situation at all. It's irreparable harm. There's no  
11 adequate remedy of law. We're asking the Court preserve the  
12 status quo by taking these things down during the pendency of  
13 this lawsuit.

14 *THE COURT:* Thank you, Mr. Turner.

15 *MR. TURNER:* Thank you.

16 *THE COURT:* Final comment?

17 *MS. CUMMINS:* Yes. I would like to state that  
18 under the Fair Use Act of Copyright, I cannot copy and paste  
19 words out of her book. Because it's a how-to book, the  
20 techniques are not protected. It's a how-to book, she wants  
21 to teach people how-to help bats, so that is not proprietary.  
22 And it's currently online, and the link is available. I can  
23 download it right on my phone right now for free.

24 And also, some of these things that she said  
25 that I put on the Internet I didn't -- I didn't put them on

1 the Internet. There is no way I can take them down if I  
2 wanted to. The only thing that I posted on the Internet is  
3 Facebook and a few Flickr photos and some YouTube. And these  
4 were all done while -- all done last year before June 28th,  
5 which was the last day I was there.

6 And she states that her income has been down  
7 over the last year. Well, I'm also a licensed bat  
8 rehabilitator. I also rehabilitate all small mammals. I also  
9 have a nonprofit wildlife rescue organization and my own  
10 wildlife sanctuary, where animals who are not able to be  
11 released back to the wild stay there for the rest of their  
12 lives. All nonprofits' income are way down, especially after  
13 the natural disasters. People are giving to that instead of  
14 local nonprofits.

15 So I don't believe that photos and videos that  
16 were up there from last June 28th are affecting her. And I  
17 had full permission to have the videos and put them up there  
18 and photos, and I have a witness who would be willing to state  
19 that. That was the affidavit I have.

20 So I do not -- I've never lied about the woman.  
21 I have not defamed her. I have not taken anything -- I have  
22 not copy-pasted (sic) a word out of her book. Things which  
23 she says are proprietary are protected under the Fair Use of  
24 Copyright. It's a how-to book. Why else would someone write  
25 a how-to book if they didn't want other people to know how to



1 do these things.

2 And I rest.

3 *THE COURT:* Anything further, Mr. Turner?

4 *MR. TURNER:* No, Your Honor. We close.

5 *THE COURT:* Okay. The temporary injunction is  
6 granted. And the defendant is ordered to take down from the  
7 Internet everything in Exhibit Number 2.

8 *MR. TURNER:* I've prepared --

9 *THE COURT:* Give me an order.

10 *MS. CUMMINS:* Your Honor, I didn't put all those  
11 things up there, so I can't take them down.

12 *(Proceedings adjourned)*

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF TEXAS

2 COUNTY OF TARRANT

3 I, Monica J. Willenburg, Official Court Reporter  
4 in and for the 352nd District Court of Texas in and for  
5 Tarrant County, do hereby certify that the above and foregoing  
6 contains a true and correct transcription of all portions of  
7 evidence and other proceedings requested in writing by counsel  
8 for the parties to be included in this volume of the  
9 Reporter's Record in the above-styled and numbered cause, all  
10 of which occurred in open court or in chambers and were  
11 reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the exhibits, if  
14 any, offered by the respective parties, if requested.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is \$\_\_\_\_\_ and was paid/will be paid by DEFENDANT.

17 WITNESS MY OFFICIAL HAND, on this the 18th of  
18 May, 2012.  
19  
20  
21

22 Monica J. Willenburg, CSR, RPR  
23 Texas CSR No. 3386, Exp: 12/31/12  
24 Official Court Reporter  
25 352nd District Court  
401 W. Belknap, 8th Floor  
Fort Worth, Texas 76196  
Telephone: (817)884-2732  
email: mwillenburg@tarrantcounty.com