

Filed In The District Court  
of Travis County, Texas  
on 1-13-15  
at 4:10 P.M.  
Velva L. Price, District Clerk

No. D-1-GN-14-004290

DON ZIMMERMAN,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	
	§	TRAVIS COUNTY, TEXAS
AUSTIN INVESTIGATIVE REPORTING	§	
PROJECT d/b/a THE AUSTIN BULLDOG,	§	
And KEN MARTIN,	§	
	§	
Defendants.	§	53 <sup>RD</sup> JUDICIAL DISTRICT

### ORDER GRANTING MOTION TO DISMISS

Came before the Court the Motion to Dismiss Pursuant to Chapter 27, Tex. Civ. Prac. & Rem. Code of Defendants Austin Investigative Reporting Project d/b/a The Austin Bulldog, and Ken Martin ("Defendants' Motion to Dismiss"). After considering the pleadings, motion, affidavits and exhibits on file in this cause, the relevant authorities and arguments of counsel, the Court finds that the motion has merit and should be GRANTED. It is therefore ORDERED, ADJUDGED, AND DECREED that:


1. The Plaintiff's request for limited discovery is DENIED.
2. The Defendants' Motion to Dismiss Pursuant to Chapter 27, Tex. Civ. Prac. & Rem. Code is GRANTED, and all claims asserted by the Plaintiff are hereby DISMISSED WITH PREJUDICE.
3. It is ORDERED that Plaintiff pay Defendants \$579.10 in expenses.
4. It is further ORDERED that Plaintiff pay Defendants \$8,400 in attorneys' fees, an amount this Court finds to be reasonable and necessary.
5. It is further ORDERED that Plaintiff pay Defendants sanctions pursuant to Chapter 27, Tex. Civ. Prac. & Rem. Code, in the amount of \$1,000.

6. It is further ORDERED that Plaintiff pay Defendants the following reasonable and necessary attorneys' fees in the event of an appeal resulting in affirmance of this ruling as follows:

- a. \$15,000 in the event of an appeal to the Court of Appeals requiring briefing;
- b. \$5,000 additional in the event of oral argument in the Court of Appeals;
- c. \$5,000 additional in the event of a Petition for Review to the Texas Supreme Court filed by the Defendants;
- d. \$5,000 additional in the event of a request for a Response to a Petition for Review to the Texas Supreme Court filed by Plaintiff;
- e. \$10,000 additional in the event of merits briefing in the Texas Supreme Court;
- f. \$5,000 additional in the event of oral argument in the Texas Supreme Court.

All other relief requested by any party not granted herein is DENIED.

Signed this 13<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
Amy Clark Melchum, Presiding  
Judge, 201<sup>st</sup> District Court  
Travis County, Texas

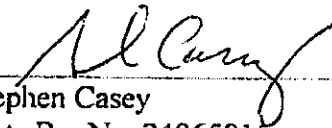
AGREED AS TO FORM:

By: 

\_\_\_\_\_  
Peter D. Kennedy  
State Bar No. 11296650  
pkennedy@gdhn.com  
GRAVES, DOUGHERTY, HEARON & MOODY, P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701  
(512) 480-5764  
(512) 536-9908 (Fax)

**ATTORNEYS FOR DEFENDANTS**

By: \_\_\_\_\_



Stephen Casey  
State Bar No. 24065015  
stephen@caseylawoffice.us  
CASEY LAW OFFICE, P.C.  
595 Round Rock West Drive, Suite 102  
Round Rock, Texas 78681  
(512) 257-1324  
(512) 853-4098 (Fax)

**ATTORNEY FOR PLAINTIFF**