

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

NO. 352-248169-10

BAT WORLD SANCTUARY and	)	IN THE DISTRICT COURT
AMANDA LOLLAR,	)	
	)	
Plaintiffs,	)	
	)	
VS.	)	TARRANT COUNTY, TEXAS
	)	
MARY CUMMINS,	)	
	)	
	)	
Defendant.	)	352ND JUDICIAL DISTRICT

-----

ORAL AND VIDEOTAPED DEPOSITION OF

AMANDA LOLLAR

NOVEMBER 8, 2011

-----

ORAL AND VIDEOTAPED DEPOSITION OF AMANDA LOLLAR,  
produced as a witness at the instance of the DEFENDANT,  
and duly sworn, was taken in the above-styled and  
numbered cause on November 8, 2011, from 10:00 a.m. to  
2:25 p.m., before Claudia White, CSR in and for the  
State of Texas, reported by machine shorthand, at the  
law offices of Stephanie Patton, 2101 Moneda, Haltom  
City, Texas, pursuant to the Texas Rules of Civil  
Procedure.

ORIGINAL

Job No. 12134

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Mr. Randy E. Turner, Esq.  
TURNER & MCKENZIE, PC  
1800 Norwood Drive  
Suite 100  
Hurst, Texas 76054  
817-282-3868

FOR THE DEFENDANT:

Ms. Mary Cummins, Pro Se  
645 W. 9th Street  
#110-140  
Los Angeles, CA 90015  
310-877-4770

THE VIDEOGRAPHER:

Mr. Mike Ince, Videographer  
MERIT COURT REPORTERS  
307 West 7th  
Suite 1350  
Fort Worth, Texas 76102  
800-336-4000  
video@merittexas.com

Also Present:

Mr. Larry Crittenden  
Ms. Dottie Hyatt



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

INDEX

PAGE

Appearances..... 2

AMANDA LOLLAR

EXAMINATION BY MS. CUMMINS..... 5

Signature and Changes..... 157

Reporter's Certificate..... 159

EXHIBITS

NO. DESCRIPTION PAGE

1 Document stating ownership information..... 16

2 General Rules document from Bat World

Sanctuary..... 38

3 E-mail from Mary Cummins to Amanda Lollar

dated 6-24-10..... 45

4 E-mail from Mary Cummins to Amanda Lollar

dated 6-26-10..... 47

5 Photocopy of photos with upload dates..... 50

6 Photocopy of screen shot of You Tube..... 50

7 Photocopy of screen shot of You Tube..... 50

8 Photocopy of screen shot of You Tube..... 50

9 Photocopy of screen shot of You Tube..... 50

10 Photocopy of screen shot of You Tube..... 51

11 Photocopy of screen shot of You Tube..... 51

12 Photocopy of screen shot of You Tube..... 51

13 Photocopy of screen shot of You Tube..... 52

14 Photocopy of screen shot of photos..... 79

15 Photocopy of screen shot regarding bat

rehabilitation from the Bat World Sanctuary

website..... 55

16 Bat World Sanctuary Internship Contract..... 65

17 Copy of a screen shot from You Tube..... 79

18 Photocopy of Bat Hut..... 80

19 Photocopy of screen shot of Port-A-Cage..... 80

20 Photocopy of screen shot of a Port A Bug..... 82

21 Photocopy of e-mail from Edward Muzika to

Mary Cummins dated 5-26-11..... 89

22 Photocopy of a post..... 91

23 Posting by Amanda Lollar..... 94

24 Letter to Donna Robins from Amanda Lollar..... 96

25 E-mail from Amanda Lollar to Donna Robins

1	26	Blog post.....	106
2	27	Copy of Second Amended Complaint for Breach of Contract.....	114
3	28	Excerpt from a book written by Sue Bernard.....	118
4	29	Photocopy of screen shot of a blog post.....	122
5	30	Photocopy of screen shot of a blog post.....	126
6	31	Excerpt from book written by Amanda Lollar.....	127
7	32	Excerpt from book written by Amanda Lollar.....	128
8	33	Excerpt from book written by Amanda Lollar.....	128
9	34	DVD of photos and video.....	129

REQUESTED DOCUMENTS/INFORMATION

NO.	DESCRIPTION	PAGE
8	NONE .....	

CERTIFIED QUESTIONS

NO.	PAGE/LINE
11	NONE .....

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 MR. TURNER: Randy Turner for the  
2 Plaintiff.

3 MS. CUMMINS: Mary Cummins, pro se.

4 THE REPORTER: Will this be taken under the  
5 Rules?

6 MS. CUMMINS: Yes.

7 AMANDA LOLLAR,  
8 having been first duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. CUMMINS:

11 Q. Ms. Lollar, if you lie under oath in the state  
12 of Texas you can receive a minimum of 2 to 10 years in  
13 prison; do you understand?

14 A. Yes, I do.

15 Q. Because the court reporter is going to be  
16 writing this down, could you please refrain from using  
17 nodding or hand gestures, and please clearly state yes  
18 or no. Do you agree to this?

19 A. Yes.

20 Q. Are you represented by legal counsel?

21 A. Yes.

22 Q. Is your legal counsel, Randy Turner, here  
23 today?

24 A. Can you please speak up a little bit?

25 Q. Is your legal counsel, Randy Turner, here

1 today?

2 A. Here today, yes.

3 Q. May I please see your driver's license?

4 A. (Witness complies.)

5 Q. Have you ever been deposed before?

6 A. Yes.

7 Q. What case was that for?

8 A. It was for a case in New Mexico.

9 Q. What was the title of that case?

10 A. Was the what of that case?

11 Q. The title.

12 A. I'm sorry, I don't recall.

13 Q. Was it Bat World Sanctuary versus Talking  
14 Talons Youth Leadership?

15 A. Yes, it may have been.

16 Q. Do you have a copy of that deposition?

17 A. No, I do not.

18 Q. Can you get ahold of a copy of it?

19 A. No, I do not; that's confidential.

20 Q. Have you ever filed for bankruptcy?

21 A. No.

22 Q. Has your husband ever filed for bankruptcy?

23 A. No.

24 Q. Did your previous husband file for bankruptcy,  
25 as far as you know?

1 A. As far as I know, he did not.

2 Q. What did you do to prepare for this deposition?

3 Did you review any notes or documents?

4 A. No.

5 Q. Where were you born?

6 A. Killeen, Texas.

7 Q. Do you spell that C-O-L-L-E-E-N?

8 A. No. K-I-L-L-E-E-N.

9 Q. Do you have any siblings?

10 A. Yes.

11 Q. What are their names?

12 A. I have a brother; his name is Michael Dennis  
13 Lollar.

14 Q. Any other?

15 A. No.

16 Q. Is your father still alive?

17 A. Yes.

18 Q. What's his name?

19 A. Luther Lollar.

20 Q. And where does he reside?

21 A. Mineral Wells, Texas.

22 Q. And what is the name of the place where he  
23 lives?

24 A. He's in nursing care.

25 Q. What's the name of the nursing case?

1 A. I would rather not disclose that information.

2 Q. You realize you have to answer all questions  
3 that I ask today?

4 A. I would rather not disclose that information.

5 Q. Please tell me the name of the location.

6 A. He's -- there's only three nursing homes in  
7 Mineral Wells, and he's in one of those. And I respect  
8 his privacy, and I do not want to disclose that  
9 information.

10 Q. Please tell me the name of the nursing home.

11 A. It is --

12 MR. TURNER: She's already answered your  
13 question, ma'am. She's not going to give you the name  
14 of the nursing home.

15 MS. CUMMINS: You didn't file a protective  
16 order to the name of the nursing home before this  
17 deposition, you have to answer the question.

18 MR. TURNER: She's not going to answer it.

19 MS. CUMMINS: I reserve the right to depose  
20 Ms. Lollar again in order to get the name of the nursing  
21 home.

22 MR. TURNER: We're asserting a privilege.

23 MS. CUMMINS: What is the privilege?

24 MR. TURNER: Right of privacy.

25 Q. (BY MS. CUMMINS) Have you ever used any other

1 names?

2 A. No.

3 Q. What was the name of your first husband?

4 A. Mann, Carlton Herbert Mann.

5 Q. You never used the last name Mann?

6 A. Yes, I did use his last name.

7 Q. Have you ever been arrested?

8 A. No.

9 Q. Have you ever been sued?

10 A. No.

11 Q. Have you ever sued anyone?

12 A. Yes.

13 Q. Who?

14 A. The case that's confidential in New Mexico, and  
15 you.

16 Q. You've never sued anyone else?

17 A. No.

18 Q. Do you have a Ph.D.?

19 A. No.

20 Q. Do you have a master's degree?

21 A. No.

22 Q. Do you have a college degree?

23 A. No.

24 Q. Do you have a high school diploma?

25 A. No.

1 Q. Do you have a GED?

2 A. Yes.

3 Q. What is the last year of schooling that you  
4 actually finished?

5 A. Tenth grade.

6 Q. Why didn't you finish 11th and 12th?

7 A. Because I wanted to go onto other things.

8 Q. Such as?

9 A. Such as, just life.

10 Q. What was your GPA for the last couple of years  
11 in school?

12 A. I don't recall.

13 Q. Did you get A's, B's?

14 A. A's.

15 Q. So that would be a 4.0?

16 A. I'm not sure. I don't recall.

17 Q. Have you gone to veterinary school?

18 A. No, I have not.

19 Q. Are you a licensed veterinary technician?

20 A. No.

21 Q. What animal classes have you taken?

22 A. None.

23 Q. How did you learn all of your animal knowledge?

24 A. By working with my veterinarian closely for the  
25 past 20 years.



1 Q. What is the name of that veterinarian?

2 A. Tad Jarrett, DVM.

3 Q. So he taught you, you're saying?

4 A. Yes. He taught me quite a bit.

5 Q. Who taught you how to amputate bat wings?

6 A. My vet and myself.

7 Q. You taught yourself?

8 A. Yes.

9 Q. Who taught you how to do C-sections on bats?

10 A. My veterinarian.

11 Q. During the May 4th hearing for temporary  
12 injunction, did you say that you learned what you know  
13 through the school of life and trial and error?

14 A. Yes, I did.

15 Q. What do you mean by trial and error?

16 A. I mean by trying to use medications and  
17 procedures to save the lives of bats that are going to  
18 die, and hoping that we provide a -- the necessary care  
19 that allows them to live.

20 Q. What does error mean?

21 A. Error means that sometimes mistakes are made.  
22 Sometimes a medication is used that -- when another one  
23 would have worked better.

24 Q. So you've made mistakes?

25 A. Everyone's made mistakes.

1 Q. Do you have a fish and wildlife permit?

2 A. No, I do not. I'm not required to have a fish  
3 and wildlife permit.

4 Q. Do you have any protected bats?

5 A. No, I do not.

6 Q. How many bats do you have?

7 A. Approximately 300.

8 Q. You don't know the exact number?

9 A. I don't recall. I'd have to look at my  
10 records.

11 Q. How many fruit bats do you have?

12 A. About 150.

13 Q. What types of native bats do you have?

14 A. What types? Do you mean what species?

15 Q. What species.

16 A. Tadarida brasiliensis, eptesicus fuscus.

17 Q. The common names.

18 A. I'm sorry?

19 Q. The common names.

20 A. The common names? Mexican free-tail bats, big  
21 free-tail bats, cave myotis, big brown bats.

22 Q. That's it?

23 A. That's it.

24 Q. After 10th grade, what was the first job that  
25 you had?

1           A. I don't recall. I believe it was assistant  
2 manager for a drive-in theater.

3           Q. What was your job after that?

4           A. I was a dental assistant for a prosthodontist.

5           Q. What training did you take in order to become a  
6 dental assistant?

7           A. I was trained on the job. It's a specialized  
8 dentist; there's only four in the country.

9           Q. So you're not a certified dental assistant?

10          A. No. I was trained on the job.

11          Q. What was your job after that?

12          A. I was a welder.

13          Q. Did you receive training on the job?

14          A. Yes, I did.

15          Q. And what was your job after that?

16          A. A forklift driver.

17          Q. What year was this?

18          A. I do not recall.

19          Q. Was it the '80s?

20          A. '80s. Yeah, it must have been the '80s.

21          Q. What was your job after that?

22          A. I also managed convenience stores.

23          Q. And what was your job after that?

24          A. I had a cleaning service.

25          Q. As in maids?

1           A. No, as in a cleaning service, an actual  
2 business.

3           Q. Dry cleaning or --

4           A. Cleaning businesses and homes of --

5           Q. Okay.

6           A. And then I ran a furniture store. I actually  
7 owned and ran a furniture store after that, and then I  
8 started a nonprofit.

9           Q. When did you -- did you run the furniture store  
10 with your mother?

11          A. Yes. We ran it together.

12          Q. What year was this?

13          A. I don't recall.

14          Q. When did she die?

15          A. 1994 -- actually, 1993.

16          Q. And did you continue to run the furniture store  
17 after that?

18          A. For a few months, yes.

19          Q. And then what did you do?

20          A. I liquidated the business and opened up a  
21 nonprofit.

22          Q. How have you been supporting yourself  
23 personally during this time?

24          A. By -- I'm not sure I understand exactly what  
25 you mean.

1 Q. What is your source of income?

2 A. I own the property that the sanctuary resides  
3 in, and the sanctuary pays me rent.

4 Q. How much rent?

5 A. 1,500 a month.

6 Q. Is that for the 217 North Oak building?

7 A. That's for -- yes, it is. Out of that rent,  
8 \$900 goes to the building payment. Another 150 goes on  
9 a life insurance policy, which, all of the proceeds go  
10 back to the organization.

11 Q. So if you die, the proceeds go to Bat World  
12 Sanctuary?

13 A. Bat World Sanctuary, yes.

14 Q. Do you have liability insurance on the  
15 property, 217 North Oak?

16 A. Yes.

17 Q. What is the name of your carrier, your  
18 insurance carrier?

19 A. I'm not sure I recall the name.

20 Q. So if someone were to trip and fall on your  
21 property, they would be insured, covered?

22 A. Yes.

23 Q. Do you know what the limits are on that policy?

24 A. No, I do not.

25 Q. How much do you pay a year on that policy?

1 A. I'm not -- I don't recall that either.

2 Q. So you personally own the 217 North Oak  
3 building?

4 A. Yes.

5 Q. Who owns the building at 115 First Avenue?

6 A. Bat World Sanctuary.

7 Q. I'd like to show you Exhibit No. 1.

8 (Exhibit 1 marked.)

9 Q. (BY MS. CUMMINS) What does that document say,  
10 who owns the building?

11 A. The document says the Beneficial Animal  
12 Teaching Society.

13 Q. Is that correct?

14 A. It was correct at the time.

15 Q. I just pulled that up recently.

16 A. Well, then these records are wrong, because  
17 Beneficial -- the organization started off as being  
18 called the Beneficial Animal Teaching Society. We  
19 officially changed the name.

20 Q. What year did you change the name?

21 A. It was in the early 2000s, maybe the year 2000.  
22 And the bank records never got updated, but they have  
23 been updated recently.

24 Q. What was the Beneficial Animal Teaching  
25 Society, was it a corporation?

1           A. No, it was an association, nonprofit  
2           association.

3           Q. Did it have a board of directors?

4           A. Yes.

5           Q. Who was on that board of directors?

6           A. I don't recall in the early years.

7           Q. Did you have an advisory board for that?

8           A. Yes.

9           Q. Who was on that advisory board?

10          A. I don't recall.

11          Q. So that organization is no longer active?

12          A. The organization became -- the organization has  
13          always been there. The name was changed. That is the  
14          only thing that changed about the organization.  
15          Beneficial Animal Teaching Society and Bat World  
16          Sanctuary are one in the same. The name has been  
17          changed. It's like when you get married and you change  
18          your name, you're still the same person.

19          Q. So what year did Bat World Sanctuary legally  
20          exist, initially?

21          A. The facility Bat World Sanctuary existed in  
22          1994.

23          Q. I meant the corporation, or the nonprofit  
24          association.

25          A. The nonprofit name was changed in the year

1 2000.

2 Q. And it was -- Bat World Sanctuary, at that  
3 time, was a nonprofit association?

4 A. Yes. The Beneficial Animal Teaching Society  
5 and the Bat World Sanctuary are one in the same. The  
6 name changed, the tax identification number remained the  
7 same. It's the same exact organization.

8 Q. What is Bat World Sanctuary, Incorporated?

9 A. I'm sorry?

10 Q. Bat World Sanctuary, Incorporated.

11 A. What was the first of your question?

12 Q. What is it?

13 A. What is it? It's our organization.

14 Q. When was that formed?

15 A. We incorporated in the state of Texas in --  
16 last year, I believe.

17 Q. What or who is Bat World Sanctuary that's suing  
18 me?

19 A. That is the same as Bat World Sanctuary,  
20 Incorporated. It's all one in the same.

21 Q. Who's on the board of directors of Bat World  
22 Sanctuary, Incorporated?

23 A. That's common knowledge on our website.

24 Q. Tell me.

25 A. I'm the president, Dottie Hyatt is the vice



1 president, Michelle McCaulley is the secretary, and  
2 Denise Tomlinson is the treasurer.

3 Q. Did you --

4 A. It's on our website on the "about us" page.

5 Q. Do you have director's and officer's insurance?

6 A. Yes, we do.

7 Q. How much do you pay for that a year?

8 A. I don't recall.

9 Q. What are the limits on that policy?

10 A. I don't recall.

11 Q. How many members does Bat World Sanctuary  
12 currently have?

13 A. About a thousand.

14 Q. Does Bat World Sanctuary have any employees?

15 A. No.

16 Q. Was Janet Villareal ever an employee?

17 A. No. The organization does not pay salaries.

18 Q. Did you ever give her any money?

19 A. I gave her money out of my personal pocket, but  
20 the organization never paid salary.

21 Q. So you personally gave money to Janet?

22 A. Yes.

23 Q. How much?

24 A. I don't recall.

25 Q. How much did you give her per hour?

1 A. I don't recall. I never paid her per hour.

2 Q. Does she still currently volunteer with you?

3 A. No.

4 Q. Does she reside in Mineral Wells?

5 A. I believe she does. I don't know for sure.

6 Q. Are you two still on friendly terms?

7 A. Yes.

8 Q. What is a Bat World partner?

9 A. Partner?

10 Q. Mr. Turner's a partner.

11 A. Oh, that's -- on our links we call some of our  
12 favorite people who have donated or helped us in the  
13 past, we call them our partners. It's the same as  
14 having a favorite page or a link page.

15 Q. So they're not legally involved with the --

16 A. No. They're just partners and -- as a friend.

17 Q. So you said the Bat World Sanctuary pays you  
18 \$1,500 a month to rent the 217 Oak property?

19 A. Yes.

20 Q. And after you make the building payment, that  
21 is how you pay your personal expenses?

22 A. Well, yeah, with what's left with the building  
23 payment and then life insurance, and then I pay my  
24 personal expenses, which amounts to food.

25 Q. Where does your husband work?

1 A. That's confident -- personal information.

2 Q. You already told me at the hearing.

3 A. Oh, okay. Then he works at Cool City Avionics.

4 Q. When were you legally married to Larry?

5 A. It's been nine years ago. Almost nine years  
6 ago, so that would be 2002.

7 Q. How much does your husband make per month?

8 MR. TURNER: We're not going to answer  
9 that.

10 MS. CUMMINS: What's your objection?

11 MR. TURNER: It's privileged.

12 Q. (BY MS. CUMMINS) Does your husband contribute  
13 to any of the communal expenses?

14 A. Yes, he does.

15 Q. What does he pay for?

16 A. He doesn't actually pay for anything  
17 specifically, he just donates a certain amount of money  
18 to the organization monthly.

19 Q. How much?

20 A. \$250.

21 Q. Did you tell me that when your husband's boss  
22 sells the business your husband is going to get a bonus?

23 A. I may have. I don't recall.

24 Q. How much personal cash do you have right now,  
25 you, yourself, personally?

1 A. I'm not sure. About \$26, I think.

2 Q. \$26 cash?

3 A. Yes.

4 Q. Is that in all of your bank accounts?

5 A. Oh, I thought you meant in my wallet.

6 Q. Oh, no.

7 MR. TURNER: Hold on a second. Are you  
8 asking for her personally how much money she has?

9 MS. CUMMINS: Yes, her assets.

10 MR. TURNER: She's not going to answer  
11 those questions.

12 MS. CUMMINS: What's your objection?

13 MR. TURNER: It's privileged.

14 MS. CUMMINS: You didn't file a protective  
15 order to net worth before the deposition. You can't  
16 object.

17 MR. TURNER: She's not going to answer that  
18 question.

19 MS. CUMMINS: Okay. I reserve the right to  
20 re-depose her.

21 Q. (BY MS. CUMMINS) What are the assets of Bat  
22 World Sanctuary?

23 A. I don't recall. I'd have to calculate that up.

24 Q. How much money does Bat World Sanctuary have in  
25 their bank accounts?

1           A. I would have to look, and I don't recall  
2           offhand.

3           Q. You don't know how much money Bat World  
4           Sanctuary --

5           A. I haven't looked in quite some time.

6           Q. How much money did Bat World Sanctuary just  
7           receive from Bonnie Bradshaw's rehab group that just  
8           closed?

9           A. There were two separate checks, so I think it  
10          was over \$10,000.

11          Q. Was it 14,000?

12          A. No, it was not.

13          Q. What is the name of the vet who signed your  
14          USDA documents?

15          A. Cin -- you mean my USDA inspector?

16          Q. No. Your veterinarian has to sign your USDA  
17          sheet every day.

18          A. Oh, that would be Tad Jarrett.

19          Q. How often does he inspect your premises?

20          A. I don't recall. He's there -- I really don't  
21          recall.

22          Q. What's the minimum amount of visits per year?

23          A. I have no idea.

24          Q. Has he been to Bat World Sanctuary in the last  
25          year?

1 A. Yes.

2 Q. Has he been to Bat World Sanctuary at least  
3 once a year?

4 A. Oh, yes.

5 Q. What are the names of your other vets?

6 A. I don't have any other vets locally. I don't  
7 work with any other vets locally.

8 Q. What are the names of the other vets you work  
9 with that are not local?

10 A. I work with a vet in South Dakota, and her name  
11 is Janet Messner.

12 Q. How do you work with her?

13 A. She came to intern with us for two weeks. We  
14 have two vets on our advisory board, as well.

15 Q. What are the names of the advisory board vets?

16 A. Lindsey Rosen.

17 Q. Where is she?

18 A. I believe she's in North Carolina.

19 Q. And the other?

20 A. Shawn Janette.

21 Q. Where's he?

22 A. I believe he is in Maryland or Pennsylvania,  
23 I'm not sure.

24 Q. So these are just advisory vets, they're not  
25 vets that treat your animals?

1           A. No, but they've all been to Bat World  
2 Sanctuary.

3           Q. So your main vet, then, is Dr. Tad Jarrett?

4           A. Yes.

5           Q. And his office is located how far away from Bat  
6 World Sanctuary?

7           A. About a quarter of a mile.

8           Q. Where do you get your isoflurane?

9           A. From my local vet.

10          Q. So you pick it up from his office?

11          A. Yes.

12          Q. And you pay him for it?

13          A. Yes.

14          Q. Do you have a prescription?

15          A. Don't need a prescription.

16          Q. What other drugs do you get from Dr. Jarrett?

17          A. Antibiotics.

18          Q. Such as?

19          A. Baytril, Clavamox, Dexamethasone, Doxycycline.

20          Q. One second. Dexamethasone, that's a steroid,  
21 right?

22          A. Yes.

23          Q. Why does he give you Dex?

24          A. For pneumonia, head injuries, back injuries.  
25 It's also an anti-inflammatory.

1 Q. What other drugs does he give you?

2 A. Did you write down Clavamox? Did you get that  
3 one?

4 Q. Uh-huh.

5 A. Did you get down Cephalexin?

6 Q. Yes.

7 A. Okay. Baytril?

8 Q. Anything else?

9 A. Offhand, those are the most common ones that I  
10 can remember.

11 Q. What about pain relief?

12 A. Oh, Metacam, of course. Cetacaine.

13 Q. What is Cetacaine?

14 A. Cetacaine is a topical anesthetic; it's used on  
15 mucus membranes specifically.

16 Q. When you receive these drugs from Dr. Jarrett,  
17 do you sometimes give them to other members of Bat World  
18 Sanctuary?

19 A. No.

20 Q. Where do they get their drugs?

21 A. You would have to ask them.

22 Q. What type of rabies vaccination do you  
23 recommend for bats?

24 A. Any kind of subcu vaccination that's made for  
25 animals.



1 Q. Are you talking modified live or killed?

2 A. Killed. That's all they sell for animals, is  
3 killed.

4 Q. So you recommend rabies vaccinations subcu?

5 A. Yes. We've been doing that for 20 years.

6 Q. Have you ever checked the titer of a bat after  
7 you've given them the rabies vaccination?

8 A. I haven't done it personally, no.

9 Q. So you wouldn't know if your vaccinations were  
10 effective?

11 A. Well, we do know from certain papers,  
12 scientific papers that have been published, that we were  
13 involved in the study.

14 Q. So you injected bats subcu with rabies  
15 vaccination and someone else checked the titer  
16 afterwards?

17 A. Yes. Boston University.

18 Q. What were the titers?

19 A. I don't recall. I'd have to look at the paper.

20 Q. Do you realize most people give rabies  
21 vaccinations intramuscular?

22 A. No. I don't realize that.

23 MR. TURNER: Objection, form.

24 A. It's not the case for a lot of animals, you  
25 don't give it IM for a lot of animals. That's why they

1           make it subcu so you can also give it subcu. It  
2           actually states that in the directions on the bottle.

3           Q. (BY MS. CUMMINS) How do you give a bat rabies  
4           vaccination?

5           A. Subcutaneously.

6           Q. So you give bats rabies vaccinations --

7           A. I have in the past.

8           Q. When was the last time you gave a rabies  
9           vaccination to a bat?

10          A. I don't recall the year that it was.

11          Q. Was it within the last year?

12          A. No.

13          Q. Within the last two years?

14          A. No. It was when rabies vaccine was legal to  
15          buy at the feed store in Texas. You could buy it at the  
16          feed store and administer it to livestock, cats, dogs,  
17          anything you wanted to, because it was completely legal  
18          to do so.

19          Q. It is no longer legal to buy rabies  
20          vaccinations at the feed store?

21          A. No. Feed stores no longer sell it.

22          Q. In Texas?

23          A. I'm not sure about other states, I just know  
24          Texas.

25          Q. So before, you were buying your rabies

1 vaccinations at the feed store and using that?

2 A. Yes.

3 Q. What animals -- the rabies vaccinations that  
4 they sell at the feed stores, what animals were they  
5 made for?

6 A. I don't recall.

7 Q. Were they made for livestock?

8 A. I don't recall.

9 Q. Were they made for horses and cows only?

10 A. No, I don't recall. I don't think so. The  
11 vaccine is specifically made for mammals, which would  
12 include livestock and domestic animals. Any time you  
13 use it on a wild animal, it's off-label use, is what  
14 it's considered.

15 Q. Do you have a human rabies vaccine booster at  
16 Bat World Sanctuary?

17 A. Yes, we do.

18 Q. Who makes that?

19 A. I'm not sure who makes it.

20 Q. Where did you get it from?

21 A. From a drug company that we have an account  
22 with.

23 Q. What's the name?

24 A. I don't recall the name of the company.

25 Q. You don't know --

1 A. We have an account with them.

2 Q. If I give you a discovery request for the name  
3 of the drug company, can you give that to me?

4 A. I assume I can.

5 MS. CUMMINS: Okay. I will make that  
6 request in writing later.

7 Q. (BY MS. CUMMINS) Have you ever given a human  
8 rabies vaccine booster?

9 A. Have I ever given one?

10 Q. Yes.

11 A. Absolutely not.

12 Q. Why do you have one?

13 A. In case anyone has had an exposure at Bat  
14 World. We have it on hand as a safety precaution.

15 Q. So if someone were bitten by a rabid bat and  
16 you have this booster, what would you do?

17 A. We would call our doctor's office, and take  
18 them to the doctor and have the booster administered by  
19 a nurse practitioner or the doctor.

20 Q. Why do you have the booster at Bat World  
21 Sanctuary?

22 A. Because it's faster to get somebody -- it's  
23 faster and it's safer to have it on hand. We've had it  
24 on hand for years.

25 Q. Do you need any permits to have the human

1 rabies vaccine booster?

2 A. No, we do not. Most reputable wildlife centers  
3 will have it on hand.

4 Q. Wouldn't it make more sense for a doctor or  
5 hospital to have it on hand?

6 MR. TURNER: Objection, form.

7 A. If there's a --

8 Q. (BY MS. CUMMINS) Did you give a human rabies  
9 vaccination booster to Sara Kennedy?

10 A. I've never given a human rabies vaccination, or  
11 any type of injection, to any human, ever, in my entire  
12 life.

13 Q. Did Sara Kennedy receive a human rabies booster  
14 vaccination while she was in Bat World Sanctuary?

15 A. While she was visiting, yes, she did.

16 Q. Who gave it to her?

17 A. Dr. Bailey's office.

18 Q. Where is he located?

19 A. In Mineral Wells.

20 Q. So you took your human rabies vaccine booster  
21 to Dr. Bailey's office with Sara Kennedy and Dr. Bailey  
22 injected her?

23 A. It was the nurse practitioner.

24 Q. Why did she need the vaccination?

25 A. Because she felt like she might have been

1 bitten.

2 Q. Did you send any of the -- did you send the bat  
3 that may have bitten her to the health department?

4 A. No. It had been released. She thought she was  
5 bitten during a release. So the bat was flying free in  
6 the air. There was no way to grab the bat after that  
7 and take it to have it decapitated and tested for  
8 rabies. So, instead, as a precaution, we took her to  
9 the doctor with our vaccine so she could get a booster.

10 Q. Why did that bat come into care?

11 A. It was an orphan.

12 Q. How did it bite her at release?

13 A. I don't know. It wasn't in my hand. I don't  
14 know exactly how it bit her. It was dark. Any time an  
15 intern expresses a concern about being bitten, the first  
16 thing we do is get them a booster.

17 Q. Do you have a proof of preexposure rabies card?

18 A. No. They don't give those out in Texas.

19 Q. When was the last time you had your preexposure  
20 rabies shot?

21 A. I had a preexposure -- oh, I don't get  
22 preexposure, I get boosters.

23 Q. When was the last time you had a booster?

24 A. Last summer.

25 Q. Who gave that to you?

1 A. Dr. Bailey's office.

2 Q. How often do you get boosters?

3 A. Annually.

4 Q. Do you get your titer tested beforehand?

5 A. No.

6 Q. When was the last time you had your titer  
7 tested?

8 A. Probably in the late '90s.

9 Q. What was it at that time?

10 A. I don't recall.

11 Q. Who tested your titer at that time?

12 A. Dr. Singh's office.

13 Q. S-I-N-G-H?

14 A. Yes.

15 Q. Where is he located?

16 A. He's no longer in Mineral Wells. I'm not sure  
17 where he moved his practice.

18 Q. Does your husband have a proof of preexposure  
19 rabies shot card?

20 A. They don't give those in Texas.

21 Q. So how do you show someone that you've had your  
22 preexposure shot?

23 A. Well --

24 MR. TURNER: Objection, form.

25 Q. (BY MS. CUMMINS) When Kay Singl -- did Kay

1 Singleton give you her proof of preexposure rabies card?

2 A. I don't recall.

3 Q. Kay Singleton lives in Texas; she has a proof  
4 of preexposure rabies card.

5 MR. TURNER: Objection, form.

6 MS. CUMMINS: I didn't ask a question yet.

7 MR. TURNER: Objection, sidebar.

8 Q. (BY MS. CUMMINS) Did Janet Villareal have her  
9 preexposure shots?

10 A. Yes, she did.

11 Q. Where did she get them from?

12 A. Dr. Bailey's office.

13 Q. Who paid for them?

14 A. I did.

15 Q. How much were they?

16 A. I don't recall.

17 Q. How many shots do you need -- preexposure shots  
18 do you need before you can work with a rabies factor  
19 species?

20 A. Three.

21 Q. How much did they cost, approximately, each?

22 A. About 150.

23 Q. When did Janet Villareal get her preexposure  
24 shots?

25 A. I don't recall.



1 Q. How long was it before she started working at  
2 Bat World Sanctuary?

3 MR. TURNER: Objection, form.

4 Q. (BY MS. CUMMINS) How long before Janet  
5 Villareal started working at Bat World Sanctuary did she  
6 get her preexposure shots?

7 A. You mean how long did she work there before she  
8 got her shots?

9 Q. No. Let me rephrase.

10 How much time passed from the time she  
11 received her preexposure shots to the time she started  
12 working at Bat World Sanctuary?

13 A. She worked there before she received her shots,  
14 but she never handled any insectivorous bats.

15 Q. Did she handle any fruit bats?

16 A. Yes, but you don't need preexposure shots to  
17 work with fruit bats.

18 Q. Don't fruit bats also get rabies?

19 A. No, not the ones that are -- have been in zoos  
20 and been born and raised in captivity and have been in  
21 captivity for decades.

22 Q. But fruit bats can get rabies?

23 A. They can get the Lissa virus. It's not exactly  
24 rabies, it's a different form of the virus.

25 Q. So you let members -- do you let members of the

1 public in with the fruit bats?

2 A. Absolutely not.

3 Q. You've never let a member of the public in with  
4 the fruit bats?

5 A. No.

6 Q. So if I were to show you photos of people from  
7 the public in with the fruit bats, what would you say to  
8 that?

9 A. I believe that you have pictures of interns.  
10 That's not exactly the public, that's not people walking  
11 in off the street and going and playing in our cages.

12 Q. Can you give me a copy of Sara Kennedy's  
13 preexposure rabies vaccination card?

14 A. If I have it on hand.

15 Q. When someone goes to Internet Bat World  
16 Sanctuary, don't they need to have proof of preexposure  
17 shots?

18 A. Yes.

19 Q. So every time an intern shows up you collect  
20 those -- make a photocopy of those cards?

21 A. Or we have them show us the cards, one or the  
22 other.

23 Q. Did Kay Singleton show you her preexposure  
24 rabies card?

25 A. I don't recall. I'm sure that we received some

1 kind of proof.

2 Q. Did you make a photocopy of her card?

3 A. I don't recall.

4 Q. You provided the health department a photocopy  
5 of one intern's card, that was Sandra Gerhardt. Did you  
6 provide the health department with any other cards?

7 A. I don't recall.

8 Q. Did I give you my proof of preexposure card?

9 A. I don't recall.

10 Q. Did I tell you what my titer was?

11 A. I don't recall that either.

12 Q. I don't have a preexposure card yet.

13 MR. TURNER: Objection, form.

14 MS. CUMMINS: I didn't ask a question yet.

15 MR. TURNER: That was the basis of my  
16 objection.

17 Q. (BY MS. CUMMINS) Do you have a copy of the  
18 preexposure rabies vaccination card for all members of  
19 Bat World Sanctuary that work with bats?

20 A. No, I don't.

21 Q. Why not?

22 A. Because some places don't give cards. Some  
23 states don't give cards.

24 Q. Kay Singleton lives in Texas; how did she get a  
25 card?

1           A. I'm not sure that she has a card. I don't  
2 recall that she has a card.

3           Q. Didn't the application say we had to have proof  
4 of vaccination cards?

5           A. Your application -- the applications also state  
6 -- ask for you to write in your own titer and sign that  
7 you have an adequate titer.

8           Q. Did I do that on my application?

9           A. I'm sure you did.

10          Q. I didn't.

11                   MR. TURNER: Objection, form.

12          Q. (BY MS. CUMMINS) Now, one of the two main  
13 premises of your lawsuit against me is that I did not  
14 have permission to take photos and videos at Bat World.

15                   I would like to show you Exhibit 2, which  
16 is entitled: "General Rules And Expectations During  
17 Your Internship." I would like you to read number 14.

18                   First, did you hand me that when I showed  
19 up at Bat World Sanctuary?

20          A. Yes, I did.

21                   (Exhibit 2 marked.)

22          Q. (BY MS. CUMMINS) Could you please read number  
23 14.

24          A. Take as many pictures as you like of both  
25 procedures and bats. However, do not follow or attempt

1 to capture a fruit bat that flies away. Some bats may  
2 take fruit offered by hand (particularly melon) and do  
3 not mind having their picture taken with a flash.

4 Q. In your complaint you stated I did not have  
5 permission to take photos or videos.

6 What do you think that is?

7 A. This is allowing you to take pictures while  
8 you're there. In the complaint, we didn't allow you --  
9 we didn't -- you did not ask for permission to share  
10 those photos on the Internet. We don't care if anyone  
11 takes pictures. We want people to take pictures of  
12 procedures; that's how people can learn, is by reviewing  
13 those pictures and videos.

14 Q. So you're telling me that you want people to  
15 take photos and videos, but you don't want them to post  
16 them on the Internet?

17 A. Not without permission.

18 Q. In your complaint you state that the photos and  
19 videos were often taken without the knowledge of Bat  
20 World Sanctuary. Is that the truth?

21 A. Yes.

22 Q. Were you not in the room with me when I was  
23 taking photos of the bats and procedures?

24 A. Not all the time.

25 Q. Did I not take a video of you performing an

1           episiotomy of a bat?

2           A.   Yes, of course.

3           Q.   How far away was my camera from you?

4           A.   I'm not sure.   You were behind me.

5           Q.   Would you say it was a foot?

6           A.   Perhaps.

7           Q.   So you knew I was taking video of you?

8           A.   Of course.

9           Q.   Did I take photographs of you trying to suture  
10          a bat?

11          A.   I believe you did.

12          Q.   And you saw that I was there taking the  
13          photographs?

14          A.   Yes, of course.

15          Q.   So you knew, that was with your knowledge that  
16          I took that photograph?

17          A.   Yes.

18          Q.   Do you also remember when you held a bat in  
19          your hand and I was taking video of it?

20          A.   No, I don't recall that.

21          Q.   You had a bat in your hand -- did you have a  
22          bat in your hand which you thought might have had rabies  
23          and you were going to euthanize it?

24          A.   Rabies or pesticide poisoning, yes.

25          Q.   Did you tell me you thought it had pesticide

1 poisoning?

2 A. I don't recall.

3 Q. Did you tell me that it might possibly have  
4 rabies?

5 A. I don't recall.

6 Q. Did you -- we'll get to the videos later, but  
7 did you point out the symptoms of rabies in the bat that  
8 you were holding in your hand?

9 A. Yes.

10 Q. So you knew I was videotaping you holding that  
11 bat in your hand?

12 A. Of course.

13 Q. What did you do with that bat after I stopped  
14 videotaping?

15 A. He was euthanized humanely.

16 Q. How did you euthanize him?

17 A. With isoflurane.

18 Q. How did you euthanize him with isoflurane?

19 A. Would you like to know how the procedure is  
20 performed?

21 Q. Yes.

22 A. The bat is placed into a soft padded roosting  
23 pouch, and isoflurane is dribbled onto a cotton ball and  
24 placed inside an air tight container so the bat can go  
25 to sleep, and left in there until they don't wake up,

1           until there's no longer a heart beat, so they die while  
2           they're asleep.

3           Q.   So you knew that I was videotaping you when you  
4           were holding the bat in hand before you euthanized it?

5           A.   Yes.  I wanted you to learn.

6           Q.   And you also knew that I was videotaping you  
7           when you were doing the episiotomy?

8           A.   Yes.  Again, it was so you could learn.

9           Q.   And you also knew I was taking photos of you  
10          when you were trying to suture up the bat?

11          A.   Yes.  Again, so that you could learn.

12          Q.   Which photos were taken -- which photos or  
13          video were taken without your knowledge?

14          A.   There were photos and videos taken of the  
15          captive colony.  There was a pallid bat that has cancer  
16          of the mouth that was drug out of her roost and placed  
17          on the edge of the cave --

18          Q.   How did you know --

19          A.   -- while she was shaking and cold, and you were  
20          videotaping her.

21                       MR. TURNER:  Let her answer the question.

22          A.   You were videotaping her while she was scared  
23          to death and trying to make her way back into her little  
24          roost, because she was confused about being drug out and  
25          having flash and camera placed on her.



1 Q. (BY MS. CUMMINS) Were you there when the bat  
2 was drug out of her roost?

3 A. No, I was not.

4 Q. How do you know she was drug out of her roost?

5 A. Because she wouldn't have been placed on -- she  
6 wouldn't naturally sit on the edge of the cave by  
7 herself, to the point where she was almost going to fall  
8 off.

9 Q. You don't think she could have crawled out of  
10 her roost?

11 A. No. She does crawl out of her roost to go get  
12 food and water, but they don't naturally sit on the edge  
13 of an area where they're going to naturally try --  
14 almost fall off. That's not something any conscious  
15 animal does by itself.

16 Q. Do you believe it's absolutely impossible for  
17 that pallid bat to have crawled out of her roost?

18 A. I believe it is impossible for her to perch  
19 herself on the edge of a counter so that she was almost  
20 going to fall off.

21 Q. So you are telling me that you believe that I  
22 dragged that bat out of her roost?

23 A. Yes, I do.

24 Q. Is that bat alive?

25 A. She died of cancer.

1 Q. When?

2 A. I don't recall. A few months ago.

3 Q. What type of cancer?

4 A. Mouth cancer.

5 Q. Did you do a necropsy?

6 A. We did a gross necropsy.

7 Q. Who did it?

8 A. Shawn Janette.

9 Q. So if I asked for a copy of that necropsy,  
10 you'll be able to provide it to me?

11 A. I'm not sure.

12 Q. Why not?

13 A. I don't know what kind of records he has.

14 Q. So Dr. Janette does procedures for you, but  
15 doesn't keep records?

16 A. It's not necessary -- well, a lot of the  
17 procedures he does are voluntary, so there's no need to  
18 keep records on voluntary procedures on an animal that's  
19 terminally ill.

20 Q. What do you mean by voluntary?

21 A. He doesn't charge for his services.

22 Q. So when he doesn't charge, he doesn't keep a  
23 record?

24 MR. TURNER: Objection, form.

25 Q. (BY MS. CUMMINS) If I were to ask for all of

1 your veterinary records from Dr. Janette, would you be  
2 able to provide them to me?

3 A. I'm not sure that he has records, because he  
4 volunteers his services.

5 (Exhibit 3 marked.)

6 Q. (BY MS. CUMMINS) I'm going to show you an  
7 e-mail, Exhibit No. 3. Can you tell me what that is?

8 A. It's an e-mail from you to me.

9 Q. And is there also an e-mail there from you to  
10 me in response?

11 A. Oh, yes. I'm sorry, you said: "cute ones on  
12 the second page." There's a link. And then I e-mailed  
13 back with "Thank you Mary!!"

14 Q. So that is your e-mail?

15 A. Yes, that's my e-mail.

16 Q. What is the date of my e-mail to you?

17 A. June the 24th.

18 Q. And what is the date of your e-mail back to me?

19 A. June the 25th.

20 Q. So you knew that I was posting these on the  
21 Internet?

22 A. I knew that you had taken pictures of Cassandra  
23 with red bats in the rehab room and posted those, and  
24 that's what I believe that link is to. You had posted  
25 her playing with red bats -- or not -- excuse me, not

1 playing with red bats, but treating red bats, orphans in  
2 the rehab room. And you took pictures of her doing so,  
3 as well as pictures of her with fruit bats, and posted  
4 those on the Internet.

5 That's why it says: Cute ones on the  
6 second page, as in, rather than something like, this is  
7 a medical procedure, on the second page.

8 Q. So there were two pages of photos which were  
9 posted?

10 A. Yeah. I'm not sure if I saw the first ones. I  
11 don't even recall what they are.

12 Q. Can you hand that back to me?

13 A. (Witness complies.)

14 Q. This was a -- the link that you clicked on to  
15 see the photos, what did you see when you --

16 A. I remember seeing pictures of Cassandra with a  
17 red bat pup hanging on her shirt and Cassandra -- a  
18 picture of Cassandra with Peek-a-boo, one of the fruit  
19 bats, that's what I remember seeing.

20 Q. That is -- you didn't -- do you remember seeing  
21 a link to an album entitled: Bats?

22 A. No, I don't.

23 (Exhibit 4 marked.)

24 Q. (BY MS. CUMMINS) I'd like to show you Exhibit  
25 No. 4. Can you tell me what that is?

1           A. It's an e-mail to me that says: I posted a few  
2 videos from my trip besides photos. Here's one of me  
3 feeding a baby Mexican free-tail bat. I hope it looks  
4 okay. I linked to your site in the video and photos.

5           Q. Do you remember reading that?

6           A. No. I don't remember reading it.

7           Q. Do you remember the next morning that you  
8 commented about the videos on You Tube that you saw?

9           A. No, I don't remember. Don't recall that.

10          Q. Can you tell me what the date is of that?

11          A. That's June the 26th, 2010.

12          Q. Now, the second main part of your complaint was  
13 that I posted these videotapes -- you state here that I  
14 posted the videotapes and photos on the Internet without  
15 Bat World's permission after I left the program. Is  
16 that the truth?

17          A. That's what I believe.

18          Q. You just looked at the e-mails and you said  
19 that you viewed the photos before I left.

20          A. I viewed these photos of Cassandra, the cute  
21 photos.

22          Q. I'm going to go through -- I'd like to submit  
23 this all at once as No. 5. And, first of all, when did  
24 I first arrive at Fort Worth -- at Bat World Sanctuary,  
25 Fort Worth?

1           A. I don't know when you arrived in Fort Worth. I  
2 wasn't there.

3           Q. Would that have been June 19th, 2010?

4           A. I wasn't in Fort Worth. I was in Mineral  
5 Wells.

6           Q. When did I arrive at Bat World Sanctuary,  
7 Mineral Wells?

8           A. I don't recall. It was late at night. It was  
9 around 9 or 10:00 at night.

10          Q. You think I arrived at night?

11          A. I believe you did.

12          Q. Would that have been June 20th?

13          A. I don't recall exactly the date.

14          Q. You don't remember?

15          A. No.

16          Q. How many days was I at Bat World Sanctuary?

17          A. I believe you were there six full days.

18          Q. At the May 4th Temporary Injunction Hearing, do  
19 you remember stating that I was only there four days?

20          A. I may have said that. That was a mistake.

21          Q. So you were wrong?

22          A. I may have misjudged the amount of days you  
23 were there, just like when you said you were there for  
24 ten days. That was also wrong.

25          Q. You don't believe I was there for ten days?

1 A. No, you were not.

2 Q. Was I in Texas for ten days?

3 A. I'm not sure where you went after you left Bat  
4 World. I can't answer that.

5 Q. When I first arrived at Bat World, Fort Worth,  
6 did I spend the night at Kate's house?

7 A. You would have to ask Kate that. I have no  
8 idea.

9 Q. So you don't remember the first day I arrived  
10 at Bat World, Mineral Wells?

11 A. I don't recall the time you arrived. I believe  
12 it was late evening or possibly night.

13 Q. Do you remember the June 20th? Do you remember  
14 the date, June 20th?

15 A. No. It may have been the 20th. I don't  
16 recall. I've said I don't recall about 15 times I  
17 believe, so I really don't recall.

18 Q. Do you remember the day I left?

19 A. You left early in the morning.

20 Q. Do you remember what day it was, date of the  
21 month?

22 A. I don't recall, again.

23 Q. I provided to you in discovery, photos and  
24 videos with time stamps on them. I'm going to show you  
25 some today and I want you to tell me the dates that you

1 see. These are the upload dates.

2 MR. TURNER: Objection, form.

3 (Exhibit 5 marked.)

4 Q. (BY MS. CUMMINS) This is Exhibit No. 5. Can  
5 you tell me what that is?

6 A. It looks like -- well, black magic marker  
7 marking a picture out of something, and then it says:  
8 "Baby bat pup nursing, Mary Cummins, Animal Advocates."  
9 And pretty much the same thing all the way down.

10 Q. Do you see dates on the right?

11 A. Yes, I do.

12 (Exhibit 6 marked.)

13 Q. (BY MS. CUMMINS) I'm going to give you this,  
14 Exhibit No. 6. What is that?

15 A. This is a video that you uploaded to You Tube.

16 Q. Encircled, what does it say in the circle?

17 A. June the 28th, it looks like.

18 Q. What does it say before that?

19 A. Updated by Mary -- oh, uploaded by Mary  
20 Cummins.

21 Q. So does it say uploaded by Mary Cummins  
22 June 28th?

23 A. Yes.

24 (Exhibit 7,8 and 9 marked.)

25 Q. (BY MS. CUMMINS) Tell me what the date is on



1 that?

2 A. June the 22nd.

3 Q. And this?

4 A. June 22nd.

5 Q. This is 8. This is Exhibit 9. Can you tell me  
6 the date?

7 A. June the 21st. These look like some of the  
8 pictures that were taken without my permission.

9 Q. What does it -- can you hand me back No. 9.

10 A. (Witness complies.)

11 Q. Is this a picture or a picture of a video?

12 A. I have no idea.

13 (Exhibit 10 marked.)

14 Q. (BY MS. CUMMINS) I'm going to hand you Exhibit  
15 No. 10. Does that say You Tube on there?

16 A. Oh, yes it does. This looks like another video  
17 that was uploaded without my permission.

18 Q. What is the date?

19 A. The date is June the 22nd.

20 Q. Can you tell me the date on this?

21 A. That is June the 21st, and that is -- I can't  
22 tell if it's photo or video, but it also looks like  
23 another picture or video taken without my permission.

24 (Exhibit 11 & 12 marked.)

25 Q. (BY MS. CUMMINS) This is Exhibit No. 12. Can

1 you tell me the date?

2 A. That is the 22nd. It looks like a baby  
3 free-tail bat being squeezed by the head. And it was  
4 also uploaded without my permission.

5 Q. Does it say You Tube?

6 A. Yes, it says You Tube. The baby looks like  
7 it's struggling. It's got its mouth open. It looks  
8 like it's being squeezed.

9 Q. Did you witness it being squeezed?

10 A. No. I would have never allowed anyone to  
11 handle a baby bat that way.

12 (Exhibit 13 marked.)

13 Q. (BY MS. CUMMINS) This is Exhibit No. 13. Can  
14 you tell me the date?

15 A. That is June the 28th. It looks like another  
16 video uploaded without my permission. It's being held  
17 wrong.

18 Q. How is it being held wrong?

19 A. It's got the eye dropper jammed in its mouth,  
20 and it's not held correctly so that it won't get dirty  
21 while it's being fed.

22 Q. How is it not being held correctly?

23 A. They should be held in a different position to  
24 not allow its coat to get dirty while it's being fed.

25 Q. What position would that be?

1 A. That's the position that I created.

2 Q. What is the position that you created?

3 A. It's called the V position.

4 Q. Can you please describe it?

5 A. It is a position that allows the milk to drip  
6 from the bottom of the dropper so that the pup's fur  
7 doesn't get dirty while it's being fed.

8 Q. Can you show us how you would feed in that  
9 position, pretending you're holding a bat in --

10 A. The bat is held this way, the dropper is held  
11 this way so that there's a V at the bottom. The pup's  
12 mouth is at the bottom of the V and the dropper is at  
13 the bottom of the V.

14 Q. So you were the first person to have invented  
15 this position?

16 A. Yes.

17 Q. What year was that?

18 A. 1998, I believe. It may have been earlier than  
19 that.

20 Q. So you're telling me right now that you are the  
21 first person ever to have fed a baby tree bat in that  
22 position?

23 A. I'm the first person to have recommended that  
24 they're fed in this position -- that position. Prior to  
25 that, everyone held them in their hands and milk

1 saturated their coats and they ended up not surviving.

2 Q. So all baby red tree bats that were fed before  
3 you discovered the V position didn't survive?

4 A. I'm not sure about that. I'm -- I just know  
5 that this method allows the pups to survive at a much  
6 better rate than previous.

7 Q. So only Bat World Sanctuary people feed in this  
8 position?

9 A. I'm not -- I didn't say that.

10 Q. Do you believe you own this technique?

11 A. I believe we recommended it and invented the  
12 technique.

13 Q. Would you say it's proprietary?

14 A. Yes.

15 Q. What is proprietary?

16 A. Well, I'm sure the definition is on the  
17 Internet. I think you have written what proprietary is.

18 Q. What does it mean to you?

19 A. It means that this is a method that we  
20 developed and that shouldn't be freely shared with  
21 others. It's in our book, so that method is  
22 proprietary. That means that it's -- our organization  
23 protects that method, and if people want to know about  
24 the method they should purchase the book.

25 Q. So you show this technique in your how-to book,

1 correct?

2 A. You mean my medical reference?

3 Q. Let me get the exact title. Do you show photos  
4 of the V feeding method in your book: "Standards and  
5 Medical Management for Captive Insectivorous Bats"?

6 A. Yes. It's insectivorous bats, yes.

7 Q. Insectivorous bats.

8 (Exhibit 15 marked.)

9 Q. (BY MS. CUMMINS) On the Internet, in your  
10 website, what is this?

11 A. That's one of the pages from our website.

12 Q. And do you have free resources?

13 A. Yes, we do.

14 Q. And under that, does it say infant care?

15 A. Yes. We provide infant care free. That's one  
16 of the numerous proprietary things that we have, but the  
17 infant care, I want people to have a reference to so  
18 that they can save infants in case they can't afford to  
19 buy the book and still have access.

20 Q. So someone could download your infant feeding  
21 chapter and use those techniques?

22 A. Yes, they can, from our website.

23 Q. Okay.

24 A. Not from You Tube, from our website. We can  
25 share our proprietary information, but we don't allow

1 others to freely grab our proprietary information and  
2 spread it all over the Internet. That's why our  
3 information on our website is copyrighted.

4 Q. So let's say Dick Wilkins were to read your  
5 chapter on feeding baby bats and he were to videotape  
6 himself or take photos of himself feeding baby bat and  
7 post it on the Internet. Would you be okay with that?

8 A. That's his information. I can't stop him from  
9 doing what he wants to do with his information.

10 Q. So if I were to have read your feeding baby  
11 bats chapter and then fed baby bats in that manner, and  
12 then took photos and videos, would you have a problem  
13 with that, and posted them on the Internet?

14 A. It just depends on the content, on how you  
15 portrayed the information. It would depend on -- I  
16 can't answer a hypothetical question.

17 Q. Did you put out a book, a very similar book, in  
18 1998?

19 A. I put out two similar books.

20 Q. Did you --

21 A. Three, actually.

22 Q. What were the years?

23 A. I don't recall the exact years. One was in  
24 '94, one in '98 and one in 2001, I believe.

25 Q. Is it possible that I read your 2002 version of

1 this book and I read the baby chapter, and I already  
2 knew how to feed babies in the V position before I went  
3 to Bat World Sanctuary?

4 A. The V position was not described in great  
5 detail in the previous books.

6 Q. You said earlier today that you developed the V  
7 position in 1998?

8 A. Yes.

9 Q. Did you show the V feeding position in your  
10 2002 version of the book?

11 A. We described it. It wasn't shown in great  
12 detail, though.

13 Q. So there were no photos of it?

14 A. No photos. Not that I recall. I'd have to  
15 actually look. I don't recall any photos. And I think  
16 it was 2001, actually.

17 Q. So do you believe when I posted the photos and  
18 videos which I took at Bat World Sanctuary that I shared  
19 proprietary information?

20 A. Some of it, yes.

21 Q. What was proprietary?

22 A. I'd have to actually look at everything again  
23 before I could answer that correctly.

24 Q. I'm going to read to you the definition,  
25 proprietary, and then I'm going to ask you if you agree

1 with this definition.

2 A. Proprietary information, also known as a trade  
3 secret, is information a company wishes to keep  
4 confidential. Proprietary information can include  
5 secret formulas, processes and methods used in  
6 production. It can also include a company's business  
7 and marketing plans, salary structure, customer lists,  
8 contracts, and details of its computer systems. In some  
9 cases, special knowledge and skills that an employee has  
10 learned on a job are considered to be a company's  
11 proprietary information.

12 Based on this definition, proprietary  
13 information is information that you wish to keep  
14 confidential. If you wish to keep this information  
15 confidential, why did you put it in a book?

16 MR. TURNER: Objection, form.

17 Q. (BY MS. CUMMINS) Do you believe that the V  
18 feeding position is proprietary?

19 A. Yes.

20 Q. So you believe it's confidential?

21 A. No. I believe it's proprietary.

22 Q. So you believe something that's proprietary is  
23 not necessarily confidential?

24 A. Not necessarily.

25 Q. So your V feeding position is something that



1           you want to share with others?

2                   A.   When they purchase the book, it's one of the  
3           things, one of the many things.

4                   Q.   But you're giving away your chapter nine,  
5           feeding baby bats, for free, you're not selling it. How  
6           do you consider that selling?

7                   A.   It's not selling.

8                   Q.   By allowing people to download chapter nine,  
9           feeding baby bats --

10                  A.   There's one proprietary piece of information in  
11           that chapter.

12                  Q.   What is that?

13                  A.   That's the V position. That chapter is given  
14           away so that people can save the lives of baby bats when  
15           they find them without having to purchase the entire  
16           book. If they want the rest of the proprietary  
17           information, they have to purchase the book.

18                  Q.   So if I were to post online tomorrow a feeding  
19           -- a video of me feeding a bat in the V position, you  
20           would not consider that proprietary?

21                  A.   Depends on the context on how you post it.

22                  Q.   What do you mean by that?

23                  A.   Well, it's a hypothetical question, so I can't  
24           really answer it.

25                  Q.   I posted videos of me feeding bats in the V

1 position.

2 A. Without our permission. You signed a contract  
3 at Bat World stating that you would not post anything  
4 without our permission.

5 Q. You stated in your complaint that I also shared  
6 copyrighted materials.

7 What copyrighted materials were those?

8 A. That is the video of a dental extraction that I  
9 believe you procured somehow from our website. Somehow  
10 or another, it was extracted from our website. It's a  
11 copyrighted video, and you shared that video.

12 Q. When did you sue me originally?

13 A. I don't recall. I believe it was September  
14 of 2010.

15 Q. When was that video posted?

16 A. I don't recall that either.

17 Q. Was that video posted after September of 2010?

18 A. It may have been.

19 Q. Well, then how could you have sued me for  
20 sharing copyrighted data if it hadn't been posted yet  
21 when you filed your complaint?

22 A. We amended the original lawsuit, so I'm not --  
23 without having those in front of me, I'm not sure.

24 Q. What's the difference between your original  
25 complaint and your second amended complaint?

1           A. I'd have to look at those documents to explain  
2 the difference.

3           Q. Do you remember when I went -- what was the  
4 date when I went to the wild sanctuary to help you clean  
5 up?

6           A. I don't recall that date.

7           Q. About how many days after I first arrived at  
8 Mineral Wells did I go to the wild sanctuary?

9           A. Probably within the first day or two.

10          Q. Did I tell you that I hit my head when I was in  
11 the wild sanctuary?

12          A. Yes. You said you bumped your head.

13          Q. Did I tell you that I thought I had a  
14 concussion?

15          A. No, you did not.

16          Q. Did I tell you that I saw turquoise spots  
17 jumping around, couldn't read and was nauseous?

18          A. No, you did not, nor did you tell anyone else  
19 there, and you continued to work six days after that.

20          Q. So I worked six days after I had --

21          A. Five or six days, depending on -- if you were  
22 there the first day and you bumped your head the first  
23 day you went to the wild sanctuary, you continued to  
24 work without one complaint about your head.

25                               Several people asked you how you were

1           doing, and you kept saying, I'm fine, I'm fine, I'm  
2           fine. We asked if you wanted some ice for your head and  
3           you said no.

4           Q. Who -- who are these several people?

5           A. There was -- Cassandra was another intern,  
6           there was Janette and myself, my husband.

7           Q. Was Cassandra still interning at Bat World when  
8           I went to the wild sanctuary?

9           A. I'm not sure. I don't recall.

10          Q. Do you remember the dates Cassandra was there  
11          her first time?

12          A. No, I don't, not without looking at my records.

13          Q. So if I were to ask you to look at your records  
14          and get back to me and tell me the exact dates the  
15          interns were there, you would be able to tell me that?

16          A. Most likely, yes.

17          Q. On the intern application sheet, isn't there an  
18          area where we can circle which dates we'd like to become  
19          an intern?

20          A. Yes.

21          Q. And you don't remember which dates I was there?

22          A. No.

23          Q. When did you first ask me to sign your  
24          contract?

25          A. The day you arrived, or the evening you

1 arrived.

2 Q. Did I sign it that day?

3 A. Yes.

4 Q. Are you absolutely positive I signed it that  
5 day?

6 A. I saw you sign it, and then I signed it and I  
7 made a copy for you.

8 Q. The first day I arrived?

9 A. Yes. Everyone signs it the first day they  
10 arrive.

11 Q. Are you sure that you didn't have to continue  
12 to ask me for several days?

13 A. Absolutely not. Anyone who doesn't sign the  
14 contract is asked to leave.

15 Q. Again, what time did I arrive at Mineral Wells?  
16 Can you give an estimate?

17 A. As I stated earlier, I believe it was in the  
18 evening or the night of -- you said the 20th, so I will  
19 go with the 20th.

20 Q. Do you remember Kate Rudroad in driving me from  
21 Fort Worth, Texas, to Mineral Wells the morning of the  
22 20th?

23 A. I don't recall.

24 Q. There was another intern there at that time,  
25 what was her name?

1 A. It was Cassandra.

2 Q. There was another intern besides her.

3 A. Oh, Kat. She was from Sweden.

4 Q. What's her last name?

5 A. I would have to look it up. I can't pronounce  
6 it offhand.

7 Q. So if I asked you for the names of all the  
8 interns, you would be able to provide that to me?

9 A. Yes.

10 Q. Along with how -- their exact dates they were  
11 there?

12 A. Yes.

13 Q. Where do you believe I signed this contract?

14 A. In my office. My previous office. I'm in a  
15 different office now.

16 Q. Do you remember previously stating that I was  
17 actually in a bedroom when I supposedly signed this?

18 A. No. You were -- you came out and signed the  
19 contract -- it was the bedroom door, and the bed is  
20 visible from a shipping counter. The contract was on  
21 the shipping counter. You signed the contract at the  
22 shipping counter. I made a copy and gave it back to  
23 you, and you went back into the bedroom. That's what I  
24 recall.

25 Q. Did anyone else supposedly witness this?

1           A. I don't know if that happened or not. I don't  
2 recall.

3   (Exhibit 16 marked.)

4           Q. (BY MS. CUMMINS) This is Exhibit No. 16. Can  
5 you please spell out what is printed there on that line.

6           A. That is Mary C-U-M-M-I-N-G-S.

7           Q. Did you write that?

8           A. I did, because you neglected to put your name  
9 at the top. So while you were standing there in front  
10 of me, I wrote your name and I misspelled and put  
11 Cummings instead of Cummins.

12          Q. So it's your testimony today that I signed that  
13 on the bottom, and then you filled that out on the top?

14          A. After you signed it on the bottom, yes. I  
15 said, "Oh, you forgot to put your name here," and I  
16 wrote it in for you.

17                                   MR. TURNER: Shall we take a short break?  
18 We've been going an hour and 15 minutes.

19                                   MS. CUMMINS: Okay.

20   (Break taken from 11:15 a.m. to a  
21 11:25 a.m.)

22          Q. (BY MS. CUMMINS) Now, if I were to tell you  
23 that I arrived at Bat World Sanctuary, Fort Worth, on  
24 June 19th, and then arrived at Bat World Sanctuary,  
25 Mineral Wells, on June 20th, and then left Bat World

1 Sanctuary, Mineral Wells, on 28th, would you say that is  
2 incorrect?

3 A. I don't recall. I'd have to look at my  
4 records.

5 Q. If I were to have arrived on June 19th and left  
6 on June 28th, wouldn't that have been ten days?

7 A. You didn't arrive at Bat World Sanctuary on  
8 June the 19th.

9 Q. When did I arrive at Bat World Sanctuary?

10 A. I believe it was the same day you signed the  
11 contract, and that was the 20th.

12 Q. So if I were to arrived Bat World Sanctuary on  
13 June 20th and left on June 28th --

14 A. If you arrived on the 20th, later in the day or  
15 at night, then you actually began the internship on the  
16 21st, and you left six days later, that would have made  
17 it the 27th, and you left early in the morning of the  
18 28th, then that would be about six days.

19 Q. So you're now saying I did leave early in the  
20 morning on the 28th?

21 A. You left early in the morning, whatever day it  
22 was. It was very early in the morning.

23 Q. Did Kay and I leave after we fed the baby bats?

24 A. I don't recall.

25 Q. What time did we leave?



1 A. I don't recall.

2 Q. Then how do you know it was early in the  
3 morning?

4 A. Because I was taking care of bats when you  
5 left.

6 Q. What were you doing when we left?

7 A. I was taking care of bats in the recovery room.

8 Q. You were taking care of bats in the recovery  
9 room, you weren't in the wild sanctuary?

10 A. No.

11 Q. You definitely weren't in the wild sanctuary?

12 A. No.

13 Q. Do you have any mental condition that would  
14 ever effect your memory?

15 A. No.

16 Q. Do you currently have any medical conditions?

17 A. No.

18 Q. Are you taking any medication?

19 A. No.

20 MR. TURNER: Hold on a second. We're not  
21 going to answer any health questions, they're  
22 privileged.

23 MS. CUMMINS: I didn't ask her for her  
24 communications with her doctor.

25 Q. (BY MS. CUMMINS) Are you a bat expert?

1           A. I know a lot about bats. I've never called  
2 myself an expert.

3           Q. Has anyone else called you a bat expert?

4           A. Many people.

5           Q. Who?

6           A. I don't recall everyone.

7           Q. Give me a couple of names.

8           A. Merlin Tuttle. Several people at Bat  
9 Conservation International.

10          Q. What are their names?

11          A. I don't recall their names. Malia Bayless  
12 would be one of them. Barbara French, my coauthor.

13          Q. Where is Barbara French?

14          A. I'm not positive. I know she moved several  
15 years ago.

16          Q. Where did she move?

17          A. I'm not sure.

18          Q. Are you still friends?

19          A. I haven't talked to her in several years.

20          Q. I've noticed that a great portion of the book  
21 written by you and Barbara French is very similar to  
22 your current book.

23                               How come you don't give her credit as the  
24 coauthor?

25                               MR. TURNER: Objection, form.

1 Q. (BY MS. CUMMINS) Why is Barbara French not  
2 listed as a coauthor on your current book?

3 A. Because she didn't contribute to the current  
4 book.

5 Q. She didn't contribute anything?

6 A. No.

7 Q. Contributed nothing?

8 A. Nothing.

9 Q. So you wrote everything in your current book?

10 A. Yes, I did.

11 Q. Absolutely everything?

12 A. Yes, I did.

13 Q. Every word?

14 A. Every word.

15 Q. What about the diagrams, did you draw them all?

16 A. Did I draw them personally? Is that what  
17 you're asking me?

18 Q. Yes.

19 A. No. Our graphic artist drew them all, and he's  
20 given credit in the book.

21 Q. They weren't based on other people's graphics?

22 A. They may have been. Those people are also  
23 given credit.

24 Q. Did Patricia Winters ever contribute to your  
25 book?

1 A. Not the current book, no.

2 Q. Did she contribute to the past books?

3 A. She contributed some information to the very  
4 first book.

5 Q. Was that the 1994 manual or the 1998 book?

6 A. '98. She's given credit.

7 Q. So she was given credit in the 1998 book. And  
8 she is not given credit in the current book because she  
9 didn't contribute?

10 A. She is no longer alive.

11 Q. I know. Did you remove everything that she  
12 contributed from the 1998 book?

13 A. I don't recall.

14 Q. Do you know Dr. Patricia Brown-Berry?

15 A. I know of her.

16 Q. Have you ever spoken with her?

17 A. Yes, I have.

18 Q. When was that?

19 A. At a conference back in the late '90s.

20 Q. Did she ever write a forward for any of your  
21 books?

22 A. Yes. She wrote a forward for one of my books.

23 Q. Which one?

24 A. "The Bat in My Pocket: A Memorable  
25 Friendship."

1 Q. Did she contribute to any of your books?

2 A. No, she did not.

3 Q. Are you and Barbara French on friendly terms?

4 A. We were the last time we talked. I haven't  
5 spoken with her in years.

6 Q. When did you talk last?

7 A. It's been three or four years ago.

8 Q. Did you tell me that Barbara French stole your  
9 microscope?

10 A. No, I did not.

11 Q. Did you tell me that Barbara French was a bat  
12 hoarder?

13 A. No, I did not.

14 Q. Did you tell me that you had to take care of  
15 all of her bats?

16 A. I've taken care of her bats several times.

17 Q. Do you have any official designation calling  
18 you a bat expert?

19 A. I'm not sure I understand that question.

20 Q. Any certificate?

21 A. There is no certificate that says you are a bat  
22 expert.

23 Q. Did you write a manual in 1994?

24 A. Yes, I did.

25 Q. What was that called?

1           A. Captive Care of -- "Captive Care and  
2           Rehabilitation of Mexican Free-tail Bats."

3           Q. In that book, did you recommend euthanasia by  
4           freezing bats?

5           A. At the time, that's what current -- that's what  
6           the current research recommended.

7           Q. Did you euthanize Mexican free-tail bats by  
8           freezing them?

9           A. I euthanized bats that were comatose, that were  
10          already unconscious, by freezing.

11                    As I said, that was the current recommended  
12          method of euthanasia for insectivorous bats until we  
13          discovered that isoflurane was much more humane.

14          Q. You discovered isoflurane --

15          A. Bat World Sanctuary discovered that isoflurane  
16          was the most humane method to euthanize insectivorous  
17          bats.

18          Q. When did you discover this?

19          A. I don't remember exactly.

20          Q. You don't believe that people have been using  
21          isoflurane to euthanize bats and other animals before  
22          that?

23          A. It's been used -- yes, it's been used widely to  
24          euthanize other animals, but not specifically Mexican  
25          free-tail bats. Before, they used CO2, which is a

1           horrific death for insectivorous bats.

2           Q.   So you're the first person to use isoflurane to  
3           ethanize an insectivorous bat?

4           A.   I didn't say that.  I said we're the ones who  
5           discovered that it was the most humane method.  We're  
6           the ones that published that it was the most humane  
7           method.  We have a position statement on that.  We're  
8           the first ones to create a position statement on the  
9           most humane methods for euthanizing insectivorous bats.

10          Q.   When you recommended euthanizing bats by  
11          freezing them, did you not state that you believed when  
12          -- that the bats would go into torpor and then they  
13          would humanely die?

14          A.   Yes.  That's most often the case.  That's  
15          what's been found in research.

16          Q.   So bats that hibernate go into torpor?

17          A.   Yes.

18          Q.   Do Mexican free-tail bats hibernate?

19          A.   They go into torpor.  They go into deep torpor.

20          Q.   When do they do this?

21          A.   During cold weather.

22          Q.   When it gets cold, don't Mexican free-tail bats  
23          hibernate?

24          A.   No, they don't hibernate, they don't truly  
25          hibernate.

1 Q. Not hibernate, I'm sorry, migrate.

2 A. They do, but they also go into torpor.

3 Q. And what areas do they go into torpor?

4 A. Wherever it's cold.

5 Q. If a bat goes into torpor, and then all of a  
6 sudden the temperature drops, would the bat wake up?

7 A. It depends on the situation. If he's  
8 unconscious, no.

9 Q. But if he were conscious, would he wake up?

10 A. He might.

11 Q. He might?

12 A. I have no idea, because that's never happened  
13 to me.

14 Q. You have no idea if a bat were to go into  
15 torpor and the temperature were to drop too low, if it  
16 would wake up or not?

17 A. That would be in a research setting where you  
18 would be able to monitor and watch a bat as it's going  
19 to sleep and then if it suddenly wake ups. I mean  
20 there's no way to know what's happening unless you were  
21 in the freezer with the bat or you have a camera.

22 So research has been done. I have not  
23 conducted that research. I know research has been done  
24 on that.

25 Q. What was the results of that research?



1           A. From what I understand, bats who are exposed to  
2 rapid freezing wake up because they're afraid that  
3 they're going to freeze to death.

4           Q. So if you were to put a bat into the freezer in  
5 order to get to a certain temperature, you don't think  
6 it would wake up in there?

7           A. A conscious bat might. An unconscious bat who  
8 is already agonal and approaching death would not wake  
9 up.

10          Q. So you only put unconscious bats in the  
11 freezer?

12          A. Yes. That's what I said earlier.

13          Q. Hasn't the American Veterinary Medical  
14 Association stated that freezing bats -- freezing  
15 animals to death is animal cruelty?

16          A. They didn't say it was animal cruelty. They  
17 said it was not recommended because -- then they  
18 addressed the rapid freezing of conscious animals. It's  
19 an entirely different scenario.

20          Q. Who's Sue Bernard?

21          A. Sue Bernard is the person who told me that  
22 freezing bats to death, or freezing bats as a method of  
23 euthanasia, would be the good way to do it.

24          Q. How did she tell you this?

25          A. Over the phone.

1 Q. In your book you said you received a note that  
2 said she recommends freezing. Did you receive a note?

3 A. In my book I received a note?

4 Q. Yes. You made a remark, a comment in your book  
5 saying that Sue Bernard recommends freezing.

6 A. Oh, personal communication, yes.

7 Q. So she told you she freezes bats to death?

8 A. She recommended that method to me, yes.

9 Q. When?

10 A. Back in the early '90s, I believe.

11 Q. Your manual came out in 1994, so it was before  
12 that?

13 A. It was before that.

14 Q. In her book she stated that freezing bats to  
15 death is animal cruelty and not recommended by the AVMA.  
16 She stated that Amanda Lollar recommends freezing bats  
17 to death, but she disagrees with that.

18 Do you remember that in her book?

19 A. I also remember Sue Bernard telling me if I  
20 ever came out with a book -- because she wrote a small  
21 manual. She said -- told me that if I came out with a  
22 book that she would make me sorry that I came out with a  
23 book. I assume that's what she was doing when she wrote  
24 that.

25 Q. What did she say word for word?

1           A. I don't recall. I just basically told you what  
2 I do remember.

3           Q. She will make you sorry.

4                       Where does Sue Bernard live?

5           A. I am not sure. I have not spoken with her in  
6 over a decade.

7           Q. When Sue Bernard came out with her book, which  
8 stated that your method of euthanizing bats was cruel,  
9 did you threaten to sue the publisher?

10                      MR. TURNER: Objection, form.

11           Q. (BY MS. CUMMINS) Did you threaten to sue the  
12 publisher of her book?

13           A. No.

14           Q. Did you ever threaten to sue the publisher,  
15 your own publisher?

16           A. My own publisher?

17           Q. Of any of your books.

18           A. No.

19           Q. In your 1994 manual, did you recommend gluing  
20 broken bones?

21           A. No.

22           Q. Do you have a copy of your 1994 manual?

23           A. No, I don't.

24           Q. Can you get a copy?

25           A. Well, I have one, yes.

1 Q. Can I have a copy? I will request it.

2 A. If I -- I don't have a problem with that.

3 Q. Okay.

4 A. I never recommended gluing broken bones  
5 together, if that's your question. I can continue to  
6 answer that question if you would like to know exactly  
7 how it's done.

8 Q. Did you ever recommend gluing broken bones  
9 together in your 1994 manual?

10 A. I never recommended gluing broken bones  
11 together as taking glue and putting it on one end and  
12 then the other end. I recommend stabilizing the wing by  
13 gluing two fingers together to stabilize the break  
14 that's inside one finger. That's an entirely different  
15 scenario than gluing two bones together like this.  
16 That's entirely different. Blood flow won't go through  
17 glue, and you don't glue broken bones together. That's  
18 absurd.

19 Q. So if I were to get a copy of your 1994 manual,  
20 I will be able to read exactly what you're talking about  
21 now?

22 A. That's also -- yes. That's also in all four  
23 manuals and books that I've written, the same exact  
24 procedure, which says nothing at all about gluing two  
25 broken bones together. Although I am aware that that's

1 what Sue Bernard stated I was trying to say.

2 (Exhibit 14 marked.)

3 Q. (BY MS. CUMMINS) I'd like to show you  
4 Exhibit 14. These are photos which user WingedSonar,  
5 aka Sara Kennedy posted. Have you seen these?

6 A. Yes, I have. I gave her permission to post  
7 them.

8 (Exhibit 17 marked.)

9 Q. (BY MS. CUMMINS) This is Exhibit 17. What is  
10 this?

11 A. That's a video that Sara Kennedy posted with  
12 full permission from Bat World Sanctuary.

13 Q. Does that video show the wild sanctuary and the  
14 rehab center?

15 A. This shows a fruit bat that's being cared for  
16 in our recovery room.

17 Q. Have you ever seen that video that she made?

18 A. Yes, I have.

19 Q. Does her video show the wild sanctuary and the  
20 rehab center?

21 A. It may. I don't recall. I don't recall the  
22 entire video, but I have seen it.

23 Q. You saw the video but you don't remember what's  
24 on it?

25 A. Don't remember every thing, every single clip

1 that's on it, no, I don't.

2 Q. Do you remember if she showed any of your  
3 feeding techniques?

4 A. I don't recall.

5 Q. Do you believe your Bat Hut is proprietary?

6 A. Yes, I do.

7 Q. Why do you believe it's proprietary?

8 A. Because we elaborated on a current design that  
9 was -- had gone -- basically, that was out of -- it was  
10 discontinued. The design that was out there that was  
11 being used for bats was made for bugs. That design was  
12 discontinued. We took that design and added a lot of  
13 features to it that would make it more convenient or  
14 easier for bats to be inhabited in and -- or enclosed  
15 in, and marketed it specifically for bats.

16 (Exhibit 18 & 19 marked.)

17 Q. (BY MS. CUMMINS) Is this a photo of your Bat  
18 Hut?

19 A. Yes, it is.

20 Q. What is this a photo of?

21 A. That is a photo of our Bat Hut, and this is by  
22 the company that markets, or that we get our Bat Huts  
23 from. We are in partnership with them.

24 Q. So you and Port-A-Cage both own the Bat -- the  
25 Port-A-Cage Bat Hut?

1 A. Yes.

2 Q. And it's proprietary?

3 A. Yes.

4 Q. Do you believe it's confidential?

5 A. Confidential and proprietary isn't exactly the  
6 same thing.

7 Q. I asked you earlier -- I read the definition of  
8 proprietary earlier, and it said it's information a  
9 company wishes to keep confidential.

10 How are you keeping that confidential?

11 A. That's not all of the definition. There's much  
12 more to the definition on proprietary.

13 Q. What does it mean to you in regard to the Bat  
14 Hut?

15 A. It means that we designed this specifically for  
16 bats, therefore, we made this design specifically for  
17 bats to be sold by us, as well as Insect Lore -- I mean,  
18 not Insect Lore, but the company who we are in  
19 production with.

20 Q. What's the difference between Port-A-Cage and  
21 Bat Hut?

22 A. You mean the Port A Bug?

23 Q. No, Port-A-Cage.

24 A. Oh, that's just something they've named it.  
25 There's really not any difference.

1 Q. Can you hand that to me.

2 A. (Witness complies.)

3 That's just the way that they decided to  
4 market our same product.

5 Q. This product has one clear vinyl side, the Bat  
6 Hut does not.

7 A. Yes. The Bat Hut does have a vinyl side.

8 Q. Where is that, in the back?

9 A. It's on the bottom.

10 Q. Oh, on the bottom of this?

11 A. I can't tell that that's clear.

12 Q. It's on the side for easy viewing?

13 A. Oh, I see. Okay. Then this one would be made  
14 for bugs, then.

15 Q. So that's the only difference between Bat Hut  
16 and Port-A-Cage?

17 A. If that's what you see. I've never really  
18 looked at this before, so I'm not sure.

19 (Exhibit 20 marked.)

20 Q. (BY MS. CUMMINS) Here's Exhibit 20. Can you  
21 tell me what that is.

22 A. That is a Port A Bug. That's the item that was  
23 discontinued.

24 Q. They don't sell it anywhere?

25 A. No.



1 Q. I can't buy one today?

2 A. I don't know that you can buy one. I know it's  
3 been discontinued. The company that makes this item  
4 does not sell it anymore.

5 Q. So did you get their permission to use their  
6 design?

7 A. It's been discontinued, and it's not exactly  
8 their design. It's the same shape, but it's not their  
9 same design.

10 Q. What's the difference?

11 A. There's a difference in size, there's a  
12 difference in the mesh, there's a difference in the way  
13 it's constructed.

14 Q. What's the difference in size?

15 A. It's taller and wider.

16 Q. Did you ever sell Port A Bugs?

17 A. No, we didn't.

18 Q. I didn't buy a couple from you?

19 A. I don't believe you did. We never sold them on  
20 our website.

21 Q. Do you have permission from Port A Bug to use  
22 their design?

23 A. I'm not sure that it's their design. And we  
24 didn't use their design. The cage that we make is  
25 larger. It has mesh on the top that enables bats to

1 hang from the top, and it also has a clear floor that  
2 enables us to be able to clean it easier.

3 Q. You don't see any similarities between the Port  
4 A Bug and the Bat Hut?

5 A. The shape is fairly the same. Ours is larger,  
6 it's wider, sturdier, doesn't fold the same.

7 Q. You don't believe that you borrowed a  
8 proprietary or copyrighted design from Port A Bug?

9 A. No. The item has been discontinued by Port A  
10 Bug, so therefore we did not.

11 Q. So when an item is discontinued, someone no  
12 longer owns the rights to it?

13 A. I'm not sure about that. I don't --

14 Q. Did you ask permission from Port A Bug?

15 A. We -- there are more than Port A Bug that makes  
16 this same design. There are probably a dozen companies  
17 that makes the same exact shape of cage for bugs.

18 Q. What are the names of those companies?

19 A. You would have to look them up on the internet.

20 Q. Well, how do you know them?

21 A. Because I've seen them. Because I tried to  
22 order some like this. The problem was that those cages  
23 fell apart easily. Which is another difference in our  
24 cage, it doesn't fall apart.

25 Q. How do you use isoflurane to anesthetize an

1 animal?

2 A. There's several different ways you can use it.  
3 You can -- for insectivorous bats, in particular, you  
4 use what's called the cone method, and you put a cotton  
5 ball in a cone and put some isoflurane on the cotton  
6 ball. It's called the drop-cone method. Or if you  
7 happen to have an isoflurane machine, you can use an  
8 isoflurane machine, either way.

9 Q. Do you have an isoflurane machine?

10 A. No, I don't.

11 Q. What is an isoflurane machine called?

12 A. I'm not sure.

13 Q. How is isoflurane legally supposed to be used  
14 according to the label on the bottle?

15 A. Well, you can use it with an actual machine or  
16 you can use a drop-cone method.

17 Q. You gave a copy of the cardboard box that an  
18 isoflurane bottle came in to the city of Mineral Wells,  
19 and the label stated that it must be used with a  
20 nebulizer; do you remember that?

21 A. No. It doesn't say nebulizer. A nebulizer is  
22 not an isoflurane machine.

23 Q. What do you think an isoflurane machine is?

24 A. It is a machine that delivers oxygen, as well  
25 as the anesthetic, in controlled amounts. A nebulizer

1 does not do that.

2 Q. Would that be through a mask or intubation?

3 A. It could be through a mask or a cone.

4 Intubation is -- intubation is not -- doesn't have  
5 anything to do with isoflurane.

6 Q. What does intubation mean to you?

7 A. That's -- intubation is when you use a tube  
8 that goes down into the -- down to the back of the  
9 throat. That doesn't have anything to do with  
10 delivering gas, unless it's with humans. And I'm not  
11 sure about human anesthesia. That might be the case  
12 with humans, but that's not normally done with animals.

13 Q. Do you have a machine at Bat World Sanctuary  
14 where you can mix measured amounts of isoflurane and  
15 oxygen to give to bats?

16 A. No.

17 Q. Why not?

18 A. They're very expensive, they're very costly.  
19 They're very difficult to maintain. You have to get  
20 oxygen, as well. And they're not exactly necessary.  
21 Not unless you're doing surgeries on a constant basis,  
22 are they necessary.

23 Q. Is a C-section a surgery?

24 A. Yes, it is.

25 Q. Have you done C-sections?

1 A. Yes, I have.

2 Q. Is an amputation a surgery?

3 A. Yes, it is.

4 Q. Have you done amputations?

5 A. Yes.

6 Q. And what method of anesthesia did you use for  
7 the amputation?

8 A. Isoflurane.

9 Q. Was it the drop-cone method?

10 A. Yes.

11 Q. Do you have, at Bat World Sanctuary, a way to  
12 measure heart rate and breathing?

13 A. On an insectivorous bat?

14 Q. Yes.

15 A. No one has a way to do that.

16 Q. You don't have clips --

17 A. Have clips?

18 Q. -- to be able to monitor the heat rate?

19 A. You can't monitor the heat rate of an  
20 insectivorous bat; that's impossible.

21 Q. Why?

22 A. Because they're the size of a stick of gum,  
23 because no one really knows what the heart rate is when  
24 an insectivorous bat is under anesthesia. They don't  
25 make equipment that measures that.

1 Q. So if I were to tell you that my vet can  
2 measure the heart rate of a mouse --

3 A. Then you've got a very good vet.

4 MS. CUMMINS: I'm about to go into a big  
5 category. I think it would be better if we left for  
6 lunch early, so I don't have to break it up.

7 MR. TURNER: Sure.

8 (Discussion off the record.)

9 Q. (BY MS. CUMMINS) What type of computer do you  
10 have, Ms. Lollar?

11 A. Dell.

12 Q. What is your operating system?

13 A. I don't recall.

14 Q. Would it be Windows 7?

15 A. Yes.

16 Q. What is your browser?

17 A. I use Mozilla.

18 Q. Do you ever use Firefox?

19 A. Same thing.

20 Q. What version; do you know?

21 A. No.

22 Q. Could it be 3.6?

23 A. I don't recall.

24 Q. What is the name of your Internet service  
25 provider?

1 A. Suddenlink.

2 Q. What is the resolution of your monitor screen?

3 A. I don't recall.

4 Q. Could it be 1366 by 768?

5 A. It could. I don't recall.

6 Q. Have you ever visited

7 laanimalwatch.blogspot.com?

8 A. I don't recall. I've looked at websites.

9 Q. Have you ever searched Google for the phrase:  
10 Amanda Lollar commits animal cruelty at Bat World  
11 Sanctuary?

12 A. No, I haven't.

13 Q. Have you ever posted comment at  
14 laanimalwatch.blogspot.com?

15 A. Absolutely not.

16 Q. Has anyone at Bat World Sanctuary Mineral Texas  
17 ever posted on laanimalwatch.com?

18 A. Absolutely not.

19 (Exhibit 21 marked.)

20 Q. (BY MS. CUMMINS) Could you please tell me how  
21 someone, looks like it's from your computer, from your  
22 Internet service provider, was searching Google for the  
23 term: Amanda Lollar commits animal cruelty at Bat World  
24 search -- Sanctuary, and ended up posting this comment  
25 on LA Animal Watch?

1 MR. TURNER: Objection, form.

2 Q. (BY MS. CUMMINS) Can you read the comment that  
3 was posted?

4 MR. TURNER: Objection, form.

5 Q. (BY MS. CUMMINS) Can you read what I have  
6 circled?

7 A. "Mary Cummins you are a sick woman. You are  
8 only attacking Ms. Lollar because you are losing a  
9 lawsuit. Take these pages down and all the other sites  
10 like Indy and maybe they will close  
11 victims of miss cummins.blogspot.com to public view and  
12 maybe they will stop digging into your sick pathetic  
13 excuse for a life."

14 Q. Did you post that?

15 A. No, I did not.

16 Q. Can you hand that back to me?

17 A. (Witness complies.)

18 Q. This was posted -- this was sent to be posted  
19 May 25th, 7:50 a.m., L.A. time.

20 May 25th, 9:50 a.m., which was a Wednesday,  
21 who was at Bat World Sanctuary who had access to your  
22 computer?

23 MR. TURNER: Objection, form.

24 Q. (BY MS. CUMMINS) Who was at Bat World  
25 Sanctuary May 25th at 9:50 a.m.?



1 A. I would assume myself and several volunteers.

2 Q. This was May 25th.

3 A. The same answer, I would assume myself and  
4 several volunteers.

5 Q. What volunteers were there?

6 A. I'm trying to remember who was volunteering  
7 then. I can't recall exactly. I'd have to check my  
8 records.

9 Q. So if I were to ask you what volunteers were  
10 there May 25th you would be able to give me a list?

11 A. Yes.

12 (Exhibit 22 marked.)

13 Q. (BY MS. CUMMINS) This is Exhibit 22. Can you  
14 tell me what that is?

15 A. It is a post made to my list serve.

16 Q. Did you make that post?

17 A. I can't tell who made it. Yeah, it says Bat  
18 World Sanctuary, so, yes, I made it.

19 Q. Could you please read that?

20 A. It says: Yes, she also has a criminal record.  
21 And it lists case number and several different legal --  
22 Court 1484EA, PC PTY theft, ACQ credit card W/O cons.  
23 Another one says forged name on credit card, another one  
24 says theft by forgery, invalid credit card. Another one  
25 that says theft of property.

1 Other lawsuits involve cyber squatting,  
2 which she lost via default judgment. And then it says  
3 FA Beverly Hills, Incorporated versus Mary Cummins, ET,  
4 neighbor dispute which she promptly settled, and  
5 defamation, which plaintiff abandoned because they were  
6 able to get rid of her defamation. She also goes by  
7 Mary Cummins, Mary Cummins Cobb, and Mary Katherine  
8 Cummins, and sometimes her name shows up as Mary  
9 Cummings. She has used the same e-mail for years. She  
10 has hundreds of aliases she uses, as well. Right now  
11 she's encouraging her Facebook friends to repost the  
12 videos and defamation I've managed to get removed.  
13 These are the same items she was ordered to remove by  
14 the court, so she is now in contempt. She either thinks  
15 she's above the law or that she will never -- or that it  
16 will never catch up to her. She typically bullies and  
17 harasses her victims into giving up, but that's not  
18 going to work for her this time around. Thank you,  
19 Debbie, for your words of encouragement on our blog.  
20 That really means a lot to us.

21 Q. Can you hand that back to me.

22 A. (Witness complies.)

23 Q. Now, everything that you wrote there, is that  
24 the truth?

25 A. The truth as I know it.

1 Q. Can you hand me the other page.

2 A. (Witness complies.)

3 Q. So you believe I'm a convicted criminal?

4 A. We have information that shows that you have  
5 been convicted of crimes.

6 Q. Where is that information?

7 A. I have it in my computer.

8 Q. So if I ask you for evidence that shows I've  
9 been convicted of crimes, you'll be able to give me  
10 that?

11 A. Yes.

12 Q. What is that evidence?

13 A. It's court documents.

14 Q. You have court documents which shows I have  
15 been convicted of crimes?

16 A. That shows Mary Cummins, yes, has been  
17 convicted of crimes.

18 Q. Mary -- a Mary Cummins any Mary Cummins or me?

19 A. It says Mary Cummins.

20 Q. So you believe a Mary Cummins. It could be one  
21 of thousands in the United States.

22 MR. TURNER: Let me interrupt. You're  
23 wanting to go into matters that concern another lawsuit  
24 that you filed.

25 MS. CUMMINS: I can ask any questions.

1 MR. TURNER: That's not why we're here  
2 today. Those questions are abusive. So we're not going  
3 to answer questions about -- that pertain to the other  
4 lawsuit.

5 MS. CUMMINS: How is it abusive?

6 MR. TURNER: I'm just telling you the  
7 questions are abusive because they're irrelevant. They  
8 have nothing to do with this case. They're not in issue  
9 in this case. They're not in any pleadings in this  
10 case, and therefore it's a waste of everybody's time to  
11 go into something that's unrelated to this lawsuit.

12 (Exhibit 23 marked.)

13 Q. (BY MS. CUMMINS) I'd like to show Exhibit 23.  
14 I'd like you to read the paragraph that's outlined on  
15 the second page.

16 A. What Mary is doing is bad enough, but like an  
17 annoying fly she'll soon be squashed. However, when BCI  
18 made their insinuating post to over -- to over 5,000  
19 people on their Facebook page they reached our target  
20 audience. We share the same membership base. We now  
21 stand a very real chance of facing financial ruin  
22 because of what BCI did to us.

23 Q. So you posted that what Mary's doing is bad  
24 enough, but like an annoying fly she'll soon be  
25 squashed; is that correct?

1           A. That's correct. I posted that to our private  
2 group list serve.

3           Q. Was it private at the time?

4           A. I don't recall. It's to our members, to our  
5 personal members that have a vested interest in Bat  
6 World Sanctuary.

7           Q. This is your -- is this your Yahoo group World  
8 Bat Line?

9           A. Yes, it's our Yahoo group.

10          Q. When did you make it private?

11          A. I don't recall. It was after -- it was  
12 sometime after I found out that you had placed people in  
13 our list serve that were causing damage. Someone,  
14 someone used one of our member's lists to post  
15 defamation about me, used her e-mail address to post  
16 defamation about me and posted to our list serve through  
17 her personal e-mail.

18          Q. Who was that?

19          A. I don't know. Maybe you know.

20          Q. What user name?

21          A. I don't remember her exact name, but she later  
22 was appalled that someone had hacked into her e-mail  
23 account and used her address to make a post on our list  
24 serve.

25          Q. So you're saying someone hacked into one of

1 your member's e-mail address to post on your list?

2 A. To post defamation about me, yes.

3 Q. Do you realize hacking is a federal crime?

4 A. Yes, I do.

5 Q. Are you accusing someone of a federal crime?

6 A. I said -- who would I know to accuse when I  
7 don't know who exactly did it.

8 Q. When did you make World Bat Line a private  
9 group?

10 A. I believe I said a few minutes ago that I don't  
11 recall.

12 Q. You don't seem to recall much, Ms. Lollar, is  
13 there a reason for that?

14 MR. TURNER: Objection, form. Don't  
15 answer.

16 (Exhibit 24 marked.)

17 Q. (BY MS. CUMMINS) I'd like to submit Exhibit  
18 No. 24. Can you tell me what this is?

19 A. This is a letter to Donna Robins from me.

20 Q. And how would you summarize that letter?

21 A. Written in 2009, so I'd have to read it to see  
22 what it says.

23 Q. Did you tell the city of Mineral Wells that you  
24 would be building an artificial cave outside of town and  
25 moving the bats there?

1 A. Yes, we did.

2 Q. When did you say that?

3 A. A few years ago.

4 Q. Have you done that?

5 A. We're still working on it.

6 Q. You stated in your website that someone already  
7 donated the land?

8 A. Yes.

9 Q. Where is the land?

10 A. It's in Mineral Wells.

11 Q. Does that show up in your 990s as an asset?

12 A. It's -- the land was -- the spot was donated.

13 The actual land was not donated to the organization.

14 The spot for the cave was donated.

15 Q. So someone did not donate land?

16 A. No. They donated an area for the cave to be  
17 built on private land, protected land.

18 Q. Okay. Who owns that?

19 A. That's private information.

20 Q. So this person is going to let you put an  
21 artificial cave on there and keep it there forever?

22 A. Yes.

23 Q. How is it protected land?

24 A. It's land that has been in the family for  
25 decades and is going to remain in the family for

1 decades. It's protected for wildlife. It's wildlife  
2 habitat.

3 Q. What's the zone?

4 A. I'm sorry?

5 Q. What is the zoning?

6 A. It's outside the city limits.

7 Q. Oh, so it's outside.

8 What have you done to construct this  
9 artificial cave?

10 A. We haven't done anything yet because we're  
11 still trying to acquire the funds.

12 Q. How much have you acquired so far?

13 A. None.

14 Q. On your website, doesn't it show that you've  
15 acquired some funds already?

16 A. Oh, I think about \$230. Not enough to begin  
17 even breaking ground.

18 Q. Did you tell the city of Mineral Wells that you  
19 will be excluding bats from your building?

20 A. Yes, I did.

21 Q. Have you done this?

22 A. We're in the process.

23 Q. Did you promise them that you would have done  
24 it by last year?

25 A. No, I did not.



1 Q. So when the bats leave this year from the wild  
2 sanctuary, you're going to exclude them all?

3 A. We're going to start the process.

4 Q. Did you tell the city of Mineral Wells that you  
5 started the process last year?

6 A. Yes, we did.

7 Q. What did you do to start the process?

8 A. We sealed the north side of the building.

9 Q. So what is still open?

10 A. The south side.

11 Q. So they can still go in and out through the  
12 south side?

13 A. Yes.

14 Q. When are you going to seal the south side?

15 A. We're starting that process this year.

16 Q. When will it be finished?

17 A. I'm not sure.

18 Q. When did you tell the city it would be  
19 finished?

20 A. Within five years.

21 Q. You said within five years? Can you hand that  
22 back to me.

23 A. (Witness complies.)

24 Q. So if I were to ask you for any written  
25 communications with the city of Mineral Wells which said

1           you will exclude the bats within five years, you'll be  
2           able to give it to me?

3           A.   Well, there was an oral conversation.

4           Q.   Was it with Donna Robins?

5           A.   And Lance Howerton, the city manager.

6           Q.   You promised to exclude the bats within five  
7           years.  When did you make that promise?

8           A.   I believe it was this year.

9           Q.   You promised this year?

10          A.   Uh-huh.  I also told them I would be happy to  
11          work with them about the Baker Hotel, because we're  
12          working in collaboration.  I'm working with the city to  
13          help them with all the bat population in the downtown  
14          area of Mineral Wells.  I've been working with them for  
15          20 years.

16          Q.   Are you currently working with people who own  
17          the Baker Hotel?

18          A.   Not yet, but we're going to.

19          Q.   When you exclude the bats from your wild  
20          sanctuary, where do you expect them to go?

21          A.   We're hoping they will go to the cave that's --  
22          that will be built, hopefully, by that time, or by  
23          another structure that we're working on currently.

24          Q.   Is that the bat castle?

25          A.   Yes, it is.

1 Q. Where will the bat castle be located?

2 A. On private land.

3 Q. Where?

4 A. That's private information.

5 Q. Will it be within the city of Mineral Wells?

6 A. Maybe.

7 Q. So you don't know where the land is?

8 A. We do know where the land will be located. It  
9 will be either right in -- it will be in the outskirts  
10 of Mineral Wells, perhaps in a different county, because  
11 the county line crosses over from Palo Pinto to Parker  
12 County. So it will be within ten miles of Mineral  
13 Wells, but in a different county.

14 Q. So you don't currently have the exact location  
15 of where you're going to build the bat castle?

16 A. No, we don't.

17 Q. Do you have any architectural drawings?

18 A. Yes, we do.

19 Q. So if I were to ask you for -- I mean more than  
20 just the photo that you have on your website. Do you  
21 have blueprints?

22 A. We have technical drawings.

23 Q. Is that just the photo that's on the website?

24 A. I believe on the contest we're running  
25 currently, the one you've mentioned on your website

1 that's a farce --

2 Q. Yes.

3 A. -- that contest, we have those technical  
4 drawings up on the Pepsi Refresh contest.

5 Q. Do you have any more drawings than that?

6 A. Not yet, no.

7 Q. Who made those drawings?

8 A. My husband.

9 Q. Is your husband an architect?

10 A. He's an engineer.

11 Q. What is the size of the bat castle dimensions?

12 A. It depends on the spot of land that we actually  
13 choose. It could be anywhere from 100 feet long to  
14 40 feet wide, down to 60 feet long to 20 feet wide. It  
15 just depends on the parcel of land we actually choose in  
16 the end.

17 (Exhibit 25 marked.)

18 Q. (BY MS. CUMMINS) I'd like to show you  
19 Exhibit 25. Can you tell me what that is?

20 A. It is an e-mail from me to Donna Robins.

21 Q. And in that e-mail, do you tell her that your  
22 Mexican free-tail bats have white stuff on their bodies?

23 A. Yes, I do.

24 Q. And you stated that you have photos of your  
25 bats with white stuff on them?

1           A. Yes.

2           Q. So if I asked for the photos of your Mexican  
3 free-tail bats with white stuff on them, you'll be able  
4 to give them to me?

5           A. They're not my Mexican free-tail bats. These  
6 are wild bats that have white on their bodies.

7           Q. So you took those photos?

8           A. I took the photos.

9           Q. Do Mexican free-tail bats hibernate?

10          A. No. They go into torpor, deep torpor.

11          Q. Do Mexican free-tail bats migrate?

12          A. Yes, they do.

13          Q. What percent of them migrate and what percent  
14 go into torpor?

15          A. It depends on the region. Tadarida  
16 brasiliensis Mexicana migrate to Mexico. Tadarida  
17 brasiliensis cynocephala stay in the United States. It  
18 depends on where they are. Cynocephala roost in  
19 Florida, Georgia, Alabama.

20          Q. The bat -- Mexican free-tail bats that are in  
21 your wild sanctuary, do they hibernate?

22          A. Those are Mexicana. They both go into torpor  
23 and migrate.

24          Q. Do they go into torpor in your wild sanctuary?

25          A. Yes, they do.

1 Q. So they're there year round?

2 A. It depends on the season. If it's a mild  
3 winter, they'll stay year round.

4 Q. How much money have you raised so far for the  
5 bat castle?

6 A. We haven't raised anything. It's a contest.  
7 We won't know if we win the contest until the end of the  
8 contest.

9 Q. On your website you talk about building an  
10 assurance colony. What type of bats will you have in  
11 that assurance colony?

12 A. We're going to try to get myotis species  
13 because they're the most vulnerable to white nose  
14 syndrome.

15 Q. Where will you get them from?

16 A. I'm not sure yet, because we haven't procured a  
17 location where we know there's a healthy colony.

18 Q. What does an assurance colony mean to you?

19 A. It means a healthy colony that has -- that is  
20 able to reproduce in captivity in the hopes that some  
21 day when white nose syndrome has been -- when the  
22 environment has been cleansed of the fungus, then those  
23 bats can be released back into the wild, keep them from  
24 being -- from disappearing completely.

25 Q. Wouldn't an assurance colony be a -- bats that

1 are able to reproduce, that are healthy, that are in  
2 their natural environment, instead of a sanctuary  
3 environment?

4 A. If they're in their natural environment then  
5 they're vulnerable to white nose, which means they will  
6 die. The only way to have an assurance colony is to  
7 take them into captivity.

8 Q. So your plan is to find a healthy group of  
9 myotis bats, take them into captivity in your sanctuary,  
10 and keep them there until the white nose syndrome threat  
11 has passed?

12 A. It's the same thing that U.S. Fish and Wildlife  
13 is considering, and the same thing they have attempted  
14 to do, but unfortunately failed. So it's not a novel  
15 idea. It's something that many researchers are  
16 considering. It's been done with lots of different  
17 species that are in peril in the wild. It's done all  
18 the time. It's called an assurance colony for a reason.

19 Q. Do you have permits for an assurance colony?

20 A. It depends on which species we get. If we get  
21 a species that -- that -- where we need special permits,  
22 then we'll obtain those permits at that time. We don't  
23 have a permit yet because we don't have an assurance  
24 colony yet.

25 Q. Are myotis protected?

1           A. It depends on which species.

2           Q. If you were to do an assurance colony of  
3 protected myotis, would you have to get official  
4 wildlife permit?

5           A. Of course.

6           MS. CUMMINS: I'm going to suggest we break  
7 for lunch because the next part is going to be photos  
8 and videos.

9           MR. TURNER: Okay.

10                   (Break taken from 12:16 p.m. to 1:20 p.m.)

11                   (Exhibit 26 marked.)

12           Q. (BY MS. CUMMINS) Ms. Lollar, I'd like to give  
13 you Exhibit 26. Can you please read that. First, did  
14 you post that?

15           A. I don't recall if I posted that or not.

16           Q. Do you see user name, batworkssanctuary circled  
17 to the right?

18           A. Yes, I do.

19           Q. Is that your user name?

20           A. Yes, it is.

21           Q. Do you --

22           A. I don't recall posting this.

23           Q. You don't remember posting that?

24           A. No. I don't remember posting it.

25           Q. Who do you think posted it?



1 A. I'm not sure.

2 Q. Who had access to that user name?

3 A. I'm not sure about that either.

4 Q. Do you deny posting that?

5 A. I don't recall posting it.

6 Q. Let me have it back.

7 A. (Witness complies.)

8 Q. I'm going to read what was posted here.

9 She came to our internship and left  
10 disgruntled after four days. I suspect it was harder  
11 than she thought it was going to be and couldn't take  
12 the workload. After she returned home to California she  
13 claimed that she bumped her head while she was with us  
14 and that we owed her \$2,500 for a CAT scan. We refused  
15 to pay, and, of course, now here we are.

16 MR. TURNER: Objection, form.

17 Q. (BY MS. CUMMINS) Did you post what I just  
18 said?

19 A. I don't recall posting it.

20 Q. Do you check every single bat you have every  
21 single day?

22 A. Yes.

23 Q. While I was at Bat World Sanctuary, I found a  
24 dead bat under your desk which only had one wing; it  
25 looked like it had been there two or three days. When

1 was the last time you checked that bat?

2 MR. TURNER: Objection, form.

3 Q. (BY MS. CUMMINS) Did I give you a dead bat  
4 that only had one wing while I was at Bat World  
5 Sanctuary?

6 A. No, you did not.

7 Q. I never handed you a dead bat with one wing?

8 A. No, you did not.

9 Q. I never told you that I found a dead bat with  
10 one wing under your desk?

11 A. No, you did not.

12 Q. Did I e-mail you about this?

13 A. Not that I recall.

14 Q. And then do you remember e-mailing back that it  
15 couldn't have been there over two days?

16 A. No.

17 Q. When I was there, did a bat with only one wing  
18 die?

19 A. I don't recall.

20 Q. What type of car do you drive?

21 A. Currently, I drive a Honda Element.

22 Q. Do you still have the small blue truck -- the  
23 small red truck?

24 A. Never had a small red truck.

25 Q. Do you still have a small old truck?

1 A. No.

2 Q. What type of car does your husband drive?

3 A. He drives a Honda.

4 Q. Is it legal for you to have a human rabies  
5 booster vaccination -- one second. Is it legal for you  
6 to possess a human rabies booster vaccination?

7 MR. TURNER: Objection, form.

8 Q. (BY MS. CUMMINS) Can you possess a human  
9 rabies vaccination?

10 A. Anyone can possess it.

11 Q. Do you know Rebecca Demetric?

12 A. I know of her.

13 Q. Have you spoken to her?

14 A. No.

15 Q. Have you ever spoken to her on the phone?

16 A. I may have spoken to her once about a bat.

17 Q. Have you ever e-mailed her?

18 A. Yes.

19 Q. What did you e-mail her about?

20 A. I don't recall.

21 Q. Did you ever talk to her or communicate with  
22 her about me?

23 A. Several times.

24 Q. What did you communicate to her about me?

25 A. That we were involved in a lawsuit with you.

1 Q. What did you say specifically?

2 A. I don't recall.

3 Q. Earlier you said that you had told me that your  
4 husband, Larry, was going to get a bonus if his boss  
5 sold the business; is that true?

6 MR. TURNER: Object. We're not going to  
7 answer that. Don't answer that question.

8 MS. CUMMINS: She already answered it.

9 MR. TURNER: Well, she's not going to  
10 answer it again. It's privileged. And it's been asked  
11 and answered, if that's true.

12 MS. CUMMINS: I was going to ask a  
13 different question about it.

14 Q. (BY MS. CUMMINS) When was the last time you  
15 went to the eye doctor?

16 A. About three years ago.

17 Q. What's your vision?

18 A. I don't know.

19 Q. Did you get your eyes tested?

20 A. Yes.

21 Q. Do you need glasses?

22 A. Yes. I wear them when I drive.

23 Q. Do you need glasses to see up close, also?

24 A. Sometimes.

25 Q. Do you need glasses when you operate on bats?

1           A. I use magnification, which is much better than  
2 glasses. Triple magnification, actually.

3           Q. Did you call intern Kay Singleton fat?

4           A. No, I did not.

5           Q. You never called her fat?

6           A. No, I did not. You called her fat.

7           Q. Did you used to have a dog that couldn't move  
8 its rear legs and it had to drag itself around Bat World  
9 Sanctuary?

10          A. I have never had a dog that had to drag itself  
11 around.

12          Q. You never had a dog that used its front legs to  
13 drag itself around?

14          A. Absolutely not. Unless you're referring to the  
15 dog that I rescued from a pound and she ended up with  
16 hip and knee dysplasia. She had surgeries for those  
17 injuries, or for those problems. They are corrective  
18 surgeries. She has a hard time getting up, but she is  
19 on Rimadyl, daily pain medication. She plays, she runs  
20 and jumps.

21          Q. She runs and jumps?

22          A. Yes, she does. She did it while you were  
23 there, but you claimed she drags herself around on the  
24 website, but she actually did it lots of times while you  
25 were there and you saw it.

1           Q.   What was the final settlement in the Bat World  
2           Sanctuary versus Talking Talons Youth Leadership?

3           A.   That's a confidential case.  I can't talk about  
4           it.

5           Q.   You didn't -- your attorney didn't file a  
6           protective order before the deposition.  You have to  
7           answer.

8                   MR. TURNER:  No, she doesn't.  She's not  
9           going to answer that question.  It's privileged by court  
10          order.

11                   MS. CUMMINS:  By court order or by mutual  
12          agreement?

13                   MR. TURNER:  Well, it doesn't matter.  It's  
14          privileged and that's the reason we're not going to  
15          answer it.  I don't know if it's by court order or by  
16          agreement, but it's a confidential matter and we're not  
17          going to discuss it here when it doesn't have anything  
18          to do with this case.

19           Q.   (BY MS. CUMMINS)  Can you tell me what the Bat  
20          World Sanctuary versus Talking Talons Youth Leadership  
21          lawsuit was about?

22           A.   Again, it's the same thing that you just asked.  
23          It's privileged information, and I can't answer it.

24           Q.   I have a copy of it right here.  Can you tell  
25          me what the basic claim was that you made against

1 Talking Talons?

2 A. I cannot talk about it. It's privileged  
3 information.

4 Q. Only the settlement agreement is confidential.

5 MR. TURNER: Objection, form.

6 Q. (BY MS. CUMMINS) In the Talking Talons  
7 lawsuit -- who is Daniel Abram?

8 A. He is an animal rights person in New Mexico.

9 Q. When did you first meet him?

10 A. He came to an internship at Bat World.

11 Q. Did you ever date Daniel?

12 A. Yes, I did.

13 Q. Were you engaged?

14 A. Briefly.

15 Q. When were you engaged to Daniel Abram?

16 A. Don't recall exactly. In the early 2000s.

17 Q. Did you have a signed contract with Daniel  
18 Abram of Talking Talons Youth Leadership in regard to  
19 Bat World Sanctuary welfare loan agreement?

20 A. That's part of the lawsuit. It's privileged  
21 and confidential information.

22 Q. Was this a valid contract?

23 A. Again, it's confidential information. It's  
24 part of the lawsuit.

25 Q. Did Talking Talons state that they'd never seen

1 this contract before?

2 A. Again, that's privileged information.

3 Q. Did Talking Talons state that you forged this  
4 document?

5 A. Again, that's confidential information.

6 Q. It's right here in the complaint.

7 MR. TURNER: Objection, form.

8 Q. (BY MS. CUMMINS) Didn't you say earlier you  
9 were deposed in this lawsuit?

10 A. Yes, I was -- no, I never said that, you said  
11 that.

12 Q. Were you deposed in this lawsuit?

13 A. Yes, I was.

14 Q. Who else was deposed?

15 A. I don't recall. No one was with me when I was  
16 deposed.

17 Q. When did you stop seeing Daniel Abrams?

18 A. It's been over ten years ago. I don't remember  
19 the exact day.

20 (Exhibit 27 marked.)

21 Q. (BY MS. CUMMINS) I'd like to enter this as  
22 Exhibit 27. Do you recognize this?

23 A. Yes, I do.

24 Q. What is it?

25 A. It's the same lawsuit that you keep talking



1 about.

2 Q. Did you forge a contract in that lawsuit?

3 A. Absolutely not.

4 Q. Did you predate a contract in this lawsuit?

5 A. Absolutely not.

6 Q. In the exhibit I just showed you, there is a  
7 contract here. Is that your signature?

8 A. Yes, it is.

9 Q. Is that the signature of -- what's his name,  
10 Abram?

11 A. Yes.

12 Q. And is that the correct date that you both  
13 signed that contract?

14 A. If that's what it says, yes.

15 Q. So you're stating right now under oath that you  
16 signed that contract?

17 MR. TURNER: You know, excuse me, I'm going  
18 to have to tell my client not to answer any more  
19 questions about -- we're here on Bat World Sanctuary  
20 versus Mary Cummins. We're not here on that case. That  
21 case doesn't have anything to do with why we're here.  
22 Questions about an unrelated case are abusive and we're  
23 not going to answer any more questions about an  
24 unrelated lawsuit.

25 MS. CUMMINS: I believe it's related

1 because she forged a document in the same lawsuit just  
2 like she forged one in mine.

3 MR. TURNER: Objection, form.

4 Q. (BY MS. CUMMINS) What is the correct isoflurane  
5 induction rate for putting a bat under?

6 A. It depends on the species.

7 Q. Mexican free-tail.

8 A. Probably point one.

9 Q. Point one?

10 A. One, yeah -- I'm sorry, not point one, one.

11 Q. What is the initial induction rate?

12 A. Probably two. It just depends on the species  
13 and the individual, depending on the shape they're in.  
14 If they're in excellent shape it takes more, if they're  
15 in bad shape it takes less.

16 Q. What would be a range for a healthy Mexican  
17 free-tail bat?

18 A. One to two.

19 Q. What would be the maintenance rate after  
20 they're under?

21 A. Probably one.

22 Q. When you put a bat under with isoflurane, do  
23 they feel pain?

24 A. They probably feel stress, initially. It  
25 depends on the way they're actually put under, too.

1           When you use an isoflurane machine they're actually  
2           under more stress because they're being held with their  
3           heads in a cone and they're struggling.  When you use  
4           the cone method with a cotton ball, they normally don't  
5           know because they're -- it's held in a way that they  
6           just naturally fall asleep so there's less stress.

7           Q.  You're saying there's less stress when they use  
8           the isoflurane machine?

9           A.  There's more stress.

10          Q.  When they put a cone over the head?

11          A.  Yes.

12          Q.  But in your drop anesthetic mode you also put a  
13          cone over the head?

14          A.  Most of the time the animal -- the bat is put  
15          in between a cloth, or the cone is held over their head  
16          in a way that the fumes drift around to the front of  
17          their face, they're not forced with their head inside of  
18          a cone and struggling the entire time they're being  
19          knocked out.  They just naturally fall asleep rather  
20          than being -- having their heads forced into something  
21          until they are knocked out.

22          Q.  So you don't put the bat's head into the cone?

23          A.  After it falls asleep.  No.  You never put it  
24          in the cone.  You put the cone slightly in front of its  
25          face, but you never put -- in the drop method you never

1 put the bat's face in the cone. That would be the same  
2 thing as using an isoflurane machine, where their whole  
3 head is shoved inside the cone.

4 Q. When you have the bat's head inside the cone,  
5 are they also getting oxygen?

6 A. As I said before, the bat's head is not inside  
7 the cone.

8 Q. I'm not talking the initial induction, but  
9 maintenance.

10 A. Are you talking about with an isoflurane  
11 machine?

12 Q. No, with your drop.

13 A. Okay. And again, that's not -- there's not any  
14 oxygen involved. It's -- and it's not inside the cone,  
15 it's slightly outside. The cone is sitting in front of  
16 the bat's face. So it's getting natural oxygen, it's  
17 not getting just all isoflurane.

18 Q. I'm not talking initial induction, I'm talking  
19 maintenance anesthetic.

20 A. Maintenance anesthetic is right in front of the  
21 bat's face. His head is not inside the cone; it's never  
22 inside the cone.

23 (Exhibit 28 marked.)

24 Q. (BY MS. CUMMINS) I'd like to present to you  
25 Exhibit 28. Can you please read what is circled?

1 A. This entire part?

2 Q. Yes.

3 A. Oh, I see. This is not my book.

4 Q. No.

5 A. This is written by someone else again. I  
6 believe this is written by Sue Bernard.

7 Lollar Schmidt-French described a method of  
8 inhalation anesthesia in bats in the absence of a gas  
9 anesthetic machine, using a cotton ball soaked in  
10 isoflurane and placed around the bat's nose. The major  
11 problem with this technique is a lack of adequate oxygen  
12 flow, which could result in suffocation before the  
13 anesthetic has a chance to take a effect. Conversely,  
14 because this method does not afford a consistent level  
15 of anesthesia, the bat can awaken too soon. This method  
16 should only be used in emergency situations where an  
17 anesthesia machine is not available.

18 Q. Can you hand that back to me.

19 A. First, her method that she has described, where  
20 -- her text where she's describing our method, the  
21 description is wrong.

22 Q. I just asked you to read it.

23 A. The second thing is that she also states, as we  
24 do, that this method should only be used in an emergency  
25 situation, which is exactly what we recommend -- I

1 recommend in my books.

2 Q. When you amputate the wing of a bat, what type  
3 of anesthesia method do you use?

4 A. I use isoflurane, the cone method.

5 Q. Now, why don't you take the bat to the vet?

6 A. It depends. Sometimes I do. It depends on the  
7 situation. If the vet is not available, if the vet is  
8 not there, if there's going to be a long wait and the  
9 bat may die in the process. It depends on the entire  
10 situation. Sometimes I use a vet, sometimes I don't.  
11 But because I'm trained by a veterinarian and have been  
12 so for 20 years, and I have all of the equipment and the  
13 proper medical procedures available to me, and I'm  
14 allowed to do that, then I do that myself when I need to  
15 in order to save a life of a bat.

16 Q. How do you feel you're allowed to do that  
17 legally?

18 A. Because -- it's not illegal. If it's not  
19 illegal, then it's legal.

20 Q. So you feel that it is legal for you, someone  
21 who didn't get past the 10th grade, who's never been to  
22 veterinary school, to operate on bats without proper  
23 anesthetic machines?

24 A. Well, there are a lot of people -- let me first  
25 state that there are several people who have never

1 graduated high school that have done phenomenal things,  
2 such as Simon Cowell, Walt Disney, Peter Jennings,  
3 Thomas Edison, Richard Branson. And also, isoflurane  
4 machines aren't necessary to perform surgeries. As long  
5 as you use -- as long as you use an anesthetic and you  
6 use it in a humane manner and the animal's life is saved  
7 without any pain in the process, then you have done a  
8 decent job in saving that animal. And as long as it's  
9 an emergency procedure.

10 Q. So every time you've operated on a bat, it's  
11 been an emergency procedure?

12 A. Yes. Why would I operate without it being an  
13 emergency procedure. That makes no sense.

14 Q. When I was at Bat World Sanctuary, you did an  
15 episiotomy on a bat?

16 A. Yes.

17 Q. Do you remember what time that was?

18 A. I don't recall.

19 Q. Could it have been 11:30 a.m.?

20 A. It could have been.

21 Q. Your veterinarian is available Monday through  
22 Saturday from 9:00 until 6:00?

23 A. Unless he's on vacation.

24 Q. When that bat needed an episiotomy, did you  
25 call your vet?

1 A. No, I did not.

2 Q. Why not?

3 A. Because I've done dozens of those episiotomies.  
4 He's trained me how to do them. I know how to do them  
5 successfully. And that bat was saved. She lived. She  
6 was cared for by a person with the U.S. Forest Service,  
7 by my vice president, by several people after you left.  
8 After you claimed she had died, several people cared for  
9 that same bat and can prove that she lived.

10 Q. Do you have any physical proof that she lived?

11 A. I have all those witnesses that prove that she  
12 lived.

13 Q. So they're going to say that she lived?

14 A. Oh, yes.

15 (Exhibit 29 marked.)

16 Q. (BY MS. CUMMINS) I'd like to show you this  
17 Exhibit No. 29, if you could read what's marked.

18 A. Barbara and I had both done C-section,  
19 amputations, etc. I've also neutered a dozen or so  
20 free-tails. Most vets don't or -- won't or don't want  
21 to work on bats. If you're lucky enough to have a vet  
22 who will supply you with the isoflurane and show you the  
23 basics, you've got nothing to lose by trying. I don't  
24 think it takes a lot of nerve, just realization that  
25 knowing that without surgical intervention the bat is



1 going to die. If it dies while under anesthesia, at  
2 least it had a more merciful death than it would have  
3 had otherwise. And hopefully you've learned something  
4 in the process, something that you may be able to use to  
5 save the next bat. (For the record, I practiced  
6 neutering dozens -- excuse me. I practiced neutering  
7 dead specimens before attempting it on any live bats.  
8 Neutering becomes -- became necessary to control the 63  
9 'a little too happy for my own good' bats in my  
10 non-releasable colony.)

11 Surgery and suturing methods are described  
12 in the book. The second edition has details and photos  
13 of a free-tail neuter.

14 Q. So you admit that you do C-sections and  
15 amputations on bats?

16 A. Yes. I have done so in the past.

17 Q. And you believe that it is legal for you, a  
18 non-veterinarian, to perform these operations on these  
19 animals?

20 A. During emergency situations, as we describe in  
21 our book, when you don't have a veterinarian's help  
22 available, yes, it is legal, it is acceptable.

23 Q. When I was at Bat World Sanctuary and you  
24 performed an episiotomy on a bat, was your veterinarian  
25 available or not?

1 A. He was probably on vacation.

2 Q. Did you call him?

3 A. No, because I knew he was on vacation.

4 Q. So if I were to depose him, he will say he's on  
5 vacation?

6 A. I don't know what he will say.

7 Q. You just said he was on vacation.

8 A. Well --

9 MR. TURNER: Well, you're asking her to  
10 speculate about what another witness is going to say, so  
11 we're going to object to speculation.

12 THE WITNESS: Besides, why would I call him  
13 when he's trained me to do that very procedure so that I  
14 wouldn't have to call him for every single emergency.  
15 Why would I make the bat suffer and wait another two or  
16 three hours when she was in agony and she needed help  
17 right then, why would I do that?

18 Q. (BY MS. CUMMINS) If your veterinarian is only  
19 five, six blocks away, how long would it have taken you  
20 to get that bat to the veterinarian?

21 A. Why would I do that when he has trained me to  
22 do that exact procedure, and I have done dozens of  
23 procedures prior to that same thing? Why would I take  
24 that one special bat to him when I have not done so in  
25 the past, because I'm trained to do it? Why would I do

1 that? Because you're there? That makes no sense to me.

2 Q. Are you a veterinarian?

3 A. Of course not.

4 Q. Do you have a vet tech certification?

5 A. No, I don't. But, as I said earlier, I'm  
6 trained. I've been trained for 20 years. I've written  
7 four books on the subject.

8 Q. So you believe it's legal for you to perform  
9 surgery on bats?

10 A. It's not illegal.

11 Q. What is your theory of law to support that?

12 A. The fact that there's no law saying it's  
13 illegal to perform life-saving surgeries on bats. I  
14 haven't found that law, if it exists.

15 Q. Where have you seen that written?

16 A. Where have you seen that it's illegal?

17 Q. In the Texas Veterinary Board.

18 A. How is it illegal? I'm not sure what you're  
19 saying. I've never seen that it is illegal to perform a  
20 life saving procedure on an animal.

21 Q. Do you believe anyone can perform surgery on  
22 animals?

23 A. Of course not.

24 Q. What gives you the privilege and right?

25 A. Twenty years of experience in working with a

1 veterinarian, twenty years of training other  
2 veterinarians on how to do these same procedures.

3 Q. You have trained veterinarians how to do  
4 episiotomies?

5 A. I have. I trained one last summer. We've had  
6 conservation scientists, biologists, researchers,  
7 veterinarians, rehabilitators. Conservationists come  
8 from around the world to train in our workshops, from  
9 every bat inhabitant continent in the world.

10 Q. Did you teach me how to perform episiotomies?

11 A. I tried to, but apparently you couldn't learn.

12 (Exhibit 30 marked.)

13 Q. (BY MS. CUMMINS) I'd like to show you  
14 Exhibit 30, if you could please read that.

15 A. Call it crazy. For those who have had a  
16 problem with Nexaband or Vetbond glues to stabilize wing  
17 fractures, Crazy Glue gel works just as well. Stay away  
18 from super glues or any other brand because -- use Crazy  
19 Glue and make sure to use the gel. I've been using it  
20 for the past six months with no problems, even on  
21 amputations, to create a cushion after suturing. You  
22 can get Crazy Glue at any Wal-Mart or similar store. As  
23 usual, don't apply it directly from the tube. Here's  
24 complete directions in case anyone has missed the page.

25 Q. So this Crazy Glue that you're using, it's the

1 over-the-counter Crazy Glue gel?

2 A. Yes, it is.

3 Q. And did you read the label on over-the-counter  
4 Crazy Glue gel?

5 A. No. Maybe you can tell me what it says.

6 Q. Does the label say "keep away from skin"?

7 A. I assume that that means don't try to glue your  
8 fingers together if you're a human.

9 Q. Do you know if Crazy Glue is toxic to skin?

10 A. Not that I'm aware of.

11 Q. Do you believe you are using the product  
12 according to the label?

13 A. No.

14 Q. You knew you weren't using the product  
15 according to the label?

16 A. Apparently so. It doesn't say to -- it doesn't  
17 say "don't use this on bats to help hem survive their  
18 injuries."

19 (Exhibit 31 marked.)

20 Q. (BY MS. CUMMINS) I'd like to show you  
21 Exhibit 31. Who is cutting that bat's wing off?

22 A. I believe that was -- it was either me or it  
23 could have been a veterinarian that was attending one of  
24 our workshops.

25 Q. Why did you have to cut the bat's wing off?

1           A. Because it was necrotic, it was dead, it was  
2 going to kill the bat if it wasn't amputated. It was  
3 also causing him great pain.

4           Q. Is that bat under anesthesia?

5           A. Yes, it is.

6           Q. Can I have that?

7           A. (Witness complies.)

8                   I assume these are pages from my  
9 copyrighted book that you somehow had access to.

10          Q. These are pages from your book.

11          A. From my copyrighted book.

12                   (Exhibit 32 marked.)

13          Q. (BY MS. CUMMINS) That's Exhibit 32. Who's  
14 cutting that wing off?

15          A. It's either me or the veterinarian that was  
16 attending one of our workshops. Again, the bat is under  
17 anesthesia. The wing was necrotic. It was going to die  
18 if it wasn't amputated. It was also causing him a great  
19 amount of pain.

20                   (Exhibit 33 marked.)

21          Q. (BY MS. CUMMINS) This is also from your book.  
22 And can you read the bottom that's circled.

23          A. The author routinely vaccinates bats taken in  
24 from the wild that will be added to captive study  
25 colonies in order to minimize potential -- the potential

1 for disease transmission to other captives, as well as  
2 bats that are released. Each bat is injected  
3 subcutaneously with 0.1 ml. See medications.

4 Q. So you vaccinate bats for rabies?

5 A. We did at one time, yes. We still recommend  
6 that they're done though.

7 Q. Is this a current page from your book?

8 A. It could be. I must have copy-pasted that  
9 information, so it may have made it into the book  
10 without me re-editing that portion. But that doesn't  
11 mean we still currently do it.

12 Q. So you don't currently vaccinate bats for  
13 rabies?

14 A. No, but we still recommend it.

15 MS. CUMMINS: We're going to take a short  
16 break so he can change the tape, and then I'm going to  
17 set this up so we can watch photos and video, and then  
18 we should be done in a half an hour.

19 (Break taken from 1:48 p.m. to break  
20 1:51 p.m.)

21 (Exhibit 34 marked.)

22 Q. (BY MS. CUMMINS) I'm going to first show some  
23 photos and then some videos, and I want you, Amanda  
24 Lollar, to tell me how you feel these are defamatory  
25 copyrighted data or proprietary data.

1                   This is going to be Exhibit 33, the entire  
2                   disk.

3                   What is that a photo of?

4                   A. It is a photo of you holding a red bat and  
5                   he's -- it looks like you're squeezing his head, and his  
6                   tongue is sticking out the side because he needs to get  
7                   in a more comfortable position. He's apparently very  
8                   uncomfortable.

9                   Q. You don't think he's possibly licking food off  
10                  of his lips?

11                  A. No. They do not lick like that. That's a  
12                  stressed out position.

13                  Q. How is this photo defamatory?

14                  A. It's not defamatory. It's proprietary because  
15                  you're showing our equipment in the background.

16                  Q. What is your equipment in the background?

17                  A. It looks like a Bat Hut.

18                  Q. So you believe a layperson can clearly tell  
19                  that that is a Bat Hut?

20                  A. They could, yes.

21                  Q. And how do you believe this is sharing  
22                  proprietary data?

23                  A. Because the Bat Huts are proprietary. I think  
24                  I've already answered that.

25                  Q. What is this a photo of?



1           A. It looks like a -- red bats hanging on one of  
2           our Bat Huts in a weird sideways position because you  
3           don't have it angled right.

4           Q. How is this defamatory?

5           A. Again, it's showing -- it's not defamatory,  
6           it's proprietary. You've got a Bat Hut in the picture  
7           again.

8           Q. So you believe you own the Bat Hut?

9           A. We do own the Bat Hut.

10          Q. Even though, for all you know, this could be a  
11          Port A Bug or a Port-A-Cage?

12          A. Well, it was taken at our facility, so it was a  
13          Bat Hut.

14          Q. What is this a photo of?

15          A. It's a repeat of the one you just showed,  
16          except it's a smaller portion of it. And, again, it's  
17          the Bat Hut. It's proprietary. It's our facility.

18          Q. So do you -- is it your belief that you are the  
19          only person who is allowed to show bats hanging on a Bat  
20          Hut?

21          A. That was taken in our facility in which you  
22          signed a contract agreeing not to share proprietary  
23          information. That's why that picture is in question, is  
24          because you signed a contract agreeing not to share the  
25          information without permission, and you shared it

1 without permission.

2 Q. How does this damage you or Bat World  
3 Sanctuary?

4 A. It goes back to the contract. You'd have to  
5 look at the verbiage on the contract and you could  
6 probably figure it out.

7 Q. How does it damage you?

8 A. You were showing proprietary information which  
9 you agreed not to show.

10 Q. Is this causing you financial damage to show  
11 that information?

12 A. It could.

13 Q. How?

14 A. I would have to figure -- I would have to go  
15 back and calculate the exact damages.

16 Q. How would you -- what formula would you use to  
17 calculate the damages?

18 A. It's something I would need to give some  
19 thought to.

20 Q. What is this a photo of?

21 A. It looks like -- it looks like -- I believe  
22 that is your hand and -- I'm not sure. Is that your  
23 hand? I can't tell.

24 Q. What is that a photo of?

25 A. That looks like you squeezing a baby Mexican

1 free-tail bat on the sides so that it looks very  
2 uncomfortable.

3 Q. So if there were a photo of you holding a  
4 similar bat in that position you would be squeezing it,  
5 making it feel uncomfortable?

6 A. I wouldn't hold a bat in that position.

7 Q. There aren't some photos of you holding a bat  
8 like this online?

9 A. No.

10 Q. What is this a photo of?

11 A. It looks like an adult Mexican free-tail bat  
12 being held.

13 Q. How is this defamatory?

14 A. It's not defamatory.

15 Q. How is this showing copyrighted proprietary  
16 data?

17 A. It has a Bat Hut in the background. I think  
18 we've all -- we've discussed the Bat Huts before. It's  
19 the same exact argument.

20 Q. Do you believe a layperson will recognize that  
21 that is a Bat Hut in the background?

22 A. I believe they could.

23 Q. What is that a photo of?

24 A. That's a photo of red bats inside of one of our  
25 cages, inside the orphan insectivorous bat cage for tree

1 bats.

2 Q. Is this sharing proprietary or copyrighted  
3 data?

4 A. Both, actually, because that's the same set-up  
5 that's in our book and the same set-up that you signed a  
6 contract saying you would not disclose, same  
7 information.

8 Q. Do you own the carrier that the bats are  
9 hanging in?

10 A. Yes, I do.

11 Q. Do you own all rights to it? Did you invent  
12 it?

13 A. No, of course not.

14 Q. Isn't that a pet -- a fabric pet carrier?

15 A. It's a carrier that has been modified  
16 specifically to house insectivorous bat pups.

17 Q. How has it been modified?

18 A. That's proprietary information, the same  
19 information that you signed a contract saying you  
20 wouldn't disclose.

21 Q. Wouldn't you say that this is a fabric pet  
22 carrier that someone has just tacked some fake leaves to  
23 the ceiling?

24 A. No. I would not say that.

25 Q. What is that a photo of?

1           A. That's a photo of the south side of a wild  
2 sanctuary building.

3                       On that photo, did you take that photo?

4           Q. Yes.

5           A. Isn't that when you were supposed to have  
6 passed out inside the wild sanctuary? If you passed,  
7 out, how did you make it out onto the roof to take that  
8 photograph?

9           Q. Whose deposition is this?

10          A. It was just a question. It was kind of curious  
11 because you said you passed out and you were laying on  
12 your back on the floor inside the wild sanctuary, but  
13 you would have to have crawlen [sic] through the window  
14 after you bumped your head to have taken that picture  
15 from the outside. So it's just kind of curious to me  
16 that you have that picture when you're supposed to have  
17 been passed out.

18          Q. Did you look at any of the time date stamps of  
19 any of these images that I gave to you on the discovery  
20 disk?

21          A. No.

22          Q. Well, I seem to have lost them when I put them  
23 into this computer.

24                       What is that a photo of?

25          A. It's a photo of guano.

1 Q. Does that show proprietary or copyrighted data?

2 A. It's hard for me to tell. I don't know if  
3 that's one of the photographs that we have talked about.  
4 So I can't really recall if that one is one of our  
5 lineup, but it does not -- it shows guano that has been  
6 swept up, is all it shows.

7 Q. How do you feel this shares copyrighted and  
8 proprietary data?

9 A. I don't think that is one of the photographs  
10 that we are claiming is proprietary or defamatory.

11 Q. What is that a photo of?

12 A. That's a photo of the albino free-tail bat at  
13 Bat World. It looks like that may have been one of the  
14 photographs you took without permission.

15 Q. How is it sharing proprietary or copyrighted  
16 data?

17 A. That's not one of the photos that we have  
18 claimed as proprietary or defamatory.

19 Q. Are you positive?

20 A. I'm pretty sure.

21 Q. What is this a photo of?

22 A. It's a photo of you holding a pallid bat in an  
23 unnatural position. That's another photograph you took  
24 without my permission.

25 Q. How is it sharing proprietary or copyrighted

1 data?

2 A. It shows the background. It shows the inside  
3 of the captive bat habitat that's in the book, the same  
4 book that you received at the internship and signed a  
5 contract saying that you wouldn't share the information.

6 Q. Do you have photos online of your set-up?

7 A. I don't believe I do.

8 Q. You don't believe you have photos of this desk  
9 here in the background with these couches?

10 A. That's not a desk. It's a miniature cave.

11 Q. Do you believe -- do you have video of this  
12 set-up?

13 A. We have video. We posted that.

14 Q. Okay. So you posted video and you posted  
15 photos of this set-up?

16 A. We didn't sign a contract saying we wouldn't.

17 Q. But the information has already been shared,  
18 it's already public, is that what you're saying?

19 A. Some of it is public, but it's not the same  
20 thing as what you shared during the internship.

21 Q. What is this a photo of?

22 A. That's a photo of Cassandra with Peek-a-boo.

23 Q. How is it sharing proprietary copyrighted data?

24 A. It's not. It's part of the -- it's not one of  
25 the photographs. You're showing a lot of photographs

1           that have nothing to do with our case.

2           Q.   Are you positive these aren't photos you asked  
3           me to remove?

4           A.   I am positive that picture of Cassandra is not  
5           part of this case, I am absolutely positive.

6           Q.   You didn't send an e-mail to Yahoo flicker  
7           demanding I remove them?

8           A.   I don't recall which pictures that we were --  
9           that I asked -- they were listed in the injunction. The  
10          pictures that you were ordered to take down that you  
11          never did, I asked Yahoo to remove those pictures.

12          Q.   Are you saying that I never took down the  
13          photos that I was ordered to take down in the  
14          injunction?

15          A.   That's exactly what I'm saying.

16          Q.   Do you have proof of this?

17          A.   I had to get them down myself. If you were  
18          going to take them down it seems like you would have  
19          done so when you were ordered, rather than having to  
20          have me go to flicker and ask them to please remove them  
21          with the injunction. If you were going to remove them  
22          they shouldn't have sat up there for another six weeks,  
23          they should have come down immediately. And some of  
24          those pictures you have since also stated were only made  
25          private. You never even took them down, you only made



1           them private.

2           Q.   What is this a picture of?

3           A.   It's a picture of me holding oxygen in front of  
4           a bat.

5           Q.   What is this bottle over here?

6           A.   That's isoflurane.

7           Q.   Are you wearing gloves?

8           A.   No, because I'm not doing any surgical  
9           procedure. I'm administering oxygen which is not a  
10          surgical procedure.

11          Q.   What did you just do to that bat?

12          A.   Apparently nothing. It doesn't look like  
13          anything has been done. There's no instruments there.  
14          There's nothing to show anything's been done except that  
15          the bat is receiving oxygen.

16                    There was gloves in that picture, would you  
17          like to go back to that one? There was surgical gloves  
18          there and there.

19          Q.   What are you doing in this picture?

20          A.   That picture, I am suturing up a bat who has  
21          been sliced open by a hawk.

22          Q.   When I was there, didn't you tell me that she  
23          was sliced open by an owl?

24          A.   Oh, excuse me, an owl. Yes, you're absolutely  
25          right, it was an owl.

1 Q. What is this a bottle of?

2 A. That's a bottle of isoflurane. There's triple  
3 magnification there that I'm using so I can see better.  
4 There's six ought sutures, which are absorbable, and  
5 there's our surgical gloves that I'm wearing.

6 Q. Who else was present when you were trying to  
7 suture up this bat?

8 A. When I did suture up the bat successfully, you  
9 were there, as well as Kay Singleton, I believe. No,  
10 Kay Singleton kept leaving the room, so it may have just  
11 been you. I'm not sure.

12 Q. Was Janet Villareal there?

13 A. She may have been. I don't recall.

14 Q. Did you lose -- did you lose the needle in the  
15 bat?

16 A. That's impossible. The bat is -- is the size  
17 of a stick of -- or a package of gum and the needle is  
18 about the size -- is about an inch long. There's no way  
19 you could lose a needle inside a bat that size.

20 Q. You believe that needle was an inch long?

21 A. Curved, yes. If you straighten it up, it's  
22 going to be an inch. It's a curved needle.

23 Q. Didn't you drop that needle in the bat and  
24 Janette had to pick it up because you couldn't see it?

25 A. Absolutely not.

1 Q. Did Janette pick up the needle without gloves  
2 on?

3 A. Absolutely not.

4 Q. So if I were to depose Janette she will  
5 definitely say that she didn't have to pick up that  
6 needle --

7 A. I can't state what someone else would say, but  
8 I can say that absolutely did not happen.

9 Q. Where are you performing this suture job?

10 A. In our recovery rehabilitation room.

11 Q. Do you also feed the bats right there?

12 A. Yes, we do.

13 Q. You don't have a surgical room?

14 A. Do you have a surgical room?

15 Q. I don't perform surgery. I take them to the  
16 vet.

17 A. That's right. You don't get many bats in, I  
18 forgot.

19 Q. What are you doing here?

20 A. Looks like the same bat. As you can see, the  
21 cone -- her head is not shoved inside the cone, it's in  
22 front of the cone like we discussed earlier. It's the  
23 same bat that I'm still working on, the bat that  
24 actually did survive and was later released. And I  
25 believe you actually lost that bat. She got loose, and

1 I found her later on the back of a Bat Hut, after you  
2 had left, because you had failed to put her up.

3 Q. Do you have any witnesses that saw that?

4 A. Oh, yes, I do, I have three people that were  
5 there.

6 Q. Who?

7 A. My husband and Janette.

8 Q. Your husband and Janette were there --

9 A. We all looked for her for several hours after  
10 you left because she was misplaced. She was not found  
11 anywhere.

12 Q. Is this the bat that supposedly went flying  
13 through the kitchen area?

14 A. No, that was another one, when you left the  
15 cage door open and all the red bats were flying through  
16 the kitchen.

17 Q. Do you have witnesses for that?

18 A. Yes, I do.

19 Q. Who?

20 A. As well as the little free-tail bats, when you  
21 left that cage open and they came crawling out from  
22 under the refrigerator.

23 Q. Who are your witnesses to the bats flying  
24 through the kitchen area?

25 A. Janette Villareal and my husband.

1 Q. Did this bat come to during surgery?

2 A. That is oxygen there being administered, so  
3 they always come to when you're delivering oxygen.

4 Q. I wasn't talking about the photo. I was asking  
5 you, after you put this bat under, didn't she come to  
6 during surgery?

7 A. When they become light they start to wake up a  
8 little bit, then you actually have to add more  
9 isoflurane onto the cotton ball so they go deep under  
10 again.

11 Q. So your anesthesia method is they go under and  
12 then they kind of come to a little bit, then you put  
13 them under again?

14 A. Depends on the condition of the animal.  
15 Sometimes they do that.

16 Q. So the animal is coming to mid surgery?

17 A. They don't come to completely. They may wake  
18 up, and you notice that by their respiration increasing.  
19 It moves down from the abdomen. It starts to move -- to  
20 go faster in the abdomen. Sometimes it moves up into  
21 the chest. Sometimes a wing will flinch; that's when  
22 you know you're supposed to add more isoflurane, opposed  
23 to the opposite of adding too much and the bat not  
24 waking up at all, ever.

25 Q. Has that ever happened to you?

1 A. It's happened to everyone.

2 Q. It's not happened to me.

3 A. It's because you don't do surgeries.

4 MR. TURNER: Objection, form.

5 Q. (BY MS. CUMMINS) What is this a photo of?

6 A. That's a photo of red bats eating -- trying to  
7 -- or learning how to self-feed meal worms out of what's  
8 called a red bat feeder. That is proprietary  
9 information that we created.

10 Q. So having meal worms in a container and having  
11 bats try to eat them is proprietary?

12 A. The way this set-up is, yes. Anyone can have  
13 bats trying to eat meal worms out of a dish; that's done  
14 all the time. This particular set-up is proprietary.  
15 It's called a red bat feeder; it was developed at Bat  
16 World Sanctuary.

17 Q. How is this different than just --

18 A. Well, you can look at the picture and see how  
19 it's different. It's not just bats sitting in a dish  
20 out in the open.

21 Q. I want to look at some video now. Can you tell  
22 me what this is a video of?

23 A. It's a video of a Mexican free-tail bat. It  
24 looks like he's inside a Bat Hut, and there's two  
25 roosting pouches stacked on top of each other.

1 Q. Is he trying to crawl out?

2 A. Yeah. He did crawl out and then you put him  
3 back in.

4 Q. How is that proprietary?

5 A. It shows roosting pouches and it shows the Bat  
6 Hut.

7 Q. What is this a video of?

8 A. It's a video of you holding a red bat in the V  
9 position, except you're holding it upright rather than  
10 this way. It also shows a Bat Hut --

11 Q. This is the V position?

12 A. Yes, it's the beginning of the V position. It  
13 shows the Bat Hut in the background, as well.

14 Q. And that's showing proprietary copyrighted  
15 data?

16 A. Yes. Do you want me to describe what's  
17 happening? That's when you're helping me with the  
18 light, because you offered to help.

19 Q. Tell me what's happening.

20 A. You were adjusting the light and trying to  
21 focus the camera. It looks like you're having a hard  
22 time adjusting the camera.

23 Q. How deep would you say you just cut her?

24 A. About half a millimeter. There I was asking  
25 about Kay because she seemed to have disappeared every

1 time I wanted to try to teach her something.

2 Q. Was she taking a shower because she just got  
3 back from the wild sanctuary?

4 A. No. She was asked to stay in the room, and she  
5 didn't stay in the room.

6 You're taking pictures during the  
7 procedures for the book so that others may have this  
8 information to save the lives of other bats in the same  
9 predicament. People have pictures and video, then  
10 they're able to save the lives of the animals a lot  
11 better than just going by text.

12 Q. So pictures and video are a good thing?

13 A. They're a good thing when used in the right  
14 manner. That's why our subscription book has videos in  
15 it, as well.

16 Q. Now, you're going to cut her -- this is the  
17 third time, isn't it?

18 A. There's two times in one.

19 Q. So there's three?

20 A. There's three -- three cuts. One was in -- on  
21 one side, the other cut was the same place on the same  
22 side, a little bit more. The third cut was on the other  
23 side. It's called a twin episiotomy. It's done quite  
24 frequently.

25 Q. But you cut her three times, correct?



1           A. I cut her three times, but two times in the  
2 same position. That's why I didn't want to cut her too  
3 much. The incision was so small on the first one, that  
4 I had to make it a tiny bit larger in the same spot.

5                       That's not cutting her three times or  
6 creating three incisions, it was two incisions. Do you  
7 understand what I'm trying to say?

8                       There, I'm apologizing to the bat because I  
9 don't want to cause her any more stress than I have to.  
10 As you can see, I'm wearing surgical gloves. I said I  
11 wish I could knock her out, but I can't.

12                      I believe on your blog you posted something  
13 about that. And the reason that you don't is because  
14 you're hoping the baby is alive. If you knock the  
15 mother out the anesthesia also goes to the baby which  
16 decreases his chance of surviving. After the mother is  
17 anesthetized or after the mother --

18           Q. What's happening now, besides your taking  
19 photos, right?

20           A. And you're taking video, that's what's  
21 happening. Of course, you didn't start the video early  
22 enough to catch the fact that she had --

23           Q. Excuse me. Can you stop for one second?

24           A. -- pain medication prior to starting.

25           Q. I want you to tell me what you just said over

1 here. What did you just say?

2 A. I said she's going to prolapse. That doesn't  
3 mean she's --

4 Q. What would cause her to prolapse?

5 A. The pup being too large and it causing the  
6 stress involved in trying to have a pup that's too  
7 large.

8 Q. Could a prolapse also be caused from cutting  
9 too much?

10 A. No. It just depends on the whole situation.  
11 You never know, but the bat did not prolapse. I said  
12 she's going to prolapse because I was afraid she was  
13 going to prolapse, but she did not prolapse. You can  
14 clearly see she did not.

15 Q. So you were wrong?

16 A. I was wrong. She did not prolapse. I said  
17 that in fear that she might prolapse, but she did not.  
18 And I was glad I was wrong, that was a good thing.

19 Q. Let's watch this again.

20 A. Okay. Now if we could stop it right there,  
21 because you clearly have said -- stated before that you  
22 thought I pulled her entire vagina out. You can clearly  
23 see that that was placenta. She never prolapsed and she  
24 never -- she never prolapsed and the baby was stillborn.  
25 That is not her vagina; that's placenta. That's what

1 happens when a baby is born, there's placenta that also  
2 comes out.

3 Q. What is this?

4 A. That's placenta. Have you ever seen placenta  
5 before?

6 Q. Yes.

7 A. That's placenta. It's called afterbirth.

8 The opening is too big because the pup was  
9 so large, not because I cut too much. I guess that's  
10 the point you're trying to get to. The pup was too  
11 large, that's why the opening was too big.

12 Q. Do you have a veterinarian statement stating  
13 that they examined this bat and she did not prolapse?

14 A. Well, why would I need that?

15 Q. Wouldn't you want this bat to see a  
16 veterinarian after this difficult birth?

17 A. As I stated before, I've been doing this for 20  
18 years. I'm trained. A veterinarian trained with me  
19 last year and wrote a letter saying that -- because I  
20 did another episiotomy last summer, and this letter  
21 stated that she learned a lot from the episiotomy and  
22 that it was done at the level any vet could have done it  
23 or better.

24 Q. You stated earlier that you can't give  
25 anesthetic to the mother because it might be passed to

1 the baby?

2 A. Not anesthetic, anesthesia.

3 Q. Okay.

4 A. Anesthetic is pain reliever. The bat had  
5 Cetacaine on her vaginal area. She also had Metacam  
6 before she got -- before she -- we ever started the  
7 procedure. You neglected to take the video or you  
8 sliced that part of the video off before you uploaded --

9 Q. How did you administer Metacam to her?

10 A. Orally. That's how you always administer it.

11 Q. How long before you started?

12 A. Probably, I don't know, five minutes, until we  
13 got all the instruments out and got ready.

14 Q. You believe that if you ingest Metacam orally  
15 within five minutes, you will have --

16 A. The Metacam will kick in at some point during  
17 the procedure. The Cetacaine, which is a topical  
18 anesthetic is provided to -- that's to -- provided to  
19 give anesthetic to the area that you're going to cut so  
20 that there's no pain involved. The same thing with  
21 dental extractions.

22 Q. Let me ask you a question. Cetacaine, this is  
23 a topical skin anesthetic?

24 A. It's a topical anesthetic specifically for  
25 mucous membranes. It's a veterinary product. It's a

1 prescription product that we have.

2 Q. If someone were cutting your vagina would that  
3 help?

4 A. Oh, definitely. It's a human product. That's  
5 what it's made for.

6 Q. Would it take away all pain?

7 A. It may not take away all pain, but that's what  
8 Metacam is for. It kicks in; it helps.

9 Q. Do you believe that after ingesting it within  
10 five minutes Metacam takes effect?

11 A. I believe that it helps.

12 Q. And when did -- did you administer the Metacam?

13 A. Yes, I did.

14 Q. Who saw you administer it?

15 A. Whoever was there. You were there, you saw it.

16 Q. No, I didn't.

17 A. Well, then you probably weren't --

18 MR. TURNER: Objection, form.

19 A. I believe this is the same video you denied  
20 taking the video on You Tube. When people called you  
21 out about taking the video, you said, "Oh, no that  
22 wasn't me. I didn't take that video."

23 Q. (BY MS. CUMMINS) I'm not going to answer.

24 A. I think you said that over on your Facebook  
25 page, too, when people called you out about actually

1 taking the video, when you tried to make it look like  
2 cruelty.

3 Q. Okay. So you can't knock her out. Recently  
4 you did an episiotomy and you had the vet from another  
5 state watching you.

6 A. Exactly.

7 Q. What did you give that bat?

8 A. After? That procedure was done exactly like  
9 this one. After it was discovered the pup was  
10 stillborn, the mother was anesthetized so her vaginal  
11 incisions could be either sutured or glued with surgical  
12 glue.

13 Q. So you knew that baby was dead before you took  
14 it out?

15 A. No. That's why she didn't get anesthesia.

16 Q. The one that you just did, not this one.

17 A. Both of them. It's always done the same way.  
18 There's no change in that. If you think the baby is  
19 going to live during an episiotomy, you don't administer  
20 general anesthesia because you knock the baby out, too,  
21 and it decreases its chance of surviving once it's born.  
22 Once you discover that pup is dead, there's no reason  
23 for that mother not to be knocked out. You cannot  
24 suture or use surgical glue on the vaginal area of a bat  
25 unless that bat is knocked out, because you're talking

1 about an area that's as big as this pen.

2 Q. I have a question, and my question is: The  
3 episiotomy that you did recently with the vet from out  
4 of state, did you give that bat anesthesia?

5 A. Was she anesthetized after the baby was  
6 discovered dead and stillborn?

7 Q. So you anesthetized afterwards?

8 A. Is that -- I'm trying to understand. Yes. The  
9 same way this one was done.

10 Q. Okay.

11 A. The one that you said died, when she actually  
12 lived.

13 Q. What time of day did you perform this  
14 episiotomy?

15 A. This one?

16 Q. Yes.

17 A. I don't really recall.

18 Q. Who was there?

19 A. You were. You filmed it.

20 Q. Who else?

21 A. Janette Villareal, and Kay, as we have stated  
22 earlier, decided to disappear because she didn't want to  
23 learn, apparently.

24 Q. Wasn't Kay in the shower because you told her  
25 to take a shower because she just came from the wild

1 sanctuary?

2 A. Absolutely not. Why would I ask "Where's Kay"  
3 if I -- if I had just sent her to the shower, why would  
4 I say in the middle of it "Where's Kay?" That makes no  
5 sense.

6 Q. No. So I gave you in discovery, videos and  
7 photos with the time date stamp and the time date stamp  
8 on this. California time is 9:38 a.m., and Texas time  
9 would be 11:38 a.m. Is your vet open at 11:38 a.m.?

10 A. Yes, he is.

11 Q. And you're stating that you did not call him?

12 A. Again, I've trained with this vet for 20 years.  
13 I have done this procedure numerous times to save the  
14 lives of these bats.

15 You have to understand that when -- this is  
16 an animal that their babies are born one-third the size  
17 of the mother. That's the equivalent of a 120-pound  
18 woman having a 40-pound baby. If that baby is stuck in  
19 a birth canal of a woman, she's going to want that thing  
20 out of there soon. And if not, it will kill the mother.  
21 It has to be done soon. That's why I've been trained to  
22 do it, that's why --

23 Q. You're stating --

24 THE REPORTER: You guys need to talk one at  
25 a time. I can't get you both.



1 Q. (BY MS. CUMMINS) Let me ask a question here.

2 You are now stating --

3 MR. TURNER: Are we finished with the  
4 video?

5 MS. CUMMINS: No, not yet. We'll be done  
6 in ten minutes.

7 Q. (BY MS. CUMMINS) You're now stating that a  
8 baby Mexican free-tail bat is 33 percent the size of the  
9 mother?

10 A. I said one-third the size of the mother, yes.  
11 Well, let me back up.

12 Q. Are you sure it's not 25 percent?

13 A. It can be one-quarter to one-third. That one  
14 was about one-third. That is why her vaginal canal was  
15 so large, that is why I thought she was going to  
16 prolapse. First time mothers have a much more difficult  
17 time.

18 Q. Every time you take the light off you're taking  
19 photos, correct?

20 A. Correct. You're helping me with the light,  
21 remember, you offered to do that?

22 Q. What is that thing --

23 A. You remember you offered to turn the light on  
24 and off for me? What is what?

25 Q. Is the mother bat kicking?

1           A. She's struggling. She doesn't like to be held  
2 in that position. Like any wild animal, she doesn't  
3 understand that she's being helped. She's in pain.

4           Q. Did she go into shock and pass out as soon  
5 as --

6           A. She absolutely did not. That's the text that  
7 you added that is absolutely false to the video.

8           Q. And if I depose Janette Villareal she will say  
9 the same?

10          A. I'm not sure what she will say, because I'm not  
11 her.

12                   MS. CUMMINS: Well, I'm done with the  
13 photos and video. Let's go off.

14                           (Break taken from 2:25 p.m. to.  
15 2:25 p.m.)

16           MS. CUMMINS: The witness has refused to  
17 answer quite a few questions. I may file a motion to  
18 compel and sanctions, and I reserve the right to depose  
19 her at a later date to get the answers to these  
20 questions. And I also reserve the right to depose her  
21 based on the minutes from the last hearing, which I  
22 wasn't able to receive yet. And I pass the witness.

23           MR. TURNER: No questions, at this time.

24                   (Witness excused.)

25                   (Deposition concluded.)



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

I, AMANDA LOLLAR, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
AMANDA LOLLAR

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me, \_\_\_\_\_, on this day personally appeared AMANDA LOLLAR, known to me (or proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

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

NO. 352-248169-10

BAT WORLD SANCTUARY and	)	IN THE DISTRICT COURT
AMANDA LOLLAR,	)	
	)	
Plaintiffs,	)	
	)	TARRANT COUNTY, TEXAS
VS.	)	
	)	
MARY CUMMINS,	)	
	)	
	)	
Defendant.	)	352ND JUDICIAL DISTRICT
	)	

REPORTER'S CERTIFICATION  
DEPOSITION OF AMANDA LOLLAR  
NOVEMBER 8, 2011

I, Claudia White, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, AMANDA LOLLAR, was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That the deposition transcript was submitted on  
November 14, 2011, to the witness or to the attorney for  
the witness for examination, signature and return to me  
by December 13, 2011;

That the amount of time used by each party at the  
deposition is as follows:

Mr. Randy E. Turner, Esq. - 00 HOURS:00 MINUTE(S)

1 That pursuant to information given to the  
2 Deposition officer at the time said testimony was taken,  
3 the following includes counsel for all parties of  
4 record:

5 Mr. Randy E. Turner, Esq., Attorney for Plaintiff  
6 Mary Cummins, Pro Se, Attorney for Defendant

7 I further certify that I am neither counsel for,  
8 related to, nor employed by any of the parties or  
9 attorneys in the action in which this proceeding was  
10 taken, and further that I am not financially or  
11 otherwise interested in the outcome of the action.

12 Further certification requirements pursuant to Rule  
13 203 of TRCP will be certified to after they have  
14 occurred.

15 Certified to by me this 14th day of November, 2011.



19  
20  
21  
22  
23

*Claudia White*  
\_\_\_\_\_  
Claudia White, Texas CSR #8242  
Expiration Date: 12/31/12  
Merit Court Reporters  
Firm Registration No.133  
307 West 7th Street, Suite 1350  
Fort Worth, Texas 76102  
Phone: 817-336-3042  
Fax: 817-335-1203

24 FURTHER CERTIFICATION UNDER RULE 203 TRCP

25 The original deposition was/was not returned to the

1 deposition officer on \_\_\_\_\_;

2 If returned, the attached Changes and Signature  
3 page contains any changes and the reasons therefor;

4 If returned, the original deposition was delivered  
5 to Mary Cummins, Pro Se;

6 That \$ \_\_\_\_\_ is the deposition officer's  
7 charges to the Defendant for preparing the original  
8 deposition transcript and any copies of exhibits;

9 That the deposition was delivered in accordance  
10 with Rule 203.3, and that a copy of this certificate was  
11 served on all parties shown herein on and filed with the  
12 Clerk.

13 Certified to by me this \_\_\_\_\_ day of  
14 \_\_\_\_\_, 2011.

15

16

17

18

19

20

21

22

23

24

25

By: \_\_\_\_\_

For: Claudia White

Texas CSR #8242

Expiration Date: 12/31/12

Merit Court Reporters

Firm Registration No. #133

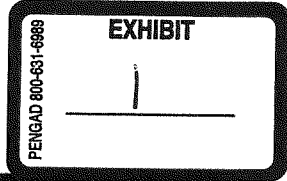
307 West 7th Street, Suite 1350

Fort Worth, Texas 76102

Phone: 817-336-3042

Fax: 817-335-1203

Job No. 12134



**OWNERSHIP INFORMATION**

**Assessee:** ANIMAL, BENEFICIAL  
**Assessee Address:** 217 OAK AVE  
 MINERAL WELLS, TX 76067  
 - 4946  
**Property Address:** 115 1ST AVE  
 MINERAL WELLS, TX 76067  
 - 4410  
**Assessor's Parcel Number:** 159800000  
**State:** TX  
**County:** PALO PINTO

**SALES INFORMATION**

**Book Number:** 935  
**Page Number:** 309  
**Recorded Date:** 09-15-1997

**ASSESSOR INFORMATION**

**Total Assessed Land & Improvement Value:** \$14,240.00  
**Total Assessed Land Value:** \$2,000.00  
**Total Assessed Improvement Value:** \$12,240.00  
**Total Market Land & Improvement Value:** \$14,240.00  
**Property Type:** TAX EXEMPT

**LEGAL DESCRIPTION**

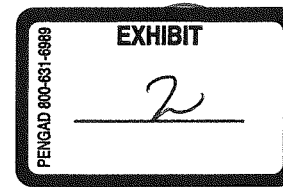
**Legal Description:** LYNCH BLK 1 LT S/2 OF E80  
 OF 12



**OWNERSHIP INFORMATION**

**Assessee:** I!ETY  
 BENEFICIAL ANIMAL  
 TEACHING SOC  
**Assessee Address:** 217 OAK AVE  
 MINERAL WELLS, TX 76067  
 - 4946





## GENERAL RULES AND EXPECTATIONS DURING YOUR INTERNSHIP

*We run a tight ship here at Bat World Sanctuary, but we also run a fun ship. We believe in laughter, practical jokes, cookies and anything else it takes to ease stress during what may be the hardest work you've ever done. The rules below are the tight part of our ship. Cookies come later.*

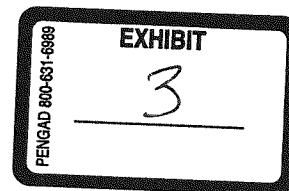
1. If you make a mess please clean it up. If you move something, open something, or use something, please put it back where it belongs.
2. ALWAYS close the outer gate before opening the inner cage because the dogs will run out.
3. Do not leave food laying out all night because it attracts bugs.
4. Do not set items down within reach of the dogs if you do not wish it to become a chew toy. They are hooligans will rummage through open bags and purses for goodies, so please keep your personal items out of their reach.
5. Keep your bedroom door closed during the day as the dogs will go into your room and have a pee party.
6. Morning feedings can start as early as 7AM. Plan to rise early every day to meet feeding schedules.
7. Milk scoops, eye droppers and forceps should remain in rehab drying basket or bins when not in use. Always return these items to this area - clean. If you find bowls or utensils out of place please do not put them up as they may be in use.
8. Keep all wild/rescued bats from the wild sanctuary in rehab area only. **Do not** carry them into the flight cage area as mites may be transferred to the captive colony.
9. Do not visit the wild sanctuary during late night hours as it causes too much disturbance to the wild colony.
10. Excluding emergencies, please do not disturb anyone working in the office. The Bat World organization must continue to function throughout the internship program.
11. Avoid talking loudly in the bat hospital area, most particularly when new arrivals are being treated.
12. USE CAUTION around the exam lights and water - they are very hot!
13. Always ask permission to enter the fruit bats cage, and always wash your hands before going in.
14. Take as many pictures as you like of both procedures and bats. However, do not follow or attempt to capture a fruit bat that flies away. Some bats may take fruit offered by hand (particularly melon) and do not mind having their picture taken with a flash.
15. When sheets are down in fruit bat cage, walk very slowly to prevent the sheets from bunching up. Please fix any sheets/paper that gaps.
16. Never rearrange items or dish holders in the cages and never leave items that do not belong.
17. Two topics that are not open for discussion during your stay with us are religion and politics. Please keep your opinions on those topics to yourself.
18. If you become frustrated or overtired, please let us know so a break can be arranged for you.
19. During down time (between feedings) please help out by filling syringes and cutting nursing tips.
20. At the end of your internship, please leave your room as you found it. Dust your room, empty your trash, and sweep and mop the floor. Also, strip the bed, wash the sheets and remake the bed for the next intern.

**From:** Bat World Sanctuary <sanctuary@batworld.org>

**To:** mmmaryinla@aol.com

**Subject:** Re: Bat World pics from Mary

**Date:** Fri, Jun 25, 2010 4:56 pm



Thank you Mary!!

---

*Amanda Lollar, Founder/President*

*Bat World Sanctuary*

*[www.batworld.org](http://www.batworld.org)*

*Bat World Sanctuary is a non-profit conservation organization that provides rescue for bats worldwide. For more information about bats and how they make our world a better place please visit [www.batworld.org](http://www.batworld.org)*

*PLEASE GO GREEN, print only if necessary*

---

**From:** "mmmmaryinla@aol.com" <mmmmaryinla@aol.com>

**To:** [sanctuary@batworld.org](mailto:sanctuary@batworld.org)

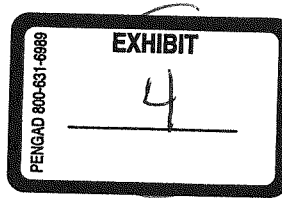
**ant:** Thu, June 24, 2010 7:25:37 PM

**Subject:** Bat World pics from Mary

cute ones on the second page

<http://www.facebook.com/album.php?aid=232372&id=733516211&l=ba01fd5a9b>

Up close video feeding baby bat from Mary Cummins



11/18/10 9:54 AM

**From:** mmmaryinla@aol.com

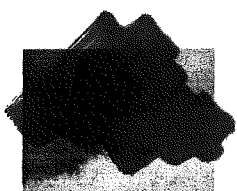
**To:** sanctuary@batworld.org

**Subject:** Up close video feeding baby bat from Mary Cummins

**Date:** Sat, Jun 26, 2010 5:02 pm

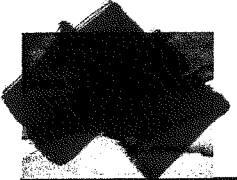
I posted a few videos from my trip besides photos. Here is one of me feeding a baby mexican bat. I hope it looks okay. I linked to your site in the video and photos.

<http://www.youtube.com/watch?v=BtnJ6-ML26I>



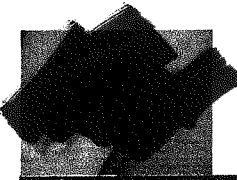
**0:16**  
Baby bat pup nursing, Mary Cummins, Animal Advocates

0:16 06/21/10 723 8



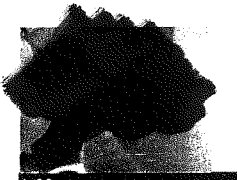
**0:37**  
Baby brown Mexican free tail bat pups after being fed, Mary Cummins, Animal Advocates

0:37 06/21/10 1,145 8



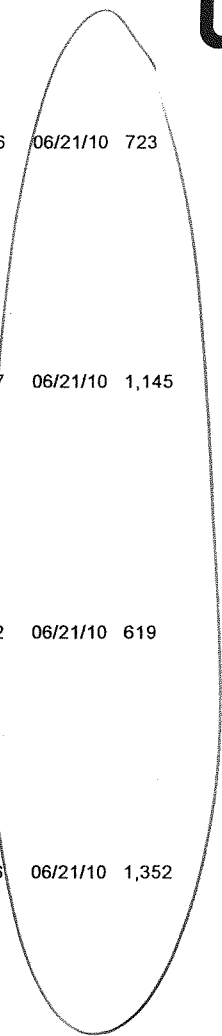
**0:52**  
A red bat pup licking it's lips and fingers after eating, Mary Cummins, Animal Advocates

0:52 06/21/10 619 9



**1:06**  
Feeding a pregnant brown bat meal worms, Mary Cummins, Animal Advocates

1:06 06/21/10 1,352 6

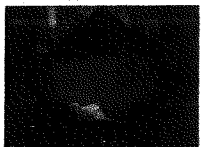




1:08 06/23/10 1,074 17

1:08

Baby Mexican free tail bat exploring my hand, Mary Cummins, Animal Advocates



0:58 06/23/10 669 6

0:58

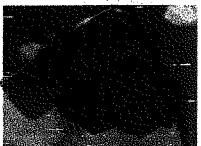
Wild bats, Mary Cummins, Animal Advocates



0:18 06/23/10 223 0

0:18

Wild bats, Mary Cummins, Animal Advocates



0:13 06/23/10 425 0

0:13

Wild bat eating, Mary Cummins, Animal Advocates



0:50 06/22/10 1,351 19

0:50

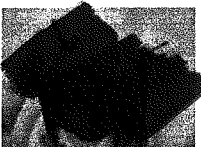
Baby Mexican free tail bat looking for his bottle, Mary Cummins, Animal Advocates



0:21 06/22/10 653 7

0:21

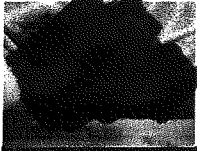
Baby Mexican free tail bat pup looking for his bottle, Mary Cummins, Animal Advocates



0:26 06/22/10 525 5

0:26

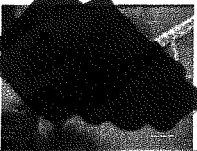
Baby red bat, Mary Cummins, Animal Advocates



2:00 06/29/10 1,403 8

2:00

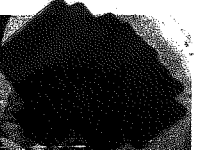
Feeding baby red bat, he shows his fangs, Mary Cummins, Animal Advocates



2:01 06/28/10 588 9

2:01

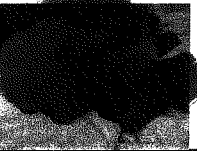
Feeding baby red tree bat, Mary Cummins, Animal Advocates



0:16 06/28/10 919 5

0:16

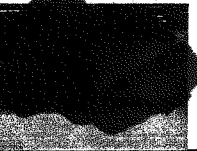
Red tree bat licking lips after feeding, Animal Advocates, Mary Cummins



0:20 06/28/10 1,769 17

0:20

Bat most likely with rabies found in Mineral Wells, Texas at Bat World



0:58 06/25/10 931 14

0:58

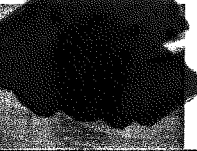
Feeding a Mexican free tail bat pup, Mary Cummins, Animal Advocates



0:30 06/24/10 1,158 6

0:30

Baby red tree bat's first meal worm, Mary Cummins, Animal Advocates



0:42 06/24/10 1,678 15

0:42

Baby red tree bats being brushed, Mary Cummins, Animal Advocates



batworld rabies

Search

Browse

Upload

BatWorldSanctuary

# Bat most likely with rabies found in Mineral Wells, Texas at Bat World

MaryCummins 204 videos [Subscribe](#)



4,743 views

4,743

2 likes, 2 dislikes

Uploaded by MaryCummins on Jun 28, 2010

When they curl their legs up, have watery eyes, have tremors, do odd motions, are very sensitive to sound, do not want to eat or drink...they most likely have rabies. Very, very few bats have rabies. When they get rabies they fall to the ground and just sit there until they die. They do not seek out people to bite. We were intentionally picking up bats off the ground in the Bat World colony. We'd find about two rabid bats a day. He was humanely euthanized in that plastic box with isoflurane which Amanda Lollar administered. The isoflurane is in the brown bottle with the purple top in the background. FYI that is not my hand. That is Amanda's hand. I would never hold a rabid bat in my bare hand. No one should ever pick up a bat on the ground without gloves. We are licensed wildlife rehabilitators.

### Category:

Pets & Animals

### Tags:

bat baby pup mary cummins animal advocates batworld wild animal rescue rehabilitation wildlife amanda lollar bat world sanctuary bat world sanctuary rabies rabid mineral wells texas

Show less

### Uploader Comments (MaryCummins)

"Hi there,

In accordance with the Digital Millennium Copyright Act, we've completed processing your counter-notification regarding your video:

(all my bat videos) This content has been restored and your account will not be penalized.

Sincerely,

The YouTube Team"

YouTube concluded that Amanda Lollar/Bat World do not own my videos. They may lose their account for filing a false complaint. MaryCummins 3 months ago

The Health Department just emailed me. They told me that I must tell people never to pick up a bat with bare hands. Always use gloves. Again, that is not my hand. I always use gloves to pick up bats. MaryCummins 3 months ago

All Comments (17)

So Amanda is dumb?

x3hs3hty 3 weeks ago

the rat looks like fapping

VGX58 3 months ago

Why is she holding the bat without gloves?! ALL bat rehabbers know NEVER to show bats to the public without gloves. Was the animal hopefully unconscious? Poor bat.

AnimalActivism 5 months ago

Whoever is handling this bat is a real genius...she knows the bat most likely has rabies and she is still handling it with bare hands! Wow...

lspn0 5 months ago

### Suggestions



Graham Norton goes horse riding & sees rabies I...  
by BBCWorldwide  
24,791 views **Featured Video**



Wild bats, Mary Cummins, Animal Advocates  
by MaryCummins  
559 views



Sick baby raccoon, Animal Advocates, Mary Cummins  
by MaryCummins  
234 views



Baby raccoons in the tub while I prepare their ...  
by MaryCummins  
66,945 views



Baby skunks stomping, playing, Animal Advocates...  
by MaryCummins  
2,200 views



cat with rabies  
by bloodytitka  
1,055 views



Rabid Bat Discovery Prompts Alerts  
by kmrbtv  
344 views



Rabies - Kaitlyn's Story  
by rabiesaware  
95,867 views



Rabies - Never touch a bat  
by rabiesaware  
6,845 views



Animal Attacks Prompt Orange Co. Rabies Alert  
by westtv  
17,600 views



Bat Found At Davis School Has Rabies  
by koratv  
4,138 views



Rabid Bat Attack  
by rock5000x1  
2,118 views



Rabies - bats  
by rabiesaware  
9,935 views



rabid thirsty swimming bat vampire.  
by VADOWLES  
2,118 views



Rabies - bats  
by rabiesaware  
9,935 views



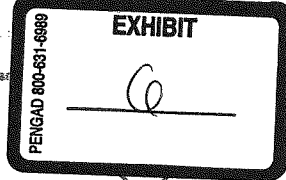
rabid thirsty swimming bat vampire.  
by VADOWLES  
505 views



WARNING! VIEWER DISCRETION IS ADVISED:  
by FurrfectutenAngel  
42,825 views



Fruit Bats at Play II  
by BatWorldSanctuary





Search

Browse

Upload

# Baby red bat. Mary Cummins. Animal Advocates

MaryCummins 150 videos [Subscribe](#)



0:09 / 0:26

360p

152   
views

MaryCummins June 22, 2010

I am a licensed bat rehabilitator. The animal will be released to the wild when able. Mary Cummins, Animal Advocates, [www.animaladvocates.us](http://www.animaladvocates.us)

**Category:**

Pets & Animals

**Tags:**

bat pup mary cummins animal advocates wild wildlife animal rescue rehabilitation

Like



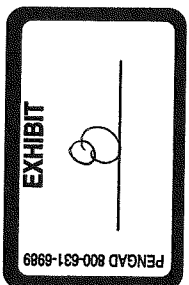
Save to

Share

<Embed>







Tube Baby red bat, Mary Cummins, Animal Advocates - Mozilla Firefox

http://www.youtube.com/watch?v=aBZpk\_m7Lo&NR=1

Getting Started Latest Headlines Customizable Links Free Hotmail RealPlayer Windows Marketplace Windows Media Windows

History Bookmarks Tools Help

wingedsonar Sign Out

## YouTube

### Baby red bat, Mary Cummins, Animal Advocates

MaryCummins 150 Videos [Subscribe](#)

0:09 / 0:26

360p

152 views

Like Share Save to Embed

Category: Pets & Animals

Tags: bat pup mary cummins animal advocates wild wildlife animal rescue rehabilitation

**I am a licensed bat rehabilitator. The animal will be released to the wild when able. Mary Cummins, Animal Advocates, www.animaladvocates.us**

June 22, 2010

#### Suggestions

- A red bat pup licking it's lips and fingers at... 307 views MaryCummins
- Feeding a pregnant brown bat meal worms, Mary C... 313 views MaryCummins
- Baby Mexican free tail bat pup looking for his ... 192 views MaryCummins
- Baby bat pup nursing, Mary Cummins, Animal Adv... 226 views MaryCummins
- Old, wild, sick skunk getting a bath in the sin... 1,557 views MaryCummins
- Baby bat exploring my hand, Mary Cummins, Anirna... 418 views MaryCummins
- Baby bat looking for his bottle, Mary Cummins ... 288 views MaryCummins
- Does Money Buy Happiness? (Study) 21,760 views TheYoungTurks

## Feeding a pregnant brown bat meal worms. Mary Cummins, Animal Advocates

MaryCummins 150 videos [Subscribe](#)



360° 0:18/1:05

313 views

MaryCummins June 21, 2010  
 Feeding a pregnant brown bat meal worms. She and her baby will be released to the wild when able. I am a licensed bat rehabilitator. Mary Cummins, Animal Advocates, <http://www.AnimalAdvocates.us>

**Category:**  
 Pets & Animals

**Tags:**  
 mary cummins animal advocates sanctuary wild bat bats baby pregnant feeding los angeles california fish game [www.animaladvocates.us](http://www.animaladvocates.us) <http://www.animaladvocates.us>

[Like](#) [Save to](#) [Share](#) [Embed](#)

### Suggestions










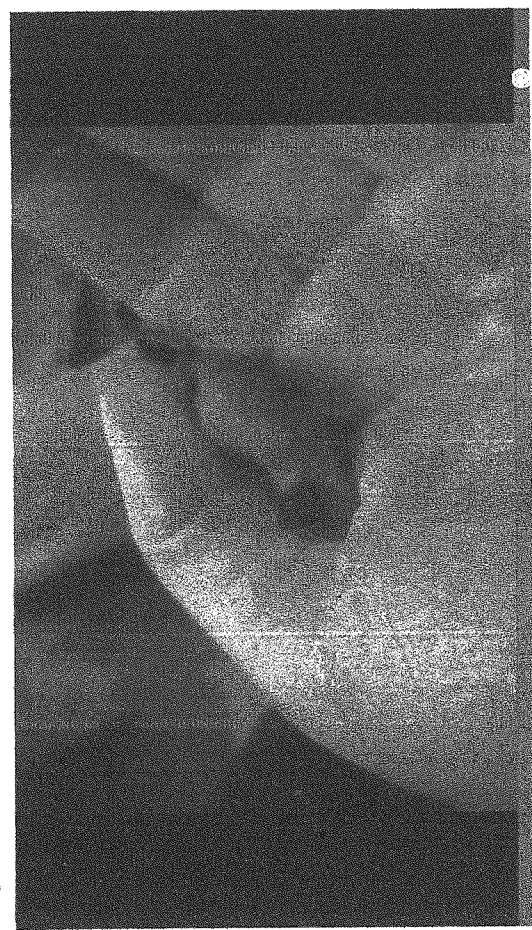
- 
 Baby raccoons growing up, Mary Cummins, Animal Advocates, Mary Cummins  
 776 views
- 
 Opossum baby walking on a wheel, Mary Cummins, Animal Advocates, Mary Cummins  
 250 views
- 
 Opossum release, Animal Advocates, Mary Cummins  
 299 views
- 
 Baby brown Mexican free tail bat pups after being released, Mary Cummins  
 301 views
- 
 Mary Cummins interview on KROQ 106.7 talking about bat pups, Mary Cummins  
 1,677 views
- 
 Baby bunny drinks formula, Animal Advocates, Mary Cummins  
 27,081 views
- 
 Freeway Blogging 'FU BP' on the Krog Street Bridge, mmmfirt  
 4,122 views
- 
 Mystery box of animals left on a door step, Mar...  
 567 views
- 
 Wild mouse release - Animal Advocates, Mary Cummins  
 571 views

EXHIBIT  
10  
PENGAD 800-631-6989

# Baby bat looking for his bottle, Mary Cummins, Animal Advocates

MaryCummins 150 videos | Subscribe



360p 0:46 / 0:50  
MaryCummins  
no description available  
296 VIEWS  
Like | Save to | Share | <Embed>

- Suggestions
- Baby Mexican free tail bat pup looking for his ...  
192 views  
MaryCummins
  - Baby red bat, Mary Cummins, Animal Advocates  
152 views  
MaryCummins
  - Wild bat eating, Mary Cummins, Animal Advocates  
109 views  
MaryCummins
  - A red bat pup licking it's lips and fingers aft...  
307 views  
MaryCummins
  - Feeding a pregnant brown bat meal worms, Mary C...  
313 views  
MaryCummins
  - Baby brown Mexican free tail bat pups after bei...  
301 views  
MaryCummins
  - MV1 0142  
316 views  
alonzososa
  - Baby bunny eats a tiny flower, washes its face ...  
562,328 views  
MaryCummins

see all

# A red bat pup licking it's lips and fingers after eating. Mary Cummins, Animal Advocates

MaryCummins 150 Videos [Subscribe](#)



3:00 0:10 / 0:52 307 views

MaryCummins June 21, 2010  
A baby brown bat licking its lips and fingers after eating. I am a licensed wildlife rehabilitator. Mary Cummins, Animal Advocates, <http://www.animaladvocates.us>

**Category:**

Pets & Animals

**Tags:**

rehabilitator wildlife mary cummins animal advocates www.animaladvocates.us baby bat red wild animal rescue

Like

Save to

Share

<Embed>

Suggestions

- Wildlife Rehabilitation in America Part 1 of 3 3,597 views MissDollittle
- Baby brown Mexican free tail bat pups after bei... 301 views MaryCummins
- Baby bat pup nursing, Mary Cummins, Animal Adv... 226 views MaryCummins
- Red Bat (Lasiurus borealis) youngster gets a dr... 73 views SCUBAAdad2006
- Baby bird is reunited with mom in a new nest, M... 1,194 views MaryCummins
- Wildlife Rehabilitator Career Information : How... 305 views expertvillage
- Wildlife Rehabilitation in America Part 2 of 3 678 views MissDollittle
- Baby squirrel chewing up a nut, but not swallow... 5,642 views MaryCummins
- Justin Bieber - Never Say Never ft. Jaden Smith 47,102,461 views





# Baby Mexican free tail bat pup looking for his bottle. Mary Cummins, Animal Advocates

MaryCummins 150 videos [Subscribe](#)



360p 0:08 / 0:21 192 views

MaryCummins June 22, 2010  
Bat will be released to the wild when able. I am a licensed bat rehabilitator. Mary Cummins, Animal Advocates, www.animaladvocates.us

Category: Pets & Animals

Tags: bat pup baby mexican free tail mary cummins animal advocates wild animal wildlife rescue rehabilitation animaladvocates.us

Like Save to Share <Embed>

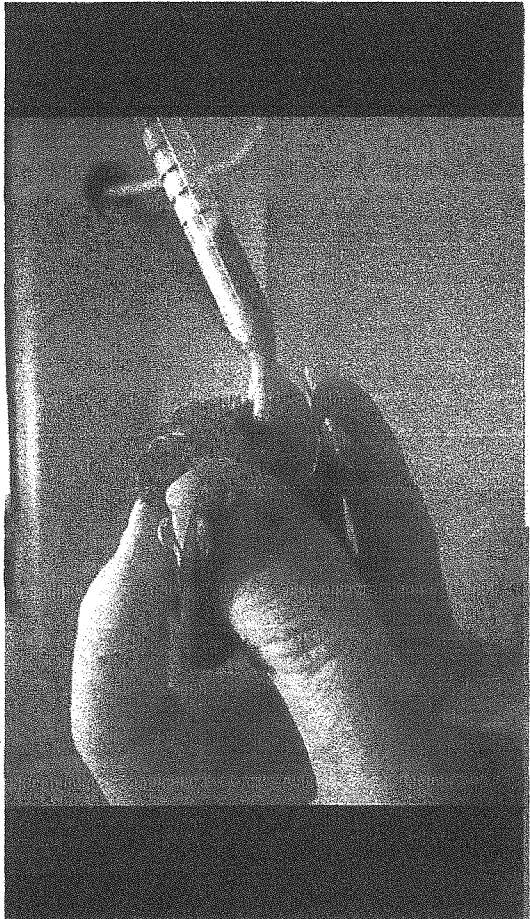
wingedsonar Sign Out

### Suggestions

- Baby bat looking for his bottle, Mary Cummins, ... 295 views MaryCummins
- Baby bat pup nursing, Mary Cummins, Animal Adv... 226 views MaryCummins
- Baby red tree bats first meal worm, Mary Cummi... 635 views MaryCummins
- feeding baby bat \* 74,667 views mozinomina
- Zeljko Joksimovic - Stihija 2009 87,226 views ozena1810
- Baby bat exploring my hand, Mary Cummins, Anima... 418 views MaryCummins
- WeBkinZ RaNdOmNeSs PaRt 3 9,283 views starystarr33
- Bats of Houston 2009 May 26 Haunted 576 views TheBatPen

### Feeding baby red tree bat, Mary Cummins, Animal Advocates

MaryCummins 150 videos Subscribe



350s 0:52 / 2:01 **192** views

MaryCummins June 26, 2010

The proper feeding position is a "V". These bats must be fed with their heads down a little. We are licensed wildlife rehabilitators. Animal will be released back to the wild when able. Mary Cummins, Animal Advocates, www.animaladvocates.us

Category: Pets & Animals

Tags: bat baby pup wild wildlife rescue rehabilitation mary cummins animal advocates www.animaladvocates.us los angeles california

Like Share <Embed>

#### Suggestions










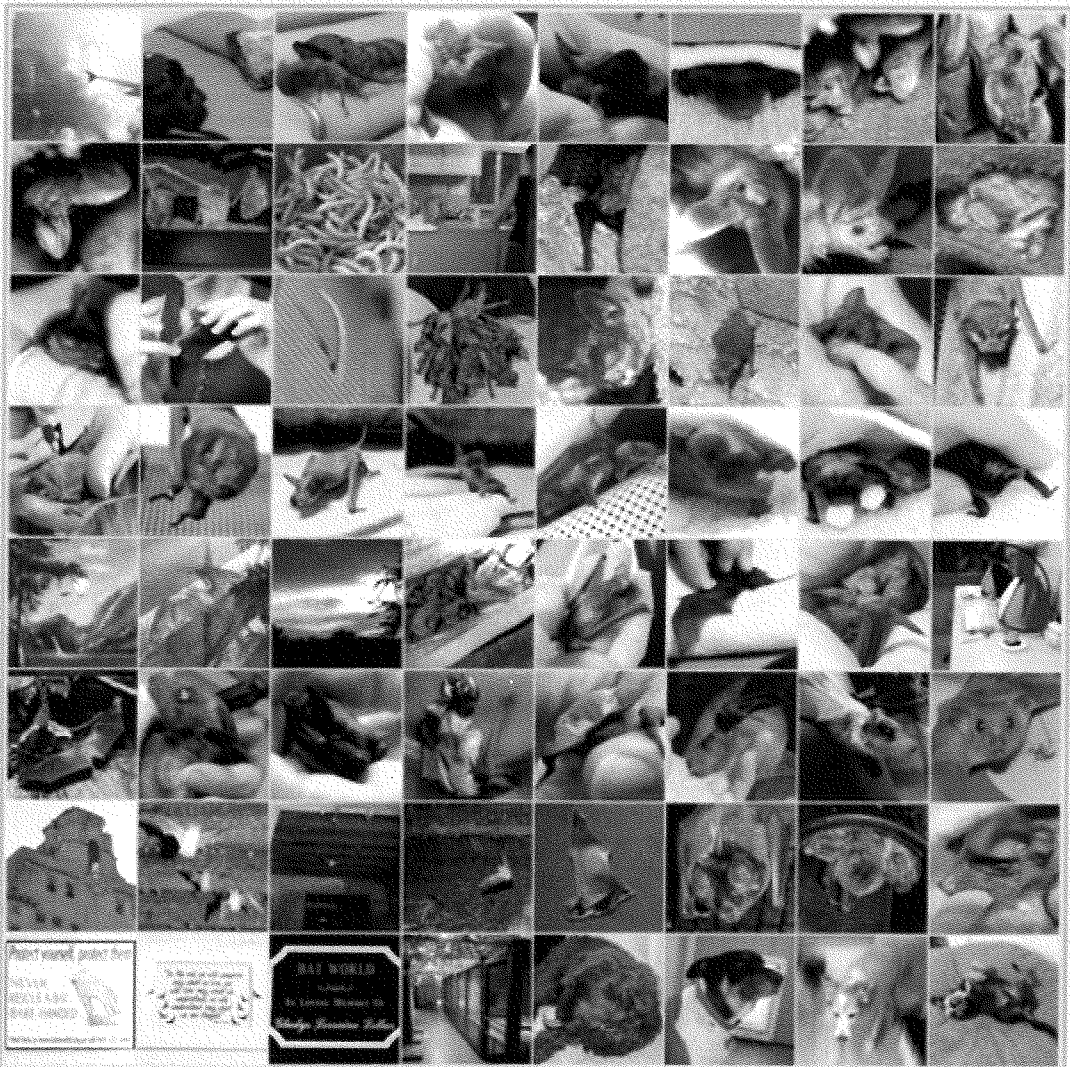
-  Feeding a Mexican free tail bat pup, Mary Cummi... 401 views MaryCummins
-  Red tree bat licking lips after feeding, Anirra... 201 views MaryCummins
-  Feeding baby red bat, he shows his fangs, Mary ... 276 views MaryCummins
-  Feeding a pregnant brown bat meal worms, Mary C... 313 views MaryCummins
-  Baby bat exploring my hand, Mary Cummins, Anima... 418 views MaryCummins
-  Baby red tree bat's first meal worm, Mary Cummi... 635 views MaryCummins
-  The Lonely island - I'm On A Boat ft. T.Pain 9,346,169 views TheLonelyIslandVEVO
-  A red bat pup licking it's lips and fingers aft... 307 views MaryCummins
-  Baby bunny eats a tiny flower, washes its face... 562,928 views

EXHIBIT  
14  
PENGAD 800-631-6989

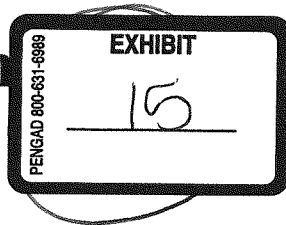


### BatWorld at a Glance

by \*WingedSonar

Photography / Animals, Plants & Nature / Wild Animals   ©2010-2011 \*WingedSonar

# Bat Rehabilitation



## FREE RESOURCES:

[World Bat Line](#)

[Differential Diagnostic Chart](#)

[2011 Medication Chart](#)

[Bat World Sanctuary Complete Soft Food Diet](#)

## INFANT CARE:

[Feeding and Care of Infant Bats](#) (Book chapter with videos)

[Feeding and Care of Infant Bats](#) (PDF chapter for slow connections)

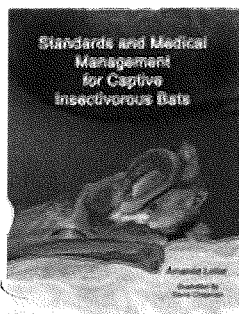
## WHITE NOSE SYNDROME RESOURCES:

[USFWS Protocol for Wildlife Rehabilitator Response](#)

[WNS Scarring Index](#)

[WNS Decon Protocol](#)

[WNS Decon Protocol for Covers](#)



## BAT REHAB PRODUCTS

*Standards and Medical Management for Captive Insectivorous Bats*

By Amanda Lollar

An e-book that contains all the procedures and information found in *Captive Care and Medical Reference for the Rehabilitation of Insectivorous Bats*, and much, much more. Includes extensive chapters on rehabilitation, enrichment, managing reproductive colonies, orphan care, dental issues, parasites, wing repair, skin conditions, euthanasia, routine therapies, a differential diagnostic chart and a medication chart. 222 pages, 142 color photos, plus 20+ instructional videos with the Premium Subscription.

[View Table of Contents](#)

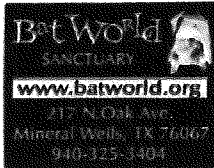
[View Sample Chapter](#)

To purchase please see our [Subscription Options Page](#).

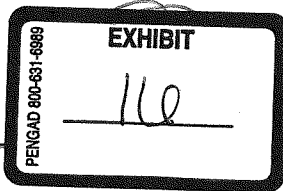
### **BatHut**

transport cage and temporary quarantine cage. Fine mesh on all sides. Durable zipper. Includes a carry strap





## Bat World Sanctuary Internship Contract



This agreement is entered into between Mary Cummings, hereinafter called "Trainee" and Bat World Sanctuary (BWS). BWS agrees to train and educate Trainee in the care, treatment, and medical management of insectivorous bats. In consideration for this training and education Trainee agrees to the following terms and conditions:

It is understood that the data, techniques, results, and anecdotal information provided to Trainee during their internship at BWS is proprietary and is copyrighted as intellectual property by BWS. Trainee agrees not distribute, share, publish, or sell this information without obtaining prior written permission from BWS.

If Trainee successfully completes the BWS training program to the satisfaction of BWS, he or she shall be issued a Certificate of Completion of the BWS training program. BWS shall have sole discretion to decide whether or not Trainee has sufficiently demonstrated the skills, knowledge, temperament, and compassion for bats to receive a Certificate of Completion. The Certificate of Completion shall entitle Trainee to publish, advertise, and communicate to third persons the fact that he or she has been trained by BWS and is certified by BWS. In the event that Trainee receives a Certificate of Completion of the BWS training program, Trainee agrees to thereafter diligently and precisely follow all of Bat World guidelines and procedures when caring for, treating, or housing bats. These guidelines and procedures appear in *Standards and Medical Management for Captive Insectivorous Bats*, a book published by BWS and provided to Trainee. This book may be revised from time to time by BWS and Trainee agrees that it will be Trainee's responsibility to make sure that he or she has the most recently revised copy.

Trainee understands that, in attempting to establish and maintain an assurance colony or other captive collection of insectivorous bats, failure to follow the procedures, protocols, and diets recommended by BWS will have a substantial negative impact on the success of such a project. Trainee agrees that a representative of BWS may make periodic, unannounced inspections of any facility or place where Trainee is caring for, treating, or housing bats for the purpose of insuring Trainee's compliance with the guidelines and procedures of BWS. Trainee agrees to fully cooperate with the BWS representative at these inspections, and to furnish the representative with all requested information and documents concerning the care, treatment, and housing of bats. BWS may, from time to time, by email, telephone, or letter, request information or documents from Trainee concerning Trainee's care, treatment and housing of bats. Trainee agrees to timely comply with such requests by promptly furnishing all requested information and documents.

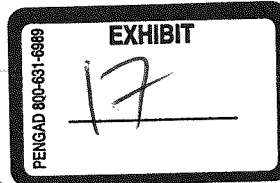
In the event that Trainee at any time fails to follow, to the satisfaction of BWS, each and every BWS guideline and procedure when caring for, treating, or housing bats, then Trainee's Certificate of Completion of Bat World's training program shall be automatically revoked without notice or hearing and Trainee may no longer publish, advertise, or communicate to any person the fact that he or she was trained by BWS or was certified by BWS. BWS shall have sole discretion to determine whether or not the Certificate of Completion should be revoked. In the event that Trainee is notified in writing that Trainee's Certificate of Completion has been revoked by BWS and Trainee thereafter publishes, advertises or communicates to any person the fact that Trainee was trained by BWS or was certified by BWS, then Trainee agrees to pay BWS liquidated damages in the amount of \$10,000, and all attorney's fees incurred by BWS in enforcing this contract.

If any portion of this contract is found to be void or unenforceable it shall not affect the remainder of the contract which shall remain in full force and effect. This contract contains the entire agreement of the parties with respect to the subject matter of this contract, and supersedes all prior negotiations, agreements and understandings with respect thereto. This contract may only be amended by a written document duly executed by all parties. Venue for any lawsuit to enforce this contract or for any lawsuit alleging breach of this contract shall be in Tarrant County, Texas .

SIGNED this 20<sup>th</sup> day of June, 2010

TRAINEE

BAT WORLD REPRESENTATIVE



# Month Among Bats - BatWorld 2010

wingedsonar 9 videos [Subscribe](#)



▶ 🔊 1:44 / 3:40

360p

Like Add to Share

**67** views

Uploaded by wingedsonar on Mar 29, 2011

The plane ticket was bought, the vaccinations were payed for. What started

7 likes, 0 dislikes

[Show more](#)

## Uploader Comments (**wingedsonar**)

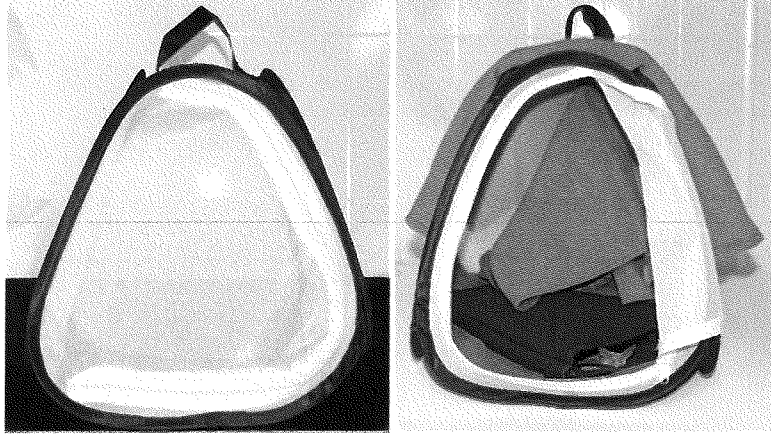
very nice i think you should let every one see it and not let it be unlisted  
michaelf234252 2 weeks ago

That was while it was being approved by the center. Done! And thanks. :)

wingedsonar 2 weeks ago

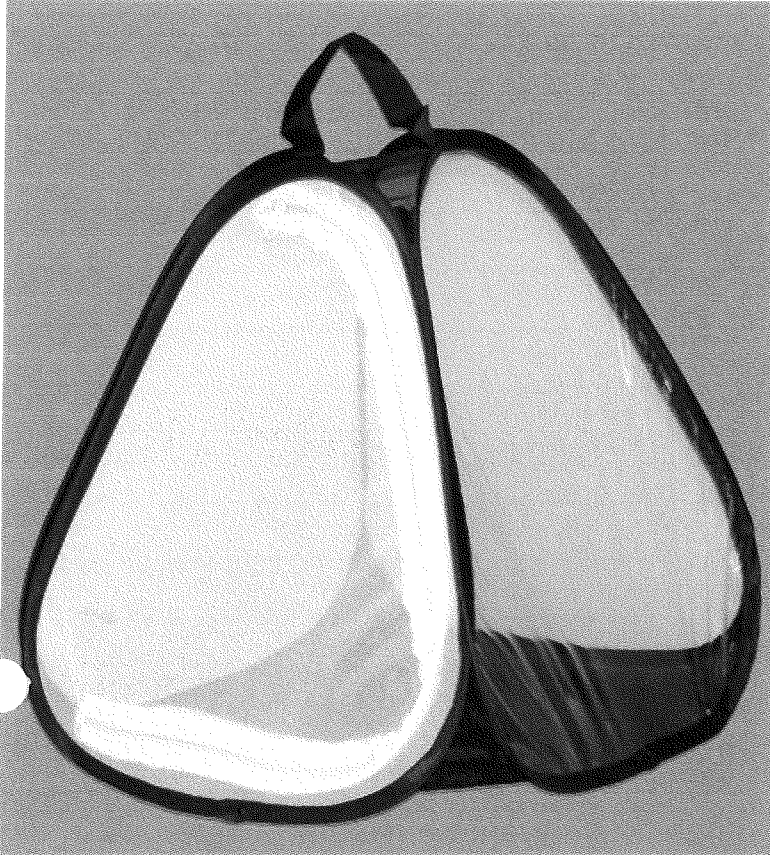
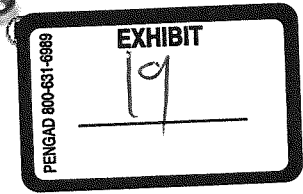
PENGAD 800-831-6989  
EXHIBIT  
18

Bat Hut



# Amazing Butterflies

## Port-A-Cage



- \* These are awesome cages!
- \* Collapsible, lightweight and durable!
- \* Washable, Use 10% bleach to sanitize before reuse.
- \* Fine mesh sides to promote healthy air flow.
- \* One clear vinyl full side window for easy viewing of contents.
- \* Large protected zippered opening for easy access.
- \* Fine mesh will stop ants, wasps and other nasty predators.
- \* Fabric will wick away moisture fast to keep contents dry.
- \* Hanging carry loop also holds enclosure closed for storage.
- \* Size in inches 11 x 11 x 12
- \* Ages 4 and up

**\$8.95**

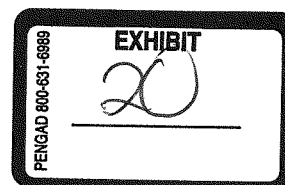
**Add to Order**

**BACK | HOME**

**Have a Question?**

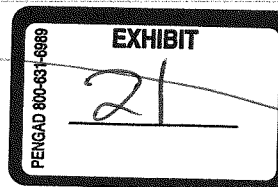
**1.800.808.6176 or 954.721.6161**

© 1999 - 2010 Amazing Productions, Inc All Rights Reserved



From: Edward Muzika <edwardmuzika@gmail.com>  
To: Mary Cummins <MMMARYinLA@aol.com>  
Subject: Fwd: comment left on my blog not posted  
Date: Thu, May 26, 2011 3:26 pm

*R Horton*



----- Forwarded message -----  
From: Edward Muzika <edwardmuzika@gmail.com>  
Date: Wed, May 25, 2011 at 1:39 PM  
Subject: comment left on my blog not posted  
To: [mmmarvinla@aol.com](mailto:mmmarvinla@aol.com)

Mary Cummins you are a sick woman. You're only attacking Ms. Lollar because you are losing the lawsuit. Take these pages down and all the other sites like Indy and maybe they will close <http://victimsmisscummins.blogspot.com> to public view and maybe they will stop digging into your sick pathetic excuse for a life.

By Anonymous on Allegations of Animal Abuse at 7:50 AM

*Pell*

Number of Entries:  
4 (1 this visit)

Entry Page Time:  
25 May 2011 06:09:58

Visit Length:  
0 seconds

Browser: *mozilla*  
Firefox 3.6

OS:  
Win7 →

Resolution:  
1366x768

Total Visits:  
10

Location:  
Mineral Wells, Texas, United States

IP Address:  
Suddenlink Communications (74.195.64.173) [[Label IP Address](#)]

Search Referral:  
[www.google.com](http://www.google.com) --- Amanda Lollar commits animal cruelty at Bat World Sanctuary #2

Visit Page:  
[LA Animal Watch: May 2011](#)

**EXHIBIT 22**

**REPORTERS NOTE:**

**DEPOSITION EXHIBIT NO. 22  
EXHIBIT WAS NOT TENDERED TO THE  
COURT REPORTER.**

**EXHIBIT 23**

**REPORTERS NOTE:**

**DEPOSITION EXHIBIT NO. 23  
EXHIBIT WAS NOT TENDERED TO THE  
COURT REPORTER.**





www.batworld.org

**Board Officers**  
Founder/President:  
Amanda Lollar

Vice President:  
Dottie Hyatt

Secretary:  
Michelle McCaulley

Treasurer:  
Denise Tomlinson

Director of Education:  
Leslie Sturges

**Advisory Board**  
Barbara French  
June Kasminoff, MD

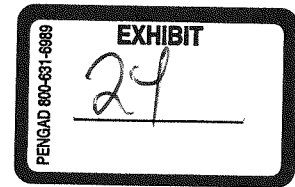
Membership Coordinator:  
Terri Wame

Promotions Manager:  
Cindy Myers

*Bat World Sanctuary is a 501(c)3 non-profit organization providing rescue for bats worldwide. Every year Bat World Sanctuary rescues, rehabilitates and releases hundreds of bats that might otherwise die. We also provide lifetime sanctuary for bats that have been retired from zoos and research facilities. Bat World is 100 percent staffed by volunteers. We are not state or federally funded. We are not reimbursed for medical treatments, food, or shelter. Our funds must come from the public we serve. Please help us save these wonderful animals by becoming a member of Bat World or making a donation on-line at www.batworld.org.*

June 26, 2009

Donna Robins  
Health Inspector, City of Mineral Wells  
211 SW 1st Ave  
Mineral Wells, TX 76067



Dear Donna Robins,

I understand you may have concerns about our building located at 115 NE 1st Avenue, where a colony of Mexican free-tailed bats resides. I would like to take this opportunity to explain the history of the building as well as our future plans.

This building was purchased in 1993 specifically to save the bats that resided in the crawl-space above the second floor. At the time, the resident colony had been using this building as habitat for an estimated 50 years. Over the years we have made numerous improvements to the structure, including removal of the ceiling planks in order to clean the south side of the crawlspace (where the majority of bats now reside). This initial clean-up took several months and we removed approximately 6000 lbs of guano. Since then, we have made several other improvements including the addition of a new roof, foundation repair, repainting and stabilizing the back wall, and adding solar-powered extraction fans. Daily clean up of the guano also takes place.

Free-tail bats have taken advantage of the older buildings in Mineral Wells -as well as other towns throughout TX- for the past few decades. As our town also serves as a migratory stop-over for these bats, colonies are located in almost every building in our downtown area, including the Baker Hotel where approximately 100,000 to 150,000 bats reside. Our wild sanctuary is home to approximately 30,000 bats. When the building was originally purchased it contained around 20,000. Over the past 15 years I have helped several businesses exclude nuisance bat colonies from their buildings, including First State Bank (previous building), Mineral Wells Office Supply, Earl Clark's sound studio, Mark Witchorke's antique store, Hanchy's Leather Goods, Farm Bureau Insurance, George's Men's Wear, Coys Barber Shop, Hills Style Shop, as well as a few residences. Bats are extremely territorial and, if unable to re-enter their old roost due to eviction, they will seek shelter in a nearby building. If they cannot find shelter they generally end up grounded, creating a potential health hazard as grounded bats are more likely to come into contact with people and pets. The wild sanctuary has provided an alternate roost for these evicted bats by giving them a place to roost away from the public, and out of other businesses. As bat colonies have been evicted from other businesses throughout the years, the number of bats in our wild sanctuary has subsequently increased. (It should be noted that the bats in this building eat an estimated 150-million bugs nightly in Mineral Wells and the surrounding countryside.)

I also help collect bats that have wandered or become lost inside buildings throughout Mineral Wells, including Perry Equipment, Houston, Travis, and Lee Elementary schools, Mineral Wells High School, Beal's Dept. Store, Tractor Supply, Family Dollar, Save-a-Lot, Metro, Mr. Jims Pizza, Pulidos, Penny's Florist, Downtown Video, Garrets, Whatley's Auto, Crawford Accounting, the Christian Book Store, The Crazy Hotel, the post office, City Hall, and the Police Station to name a few. All of these bats are subsequently released into our wild sanctuary, away from the public.

For the past several weeks we have been involved in cleaning the crawl space on the north side of the building, removing guano that has been in the building for perhaps 50 years or more. I am sure the building produced an unusually strong odor at this time. (Please note that, although offensive, the odor of guano is not a health threat, as stated in the enclosed letter to Charles Simms from Melissa Starnes, a Texas Parks and Wildlife Permits Official who visited the sanctuary in 2002.) The removal of 50 year-old guano is the first step in a process we are involved in to actually move the bats into a man-made cave outside the city limits (as explained below). Our building, as well as the other buildings where bat colonies reside, also produce more odor when it is humid. However, during dry weather, as in the past week, an odor can hardly be detected. Interestingly, a meteorologist visited us about two years ago and stated that the Baker Hotel had a very strong odor. She later sent the enclosed document explaining how the odor can travel downward from the hotel and subse-

quently be blamed on our wild sanctuary.

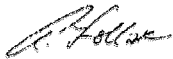
I have also enclosed several letters and articles that will help to explain our future plans a bit better. Depending on funding, it is our hopes to begin the process of relocating the bats within the next two years. I personally wish it could happen tomorrow, but funding and manipulating wildlife behavior dictates how fast it will occur.

As the city grows, so does the potential for bat/human contact. This cave will also provide a roost for future displaced bats in the city. Acreage has been donated for this manmade cave, which will be located north of town and outside the city limits of Mineral Wells.

You may be aware of White Nose Syndrome (WNS), a fungus that is currently affecting bats (article enclosed). It is the most devastating condition to ever hit wild bat populations in all recorded history. It has wiped out 95 to 100 percent of cave dwelling bats in nine states so far. The fungus is cold-loving and scientists previously believed the bats in TX are potentially safe from the condition, however, last week it was discovered that the fungus can survive in temperatures that exceed 200 degrees Fahrenheit. We currently have an intern with the US Forest Service, and in late July, US Fish and Wildlife officials will be training here on collecting and maintaining breeding colonies of endangered species of bats. The wild sanctuary is essential to this training, as it has been in the past for other research projects for universities and scientists around the world.

I hope this letter helps to answer any questions and concerns. If I can be of any further help please do not hesitate to contact me. I can be reached at 940-325-3404. Thank you for your time.

Respectfully,

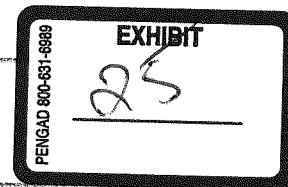


Amanda Lollar, Founder/President  
Bat World Sanctuary

CC: Lance Howerton, City Manager



Donna Robbins <codeenforcement@mineralwellstx.gov>



# Bats

2 messages

Donna Robbins <codeenforcement@mineralwellstx.gov>

Mon, Oct 18, 2010 at 8:47 AM

To: Bat World Sanctuary <sanctuary@batworld.org>

Amanda,

When we spoke in May, you stated White Nose Syndrome had made it to Oklahoma and was likely in Texas as well. I just wanted to touch base with you to see if you had any updates on the situation.

I understand you were preparing to block off one entrance of your building to the bats. Can you tell me where you stand with bat extraction from the building?

Thank You.

Donna Robbins,  
Health Inspector  
Code Enforcement Officer  
City of Mineral Wells  
Office: 940-328-7718  
Fax: 940-328-7734  
Email: [codeenforcement@mineralwellstx.gov](mailto:codeenforcement@mineralwellstx.gov)  
Web: [cityofmineralwellstx.gov](http://cityofmineralwellstx.gov)

Bat World Sanctuary <sanctuary@batworld.org>

Mon, Oct 18, 2010 at 9:56 AM

Reply-To: Bat World Sanctuary <sanctuary@batworld.org>

To: Donna Robbins <codeenforcement@mineralwellstx.gov>

Hi Donna,

About half of the bats in our building have something white on their ears and various body parts (pictures attached). I sent swabs in to the National Wildlife Health Center a couple of weeks ago and have not heard anything confirming white nose yet. The bats do not act like the white stuff is having any ill effect on them yet.

There are still a lot of bats in town, more so than usual because of the warm weather. I planned to seal the north, east and west sides of the building this winter -in Dec or Jan- after the bats are gone. There are more migrating through right now. I've picked bats up from inside the stores around Payless shoes, Bealls, and a church last week.

I'll keep you posted on what I hear back on the swabs. Hopefully it won't take much longer.

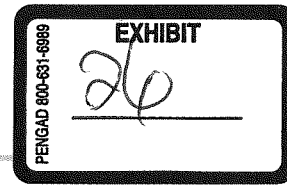
Amanda

---

Amanda Lollar, Founder/President

Hi, mary Sign Out Help

Make Y! Your Homepage



YAHOO! GROUPS

Search

Web Search

AdChoices

Start a Group | My Groups

worldbatline · World Bat Line

Search for other groups...

Search

Home Messages



Click here for the latest updates on Groups Message search

Members Only

- Post
- Files
- Photos
- Links
- Database
- Polls
- Calendar
- Promote
- Groups Labs (Beta)

Messages

Messages Help

Message # Go Search: Search Advanced

(no subject)

Message List

Reply

Message #33587 of 33592 < Prev | Next >

WBL: Re: Suzy's post

Mon May 2, 2011 2:15 pm

Show Message Option

She came to our internship and left disgruntled after four days. I suspect it was harder than she thought it was going to be and couldn't take the workload. After she returned home to CA she claimed that she bumped her head while she was with us and that we owed her \$2,500 for a cat-scan. We refused to pay, of course, and now here we are.

**"batworldsanctuary"**  
 <sanctuary@...>  
 batworldsanc...  
 Offline  
 Send Email

She has a history of stalking and harassment. We never thought about running criminal background checks on interns before she came along, but that's what we are doing now.

Amanda

--- In worldbatline@yahoogroups.com, "Radar" <fewerr@...> wrote:  
 >  
 > Why is she doing this? Did she come in as a spy for some animal rights thing  
 > or what. Does she have something against you a personal thing. Just strange  
 > she would do this. She has her own advocate group doesn't she. Thought I saw  
 > her name linked to something like that.

Yahoo! Groups Tips

Did you know...  
 Real people. Real stories. See how Yahoo! Groups impacts members worldwide.

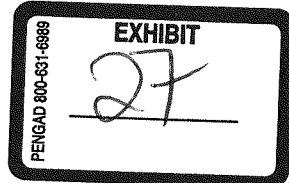
Best of Y! Groups



Check them out and nominate your group.

Already receiving group email?

*Talking Talons*



STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO

2008 NOV 14 PM 4:01

*Juanita M. Goers*

KENDRA GOERS

BAT WORLD SANCTUARY, a  
Non-Profit Corporation,

vs.

No: CV 2008-11394

NO

TALKING TALONS YOUTH LEADERSHIP, a  
Non-Profit Corporation

**SECOND AMENDED COMPLAINT FOR BREACH OF CONTRACT,  
INJUNCTIVE RELIEF, SPECIFIC PERFORMANCE, AND ATTORNEY'S FEES**

Plaintiff, for its Second Amended Complaint, states:

1. Plaintiff is a non-profit corporation established in the State of Texas for the purpose of providing worldwide rescue and sanctuary services for bats. Plaintiff does, and at all times material hereto, did business in the State of New Mexico.
2. Defendant is a Domestic Non-Profit Corporation with its primary place of business in Bernalillo County, New Mexico.
3. The parties acted through their authorized officers, directors, employees, volunteers, or agents at all times material to the allegations made in this complaint.
4. The Second Judicial District Court for the State of New Mexico has jurisdiction over the parties named in this complaint, as well as the subject matter raised therein.
5. Venue is proper in Bernalillo County, New Mexico.
6. Plaintiff's complaint arises out of a written contract entered into by the parties on November 5, 2004, a copy of which is attached hereto as Exhibit 1, and incorporated herein, whereby Plaintiff loaned 52 bats to Defendant for educational purposes, in exchange for Defendant's promise to follow stated guidelines for welfare of the bats.

*11-14-08  
OK to  
file  
75*

7. Defendant breached Paragraph No. 2 of the parties' contract by failing to provide proper food, housing, and daily enrichment for the bats.
8. Defendant breached Paragraph 3 of the contract by failing to adhere to the American Sanctuary Association code of ethics for animals held in captivity.
9. Defendant breached Paragraph 5 of the contract by failing to neuter any male bats born of the bats originally loaned by Plaintiff.
10. Defendant breached Paragraph 7 of the contract by failing to promptly apprise Plaintiff of the death of bats loaned to Defendant, by failing to provide necropsies, and by failing to provide details of all necropsies to Plaintiff.
11. Paragraph 9 of the contract provides that Plaintiff may repossess the bats if, in Plaintiff's opinion, any provision of the contract is being violated.
12. Defendant violated Paragraph 9 by failing to return the bats to Plaintiff upon demand.

#### **REQUEST FOR INJUNCTIVE RELIEF**

Plaintiff incorporates Paragraphs 1-12, herein.

13. Upon information and belief, some of the bats loaned by Plaintiff to Defendant recently died due to the cold conditions in which they are kept by Defendant. An order enjoining Defendant from continuing to keep the bats loaned to it by Defendant, and requiring Defendant to immediately return the bats to Plaintiff is necessary in order to prevent Plaintiff and the bats from suffering irreparable harm.
14. It was necessary for Plaintiff to retain an attorney for the return of the bats, and Plaintiff is therefore entitled to an award of attorney's fees pursuant to Paragraph 9 of the contract.

WHEREFORE Plaintiff requests judgment against Defendant, as well as the

following relief:

- A. An order enjoining Defendant from continuing to keep the bats loaned to it by Plaintiff;
- B. The immediate return of all bats loaned by Plaintiff to Defendant, as well as all progeny of those bats;
- C. Detailed information on the death of each bat loaned by Plaintiff to Defendant, including, but not limited to all necropsies;
- D. Attorney's fees; and,
- E. Costs incurred in the prosecution of this case.

Respectfully submitted by:



Gregory Gahan  
Attorney for Plaintiff  
1400 Central Ave. SE  
Suite 2000  
Albuquerque, NM 87106  
Tel. No. (505) 764-2629  
Fax No. (505) 998-6628



## Bat World Sanctuary WELFARE/LOAN AGREEMENT

The undersigned parties representing the institutions listed below agree to the following transaction.

Loaner of Animals: Bat World Sanctuary, Mineral Wells, TX

Recipient of Loaned Animals: Talking Talons Youth Leadership, Tijeras, NM

Species	Sex	Number of Each
<i>Roussetus aegyptiacus</i> : Egyptian fruit bat	F	15
<i>Roussetus aegyptiacus</i> : Egyptian fruit bat	M	1
<i>Artibeus jamaicensis</i> : Jamaican fruit bat	F	15
<i>Artibeus jamaicensis</i> : Jamaican fruit bat	M	1
<i>Antrozous pallidus</i> : Pallid Bat	Mixed	10
<i>Eptesicus fuscus</i> : Big brown bat	Mixed	10
<i>Tadarida brasillensis</i> : Mexican free-tail bat	Mixed	10

- 1) Bat World Sanctuary has loaned the above specimens for the sole purpose of education.
- 2) Talking Talons Youth Leadership agrees to provide the proper food, housing, daily enrichment and veterinary care for the above specimens. Unless otherwise approved, flight cages must be provided in the following sizes according to the species being housed. Fruit bats: 15 feet by 20 feet by 7.5 feet or larger. Insectivorous bats: 10 feet by 12 feet by 7.5 feet or larger.
- 3) Talking Talons Youth Leadership will adhere to the American Sanctuary Association code of ethics for animals held in captivity.
- 4) In the event that any fruit bats on loan produce offspring, Talking Talons Youth Leadership agrees to neuter any male bats that may be born to prevent further breeding. All progeny born to either the fruit bat or the insectivorous bat specimens listed above become the property of Bat World Sanctuary.
- 5) Talking Talons Youth Leadership agrees not to sell, loan or give away any specimens on loan or any of their offspring.
- 6) Talking Talons Youth Leadership agrees to provide either a written or verbal report, upon request, on the health and general condition of the animals.
- 7) In the event of serious disease, injury or death, Talking Talons Youth Leadership will promptly appraise Bat World Sanctuary of the condition and will consult with Bat World Sanctuary. In the event of the death of any specimens, Talking Talons Youth Leadership will provide a necropsy at their expense and provide full details of the necropsy to Bat World Sanctuary.
- 8) This agreement will remain effective for the lifetime of the specimens on loan or any of their offspring that may be born to said specimens on loan.
- 9) Talking Talons Youth Leadership agrees that, without liability, Bat World Sanctuary or any representative of Bat World Sanctuary may investigate Talking Talons Youth Leadership to evaluate the conditions in which the bats are being kept and may take possession of the bats if in the opinion of Bat World Sanctuary that the bats are being improperly housed, receiving less than adequate care, or if any other condition of this contract is being or has been violated. If Talking Talons Youth Leadership refuses to return said animals upon demand, Talking Talons Youth Leadership agrees to pay reasonable attorney's fees in the event an attorney is consulted or if suit is brought for the return of the bats. Talking Talons Youth Leadership acknowledges reading and understanding this contract and willfully accepts the terms outlined in this legally binding agreement.

  
 Daniel Abram  
 Executive Director  
 Talking Talons Youth Leadership Position

  
 Bat World Sanctuary President Position

Date: 11-5-2001

Date: Nov. 5, 2001





STATE OF NEW MEXICO  
SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO

FILED  
27000 JUDICIAL DISTRICT  
703 NOV -6 PM 2:38

CATHY CHAVEZ

BAT WORLD SANCTUARY, a  
Non-Profit Corporation,

*Spencer*  
No

vs.

No: CV 2008-11394

TALKING TALONS YOUTH LEADERSHIP, a  
Non-Profit Corporation

**FIRST AMENDED COMPLAINT FOR BREACH OF CONTRACT,  
SPECIFIC PERFORMANCE, AND ATTORNEY'S FEES**

1. Plaintiff is a non-profit corporation established in the State of Texas for the purpose of providing worldwide rescue and sanctuary services for bats. Plaintiff does, and at all times material hereto, did business in the State of New Mexico.
2. Defendant is a Domestic Non-Profit Corporation with its primary place of business in Bernalillo County, New Mexico.
3. The parties acted through their authorized officers, directors, employees, volunteers, or agents at all times material to the allegations made in this complaint.
4. The Second Judicial District Court for the State of New Mexico has jurisdiction over the parties named in this complaint, as well as the subject matter raised therein.
5. Venue is proper in Bernalillo County, New Mexico.
6. Plaintiff's complaint arises out of a written contract entered into by the parties on November 5, 2004, a copy of which is attached hereto as Exhibit 1, and incorporated herein, whereby Plaintiff loaned 52 bats to Defendant for educational purposes, in exchange for Defendant's promise to follow stated guidelines for welfare of the bats.
7. Defendant breached Paragraph No. 2 of the parties' contract by failing to provide

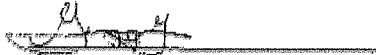
proper food, housing, and daily enrichment for the bats.

8. Defendant breached Paragraph 3 of the contract by failing to adhere to the American Sanctuary Association code of ethics for animals held in captivity.
9. Defendant breached Paragraph 5 of the contract by failing to neuter any male bats born of the bats originally loaned by Plaintiff.
10. Defendant breached Paragraph 7 of the contract by failing to promptly apprise Plaintiff of the death of bats loaned to Defendant, by failing to provide necropsies, and by failing to provide details of all necropsies to Plaintiff.
11. Paragraph 9 of the contract provides that Plaintiff may repossess the bats if, in Plaintiff's opinion, any provision of the contract is being violated.
12. Defendant violated Paragraph 9 by failing to return the bats to Plaintiff upon demand.
13. It was necessary for Plaintiff to retain an attorney for the return of the bats, and Plaintiff is therefore entitled to an award of attorney's fees pursuant to Paragraph 9 of the contract.

WHEREFORE Plaintiff requests judgment against Defendant, as well as the following relief:

- A. The immediate return of all bats loaned by Plaintiff to Defendant, as well as all progeny of those bats;
- B. Detailed information on the death of each bat loaned by Plaintiff to Defendant, including, but not limited to all necropsies;
- C. Attorney's fees; and,
- D. Costs incurred in the prosecution of this case.

Respectfully submitted by:



---

Gregory Gahan  
Attorney for Plaintiff  
1400 Central Ave. SE  
Suite 2000  
Albuquerque, NM 87106  
Tel. No. (505) 764-2629  
Fax No. (505) 998-6628



## Bat World Sanctuary WELFARE/LOAN AGREEMENT

The undersigned parties representing the institutions listed below agree to the following transaction.

Loaner of Animals: Bat World Sanctuary, Mineral Wells, TX

Recipient of Loaned Animals: Talking Talons Youth Leadership, Tijeras, NM

Species	Sex	Number of Each
<i>Roussetus aegyptiacus</i> : Egyptian fruit bat	F	15
<i>Roussetus aegyptiacus</i> : Egyptian fruit bat	M	1
<i>Artibeus jamaicensis</i> : Jamaican fruit bat	F	15
<i>Artibeus jamaicensis</i> : Jamaican fruit bat	M	1
<i>Antrozous pallidus</i> : Pallid Bat	Mixed	10
<i>Eptesicus fuscus</i> : Big brown bat	Mixed	10
<i>Tadarida brasiliensis</i> : Mexican free-tail bat	Mixed	10

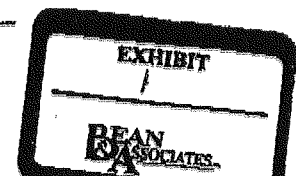
- 1) Bat World Sanctuary has loaned the above specimens for the sole purpose of education.
- 2) Talking Talons Youth Leadership agrees to provide the proper food, housing, daily enrichment and veterinary care for the above specimens. Unless otherwise approved, flight cages must be provided in the following sizes according to the species being housed. Fruit bats: 15 feet by 20 feet by 7.5 feet or larger. Insectivorous bats: 10 feet by 12 feet by 7.5 feet or larger.
- 3) Talking Talons Youth Leadership will adhere to the American Sanctuary Association code of ethics for animals held in captivity.
- 4) In the event that any fruit bats on loan produce offspring, Talking Talons Youth Leadership agrees to neuter any male bats that may be born to prevent further breeding. All progeny born to either the fruit bat or the insectivorous bat specimens listed above become the property of Bat World Sanctuary.
- 5) Talking Talons Youth Leadership agrees not to sell, loan or give away any specimens on loan or any of their offspring.
- 6) Talking Talons Youth Leadership agrees to provide either a written or verbal report, upon request, on the health and general condition of the animals.
- 7) In the event of serious disease, injury or death, Talking Talons Youth Leadership will promptly appraise Bat World Sanctuary of the condition and will consult with Bat World Sanctuary. In the event of the death of any specimens, Talking Talons Youth Leadership will provide a necropsy at their expense and provide full details of the necropsy to Bat World Sanctuary.
- 8) This agreement will remain effective for the lifetime of the specimens on loan or any of their offspring that may be born to said specimens on loan.
- 9) Talking Talons Youth Leadership agrees that, without liability, Bat World Sanctuary or any representative of Bat World Sanctuary may investigate Talking Talons Youth Leadership to evaluate the conditions in which the bats are being kept and may take possession of the bats if in the opinion of Bat World Sanctuary that the bats are being improperly housed, receiving less than adequate care, or if any other condition of this contract is being or has been violated. If Talking Talons Youth Leadership refuses to return said animals upon demand, Talking Talons Youth Leadership agrees to pay reasonable attorney's fees in the event an attorney is consulted or if suit is brought for the return of the bats. Talking Talons Youth Leadership acknowledges reading and understanding this contract and willfully accepts the terms outlined in this legally binding agreement.

Daniel Abram  
Executive Director  
Position

Armando Lopez, President  
Bat World Sanctuary Position

Date: 11-5-2001

Date: Nov. 5, 2001



STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

2009 JAN -9 PM 1:42

LUCY SOLIS

BAT WORLD SANCTUARY, a  
Non-Profit Corporation,

Plaintiff,

*STIMMONS ISSUED  
on 3rd Party*

v.

No. CV-2008-11394

TALKING TALONS YOUTH LEADERSHIP, a  
Non-Profit Corporation

Defendant/ Third-Party Plaintiff,

v.

DANIEL ABRAM, an individual.

Third-Party Defendant.

**DEFENDANT'S ANSWER TO SECOND AMENDED COMPLAINT  
AND THIRD-PARTY COMPLAINT FOR BREACH OF CONTRACT,  
FRAUDULENT MISREPRESENTATION AND EQUITABLE INDEMNIFICATION**

For its Answer to the Second Amended Complaint (hereafter, "Complaint"), Defendant Talking Talons Youth Leadership states:

**FIRST DEFENSE**

1. In response to paragraph 1 of the Complaint, Defendant admits that Plaintiff is a non-profit corporation established in the State of Texas and doing business at all material times in the State of New Mexico. Defendant is without knowledge to form a belief as to the truth of the remaining allegations in paragraph 1, and therefore denies the same.

2. Defendant admits the allegations contained in paragraph 2 of the Complaint.

3. In response to paragraph 3 of the Complaint, Defendant denies acting through its authorized officers, directors, employees, volunteers, or agents with respect to the allegations

9. Defendant denies the allegations contained in paragraph 9 of the Complaint.

10. Defendant denies the allegations contained in paragraph 10 of the Complaint.

11. Paragraph 11 of the Complaint calls for a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint calls for a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in paragraph 13 of the Complaint.

14. Paragraph 14 of the Complaint calls for a legal conclusion to which no response is required. To the extent a response is required, Defendant denies the allegations contained in paragraph 14 of the Complaint and affirmatively states that the parties never entered into a binding, legally enforceable contract.

15. Defendants deny that Plaintiff is entitled to any of the relief requested in paragraphs A, B, C, D, and E that follow paragraph 14 of the Complaint.

16. Defendants deny each and every allegation of the Complaint not expressly admitted herein.

#### SECOND DEFENSE

17. As a further, separate, and alternative defense, Defendant states that Plaintiff's Complaint is barred, in part, for lack of consideration.

#### THIRD DEFENSE

18. As a further, separate, and alternative defense, Defendant states that the Complaint fails, in whole or in part, to state a claim upon which relief may be granted.

**FOURTH DEFENSE**

19. As a further, separate, and alternative defense, Defendant states that the proximate cause, or at least a contributing proximate cause, of Plaintiff's alleged damages was the fault or negligence of Plaintiff or a third party for whose conduct Defendant is not responsible, and any recovery that might otherwise ensue must either be barred or reduced accordingly by application of the principles of comparative fault.

**FIFTH DEFENSE**

20. As a further, separate, and alternative defense, Defendant states Plaintiff's damages, which are denied, must be offset by amounts that Plaintiff owes to Defendant.

**SIXTH DEFENSE**

21. Defendant reserves the right to raise any defenses, cross-claims or counterclaims as may be available upon facts to be developed in discovery and/or applicable substantive law and to amend their Answer.

WHEREFORE, having fully answered the Complaint, such Complaint should be dismissed with prejudice or judgment entered for Defendant together with an award of costs, expenses, and attorneys' fees, and such other and further relief as the Court deems just and proper.

**THIRD PARTY COMPLAINT FOR BREACH OF CONTRACT,  
FRAUDULENT MISREPRESENTATION AND EQUITABLE INDEMNIFICATION**

For its Third-Party Complaint against Third-Party Defendant Daniel Abram ("Abram"), Defendant / Third-Party Plaintiff Talking Talons Youth Leadership ("Talking Talons") states:

**PARTIES, JURISDICTION AND VENUE**

1. Talking Talons is a non-profit domestic corporation with its principal place of business in Tijeras, New Mexico.

2. Third-Party Defendant Daniel Abram ("Abram") is a resident of Bernalillo County, New Mexico.

3. The Court has subject matter jurisdiction over the Third-Party Complaint and personal jurisdiction over the parties.

4. Venue is proper in this Court.

#### GENERAL FACTUAL ALLEGATIONS

5. From approximately January 1, 1998 to January 16, 2008, Abram was Executive Director/ Program Coordinator for Talking Talons Youth Leadership.

6. During his tenure with Talking Talons, Abram was employed pursuant to the terms and conditions of an employment contract.

7. Abram's original employment contract was executed on January 15, 1998. This contract was subsequently replaced and renewed on May 6, 2002.

8. The employment contract executed in 1998 contained the following provision:

*Powers.* The employee may not enter into any contract or incur any expenses obligating TTYL funds or otherwise bind TTYL in any way without the written authority of the TTYL Board of Directors or any individual director empowered by the Board to act in its behalf. Any contracts that the employee enters without this written authorization will not be binding on TTYL.

(Relevant excerpt attached hereto as Exhibit A).

9. The May 6, 2002 contract contained an identical provision. (Relevant excerpt attached hereto as Exhibit B).

10. Pursuant to the express terms of Abram's 1998 and 2002 employment contracts with Talking Talons, Abram was prohibited from entering into any contract or otherwise binding Talking Talons without written authority.



11. Abram never sought written authority from the Talking Talons Board of Directors or any individual director to enter into a Welfare/Loan Agreement with Bat World Sanctuary.

12. Abram did not obtain written authority from the Talking Talons Board of Directors or any individual director to enter into a Welfare/Loan Agreement with Bat World Sanctuary.

13. In 2001, Abram represented to the Talking Talons Board of Directors that the bats Talking Talons received from Bat World Sanctuary were transferred to the organization with no expectation of Bat World retaining ownership and that no documentation concerning the transfer was ever executed.

14. In 2004, after a personal relationship between Abram and Amanda Lollar, President of Bat World Sanctuary ("Bat World") ended, a dispute arose between the two concerning the piercing of bats and Lollar subsequently demanded that Abram to return the bats previously sent to Talking Talons. At this time, Abram once again represented to Talking Talons Board of Directors that the bats received from Bat World Sanctuary were transferred to the organization with no expectation of Bat World retaining ownership and that no documentation concerning the transfer was ever executed.

15. In fact, in a communication transmitted to Lollar on September 24, 2004 and shared with the Talking Talons Board of Directors, Abram stated that he considered the bats a gift. Abram also indicated that he and Lollar should have put together some official transfer of ownership or loan paperwork together, but they failed to do so as they were, at the time, engaged in a personal relationship.

16. Upon information and belief, Lollar and Abram reconciled at some point prior to the purported Welfare/Loan Agreement first surfacing.

17. Talking Talons had no knowledge, either express or implied, of the existence of any contractual agreement with Bat World until it received a letter from Bat World Sanctuary's attorney on October 15, 2008.

18. Bat World alleges herein, and Talking Talons denies, that Bat World and Talking Talons entered into a written contract on November 5, 2001; that Bat World agreed to loan Talking Talons 52 bats for educational purposes; that Daniel Abram executed the contract on behalf of Talking Talons; and, that Talking Talons would agree to pay reasonable attorney's fees in the event an attorney is consulted or if suit is brought for the return of the bats.

19. Bat World alleges herein, and Talking Talons denies, that it is entitled to the award of attorney's fees and costs pursuant to the November 5, 2001 contract that Daniel Abram allegedly executed on behalf of Talking Talons.

20. Talking Talons has incurred, and will continue to incur, substantial costs in defending Bat World's claims, including attorney's fees, investigation expenses, expert fees, and other costs.

#### COUNT I: BREACH OF CONTRACT

21. During his tenure with Talking Talons, Abram was employed pursuant to the terms and conditions of an employment contract executed on January 15, 1998. This contract was subsequently replaced and renewed on May 6, 2002.

22. During his tenure with Talking Talons, Abram was at all times contractually prohibited from entering into any contract or incurring any expenses obligating Talking Talons' funds or otherwise binding Talking Talons in any way without the written authority of the Talking Talons Board of Directors or any individual director empowered by the Board to act in its behalf.

23. On December 12, 2008, Abram represented that he signed a Welfare/Loan Agreement with Bat World Sanctuary on behalf of Talking Talons Youth Leadership. Abram never obtained the written authority of Talking Talons Board of Directors to enter into a Welfare/Loan Agreement with Bat World Sanctuary.

24. By signing the Welfare/Loan Agreement with Bat World Sanctuary on behalf of Talking Talons Youth Leadership Abram materially breached his employment contract with Talking Talons.

25. Talking Talons has incurred and will continue to incur damages, including but not limited to, continued attorney's fees and costs associated with Bat World's claims based on the contract Abram allegedly and improperly entered on behalf Talking Talons, and payment of any settlement or judgment obtained by Bat World.

#### **COUNT II: FRAUDULENT MISREPRESENTATION**

26. Abram represented to the Talking Talons Board of Directors in 2001 and again in 2004 that the bats Talking Talons received from Bat World were that the bats received from Bat World Sanctuary were transferred to the organization with no expectation of Bat World retaining ownership and that no documentation concerning the transfer was ever executed.

27. Abram's previous representation that he signed the Welfare/Loan Agreement with Bat World Sanctuary on behalf of Talking Talons Youth Leadership in November of 2001 shows that he was aware of the falsity of his representations at the time they were being made.

28. Abram's repeated representations that the bats were received from Bat World without any expectation of Bat World retaining ownership were made with the intent to deceive and induce Talking Talons Board of Directors to rely on the representation.

29. Talking Talons Board of Directors did in fact rely on the representations.

30. As a direct and natural consequence of Talking Talons' reliance on Abram's fraudulent representations, Talking Talons has incurred and will continue to incur damages, including but not limited to, continued attorney's fees and costs associated with Bat World's claims based on the contract Abram allegedly and improperly entered on behalf Talking Talons, and payment of any settlement or judgment obtained by Bat World.

### COUNT III: EQUITABLE INDEMNIFICATION

31. Talking Talons has incurred and will continue to incur damages, including but not limited to, continued attorney's fees and costs associated with Bat World's claims based on the contract Abram allegedly and improperly entered on behalf Talking Talons, and payment of any settlement or judgment obtained by Bat World.

32. If Bat World proves its allegations against Talking Talons, then Talking Talons will be forced to incur damages as a direct result of Abram's improperly entering a contract on behalf Talking Talons.

33. Talking Talons is, therefore, entitled to equitable indemnification from Abram to the extent it is forced to incur damages as a result of his actions.

WHEREFORE, Third Party Plaintiff Talking Talons Youth Leadership respectfully requests that this Court enter judgment on the Third-Party Complaint in its favor, for relief to Talking Talons pursuant to all claims set forth within the Third-Party Complaint, for an award of costs, expenses, and attorneys' fees, and such other and further relief as the Court deems just and proper.

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: Julia Bangji for  
Ryan Flynn  
Attorneys for Defendant Talking Talons Youth  
Leadership  
Post Office Box 2168  
Bank of America Centre  
500 Fourth Street NW, Suite 1000  
Albuquerque, New Mexico 87103-2168  
Telephone: 505-848-1800

I HEREBY CERTIFY that a true  
and correct copy of the fore-  
going pleading was sent by certified mail to the  
following individuals on this 9<sup>th</sup> day of January, 2009.

Gregory Gahan  
1400 Central Avenue, SE  
Suite 2000  
Albuquerque, NM 87106

**MODRALL, SPERLING, ROEHL, HARRIS  
& SISK, P.A.**

By: Julia Bangji for  
Ryan Flynn

K:\dox\CLIENT\83678\0001\S0032602.DOCX

## EMPLOYMENT CONTRACT

This contract dated Jan 15, 1998, to begin Jan 1, 1998, is made between Talking Talons Youth Leadership, Inc., PO Box 2020, Tijeras, NM 87059 ("TTYL") and Daniel Abram, 55 Young Road, Tijeras, NM 87059 ("Abram").

### I. Employment:

TTYL hereby employs Abram as Executive Director/ Program Coordinator and Abram hereby accepts such employment according to the terms and conditions of this contract.

### II. Duties:

The duties of the position of Executive Director/ Program Coordinator are generally described as follows:

A. Establishes and determines, in conjunction with the Founder/ National Development Coordinator, and Board of Directors, major corporate and programmatic decisions, philosophy, mission and goals; delegates responsibility in the implementation of these. Develops direction of program, both under the existing format and under new formats to be developed by Abram working with the Board of Directors and Founder/ National Development Coordinator. Assumes ultimate responsibility for the day to day operation of the corporation and program components in accordance with prescribed policies and procedures. Oversees corporate matters including but not limited to financial, educational, staffing, program, fundraising, and volunteer management. Serves as ex-officio on the Board of Directors. Responsible for conduct of personnel matters, including selection, continuation and termination of personnel, and interviewing and training of employees. Responsible for implementation/ enforcement of company Policies and Procedures. Ensures compliance with relevant permits and licenses. Supervises employee and volunteer interaction with youth participants. Oversees and participates in programmatic activities, coordination and scheduling, and animal caretaking. Coordinates with Animal Supervisor in establishing procedures and direction of animal caretaking. Establishes personnel roles and responsibilities, and personnel structure. Maintains standards for personnel performance and service delivery. Oversees preparation of budgets and grant proposals. Acts as chief spokesperson for the organization locally, and as liaison between staff and the Board, and between clients, contractual personnel, volunteers and the Board. Establishes effective collaborative relationships with other appropriate agencies and relevant federal, state and local officials. Develops appropriate reports and data reflecting program progress, concerns, needs, results of audits and evaluations, and provides the Board with appropriate data. Develops and maintains methods whereby the corporation can best utilize its funds to carry out the corporate mission. Participates in public relations for overall growth and increased community/state awareness of the organization. Carries out supervisory

EXHIBIT

A

responsibilities including appraising performance, rewarding and disciplining employees, addressing complaints and resolving problems.

B. **Additional duties:** Abram shall perform such additional work as may be required by TTYL from time to time under the terms and conditions and according to the directions and instructions of TTYL, including training and certification in prevention.

C. **Change of Duties:** The duties of Abram may be changed from time to time without having any effect upon any other terms of this contract.

### **III. TTYL Rules and Regulations:**

Abram agrees to abide by all rules and regulations of TTYL which are presently in force or which may be established during the term of this contract; including but not limited to those rules and regulations set forth in the Employee Handbook. Abram agrees to follow the directions of TTYL with respect to the methods used in performing his duties.

### **IV. Powers:**

Abram may not enter into any contract or incur any expenses obligating TTYL funds or otherwise bind TTYL in any way without the written authority of the TTYL Board of Directors or any individual director empowered by the Board to act in its behalf. Any contracts which Abram enters into without this written authorization will not be binding on TTYL.

### **V. Conflict of Interest:**

TTYL agrees that Abram may continue to engage in any paid or volunteer work to the extent to which such pursuits do not interfere or cause a conflict of interest with his employment by TTYL. Abram shall not promote the interests of any individual, group or organization adverse to the interests of TTYL during the course of his tenure or for five years thereafter. Future use of the name "Talking Talons", the concepts, principles, and format developed by the program would be interpreted as infringement.

### **VI. Place of Employment:**

Abram's initial place of employment shall be the TTYL office, located at 11804A South Highway 337, Tijeras, NM and the various locations of the TTYL programs, animal housing locations, training sessions, and activities. TTYL may require that Abram work at such other places as TTYL may direct.



# Talking Talons

## Employment Contract

This contract renewal dated May 6, 2002, is made between Talking Talons Youth Leadership, Inc., PO Box 2020, Tijeras, NM, 87059-2020, and Daniel Stephen Abram, 55 Young Road, Tijeras, NM, 87059, (505) 281-6317. The following contract replaces that previously developed on January 15, 1998.

### I. Employment

Talking Talons Youth Leadership (here forward "TTYL") hereby employs Daniel Abram (here forward "the employee") as Executive Director and Daniel Abram hereby accepts employment according to the terms and conditions of this contract. New Mexico is an "at will" employment state, which means that the employer or employees may terminate employment for any or no reason at any time. However, it is the philosophy of the corporation that both employer and employee should engage in a long-term professional relationship of mutual benefit. TTYL and the employee should make every possible effort to allow one month between the time of notification and actual date of termination of this contract.

### II. Description of Duties

The duties of the position titled Executive Director are generally described as follows:

- a) Actively support the mission of TTYL as outlined in the corporation's Policies and Procedures within the organization and in the community. **MISSION STATEMENT: To elevate youth to become effective advocates and ethical stewards of themselves, wildlife, and our environment.**
- b) Establishes and determines, in conjunction with the Board of Directors, decisions regarding major corporate and programmatic functions, philosophical approaches, mission, organizational goals, staffing roles. Delegates responsibility in the implementation of these decisions.
- c) Assumes ultimate responsibility for day-to-day operations of the corporation, its facilities, and its programmatic components in accordance with the prescribed Policies and Procedures.
  - i) Sets standards for appearance and cleanliness of TTYL facilities and oversees the implementation of those standards
  - ii) Serves as curator for Conservation Museum exhibits and designs the layout of new exhibits
  - iii) Answers questions of staff and assists in problem solving. Makes daily decisions about service delivery, facilities maintenance, personnel issues, etc., with attention to the overall organizational situation

EXHIBIT

B



- iii) Works with local media to promote TTYL in newspapers, television and radio. Creates press releases and advertisements for general awareness and/or awareness of special projects or accomplishments
  - iv) Maintains collaborative relationships with schools and other youth development groups
- k) Oversees the care and rehabilitation of the captive wild animals needed to implement youth/community programs
- i) Develops effective strategies in the care, rehabilitation, enrichment and educational use of a variety of species
  - ii) Maintains all licenses, permits, and facility requirements associated with protected or government regulated species
  - iii) Reports use of educational animals as specified by regulatory agencies in a timely fashion
  - iv) Designs and builds appropriate animal enclosures (permanent, transportation, exhibition)
  - v) Provides ambulatory and/or long-term care for educational animals that require it; contacts local veterinarians or wildlife rehabilitators for guidance
  - vi) Maintains a nation-wide network of animal experts to assist in decision making surrounding the use and care of non-releasable wildlife
- l) Designs and produces the quarterly *Talon Talk* newsletter and the TTYL Annual Report
- m) Creates original artwork for the organization for promotional use
- n) Performs additional duties as directed by the TTYL Board of Directors.

The duties of the Executive Director may be changed at any time by the TTYL Board of Directors without having any effect upon the terms of this contract.

### *III. Rules and Regulations*

The employee agrees to abide by all rules and regulations of TTYL which are presently in force or which may be established during the term of this contract; including but not limited to those rules and regulations set forth in the Employee Handbook. The employee agrees to follow the directions of TTYL with respect to the methods used in performing his duties.

### *IV. Powers*

The employee may not enter into any contract or incur any expenses obligating TTYL funds or otherwise bind TTYL in any way without the written authority of the TTYL Board of Directors or any individual director empowered by the Board to act in its behalf. Any contracts that the employee enters into without this written authorization will not be binding on TTYL.

### *V. Conflict of Interest*

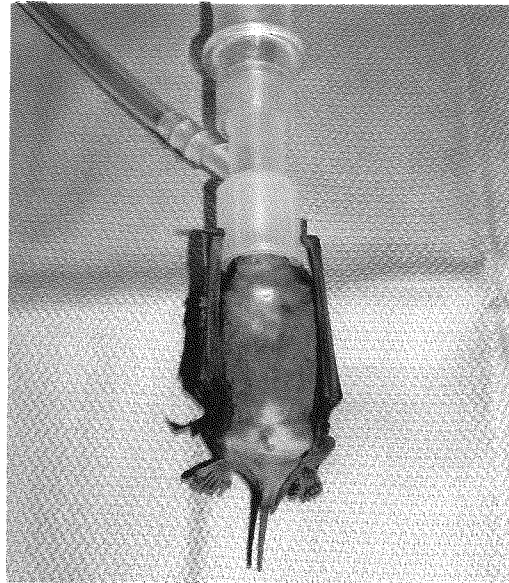
TTYL agrees that the employee may continue to engage in any paid or volunteer work to the extent to which such pursuits do not interfere or cause a conflict of interest with his employment by TTYL. The employee shall not promote the interests of any individual, group or organization adverse to the interests of TTYL during the course of his tenure or for five years thereafter.

1 L/min. and the gas at 4%. Once the bat is anesthetized, it is removed from the nose cone and its head placed completely inside the tubing (Fig. 9-4). The bat can then be taped in place for surgery (Fig. 9-5). For very small species, such as pipistrelles, strips of bathroom tissue can be tucked around the edge of the tubing to help provide a good seal. Once a bat is secured inside the anesthetic device, the gas level may be reduced to 2% for maintenance (3% for some individuals).

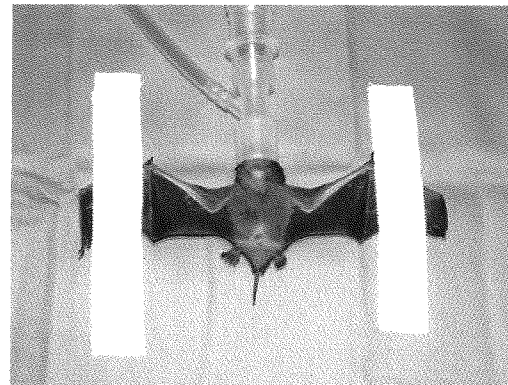
For induction with sevoflurane, the oxygen level should be approximately 1 L/min. and the gas flow 6% until the desired level of anesthesia is achieved. At this time, isoflurane can be used for maintenance. The author has found that sevoflurane is excellent for induction due to its smoothness and rapid action, but it can be problematic when used to maintain anesthesia. The animal can awaken quickly or enter a dangerously deep state of anesthesia. The combination of sevoflurane and isoflurane appears to be ideal for anesthetizing heterothermic bats.

Respiration must be carefully monitored, and in the case of respiratory arrest, resuscitation is achieved by allowing the animal to breathe pure oxygen for a short period of time. It is not unusual for heterothermic bats to experience periods of respiratory arrest under anesthesia, and therefore the anesthetist must be extremely vigilant.

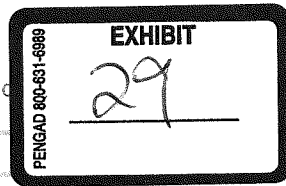
Lollar and Schmidt-French (1998) described a method of inhalation anesthesia in bats in the absence of a gas anesthetic machine, using a cotton ball soaked in isoflurane and placed around the bat's nose. The major problem with this technique is the lack of adequate oxygen flow, which could result in suffocation before the anesthetic has a chance to take effect. Conversely, because this method does not afford a consistent level of anesthesia, a bat can awaken too soon. This method should only be used in emergency situations where an anesthesia machine is not available.



**Fig. 9-4.** For maintenance anesthesia, the tubing feeding gas to the nose cone is detached, and the bat's head is placed inside the tubing. Photo by the author.



**Fig. 9-5.** Once a bat is undergoing maintenance anesthesia, it can be taped in place for surgery. Photo by the author.



Start a Group | My Groups

worldbatline · World Bat Line

Search for other groups...

Search

Home Messages



Click here for the latest updates on Groups Message search

Members Only

- Post
- Files
- Photos
- Links
- Database
- Polls
- Calendar
- Promote
- Groups Labs (Beta)

Messages

Messages Help

Message #

Go Search:

Search Advanced

### Bat surgery

Message List

Reply

Message #11128 of 33709 < Prev | Next >

Re: [worldbatline] Bat surgery

Sun Mar 9, 2003 8:08 pm

Show Message Option

Barbara and I have both done c-sections, amputations, etc. I've also neutered a dozen or so free-tails. Most vets won't or don't want to work on bats. If you're lucky enough to have a vet who will supply you with isoflurane and show you the basics, you've got nothing to lose by trying. I don't think it takes a lot of nerve--just the realization of knowing that without surgical intervention the bat is going to die. If it dies while under anesthesia at least it had a more merciful death then it would have had otherwise. And hopefully you've learned something in the process--something that you may be able to use to save the next bat. (For the record, I practiced neutering dead specimens before attempting it on any live bats. Neutering became necessary to control the 63 'a little too happy for my own good' bats in my non-releasable colony.)

**Bat World Sanctuary**  
 <sanctuary@...>  
 sanctuary@...  
 Send Email

Surgical/suturing methods are described in the book. The second edition has details/photos of a free-tail neuter.

Amanda

- > I don't think most of us would have the nerve to do surgery
- > on a bat. But I was wondering if anyone has I know Carol
- > Amanda maybe Barbara have is there any pictures of the
- > surgery and is there any information about how to suture. I
- > figured it might be good to add a page in your book if you
- > don't have one yet. I'm just thinking if it's a choice of
- > the bat living or dieting I vote on living as long as it's
- > not in pain. But I'm not sure I could actually operate on a

#### Yahoo! Groups Tips

Did you know... Hear how Yahoo! Groups has changed the lives of others. Take me there.

#### Best of Y! Groups



Check them out and nominate your group.

Already receiving group email?



Search

Web Search

AdChoices

Start a Group | My Groups

worldbatline · World Bat Line

Search for other groups...

Search

Home Messages



Click here for the latest updates on Groups Message search

Members Only

- Post
- Files
- Photos
- Links
- Database
- Polls
- Calendar
- Promote
- Groups Labs (Beta)

Yahoo! Groups Tips

Did you know... Real people. Real stories. See how Yahoo! Groups impacts members worldwide.

Best of Y! Groups



Check them out and nominate your group.

Already receiving group email?

Messages

Messages Help

Message #

Go Search:

Search Advanced

call it crazy

Message List

Reply

Message #23683 of 33709 < Prev | Next >

Tue Apr 5, 2005 3:58 pm

Show Message Option

For those that have had a problem with Nexaband or Vetbond glues for stabilize wing fractures, Crazy Glue gel works very well. Stay away from super glues or any other brand, use Crazy Glue and make sure to use the gel. I've been using it for the past 6 months with no problems, even on amputations (to create a cushion after suturing). You can get Crazy glue at any Wal-Mart or similar store. As usual, don't apply it directly from the tube. Here's complete directions in case anyone has missed this page:

<http://www.batworld.org/worldbatline/stabilizingwingfractures.html>

Amanda

**Bat World Sanctuary**  
 <sanctuary@...>  
 sanctuary@...  
 Send Email

Reply

Message #23683 of 33709 < Prev | Next >

Expand Messages

Author

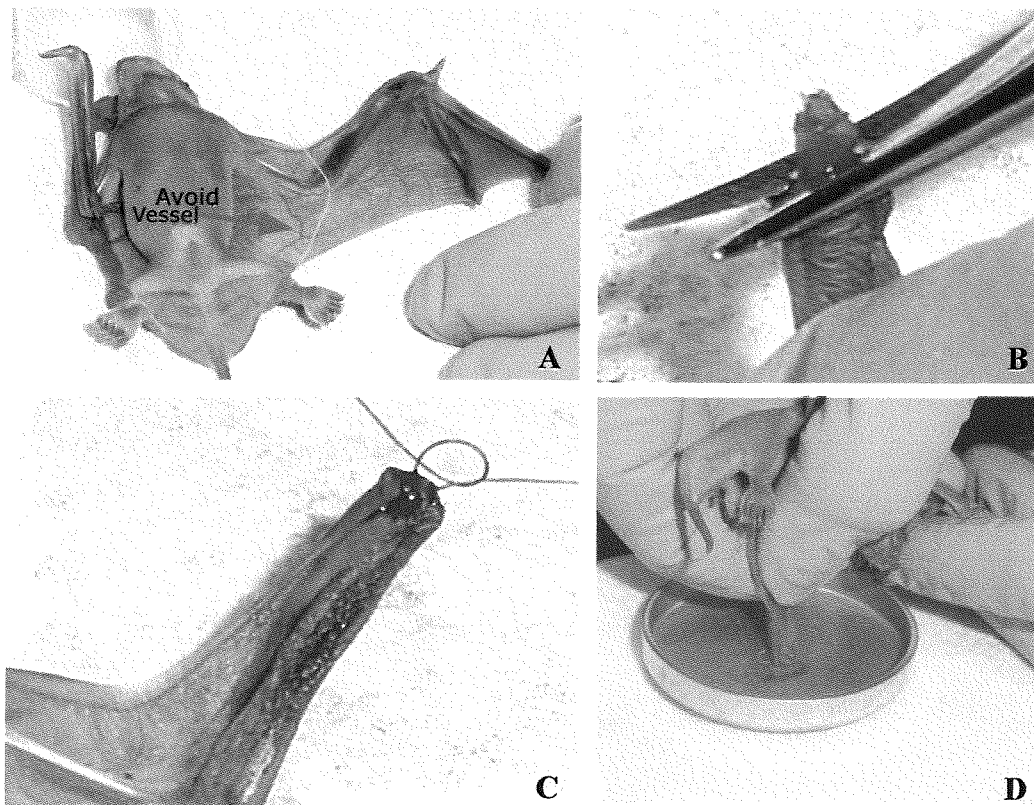
Sort by Date

Amputations of the second through the fourth fingers generally have little impact in a roosting cage and can often be performed so that the injury is not obvious when the wing is folded against the bat's body. Amputations at the forearm have a much more profound affect on terrestrial activity, although these bats quickly learn to use the elbow to rebalance and maneuver. Amputations that require removal of the limb above the elbow (humeral amputations) will result in significant impairment even for bats well adapted to terrestrial activity; however, the author has had several *T. brasiliensis* with such amputations that have participated in mating activity for over a decade. Males actively defend established territory and harems of females against other males, and female amputees give birth and successfully raise their young with little difficulty.

In general, species that are terrestrially agile typically adapt very well to partial amputations of the wing providing they have appropriate caging modifications (see Permanent Housing, Non-Flighted Bats). Tree bats have been known to exhibit depression after amputations, and therefore must be provided with exceptional care to avoid depression and a poor quality of life. Amputations should always be performed under general anesthesia (see Anesthesia). Amputations must be carefully examined to determine the precise amputation site. It is best to perform the amputation 3 to 5mm proximal to the injury or infection site.

For amputations of the radius, locate the large vessel in the wing (Figure 12-20A). Cut through the membrane along the yellow line as indicated. After the wing has been amputated, deglove the radius by gently pulling the skin back from the amputation site. Trim the bone back by an additional 2mm to 3mm (Figure 12-20B). Control any bleeding by gently applying pressure with a sterile gauze pad at the amputation site. Slip the skin back over the trimmed bone and close it with one to two absorbable sutures, size 5-0 to 6-0 (Figure 12-20C). Tie the suture securely and trim off the excess.

Remove the bat from anesthesia and hold it with the head lower than the rest of the body. This helps to wake the bat, so be sure to hold the bat securely. Pour a small pool of tissue adhesive onto a clean, non-absorbable surface. Then, hold the wing securely between your thumb and forefinger and dip the amputation site into the glue. Be sure to keep the bat's head lower than the rest of the body, and keep the bat securely in this position until the glue dries. After the glue has dried, dip the wing into the glue a second time (Figure 12-20D). A second application of glue will provide a protective layer and help to pad the limb as the bat climbs on cage surfaces.



**Figure 12-20.** A: The bat is anesthetized and the amputation site is determined. B: The amputation site is degloved and the bone is trimmed back an additional 2mm to 3mm. C: A suture is used to close the site. D: The bat is removed from anesthesia and held upside down while the amputation site is dipped into a small pool of tissue adhesive. The first layer of adhesive is allowed to dry, and the site is again dipped into the adhesive to create a second layer, which will help pad the injury as it heals. *Bat World facility. T. brasiliensis. Photos by C. Myers.*

## ANESTHESIA

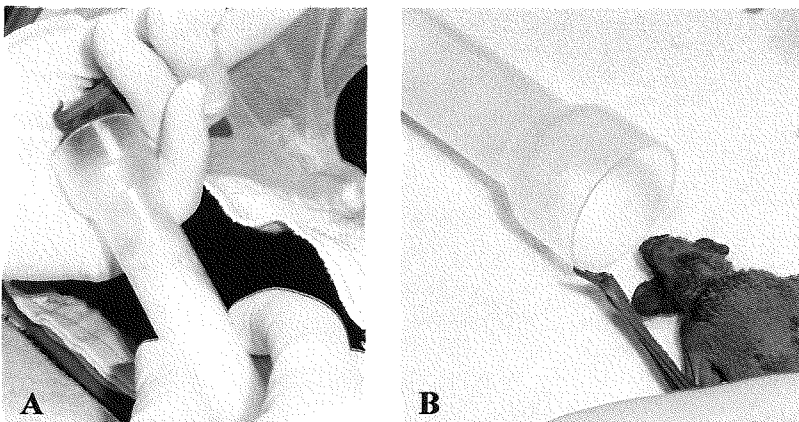
Isoflurane is an inhalant anesthetic used on animals that produces rapid induction of anesthesia with a short recovery period. The author has not observed any adverse reactions to Isoflurane in insectivorous bats, although physical reactions such as erections in male Vespertilionidae sometimes occur. Isoflurane is not significantly metabolized, therefore toxic metabolites are not produced as they are with other inhalants such as Methoxyflurane and Halothane.

In veterinary practice Isoflurane is used with a precision, temperature-compensated vaporizer. A modified cone induction system is necessary for use on insectivorous bats. This system is constructed by cutting off the closed end of the plastic casing used to package a 12ml syringe and taping the modified end of the casing to the y-piece connecting the inhalation/exhalation hoses. The flared end of the casing is placed over the bat's head while the bat is hand-held until relaxation of the wings and legs indicate anesthesia. Bats generally remain at a surgical plane of anesthesia at a level of 1% to 2% Isoflurane.

When veterinary assistance is not available, emergency surgical procedures can be performed by experienced bat care specialists using Isoflurane anesthesia administered in the plastic case used to package a 6ml syringe. Place a cotton ball into the closed end of the plastic case. For a 10g to 15g bat, use anywhere from 0.3ml to 3.0ml of Isoflurane onto the cotton ball. This is typically sufficient to induce anesthesia within 10 to 30 seconds. (When using lower doses, it may be necessary to add Isoflurane to the cotton ball periodically.) Hold the bat with the head lower than the rest of the body and place the case at the back of the bat's head, allowing the fumes to drift over the bat's face (Figure 10-3A). Depending on the physical condition of the bat, it can take anywhere from a few seconds to a few minutes to anesthetize the bat. To make sure the bat is properly anesthetized, release one of the feet from its grip. If the bat does not attempt to re-establish its grip, it is anesthetized. Once anesthetized, allow the case to remain about 1.0cm to 2.0cm above the bat's head as the surgical procedure is performed (Figure 10-3B).

Closely observe the bat's respiration during anesthesia, and place the casing back over the bat's head at the first sign of movement other than respiration. The bat's respiration will be slower than it was prior to anesthesia, but clearly visible. The case should remain in position during the procedure. It is critical to monitor respiration throughout anesthesia. If respiration increases anytime during the procedure, the case should be lowered farther over the bat's head. It may be necessary to add additional Isoflurane to the cotton ball in the plastic casing at this time. If respiration becomes shallow or visible in the chest region at any time during the procedure, immediately remove the case away from the bat. Position the bat's head so it is lower than the rest of the body. To quickly bring the bat out of anesthesia, open the mouth and gently stimulate the tongue with a cotton swab. Then briskly massage the chest, and administer oxygen (see Oxygen Therapy).

After surgery is completed, if respiration becomes shallow (not clearly visible), administer oxygen until improvement is seen (see Oxygen Therapy). Note: Do not feed bats three hours before or immediately after administering anesthesia.



**Figure 10-3.** A: The anesthesia is administered to a free-tailed bat by placing the flared end of the case over the bat's head. B: After the bat is anesthetized, the case is placed about 1.0cm to 2.0cm above the bat's head as the procedure is performed. *T. brasiliensis*. Bat World facility. Photo by A. Lollar.



Abscessed teeth are easily identified by redness and swelling of the gums at the site of the infected tooth (Figure 11-7A). Abscessed teeth that are loose in the socket can be easily extracted without the use of anesthesia, although an application of Cetacaine® Gel is recommended beforehand, to numb the area.

Forceps 6 inches in length are recommended in order to provide the necessary leverage for an extraction. After Cetacaine® Gel has been applied to the gums, use a cotton swab to prop the bat's mouth open for the procedure. Use the forceps to apply gentle pressure against the side of the suspected tooth to determine if it is loose in the socket. (Some abscessed teeth will actually dislodge with pressure applied in the manner.) It is not unusual to find that more than one tooth is loose and also needs to be extracted.

Using the forceps, grasp the tooth on both sides, and gently rock the tooth back and forth while exerting a slow pulling motion. Do not pull or twist a tooth because it is likely to break off, leaving the root behind, or even fracture the jaw. This is critically important when extracting the canine teeth because of their exceptionally long roots (Figure 11-7B).

After an extraction, allow the bat to bite on a gauze pad to help stop the bleeding. There is typically minimal bleeding and rapid healing after an extraction. Manuka honey applied to inflamed gums and extraction sites can ease pain and promote healing.

The author recommends against extracting canine teeth that are not already loose in the socket due to the risk of leaving the root behind. If a portion of the root is left in the gum, severe pain and subsequent infection can result and the root will need to be surgically extracted. If the tooth is not loose, do not attempt extraction. Continue antibiotic treatment for the prescribed period. Wild bats with dental abscesses that have extended into the chest or head should be humanely euthanized.



**A**

**Figure 11-7. A:** Both staining and an abscess are evident in this free-tailed bat. *T. brasiliensis*. Bat World facility. Photo by A. Lollar



**B**

**Figure 11-7. B:** An abscessed canine tooth pulled from the above pictured free-tailed bat. Note the exceptionally long root, making extractions of the canine teeth very difficult. *T. brasiliensis*. Bat World facility. Photo by A. Lollar.



amniotic fluid, and rapid, heavy respiration may be observed. Some females will vocalize during the birthing process. Although most megabats are born in a head-first position typical of other mammals, many microbats are born feet first.

Pups are typically naked at birth and will be pink in color (although some, such as red bats, are born with patches of a fine, pale gray, peach-like fuzz). Pups may be born with eyes open (Figure 8-6), as is the case with the Brazilian free-tailed bat (*T. brasiliensis* - Lollar, 1994) or with eyes closed, as is the case with most other species. A normal birth can take anywhere from a few minutes to a couple of hours. The placenta is expelled after birth and remains connected to the pup via the umbilicus. Do not attempt to detach it from the pup. Circulation through umbilical vessels continues in some species for several minutes, after which the cord rapidly blanches as circulation ceases. When the cord dries up the placenta detaches, normally within 24 to 48 hours of birth. If the cord is cut or broken before circulation ceases, the neonate will bleed to death. If the umbilicus tears or breaks, the cord should be ligated. In some species, such as the evening bat (*N. humeralis*), mothers eat the placenta and umbilical cord to within 2.0mm to 3.0mm of the navel the first hour to hour and a half following delivery.



Figure 8-6. A newborn pup, still attached to the mother through the umbilical cord. *T. brasiliensis*. Photo by A. Lollar.

Following a normal birth, mothers generally rest for a few moments and then clean and bond with their infants. Mothers and pups exchange vocalizations and mothers often rub their muzzles on the infant's face and body. However, sometimes a mother will coax an infant onto the ceiling or cage wall and then ignore the pup until she has groomed herself, after which she will begin cleaning and then nursing the infant. Some species, such as cave bats (*M. velifer*) tend to keep their pups neatly tucked under one wing most of the time for the first several days of life. Others, such as the Brazilian free-tailed bat (*T. brasiliensis*) roost separately from their pups most of the time, only moving to the pup to nurse it; it is particularly important that incubation be provided for these pups.

### Difficult Birth

If a birth has not occurred within one or two hours of the onset of behavioral cues described above, the mother may be experiencing difficulty and should be examined. If a pup can be seen at the vaginal opening, it may be improperly positioned so that the head or a wing is lowest in the vaginal canal. Because it is extremely difficult to reposition a fetus in a small bat, surgical intervention may be required. In an emergency situation when veterinary help is not available, a caretaker may need to intervene.



Figure 8-7. A pup stuck in the vaginal opening of a free-tailed bat. *T. brasiliensis*. Bat World facility.



If the fetus is positioned at the vaginal opening, but the opening does not seem to be dilating enough to allow the infant through, an episiotomy may be necessary. Using a cotton swab, apply Cetacaine® to anesthetize the area (Figure 8-8A). Then, using small sterile surgical scissors, make a small snip through the skin and underlying muscle on one or both of the lateral sides of the vaginal opening. Do not make an incision down towards the rectum or up towards the anterior labial commissure. The incisions should be made at the three o'clock and nine o'clock positions (Figure 8-8B). Try not to make an incision any longer than 1.0mm, as a larger incision may cause the uterus to prolapse. Be careful not to cut or bruise the fetus.



Figure 8-8. A: Apply Cetacaine® (a numbing agent) to anesthetize the vaginal opening. B: Very small incisions should be made at the three o'clock and nine o'clock positions. *T. brasiliensis*. Bat World facility. Photo by J. Waltz.



After making the incision, firmly but gently grasp the emerging pup with the fingertips, and slowly and **very gently** pull it out of the birth canal **during a contraction** (Figure 8-9A). Pulling on the pup with too much force may cause the uterus to prolapse, in other words, the uterus protrudes through the vaginal opening and outside of the bat's body. If this happens, hold the female upside down in the hand, carefully extract the placenta without tearing it or detaching it from the pup, then use the rounded tip of a small sterile rubber catheter lubricated with water-soluble jelly to gently "tuck" the uterus back inside the vagina. If the uterus cannot be tucked back inside, or if it repeatedly prolapses, it will need to be ligated and removed.

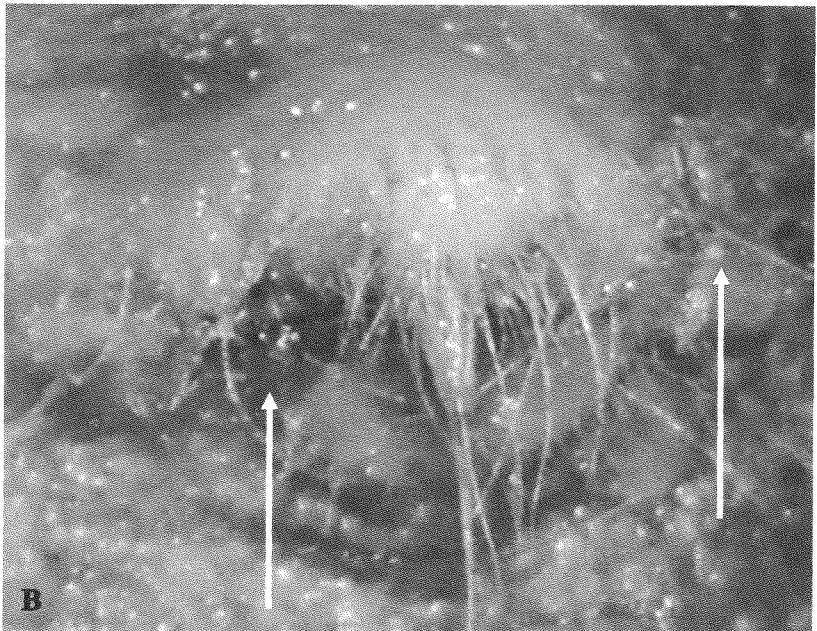
After the pup has emerged, gently but quickly clean its face of any fluid or vernix. Then, massage the pup's chest to encourage respiration. If necessary, wrap the pup in a soft cloth and administer oxygen (see Medications) while completing the episiotomy on the mother.

Gently clean the mother's abdomen with gauze pads dampened with warm sterile water, and dry the area thoroughly. Close the incisions with Glutur®. Magnification is strongly recommended when applying this product to close episiotomies. Do not apply the glue directly from the container, rather, use a small sterile instrument to apply. **Be extremely careful to avoid gluing anything other than the incised areas** (Figure 8-9B). Bats that have had an episiotomy or a prolapsed uterus should be injected with an electrolyte solution and an injection of Baytril®, followed by the oral mixture of Cephalexin Baytril® 2 times a day for 10 days, followed by oral administration of Cephalexin alone 2 times a day for an additional 20 days (see Medications).

If the uterus does not prolapse following an episiotomy, the afterbirth should be expelled with, or immediately after, the pup has emerged. If it is not expelled, do not attempt to pull it out. The afterbirth, which is still connecting mother and infant, will eventually be expelled by the mother.



**Figure 8-9. A:** Gently grasp the emerging pup with the fingertips, and slowly and very gently pull it out of the birth canal during a contraction. **B:** Be extremely careful to avoid gluing anything other than the incised areas, indicated by the arrows. *T. brasiliensis*. Bat World facility. Photo by J. Waltz.

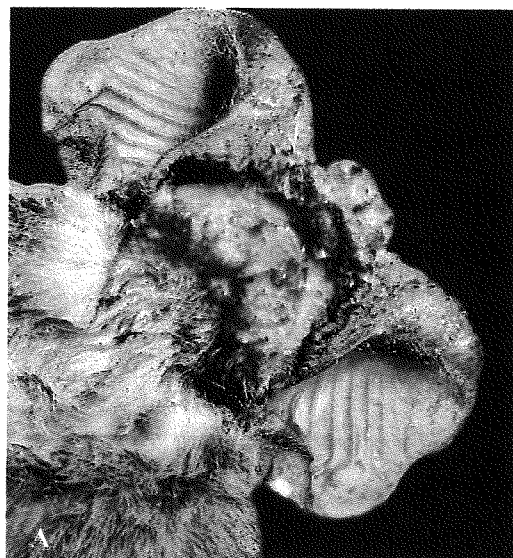


While not always a reliable indicator of rabies infection, uninjured crevice bats with rabies may be found in exposed areas during daylight. Other signs that may indicate the presence of rabies include emaciation, glassy, watery or matted eyes, a heavy ectoparasite load, a hunched back, and petechial hemorrhage on the ears (although similar signs may also accompany other conditions including respiratory disease, heat exhaustion, internal injuries and back injuries — Lollar, 1994). The author has also found that the presence of dirt and/or other foreign substances in or around a bat's mouth may be another indication of rabies infection, possibly resulting when an infected animal bites at the ground or other surroundings. Other signs observed by the author include disoriented flight, uncoordinated movements, seizures, spastic paralysis of one or both legs, ataxia, one or both legs clamped tightly against the abdomen (*T. brasiliensis* in particular, Figure 11-20), lesions around the mouth and chin (Figure 11-21A), abraded gums or a blistered appearance under the upper lip, glassy/watery eyes (Figure 11-21B) abnormal vocalization, hypersensitivity to sound and light, exhibiting anger (by jerking the body) rather than fear, falling asleep while being examined, and agonal respiration. The bat may also accept soft food or milk formula when offered, but does not swallow, has an inability to swallow, or aspirates upon swallowing. Additionally, the bat may chew on mealworms as if eating but then allow the chewed pieces to fall from its mouth.

Caretakers should protect themselves and humanely euthanize bats demonstrating signs of rabies infection (see Rabies [Primary and Secondary Signs] in the Diagnostic chart for help in determining when to euthanize bats suspected of rabies infection). Depending on state guidelines, bats suspected of rabies must be turned over to the proper authorities for rabies testing. Care should be taken to prevent physical damage to the brain of an animal that must be tested for rabies. In case of an animal bite and/or scratch or contact with saliva or nervous tissue from a suspect animal, consult your family physician or local or state health department immediately. If local or state health department personnel are unavailable, call the Viral and Rickettsial Diseases Division of the U.S. Centers for Disease Control and Prevention at (404) 639-1075 weekdays, or at (404) 639-2888 nights, weekends and holidays.

There has been little research in the area of rabies vaccination for bats, as vaccination of large, wild populations may not be a feasible undertaking. However, Charles Trimarchi, DVM, with the New York State Department of Health states that, "While most health agencies neither endorse nor prohibit extra-label use of rabies vaccines in wildlife, modern vaccines may protect wild species and because they are killed-virus vaccines, do not pose a risk of vaccine-induced rabies infection" (Trimarchi, 1996).

The author routinely vaccinates bats taken in from the wild that will be added to captive study colonies in order to minimize the potential for disease transmission to other captives, as well as bats that are released. Each bat is injected subcutaneously with 0.1 ml (see Medications).



**Figure 11-21. A:** Lesions on the chin, petechial hemorrhage on the ears. **B:** Watery eyes. *T. brasiliensis*. Photo by A. Lollar.



After making the incision, firmly but gently grasp the emerging pup with the fingertips, and slowly and *very gently* pull it out of the birth canal *during a contraction* (Figure 8-9A). Pulling on the pup with too much force may cause the uterus to prolapse, in other words, the uterus protrudes through the vaginal opening and outside of the bat's body. If this happens, hold the female upside down in the hand, carefully extract the placenta without tearing it or detaching it from the pup, then use the rounded tip of a small sterile rubber catheter lubricated with water-soluble jelly to gently "tuck" the uterus back inside the vagina. If the uterus cannot be tucked back inside, or if it repeatedly prolapses, it will need to be ligated and removed.

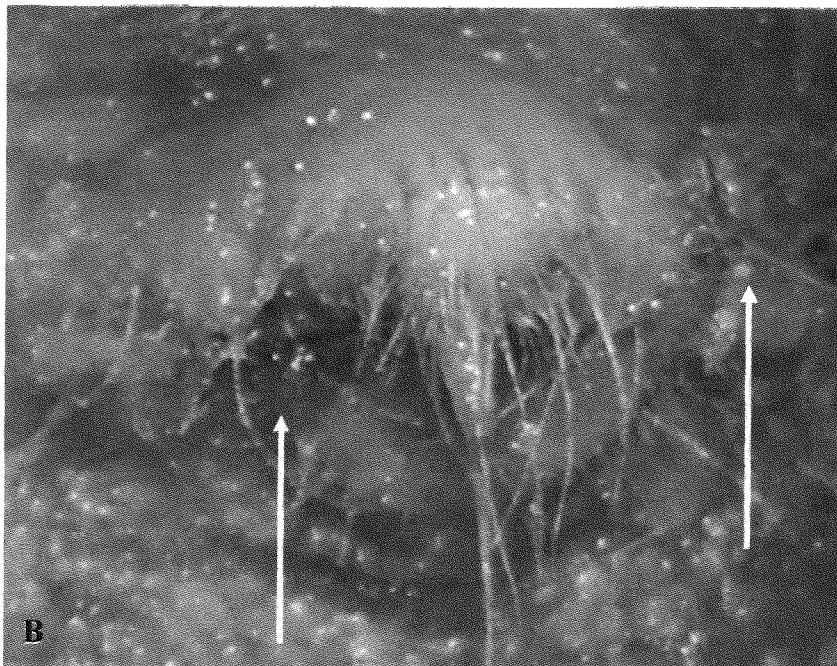
After the pup has emerged, gently but quickly clean its face of any fluid or vernix. Then, massage the pup's chest to encourage respiration. If necessary, wrap the pup in a soft cloth and administer oxygen (see Medications) while completing the episiotomy on the mother.

Gently clean the mother's abdomen with gauze pads dampened with warm sterile water, and dry the area thoroughly. Close the incisions with Gluture®. Magnification is strongly recommended when applying this product to close episiotomies. Do not apply the glue directly from the container, rather, use a small sterile instrument to apply. *Be extremely careful to avoid gluing anything other than the incised areas* (Figure 8-9B). Bats that have had an episiotomy or a prolapsed uterus should be injected with an electrolyte solution and an injection of Baytril®, followed by the oral mixture of Cephalexin Baytril® 2 times a day for 10 days, followed by oral administration of Cephalexin alone 2 times a day for an additional 20 days (see Medications).

If the uterus does not prolapse following an episiotomy, the afterbirth should be expelled with, or immediately after, the pup has emerged. If it is not expelled, do not attempt to pull it out. The afterbirth, which is still connecting mother and infant, will eventually be expelled by the mother.



**Figure 8-9. A:** Gently grasp the emerging pup with the fingertips, and slowly and *very gently* pull it out of the birth canal *during a contraction*. **B:** Be extremely careful to avoid gluing anything other than the incised areas, indicated by the arrows. *T. brasiliensis*. Bat World facility. Photo by J. Waltz.



amniotic fluid, and rapid, heavy respiration may be observed. Some females will vocalize during the birthing process. Although most megabats are born in a head-first position typical of other mammals, many microbats are born feet first.

Pups are typically naked at birth and will be pink in color (although some, such as red bats, are born with patches of a fine, pale gray, peach-like fuzz). Pups may be born with eyes open (Figure 8-6), as is the case with the Brazilian free-tailed bat (*T. brasiliensis* - Lollar, 1994) or with eyes closed, as is the case with most other species. A normal birth can take anywhere from a few minutes to a couple of hours. The placenta is expelled after birth and remains connected to the pup via the umbilicus. Do not attempt to detach it from the pup. Circulation through umbilical vessels continues in some species for several minutes, after which the cord rapidly blanches as circulation ceases. When the cord dries up the placenta detaches, normally within 24 to 48 hours of birth. If the cord is cut or broken before circulation ceases, the neonate will bleed to death. If the umbilicus tears or breaks, the cord should be ligated. In some species, such as the evening bat (*N. humeralis*), mothers eat the placenta and umbilical cord to within 2.0mm to 3.0mm of the navel the first hour to hour and a half following delivery.



**Figure 8-6.** A newborn pup, still attached to the mother through the umbilical cord. *T. brasiliensis*. Photo by A. Lollar.

Following a normal birth, mothers generally rest for a few moments and then clean and bond with their infants. Mothers and pups exchange vocalizations and mothers often rub their muzzles on the infant's face and body. However, sometimes a mother will coax an infant onto the ceiling or cage wall and then ignore the pup until she has groomed herself, after which she will begin cleaning and then nursing the infant. Some species, such as cave bats (*M. velifer*) tend to keep their pups neatly tucked under one wing most of the time for the first several days of life. Others, such as the Brazilian free-tailed bat (*T. brasiliensis*) roost separately from their pups most of the time, only moving to the pup to nurse it; it is particularly important that incubation be provided for these pups.

### Difficult Birth

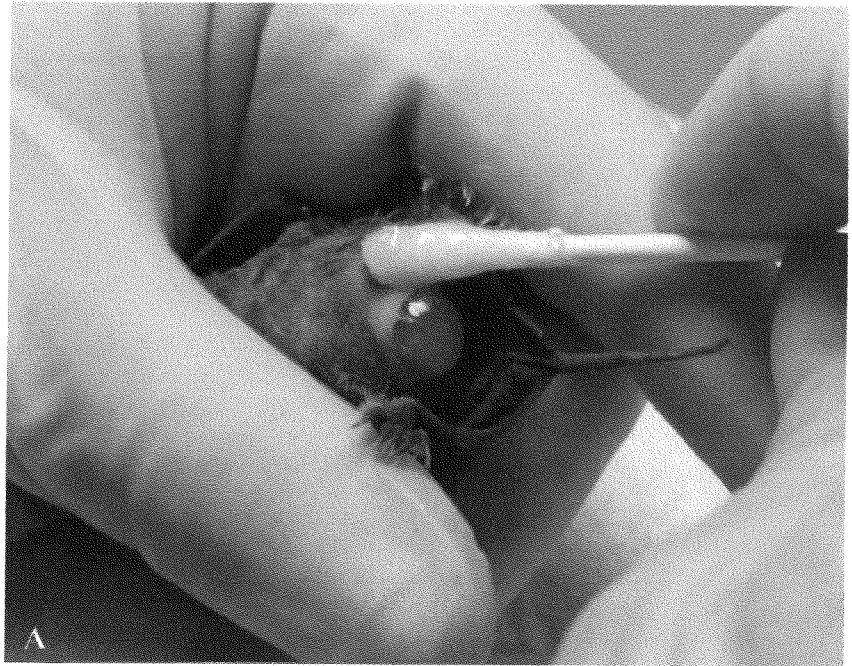
If a birth has not occurred within one or two hours of the onset of behavioral cues described above, the mother may be experiencing difficulty and should be examined. If a pup can be seen at the vaginal opening, it may be improperly positioned so that the head or a wing is lowest in the vaginal canal. Because it is extremely difficult to reposition a fetus in a small bat, surgical intervention may be required. In an emergency situation when veterinary help is not available, a caretaker may need to intervene.



**Figure 8-7.** A pup stuck in the vaginal opening of a free-tailed bat. *T. brasiliensis*. Bat World facility.



If the fetus is positioned at the vaginal opening, but the opening does not seem to be dilating enough to allow the infant through, an episiotomy may be necessary. Using a cotton swab, apply Cetacaine® to the vagina to anesthetize the area (Figure 8-8A). Then, using small sterile surgical scissors, make a small snip through the skin and underlying muscle on one or both of the lateral sides of the vaginal opening. Do not make an incision down towards the rectum or up towards the anterior labial commissure. The incisions should be made at the three o'clock and nine o'clock positions (Figure 8-8B). Try not make an incision any longer than 1.0mm, as a larger incision may cause the uterus to prolapse. Be careful not to cut or bruise the fetus.



**Figure 8-8.** A: Apply Cetacaine® (a numbing agent) to anesthetize the vaginal opening. B: Very small incisions should be made at the three o'clock and nine o'clock positions. *T. brasiliensis*. Bat World facility. Photo by J. Waltz.

