

CAUSE NO. 15-2186-CV

RONALD AVERY,

Plaintiff,

vs.

DYLAN BADDOUR, AND
HEARST COMMUNICATIONS, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

GUADALUPE COUNTY, TEXAS

2ND 25TH JUDICIAL DISTRICT

**NOTICE OF CROSS-APPEAL
OF DEFENDANTS DYLAN BADDOUR AND HEARST COMMUNICATIONS, INC.**

Pursuant to Texas Rule of Appellate Procedure 26.1(d), Defendants Dylan Baddour and Hearst Communications, Inc. (“Defendants”) respectfully submit this Notice of Cross-Appeal. Defendants desire to cross-appeal from the March 18, 2016 Order Granting Defendants’ Motion to Dismiss Pursuant to the Texas Citizens Participation Act (the “Order”) in *Ronald Avery v. Dylan Baddour, and Hearst Communications, Inc.*, Cause No. 15-2186-CV in the 2nd 25th Judicial District Court in Guadalupe County, Texas, to the extent that Order denied Defendants’ recovery of their court costs, reasonable attorney’s fees, and other expenses incurred in defending this action. A copy of the Order is attached hereto as Exhibit A. Plaintiff Ronald F. Avery previously filed his Notice of Appeal from the Order on March 29, 2016.

This an accelerated appeal pursuant to Section 27.008(b) of the Texas Civil Practice and Remedies Code. This is not a parental termination or child protection case, as defined in Texas Rule of Appellate Procedure 28.4. Defendants appeal to the Fourth Court of Appeals in San Antonio, Texas.

Dated: April 12, 2016

RECEIVED
4/19/16
RFA

Respectfully Submitted,

/s/ Jonathan R. Donnellan_____

Jonathan R. Donnellan (State Bar No. 24063660)
Kristina E. Findikyan
Jennifer D. Bishop
THE HEARST CORPORATION
Office of General Counsel
300 W. 57th Street, 40th Floor
New York, NY 10019
(212) 841-7000
(212) 554-7000 (fax)
jdonnellan@hearst.com

Jonathan H. Hull (State Bar No. 10253350)
REAGAN BURRUS PLLC
401 Main Plaza, Suite 200
New Braunfels, Texas 78130
(830) 625-8026
(830) 625-4433 (fax)
jhull@reaganburrus.com

*Attorneys for Defendants Hearst
Communications, Inc. and Dylan Baddour*

Exhibit A

FILED
107 M
MAR 18 2016
DEBRA CROW
Clerk, Dist. Court, Guadalupe Co. Tx

CAUSE NO. 15-2186-CV

RONALD AVERY,
Plaintiff,

IN THE DISTRICT COURT OF

vs.

GUADALUPE COUNTY, TEXAS

DYLAN BADDOUR, AND
HEARST COMMUNICATIONS, INC.,

2ND 25TH JUDICIAL DISTRICT

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PURSUANT TO
THE TEXAS CITIZENS PARTICIPATION ACT**

After considering Defendants Hearst Communications, Inc. and Dylan Baddour's, Motion to Dismiss Pursuant to the Texas Citizens Participation Act, Tex. Civ. Prac. & Rem. Code § 27.001, *et seq.*, the supporting declarations and exhibits thereto, the Plaintiff's response and supporting affidavit and supplements and exhibits thereto, the authorities cited, and the arguments made before the Court at the hearing held on March 10, 2016, the Court hereby GRANTS the motion.

Pursuant to the Court's letter dated March 16, 2016, it is hereby ORDERED that Plaintiff's Original Petition is DISMISSED with prejudice.

~~It is further ORDERED that Defendants are entitled to recover their court costs, reasonable attorney's fees, and other expenses incurred in defending against this action pursuant to Section 17.009(a) of the Texas Civil Practice and Remedies Code, and Defendants may move for an Order awarding such costs, fees, and expenses.~~

SIGNED this 18th day of March, 2016.

JUDGE PRESIDING

I, DEBRA CROW, Clerk of the District Courts, in Guadalupe County, Texas, certify this copy is true and correct as FILED & RECORDED in the Official Court Records of District Court. Given under my hand and seal of office in Seguin, Texas on the 18 day of March, 2016.

DEBRA CROW, District Clerk, Guadalupe County, Texas
By: Deputy



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been delivered to the following pursuant to the Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure on this 12th day of April, 2016:

Ronald F. Avery, *pro se* Plaintiff
1933 Montclair Drive
Seguin, Texas 78155
Phone: (830) 372-5534
Email: taphouse@sbcglobal.net

/s/ Jonathan R. Donnellan
Jonathan R. Donnellan

Attorney for Defendants

HEARST corporation

Jennifer D Bishop
Counsel

April 12, 2016

VIA CERTIFIED MAIL

Ronald F. Avery
1933 Montclair Drive
Seguin, Texas 78155

**Re: Ronald Avery v. Dylan Baddour & Hearst Communications, Inc.,
Court of Appeals Number 04-16-00184-CV; Guadalupe County
Cause No. 15-2186-CV**

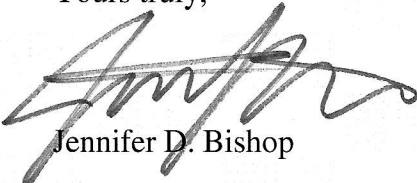
Dear Mr. Avery:

Enclosed for service under Texas Rule of Civil Procedure 21a(a) and Texas Rule of Appellate Procedure 9.5(b), please find a copy of the following documents from Defendants Hearst Communications, Inc. and Dylan Baddour in the above-referenced matter, which were filed with the clerk today:

- Notice of Cross Appeal
- Docketing Statement

Thank you for your attention to this matter. Please call me at (212) 649-2030, if you have any questions regarding the above.

Yours truly,



Jennifer D. Bishop

Enclosure

Office of
General Counsel

Eve Burton
Senior Vice President
General Counsel

Catherine A Bostron
Corporate Secretary

Jonathan R Donnellan
Mark C Redman
Vice President
Deputy General Counsel

Kristina E Findikyan
Larry M Loeb
Kenan J Packman
Peter P Rahbar
Maureen Walsh Sheehan
Ravi V Sitwala
Jack Spizz
Debra S Weaver
Senior Counsel

Jennifer D Bishop
Abraham S Cho
Marianne W Chow
Adam Colón
Travis P Davis
Carolene S Eaddy
Shari M Goldsmith
Carl G Guida
Andra B Hart
Diego Ibarguen
Charlotte Jackson
Siu Y Lin
Alexander N Macleod
Kate Mayer
Kevin J McCauley
Alexandra McGurk
Jonathan C Mintzer
Aimee Nisbet
Elliot J Rishty
Shira R Saiger
Eva M Saketkoo
Aryn Sobo
Jennifer G Tancredi
Stephen H Yuhan
Counsel

300 West 57th Street
New York, NY 10019-3792
T 212 649 2030
F 646 280 2030
jbishop@hearst.com