

NO: CC-10-07369-A

**HEATHER DOBROTT
PLAINTIFF**

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**IN THE COUNTY COURT
AT LAW**

V.

NO. 1

**Timothy S. Darnell
DEFENDANT**

DALLAS COUNTY, TX

**DEFENDANT DARNELL'S NO EVIDENCE
MOTION FOR SUMMARY JUDGMENT**

NOW COMES Defendant, Timothy Darnell, Movant herein, and brings this Motion for No Evidence Summary Judgment, and in support hereof, shows the court the following:

I.

A. An adequate time for discovery has passed.

1. This suit was filed on October 20, 2010.
2. Eight months have passed since this cause was filed.
3. There is no discovery outstanding or scheduled.

II.

A. Plaintiff has filed a claim against Movant seeking affirmative relief for Intrusion on Seclusion

1. There is no evidence of one or more of the following elements of Intrusion on Seclusion which Plaintiff has the burden of proof at trial:
 - a) there was an unauthorized intrusion or prying into her seclusion;
 - b) the intrusion was highly offensive to or objectionable to a reasonable person;

- c) the matter intruded upon was private;
- d) the intrusion caused anguish and suffering.

- 2. Movant claims that Plaintiff cannot produce evidence that this defendant was involved in any intrusion upon which Plaintiff's claims are based, or evidence against this Defendant on the other stated elements.

B. Plaintiff has filed a claim against Movant seeking affirmative relief for Public Disclosure of Private Facts.

- 1. There is no evidence of one or more of the following elements of Public Disclosure of Private Facts which Plaintiff has the burden of proof at trial:
 - a.) the disclosure of private facts must be a public disclosure.
 - b.) the facts disclosed must be private facts, and not public ones.
 - c.) the matter made public must be one which would be offensive and objectionable to a reasonable person of ordinary sensibilities.
- 2. Movant claims that Plaintiff cannot produce evidence that this defendant was involved in any Disclosure of Private Facts upon which Plaintiff's claims are based, or evidence against this Defendant on the other stated elements.

C. Plaintiff has filed a claim against Movant seeking affirmative relief for Appropriation of Name or Likeness.

- 1. There is no evidence of one or more of the following elements of Appropriation of Name or Likeness by the Defendant which Plaintiff has the burden of proof at trial:
 - a.) wrongful appropriation by the Defendant (either intentionally or even accidentally);
 - b.) of the Plaintiff's name, likeness, or other purely personal aspect;

c.) for some commercial gain or advantage

2. Movant claims that Plaintiff cannot produce evidence that this Defendant was involved in any Appropriation of Name or Likeness upon which Plaintiff's claims are based, or evidence against this Defendant on the other stated elements.

D. Plaintiff has filed a claim against Movant seeking affirmative relief for Libel.

1. There is no evidence of one or more of the following elements of Libel by the Defendant which Plaintiff has the burden of proof at trial:

a.) A libel is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.

b). Movant claims that Plaintiff cannot produce evidence that this Defendant published any statement which could constitute defamation upon which Plaintiff's claims are based, or evidence against this Defendant on the stated elements.

E. Plaintiff has filed a claim against Movant seeking affirmative relief for Slander.

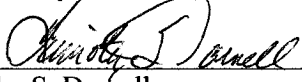
1. There is no evidence of one or more of the following elements of Slander by the Defendant which Plaintiff has the burden of proof at trial:

a). spoken or heard defamation that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.

b.) Movant claims that Plaintiff cannot produce evidence that this Defendant published any statement which could constitute defamation upon which Plaintiff's claims are based, or evidence against this Defendant on the stated elements.

WHEREFORE, PREMISES CONSIDERED, Defendant, Timothy S. Darnell, prays that this Honorable Court will dismiss Plaintiffs' claims of Intrusion on Seclusion, Public Disclosure of Private Facts, Appropriation of Name or Likeness, Libel, or Slander, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

By: 
Timothy S. Darnell
Pro Se Defendant
1513 Home Park Dr.
Allen, TX 75002
Tel. (972)727-4995
Fax. (214)242-2423

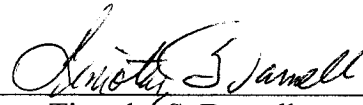
NOTICE OF HEARING

The above and foregoing Defendant's Motion for No Evidence Summary Judgment is set for hearing on _____ at _____, in the County Court at Law, Number 1, Dallas County, Texas.

Timothy S. Darnell

CERTIFICATE OF SERVICE

I certify that on August 3, 2011 a true and correct copy of Defendant's Motion for No Evidence Summary Judgment was served to each person listed below by the method indicated.



Timothy S. Darnell

HEATHER DOBROTT – Pro Se Plaintiff
2518 Suncrest Dr.
Garland, TX 75044
By Certified Mail – Return Receipt Requested

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PLAINTIFF**

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DALLAS COUNTY, TX

On _____, 2011 the Court considered the MOTION FOR NO EVIDENCE
SUMMARY JUDGMENT filed by Defendant, Timothy S. Darnell,
and after reviewing the evidence and hearing the arguments, the Court finds that the
Motion should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiffs' claims of Intrusion on Seclusion, Public
Disclosure of Private Facts, Appropriation of Name or Likeness, Libel, or Slander against
Timothy S. Darnell are hereby **DISMISSED**.

This judgment finally disposes of all parties and all claims and is appealable.

SIGNED on _____, 2011.

JUDGE PRESIDING

Approved By:

Timothy S. Darnell
Pro Se Defendant

HEATHER DOBROTT
Pro Se Plaintiff