

Appellate Docket Number: 02-12-00285-CV

**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

DOCKETING STATEMENT (CIVIL)

[To be filed in the Court of Appeals upon perfection of appeal under TRAP 32.]

I. Parties (TRAP 32.1(a), (e)):

Appellant(s):
Mary Cummins
645 W. 9th St. #110-140
Los Angeles, CA 90015-1640

(See note at bottom of page)

Appellee(s):

Bat World Sanctuary,
Amanda Lollar
217 N. Oak Avenue
Mineral Wells, Texas 76067

(See note at bottom of page)

Attorney (lead appellate counsel):
Appellant Pro Se

Attorney (lead appellate counsel, if known; if not,
then trial counsel): Randy Turner

Address (lead counsel):
See Above

Address (lead appellate counsel, if known; if not,
then trial counsel): Bailey & Galyen
1901 W. Airport Fwy
Bedford, Texas 76021

Telephone Number
(include area code): (310) 877-4770

Telephone Number
(include area code): 817- 359-7065

Fax Number
(include area code): (310) 494 9395

Fax Number
(include area code): 817-764-6336

SBN (lead counsel): NA

SBN (lead counsel): 20328310

If not represented by counsel, provide appellant's/appellee's address, telephone number, and fax number. On a separate attachment, list the same information stated above for any additional parties to the trial court's judgment.

II. Perfection Of Appeal And Jurisdiction (TRAP 32.1(b), (c), (g), (j)):

Date order or judgment signed: <p style="text-align: center;">August 27, 2012</p> (Attach a signed copy, if possible.)	Date notice of appeal filed in trial court: <p style="text-align: center;">August 30, 2012</p> (Attach file-stamped copy; if mailed to the trial court clerk, also give the date of mailing.)
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What type of judgment? (<i>E.g.</i> , jury trial, bench trial, summary judgment, directed verdict, other (specify)): <p style="text-align: center;">Bench Trial</p>	Interlocutory appeal of appealable order: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Please specify statutory or other basis on which interlocutory order is appealable.) Accelerated/preferential appeal: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Please specify statutory or other basis on which appeal is accelerated or receives preferential treatment.)
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Does the judgment or order dispose of all parties and issues? Yes No If no, cite authority for this Court's jurisdiction.

Does the appeal involve a constitutional challenge to a Texas statute? Yes No

If Yes, identify the following:

Statute being challenged:

Basis for the challenge:

III. Actions Extending Time To Perfect Appeal (TRAP 32.1(d)):

Action	Filed	Date Filed

Motion for New Trial	G	September 4, 2012
Motion to Modify Judgment	G	September 4, 2012
Request for Findings of Fact and Conclusions of Law	G	September 4, 2012
Motion to Reinstate	G	
Motion under TRCP 306a	G	
Other (specify):	G	

IV. Indigency Of Party (TRAP 32.1(k)) (attach file-stamped copy of affidavit):

Affidavit filed No G Yes Date: September 7, 2012

Contest filed No G Yes G Date: _____

Ruling on contest: Sustained G Overruled G Date: _____

V. Trial Court And Record (TRAP 32.1(c), (h), (i)):

Court: 352nd District Court	County: Tarrant County	Trial Court Docket Number (Cause No.): 352-248169-10
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<p>Trial Judge (who tried or disposed of case): Judge William Brigham</p> <p>Telephone Number (817) 884-1906 (include area code):</p> <p>Fax Number (817) 884-2384 (include area code):</p> <p>Address: 401 W. Belknap 8th Fl. Fort Worth, Texas 76155</p>	<p>Court Clerk (district or county clerk): Lisa Adams</p> <p>Telephone Number (817) 884-1183 (include area code):</p> <p>Fax Number She said she has no fax (include area code):</p> <p>Address: 401 W. Belknap 8th Fl. Fort Worth, Texas 76155</p>
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Clerk's fee has been paid or satisfactory arrangements made? Yes G No

If no, explain

Appellant is indigent

Court Reporter or Court Recorder:	Monica Willenburg		
Telephone Number (include area code):	(817) 884-2732	Fax Number (include area code):	None

Address: 352nd District Court
 401 W. Belknap 8th Fl
 Fort Worth, TX 76196-7283
 (Attach additional sheet if necessary for additional court reporters/recorders.)

Reporter's or Recorder's Record (check if electronic recording G)	None G	Will request <input checked="" type="checkbox"/>	Was requested on:
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State arrangements made for payment of court reporter/recorder: None. Appellant is indigent

VI. Supersedeas Bond (TRAP 32.1(1)):	None <input checked="" type="checkbox"/>	Will file G	Was filed on:
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VII. Extraordinary Relief: Will you request extraordinary relief (*e.g.*, temporary or ancillary relief) from this Court? Yes G No If yes, briefly state the basis for your request.

I don't think so. Appellant is pro se.

VIII. Alternative Dispute Resolution/Mediation:

If this appeal should be referred to a settlement procedure, complete and file a separate ADR form, which is available from the Court.

IX. Related Matters: List any pending or past related appeals or original proceedings (*e.g.*, mandamus, injunction, habeas corpus) before this or any other Texas appellate court by court, docket number, and style.

None known

X. Pro Bono Program: A number of attorneys have expressed an interest in representing a party before this Court for no charge, except for costs and expenses. Whether they would agree to represent you would depend on your financial need and a number of other factors. A Pro Bono Committee of local lawyers will make the decision, without input from this Court, as to whether your case qualifies for such free legal representation. If you feel your financial situation might qualify you for this help, and you would like to be considered for such help, complete the information in this section. More information regarding this program can be found in the Pro Bono Program Pamphlet for the Second Court of Appeals available in paper form at the Clerk's Office or on the Internet at <http://www.tex-app.org> **NOTE: There is no guarantee that an attorney will be found to represent you. Accordingly, you should keep looking for counsel to represent you in this case. By signing your name below, you authorize the Pro Bono Committee to transmit publicly available facts and information about your case, including parties and background, through selected Internet sites and a Listserv to its pool of**

volunteer appellate attorneys.

1. Do you want to be considered for free legal representation in this case?

Yes No

If you answered "Yes" to Question X.1, then please answer the following questions.

2. Do you authorize the Pro Bono Committee to contact your trial counsel of record in this matter to answer questions the Committee may have regarding this case? Please note that the substance of any such conversations would be maintained as confidential by the Pro Bono Committee, to the extent permitted by law. The information would be used solely for the purposes of considering the case for inclusion in the Pro Bono Program.

Yes * No
Appellant was pro se. No

3. If you have not previously filed an affidavit of indigency and attached a file-stamped copy of that affidavit, does your income exceed 200% of the U.S. Department of Health and Human Services Federal Poverty Guidelines? These guidelines can be found in the Pro Bono Program Pamphlet as well as on the Internet at <http://aspe.hhs.gov/poverty/08poverty.shtml>.

Yes No Appellant is filing affidavit
of indigency

4. Are you willing to disclose your financial circumstances to the Pro Bono Committee? If so, please attach an Affidavit of Indigency completed and executed by the appellant. Forms may be found in the Clerk's Office or on the Internet at <http://www.tex-app.org/Form3.pdf>. If you are not willing to submit this Affidavit, you will probably not be referred to an attorney under this Program.

Yes No

5. Give a brief description of the issues to be raised on appeal, the relief sought, and the applicable standard of review, if known (without prejudice to the right to raise additional issues or request additional relief; use a separate attachment, if necessary).

Defendant was sued for defamation and breach of contract. Plaintiffs did not show the court the elements of defamation, i.e. (1) The defendant published a statement of fact, (2) The statement was defamatory, (3) The statement was false, (4) The defendant acted negligently and with malice in publishing the false and defamatory statement, (5) The Plaintiffs suffered damages as a result and (6) Plaintiff is not a limited public figure. Plaintiffs did not prove causality or show any damages at all. Plaintiffs admitted in court that they have no proof of causality or damages. Every word Defendant stated was 100% the truth. Plaintiffs did not prove that Defendant wrote most of the other statements in question. Some statements have nothing to do with Plaintiff at all, are mere opinion or are not defamatory.

Plaintiffs did not show the court the elements of breach of contract, i.e. (1) There is a valid contract; (2) The Plaintiffs performed or tendered performance according to the terms of the contract; (3) The Defendant breached the contract; and (4) The Plaintiffs sustained damages as a result of the breach.

XI. Certificate of Service: The undersigned counsel certifies that this docketing statement has been served on the following lead counsel for all parties to the trial court's order or judgment as follows on September 7, 2012 by mail hand delivery fax other _____:

email

Signature of counsel (or pro se party)

Mary Cummins

Printed Name

Date: September 7, 2012

State Bar No.: NA