

Ronald F. Avery
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April 8, 2016

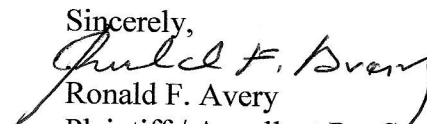
Jonathan Donnellan
Hearst Corporation
Office of General Counsel
300 W 57th Street 40th Floor
New York, NY 10019
Via Email: jdonnellan@hearst.com

Re: Court of Appeals no: 04-16-00184-CV
Trial Court Case no: 15-2186-CV
Style: Ronald F. Avery
v.
Dylan Baddour; Hearst Communications, Inc.

Dear Mr. Donnellan,

Please find herewith my letter to Judge W.C. Kirkendall regarding your letter to him advising him not to provide Findings of Fact and Conclusions of Law that I requested.

Sincerely,


Ronald F. Avery
Plaintiff / Appellant Pro Se

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April 8, 2016

The Honorable W.C. Kirkendall
2nd 25th Judicial District Judge
211 West Court Street, Room 220
Seguin, Texas 78155-5779
830/303-8852 ext. 2
Via Fax: 830/303-0847

RE: Avery v. Hearst Cause No. 15-2186-CV

Dear Judge Kirkendall,

I regret that the Defendants in this case have resorted to writing you letters about what the Texas Rules of Civil Procedure mean and what the Texas Citizen Participation Act authorizes. But I must disagree with Mr. Donnellan regarding my most reasonable Request for Findings of Fact and Conclusions of Law. It is clear that TRCP 296 says "In any case tried in the district or county court without a jury, any party may request the court to state in writing its findings of fact and conclusions of law." And its very clear from *Liberty Mut. Fire Ins. v. Laca*, 243 S.W.3d 791, 794 (Tex.App.-El Paso 2007, no pet.) that a party "has been harmed if, under the circumstances of the case, he is forced to guess the reasons why the trial court ruled against him. If there is only a single ground of recovery or a single defense in the case, the record would show that the party has suffered no harm, because he is not forced to guess the reasons for the trial court's judgment. On the other hand, when there are multiple grounds for recovery or multiple defenses, the party is forced to guess what the trial court's findings were." This Motion was not a simple Motion for Summary Judgment where there are no facts involved, but rather, a complex statutory motion that requires three phases of findings and conclusions resulting in shifting burdens of proof supported by evidence and mixed with issues of both facts and law.

It is most difficult to address all the issues in this case, especially in an accelerated appeal, as my Request for Findings of Fact and Conclusions of Law clearly show, In fact, I will have been harmed without them.

Sincerely,



Ronald F. Avery

cc via email:

Jonathan Donnellan

Lead Attorney for Dylan Baddour; Hearst Communications, Inc.