

**CAUSE NO.: 380-00674-2023**

**AARON VANN, *et al***  
***Plaintiffs,***

**v.**

**KIM T. COLE, *et al.***  
***Defendants.***

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**IN THE DISTRICT COURT**

**380<sup>TH</sup> JUDICIAL DISTRICT**

**COLLIN COUNTY**

**MOTION FOR JUDGMENT NOTWITHSTANDING VERDICT**

COMES NOW, Defendant, SUMMER SMITH (“Smith”), pursuant to Rule 301 of the Texas Rules of Civil Procedure, and hereby respectfully moves this Court to render judgment notwithstanding the verdict in her favor as to Plaintiff’s claims of invasion of privacy and intentional infliction of emotional distress. TEX. R. CIV. P. 301. In support of this Motion, Smith shows the Court as follows:

On October 30, 2025, after trial, the jury returned a verdict in favor of Plaintiff on claims of intentional infliction of emotional distress and invasion of privacy, awarding damages of One Million Five Hundred Ninety-Nine Thousand & 00/100 dollars (\$1,599,000.00), to Plaintiff for each claim, resulting in a total of Three Million Five Hundred Ninety-Eight Thousand & 00/100 dollars (\$3,198,000.00.)

**I.**  
**PRELIMINARY STATEMENT**

Plaintiff’s<sup>1</sup> entire theory of liability was based upon his alleged harm caused by third parties. To this point, Plaintiff’s counsel’s courtroom theatrics during his closing argument portrayed his repeated attempts to strike a match to demonstrate that Smith (and Co-Defendant

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<sup>1</sup> This suit was originally filed by a next of kin, Aaron Vann; however, during this course of this litigation, Plaintiff Asher Vann reached the age of maturity (i.e. turned 18 years of age). Aaron Van is the father of Ascher Vann. On the first day of trial, Defendants objected to Aaron Van’s participation in trial and voir dire as a party to the case and requested that Plaintiffs be required to amend their pleadings to remove Aaron Vann as a Plaintiff. Although the objection was overruled and the request denied, Defendants maintain that Aaron Vann is not a proper party to this suit.

Cole) were the “spark” or “source” that caused the subsequent “social media firestorm” that inspired *others* to cause Plaintiff’s alleged harm.

Smith cannot be held liable for the acts of third parties in the claims asserted by Plaintiff. Both Invasion of Privacy by Publication of Private Facts (“IPPPF”) and Intentional Infliction of Emotional Distress (“IIED”) specifically require that Smith’s actions be the actual, direct cause of Plaintiff’s alleged damages.

## **II. SUMMARY OF ARGUMENT**

Plaintiff sued Smith for 1) invasion of privacy by publication of private facts (“IPPPF”) and 2) intentional infliction of emotional distress (“IIED”). During three days of trial, Plaintiff failed to present evidence sufficient to establish any essential elements of his claims. Plaintiff made the following claims in his Petition: 1) “Defendant publicized information regarding A.V.’s private life – namely, his name and address”; 2) “the information publicized was not of legitimate public concern”; and 3) defendants acted intentionally and/or recklessly, when they knowingly and intentionally launched a crusade of false facts, allegations, and narratives to create a social media and public outrage designed to torment A.V. and subject him to intense ridicule, hatred, embarrassment, and fear - all based on facts Defendants knew to be false.”

However, during trial Plaintiff presented no evidence in support of those conclusions. For that reason, Defendant Smith’s *Motion for Judgment Notwithstanding the Verdict* should be granted.

## **III. STANDARD OF REVIEW**

A court may disregard a jury’s verdict and render judgment notwithstanding the verdict (JNOV) if no evidence supports the jury’s findings, or if a directed verdict would have been proper. *Tiller v. McClure*, 121 S.W.3d 709, 713 (Tex. 2003) (citing *Brown v. Bank of*

*Galveston, Nat'l Ass'n*, 963 S.W.2d 511, 513 (Tex. 1998)); *Williams v. Briscoe*, 137 S.W.3d 120, 124 (Tex. App.-Houston [1st Dist.] 2004, no pet.). To determine whether a JNOV is appropriate, we apply the standards that govern “no evidence,” i.e., legal-sufficiency, review. *See Wal-Mart Stores, Inc. v. Miller*, 102 S.W.3d 706, 709 (Tex. 2003); *Williams*, 137 S.W.3d at 124; *see also City of Keller v. Wilson*, 168 S.W.3d 802, 823 (Tex. 2005) (“[T]he test for legal sufficiency should be the same for summary judgments, directed verdicts, judgments notwithstanding the verdict, and appellate no-evidence review.”).

A legal sufficiency point must be sustained: (1) when there is a complete absence of a vital fact; (2) when rules of law or evidence preclude according weight to the only evidence offered to prove a vital fact; (3) when the evidence offered to prove a vital fact is no more than a scintilla; or (4) when the evidence conclusively establishes the opposite of the vital fact. *See id.*, 168 S.W.3d. Less than a scintilla of evidence exists when the evidence is “so weak as to do no more than create a mere surmise or suspicion” of a fact, and the legal effect is that there is no evidence. *Kindred v. Con/Chem, Inc.*, 650 S.W.2d 61, 63 (Tex. 1983).

## **1. INVASION OF PRIVACY CLAIM**

Invasion of Privacy is the intentional intrusion, physically or otherwise, upon another’s solitude, seclusion, or private affairs or concerns. To succeed on a claim for IPPPF, a plaintiff must prove a) that the publicized information contains highly intimate or embarrassing facts about a person’s private affairs; b) that such information was communicated to the public at large; and c) that the information is not of legitimate concern to the public. *See Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex.1976) (discussing elements of IPPPF tort); *Johnson v. Sawyer*, 47 F.3d 716, 733 (5th Cir.1995) (finding that the facts publicized plaintiff’s middle initial, age, address and job title were not secret or highly embarrassing facts); *Peavy v. Harman*, 37 F. Supp. 2d 495, 522 (N.D. Tex. 1999) (defendant entitled to summary

judgment on plaintiff's IPPPF claim because the fact that a school board official was corrupt was a matter of legitimate public concern).

There's also a reasonableness element in which Plaintiff must show that the information would be highly offensive to a reasonable person. *Roberts v. CareFlite*, 2012 WL 4662962 (Tex. App. — Fort Worth 2012). The movant need not disprove all elements of the cause of action it seeks to dispel, rather, it only must disprove one element of each cause of action. See *Stanfield v. Neubaum*, 494 S.W.3d 90, 96 (Tex. 2016). Each cause of action that lacks sufficient proof for at least one of its elements must be removed. *Id.*

Plaintiff's Complaint alleges "**Defendants publicized information regarding A.V.'s private life – namely, his name and address...**" The court has held that in order to succeed on an IPPPF claim, the publication must contain highly embarrassing private facts.

**(a) Intentional Intrusion**

At a fundamental level, Plaintiff failed to prove that Defendant Smith disclosed highly embarrassing or intimate facts. Defendant Smith did not disclose Plaintiff's full name nor address. To establish the element, Plaintiff relied on a Facebook post contained on Defendant Smith's social media page. However, *on its face* the Facebook post that Plaintiff relied on did not contain personal information regarding Plaintiff, nor his name or address, but rather it contained sensitive details regarding incidents that were **done to Smith's son**. Portions of the Facebook post was produced in discovery; however, this document was not admitted into evidence.<sup>2</sup> Additionally, Defendant Smith testified that other third parties, who were not under her control, made various posts online to Smith's Facebook page that contained numerous statements regarding the perpetrators, many of which were not Smith's shared sentiment. Significantly, because other third parties had attempted

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<sup>2</sup> Note, the exclusion of this evidence was addressed on the record and will be further addressed in Defendant Smith offer of proof, which was also requested on the record during trial.

to share the name of the perpetrators who violated Smith's son, Smith subsequently deleted her entire post – **to maintain the anonymity of the individuals involved in the incident.**

Because Plaintiff failed to present a scintilla of evidence to the jury that proved Defendant Smith actually disclosed the alleged highly intimate or embarrassing facts alleged, and that she did so intentionally, Plaintiff's Invasion of Privacy claim must fail on this element alone.

**(b) Highly Embarrassing Private Facts**

The court has held that in order to succeed on an IPPPF claim, the publication must contain highly embarrassing private facts. Plaintiff did not present the jury with any evidence that Smith disclosed any private facts which would be highly offensive to a reasonable person. In fact, Plaintiff's Complaint did not even allege that Smith disclosed any private facts which would be highly offensive to a reasonable person. Plaintiff's Complaint specifically alleged "**Defendants publicized information regarding A.V.'s private life – namely, his name and address...**" (*Aaron Vann's Original Third-Party Petition* at ¶ 33.)

**Texas has long recognized that publication of Plaintiff's name and address is not embarrassing, nor would it be considered to be highly offensive to a reasonable person. *Johnson v. Sawyer*, 47 F.3d 716, 733 (5th Cir.1995).**

Plaintiff does not allege that the publication of the video that depicted the incident between him and Smith's son was "embarrassing" or highly offensive to a reasonable person. In fact, Plaintiff's own friends recorded and disseminated the video of Plaintiff causing a disabled child (Smith's son) to drink urine. Importantly, Plaintiff does not allege that the disclosure of this video caused him harm, although the incident contained in the video is what gave rise to the social media post at issue. Along with Plaintiff's friends, Smith also disclosed the video of Plaintiff committing this heinous crime and notably during trial, Plaintiff referred to this incident as a "prank." This distinction is critical because Plaintiff's IPPPF claim does not turn on the disclosure of the video

depicting Plaintiff's involvement in the incident, but rather on whether the alleged disclosure of Plaintiff's address and name somehow caused him injury. Texas courts are clear on this issue – name and addresses do not rise to the level of highly embarrassing or offensive facts. Accordingly, Plaintiff's Invasion of Privacy claim must also fail based upon his failure to prove this requisite element.

**(c) Public Disclosure**

As equally as important, there is no evidence in the record that Smith disclosed Plaintiff's name and address to the "public at large." After the incident, Smith made a Facebook post that did not contain any identifying information regarding Plaintiff. After the post went viral, Smith completed interviews regarding the incident involving her son and again did not mention any identifying information about Plaintiff. This fact was supported by Plaintiff's own expert who testified that he did not find any sites or material where Defendant Smith referred to Plaintiff by name. In subsequent investigations by the school the individuals involved attended, the police investigation, and disclosure of facts by third parties not in Defendant Smith's control, the identity of the individuals involved were discovered, and it was only after public backlash that Plaintiff expressed any embarrassment about the "prank". However, there is no evidence that proves Defendant Smith disclosed Plaintiff's name and address; therefore, this claim must fail based on Plaintiff's failure to satisfy this element.

**(d) Causation**

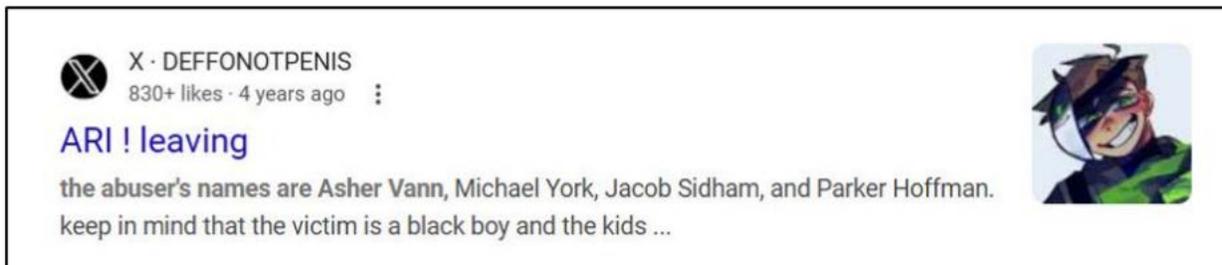
Even if Plaintiff had presented evidence that the general public gained information regarding Plaintiff's name or home address directly from Smith, Plaintiff did not present a single piece of evidence to demonstrate that Smith's purported "disclosure" was the direct cause of Plaintiff's harm. In fact, Plaintiff proved that other unnamed parties were the cause of his alleged

injuries. Both Plaintiff and his father Aaron Vann testified under oath that the harm experienced was **third parties** “protesting” and throwing bricks at their home, and online harassment.

Additionally, as pointed out earlier, Plaintiff’s own expert witness, Chris Silver Smith (“Silver”) presented a one hundred twenty-one (121) page report, entered as Plaintiff’s Exhibit 31, explaining damage to Plaintiff’s online reputation. Silver testified that he found a total of 7,938,986 “impressions” online. (See Plaintiff’s Trial Exhibit 31 at p. 71).

When questioned on cross as to how many of those impressions were attributable to Smith, Silver responded with a comprehensive total of “ZERO.”

Silver’s expert report additionally identified numerous instances of **third parties** disclosing Plaintiff’s name, NONE of which were attributed to Smith.



(Plaintiff’s Exhibit 31 at p. 25)



(Plaintiff’s Exhibit 31 at p. 35)

 **@Clee-os6pv** 4 years ago  
 WTF! Why haven't the bullies? Been punished yet this is unacceptable also what about the parents of the bullies. Are they not going to punish their own kids who took part in this.

👍 16 🗨️ Reply

^ 2 replies

 **@so4realitye900** 4 years ago  
 Plano

👍 1 🗨️ Reply

 **@LMLification** 4 years ago  
 NAMES OF THE DEMONS INVOLVED AT SLEEPOVER: Asher Vann, Michael York, Jacob Sidham, and Parker Hoffman. PUT THESE PEOPLE ON BLAST!

👍 4 🗨️ Reply

(Plaintiff's Exhibit 31 at p. 40)

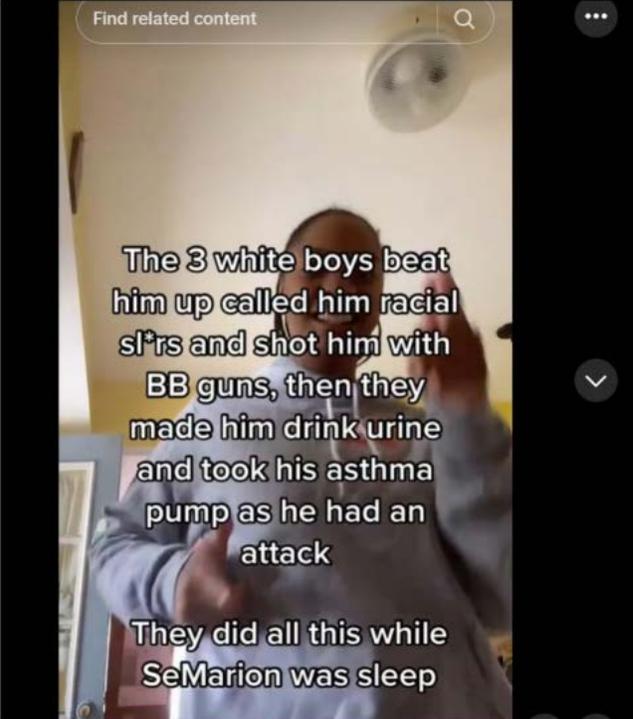
 **@tottievision** 4 years ago

The criminals names are:  
 Asher Vann  
 Michael York  
 Jacob Sidham...

Read more

👍 11 🗨️ Reply

(Plaintiff's Exhibit 31 at p. 41)



**loves.jazzy**  
 Jazz · 2021-3-6 Follow

The boys names r Asher Vann, Michael York, Jacob Sidham, and Parker Hoffman and they go unpunished #justiceforsemarion

🎵 Renai Circulation (English Cover) [2012 TV Size] - Lizz Robinett

👍 6 🗨️ 1 📌 0

<https://www.tiktok.com/@loves.jazzy/video/693661310...> Copy link

Comments (1) Creator videos

 **Jazz - Creator**  
 I used this sound so it'll get views y'all I'm not actually happy about this 🤔

2021-3-6

(Plaintiff's Exhibit 31 at p. 42)

Based upon the Plaintiff's and his father's sworn testimony, the actions of third parties caused Plaintiff's alleged harm, and Plaintiff did not present any legal authority for his premise that Defendant Smith can be held liable for the acts of third parties not in her control.

(e) **Damages.** Additionally, Plaintiff presented no credible evidence of damages that can be attributed to actions caused by Smith. Thus, Defendant Smith is entitled to a Judgment notwithstanding the verdict on Plaintiff's IPPPF claim as a matter of law.

## **2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

It is important to note that intentional infliction of emotional distress is considered a "gap-filler" tort in Texas, meaning it is only available in **rare** cases where no other legal remedy exists. The Texas Supreme Court has emphasized that IIED claims cannot be used to circumvent limitations on other torts, such as defamation, or when the gravamen of the complaint is another tort. *Hoffmann-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438. The court clarified that IIED is not available if the plaintiff's claim is primarily based on another recognized tort, even if emotional distress results. *Hoffmann-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438, *Moser v. Roberts*, 185 S.W.3d 912.

Here, Plaintiff asserted a claim of invasion of privacy by public disclosure of private facts against Smith. Accordingly, Plaintiff's separate claim for IIED should fail as a matter of law.

Notwithstanding, to recover damages for intentional infliction of emotional distress under Texas law, the Plaintiff must establish four essential elements: (1) the defendant acted intentionally or recklessly; (2) the defendant's conduct was extreme and outrageous; (3) the defendant's actions caused the plaintiff emotional distress; and (4) the resulting emotional distress was severe. *Warner Bros. Entm't, Inc. v. Jones*, 538 S.W.3d 781 (Tex. App. 2017), *Cunningham v. Waymire*, 612 S.W.3d 47 (Tex. App. 2019). The Texas Supreme Court has set a high standard for this tort,

limiting it to situations involving egregious wrongs that would otherwise be legally unprotected. *Warner Bros. Entm't, Inc. v. Jones*, 538 S.W.3d 781 (Tex. App. 2017).

(1) **Intentional or Reckless Acts**

For a successful claim, the plaintiff's emotional distress must be the intended or primary consequence of the defendant's conduct. *Espinosa v. Aaron's Rents, Inc.*, 484 S.W.3d 533 (Tex. App. 2016), *Durckel v. St. Joseph Hosp.*, 78 S.W.3d 576 (Tex. App. 2002). A claim for intentional infliction of emotional distress cannot be maintained when the risk that emotional distress will result is merely incidental to the commission of some other tort. *Durckel v. St. Joseph Hosp.*, 78 S.W.3d 576 (Tex. App. 2002).

(2) **Extreme Conduct** – The “extreme and outrageous” element requires conduct that is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. *Hersh v. Tatum*, 526 S.W.3d 462 (Tex. 2017)

Although **Plaintiff's** conduct involving the incident with Smith's son were intentional, extreme, outrageous, reckless, and beyond the bounds of all decency in a civilized community, Smith's discussion of Plaintiff's atrocious criminal behavior was not – in fact she has a constitutional right to speak on the incident involving her son. Plaintiff testified that prior to any conduct giving rising to Plaintiff's counterclaims against Smith, he planned and willfully participated in causing a disabled child to drink urine. More specifically, Plaintiff admitted under oath that he supplied a cup, and then passed the cup around for “his friends” to urinate in. Plaintiff admitted under oath that he personally was the one who held the cup of urine to the victim's mouth. Plaintiff's friends shared the video on social media platforms as well as online gaming platforms prior to Smith's Facebook post at issue during trial that addressed these same videos. In this connection, two of Plaintiff's witnesses, Ms. Koehne and Ms. Washington both testified under

oath that the “urine” video, alongside a video of a “slapping” incident involving Smith’s son, had been shared on social media. Smith’s son later became aware that the videos had been circulated on social media. Defendant Smith did not originally release these videos that depicted Plaintiff’s vile and outrageous acts, nor did Smith take any intentional or reckless action designed to cause any harm to Plaintiff. Instead, Smith merely exercised her right to discuss the conduct contained in the videos that had already been shared to the public.

To simply make a conclusory statement that Smith’s conduct was “extreme and outrageous” is not sufficient to satisfy this element of Plaintiff’s claim. “Meritorious claims for intentional infliction of emotional distress are relatively rare precisely because most human conduct, even that which causes injury to others, cannot be fairly characterized as extreme or outrageous.” *Kroger Tex. Ltd. P’ship v. Suberu*, 216 S.W.3d 788, 796 (Tex. 2006). Successful intentional infliction of emotional distress claims must typically consist of conduct that borders on “serious criminal acts.” *Creditwatch, Inc. v. Jackson*, 157 S.W.3d 814, 818 (Tex. 2005).

Plaintiff failed to produce a scintilla of evidence that any of Smith’s actions were so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

Further, the record does not contain any evidence presented to the jury that Smith ever mentioned Plaintiff – by name or otherwise - in any statements that would be embarrassing or that would cause Plaintiff harm. Plaintiff took issue with Smith referring to actions committed against her black son as “racially motivated” in public discussions. Smith testified under oath that her son had been called a “nigger” by Plaintiff’s guests who urinated in the cup. She also testified that her son had been beaten with belt and called a “slave” in one incident, which she sought to have Plano ISD address. According to Plaintiff’s testimony, he believed that by him being friends with perceived racists in the public eye, the public may perceive him as being a racist as well. This does

not meet the high threshold of extreme and outrageous conduct. (*See* Plaintiff's Trial Exhibits 15, 16, 17, 22, 41, 42, 43). Moreover, Smith cannot be held liable for the perception of third parties.

### **(3) Causation**

For a successful claim, the plaintiff's emotional distress must be the intended or primary consequence of the defendant's conduct. *Espinosa v. Aaron's Rents, Inc.*, 484 S.W.3d 533 (Tex. App. 2016), *Durckel v. St. Joseph Hosp.*, 78 S.W.3d 576 (Tex. App. 2002). A claim for intentional infliction of emotional distress cannot be maintained when the risk that emotional distress will result is merely incidental to the commission of some other tort. *Durckel v. St. Joseph Hosp.*, 78 S.W.3d 576 (Tex. App. 2002)

Plaintiff's First Amended Petition explicitly cited intent as follows:

Smith, Cole, and Doe severely and intentionally twisted the events to fit a false narrative, in an effort to garner publicity, raise money, and elevate Cole's professional and Doe's social media profiles.

Smith, Cole, and Doe also embarked on a media and social media campaign. They revealed information regarding the boys, their names, addresses, their parents, and their parents' businesses. They made posts to social media, comments to the media, participated in press conferences, issued press releases... *Id.* at page 5

Defendants intentionally and knowingly embarked on a fraudulent campaign to ruin these boys' lives so they could raise money, and they didn't care that they caused the boys to be subject to overwhelming and unwarranted public hatred, disdain, and ridicule, and suffer extreme physical and psychological distress. *Id.* at page 7.

The emotional distress suffered by Asher was severe as described above, and Defendants' conduct proximately caused (and was intended to cause) Asher's emotional distress. No alternative cause of action would provide a remedy for the severe emotional distress caused by Defendants. *Id.* at page 9.

Plaintiff's counsel repeatedly referenced Smith's desire for money and press. Following Plaintiff's logic, if Smith's intent was to garner publicity, raise money, elevate her media profile, then any harm Plaintiff purported to suffer as a result was an *unintended* consequence and not intentional.

Plaintiff produced absolutely no evidence that Smith's actions **directly caused** Plaintiff any emotional distress or losses of any kind. The claims in this matter arise from Plaintiff allegedly being subjected to "public hatred, disdain, and ridicule" **from others**. At no point did Plaintiff testify or produce any evidence that Smith was the direct cause or source of Plaintiff's alleged ridicule, hatred, embarrassment or fear.

In fact, Plaintiff's evidence and testimony proved the exact opposite. Plaintiff testified that the actions of other third parties placed him in fear and were the source of Plaintiff's emotional distress. Plaintiff testified that others protested at his home and threw bricks at their windows, although there was no evidence provided to support these allegations, such as photographs, videos, or invoices for replacement windows. When questioned under oath, Plaintiff did not declare that Smith participated in any protest at his home, and he denied that Smith was the source of any of those online attacks.

Additionally, Plaintiff's own witness/father, Aaron Vann, also testified that the actions of other third parties (protests, throwing bricks at their home, online comments/threats) were the source of Plaintiff's emotional distress.

Plaintiff's counsel read into evidence an online comment made by a third party (Angela White) made on a comment on Smith's Facebook post and attempted to attribute the comment to Smith, wrongfully proclaiming that Smith was responsible because she shared the same sentiments. (*See* Plaintiff's Exhibit 34 and Defendants' Trial Exhibit 12)



Angela White

Summer Alicia You dam right, post that baby's face, cause guess what, the world needs to understand AND BE FULLY CLEAR that King Semarion is NOT ALONE, was NEVER ALONE, and WILL NEVER BE ALONE! He will never have to face ANY adversities and/or misfortunes he might face ALONE, and to those Dark Triads who premeditated this heinous act on this King, your nightmare has just begun!! No threats,

NOT ALONE, was NEVER ALONE, and WILL NEVER BE ALONE! He will never have to face ANY adversities and/or misfortunes he might face ALONE, and to those Dark Triads who premeditated this heinous act on this King, your nightmare has just begun!! No threats, all truth, WE WILL NOT REST UNTIL YOUR COLLEGE ADMISSIONS APPS ARE REJECTED, YOUR NAME AND YOUR PARENTS NAME IS SMEARED TO SHAME, AND IF YOUR GRANDPARENTS ARE STILL AMONG THE LIVING, PLEASE PUT THEM ON NOTICE A.S.A.P THAT WE'RE COMING FOR THEM TOO, SINCE YOU ARE A PRODUCT OF THEIR ENVIRONMENT! Those fools then made me so dam angry 😡 I then stepped out of my Christian values, but thank God I serve a God who knows my heart! This one is a tough one for me to forgive, I normally can move past things pretty quickly, I just don't see this as something I can forgive right now, or maybe not in this lifetime. I'm gonna try, but I just don't see it. I can't even stop crying, the anger, the sadness, the hurt, all of the same feelings I experienced when George Floyd was MURDERED!

Again, perhaps the most conclusive evidence that Smith did not cause Plaintiff’s alleged harm was that Plaintiff’s own expert witness, Silver, testified and presented an extensive report (Plaintiff’s Exhibit 31) in which he identified evidence of 7,938,986 other prospective sources for Plaintiff’s emotional distress. Silver testified that of the 7,938,986 online “impressions” he found, none could be attributed to Defendant Smith.

(4) **Damages** – Given that Plaintiff failed to produce any evidence to establish any element of his Intentional Infliction of Emotional Distress claim, Defendant Smith is entitled to a judgment notwithstanding the verdict on those claims as a matter of law.

However, in the event that the Court finds that Plaintiff did meet the bar of proving each element of claims, Plaintiff failed to establish that his damages were directly caused by Smith's actions or that he is entitled to damages for the claims he alleged. Plaintiff's expert witness repeatedly referenced defamation of Plaintiff and perceived "damage to Plaintiff's reputation." Plaintiff's purported damages for "harm to reputation" would have been actionable under a defamation of character claim. However, Plaintiff's abandoned those claims in *Vann's First Amended Petition*, arguably because *truth* is a defense to defamation claims. Therefore, Silver's report is fundamentally flawed and incompetent evidence of damages that has no probative value other than to establish that Smith was not the source of Plaintiff's alleged harm.

Furthermore, the evidence at trial does not support the jury's verdict. Plaintiff did not question the witnesses about the damages or figures that he represented to the jury in his closing, nor did he make any attempt to provide a foundation for how he arrived at the numbers he instructed the jury to use. At a basic level the numbers are astronomical and legally and factually unsound. For example, the jury awarded Plaintiff \$700,000 in future loss earnings, while he testified that he now has a job and was allegedly only refused a job offer at Chili's that would have resulted in an annual salary of \$20,000.

There's also no evidence to support an award of \$200,000 in pain and suffering against Smith for the reasons outlined above. Moreover, there was no credible evidence presented at trial to establish any alleged damages for medical care expenses. In fact, Plaintiff's responses to discovery contradicted the representations made before the jury:

**INTERROGATORY NO. 2:** Identify any counselor, psychiatrist, psychologist, or other mental health provider to whom you went to, or who treated or provided mental health services to you from March 1, 2021, through the date you respond to this request.

**RESPONSE:** Plaintiff sought assistance from a counselor, but that only lasted a while and I do not recall their name. However, I also sought treatment for anxiety and depression from my doctor.

**REQUEST FOR PRODUCTION NO. 9:** Please produce any documents which evidence or reflect monies you paid a counselor, psychiatrist, psychologist, or other provide for mental health services you received, from March 1, 2021, through the date you respond to this request.

**RESPONSE:** Plaintiff objects to this request as outside the scope of discovery and not reasonably calculated to lead to the discovery of admissible evidence in this suit.

While Plaintiff refused to provide any evidence to support his allegation of medical treatment, Plaintiff's counsel went through a lengthy and exhaustive crusade to gain access to Smith's son's mental health records and bills, thereby holding Smith to a standard to prove factual allegations that Plaintiff himself was not willing to prove.

#### **IV. DUPLICATIVE DAMAGES**

Smith incorporates and adopts the foregoing paragraphs as if fully set forth herein. The executed Jury Charge (*See Exhibit A*) erroneously and unjustly assesses identical damages for each item in both claims. For example, on page 6 of the Jury charge, in response to Question 4 "*What sum of money, if paid now in cash, would fairly and reasonably compensate Asher Vann for his injuries, if any*, the answer to written Question 4, Line item "c" which indicates "medical care expenses incurred in the past" the amount of "\$30,000" is written. (*See excerpt below.*)

**QUESTION 4**

What sum of money, if paid now in cash, would fairly and reasonably compensate *Asher Vann* for his injuries, if any, that resulted from the infliction of severe emotional distress?

- a. Physical pain and mental anguish sustained in the past.

Answer: \$ 200,000

- b. Physical pain and mental anguish that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 200,000

- c. Medical care expenses incurred in the past.

Answer: \$ 30,000

However, on page 11, in response to the question 10, *What sum of money, if paid now in cash, would fairly and reasonably compensate Asher Vann for his injuries, if any, that resulted from the infliction of severe emotional distress* “medical care expenses incurred in the past” the answer to item c “\$30,000” is also written. (See excerpt below.)

**QUESTION 10**

What sum of money, if paid now in cash, would fairly and reasonably compensate *Asher Vann* for his injuries, if any, that resulted from the publication of matters concerning *Asher Vann*’s private life, which would be highly offensive to a reasonable person?

- a. Physical pain and mental anguish sustained in the past.

Answer: \$ 200,000

- b. Physical pain and mental anguish that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 200,000

- c. Medical care expenses incurred in the past.

Answer: \$ 30,000

In fact, ALL damages are identical for both the IPPPF and IIED claims. Notwithstanding the fact that Plaintiff provided no evidence of his medical expenses, it is not conscionable that Plaintiff would have incurred two separate identical \$30,000 medical bills for “past medical expenses”; an identical \$20,000 “loss in earning capacity in the past”; or identical \$349,000 damages for “reasonable costs associated with “repair of Asher Vann’s reputation” connected specifically to each claim. Plaintiff testified to the loss of one job in which he earned approximately \$20,000 annually. Furthermore, Plaintiff’s expert testified to one cost to repair Plaintiff’s reputation, which was based on a claim of defamation – a claim that Plaintiff abandoned. Stated otherwise, there is no competent evidence in the record that would support the jury’s award of damages.

Additionally, given that Plaintiff has a right to recover on an IPPPF claim, he has no right to recover anything on an IIED claim, and Plaintiff must choose his remedy. *Hoffmann-La Roche, Inc. v. Zeltwanger*, 144 S.W.3d 438, *Moser v. Roberts*, 185 S.W.3d 912.

Smith further incorporates and adopts the Objections to Plaintiff’s Proposed Judgment filed on November 10, 2025 as if fully set forth herein.

### **CONCLUSION & PRAYER FOR RELIEF**

Plaintiff’s case is deficient on its face. Plaintiff failed to present legally sufficient evidence to support the essential elements of the claims for intentional infliction of emotional distress and invasion of privacy. Additionally, assuming in arguendo that Plaintiff provided sufficient evidence to support his claims – which he did not - because Plaintiff has a cognizable claim for invasion of privacy, he cannot recover for any claims for intentional infliction of emotional distress.

WHEREFORE PREMISES CONSIDERED, Defendant Smith respectfully requests that this Court grant this Motion for Judgment Notwithstanding the Verdict and enter judgment in favor of Smith denying all claims asserted by Plaintiff against Smith in this action, and for such other

and further relief to which she may be justly entitled.

Respectfully submitted,

/s/Summer Smith  
Summer Smith  
Pro Se  
[Summeralicia2022@gmail.com](mailto:Summeralicia2022@gmail.com)  
5713 Diana Drive  
Garland, TX 75043  
(972) 850-8185

### **CERTIFICATE OF SERVICE**

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on November 10, 2025:

/s/ Summer Smith  
Summer Smith

# **EXHIBIT A**

**ORIGINAL****IN THE 380<sup>TH</sup> JUDICIAL DISTRICT COURT****THE STATE OF TEXAS***BENJAMIN SMITH, JUDGE PRESIDING***CAUSE NO. 380-00674-2023**

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**AARON VANN, AS NEXT FRIEND OF A.V.****AND ASHER VANN***Plaintiffs***vs.****KIM T. COLE****AND SUMMER SMITH***Defendants*

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**CHARGE OF THE COURT****MEMBERS OF THE JURY:**

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the internet. Do not post information about the case on the internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason.

Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the

evidence and not be influenced by the fact that another juror has or has not taken notes.

You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.

Here are the instructions for answering the questions.

1. Do not let bias, prejudice or sympathy play any part in your decision.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.
3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.
4. If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.
5. All the questions and answers are important. No one should say that any question or answer is not important.
6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence, unless you are told otherwise. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence, unless you are told otherwise.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of

documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct evidence, circumstantial evidence, or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. Unless otherwise instructed, the answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

**INSTRUCTIONS FOR QUESTION 1 AND QUESTION 2**

Intentional infliction of emotional distress occurs when the defendant acts intentionally or recklessly with extreme and outrageous conduct to cause the plaintiff emotional distress and the emotional distress suffered by the plaintiff was severe.

“Extreme and outrageous conduct” occurs only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized community.

**QUESTION 1**

Did *Summer Smith* intentionally inflict severe emotional distress on *Asher Vann*?

Answer “Yes” or “No.”

Answer: Yes

**QUESTION 2**

Did *Kim Cole* intentionally inflict severe emotional distress on *Asher Vann*?

Answer “Yes” or “No.”

Answer: Yes

**IF YOU ANSWERED “YES” TO BOTH QUESTION 1 AND QUESTION 2, THEN ANSWER QUESTION 3.**

**IF YOU ANSWERED “NO” TO EITHER QUESTION 1 OR QUESTION 2, THEN DO NOT ANSWER QUESTION 3.**

**IF YOU ANSWERED “NO” TO BOTH QUESTION 1 AND QUESTION 2, THEN DO NOT ANSWER QUESTION 3, QUESTION 4, QUESTION 5, OR QUESTION 6.**

**INSTRUCTIONS FOR QUESTION 3**

Assign percentages of responsibility to each person who you found caused or contributed to cause the infliction of severe emotional distress on *Asher Vann*. The percentages you must find must total 100 percent. The percentages must be expressed in whole numbers.

The percentage of responsibility attributed to any one is not necessarily measured by the number of actions or omissions found. The percentage of responsibility attributable to any one need not be the same percentage attributed to that one in answering another question.

**QUESTION 3**

For each person who you found caused or contributed to cause the infliction of severe emotional distress, find the percentage of responsibility for each:

Summer Smith      50 %

Kim Cole            50 %

Total:                      100%

**IF YOU ANSWERED “YES” TO EITHER OR BOTH QUESTION 1 AND QUESTION 2, THEN ANSWER QUESTION 4.**

**IF YOU ANSWERED “NO” TO BOTH QUESTION 1 AND QUESTION 2, THEN DO NOT ANSWER QUESTION 4.**

**INSTRUCTIONS FOR QUESTION 4**

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same type of loss, if any. Do not include interest on any amount of damage you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amounts, if any, in your answers because of the actions or omissions of *Asher Vann*.

Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

**QUESTION 4**

What sum of money, if paid now in cash, would fairly and reasonably compensate *Asher Vann* for his injuries, if any, that resulted from the infliction of severe emotional distress?

- a. Physical pain and mental anguish sustained in the past.

Answer: \$ 200,000

- b. Physical pain and mental anguish that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 200,000

- c. Medical care expenses incurred in the past.

Answer: \$ 30,000

- d. Medical care expenses that, in reasonable probability, *Asher Vann* will incur in the future.

Answer: \$ 100,000

- e. Loss of earning capacity sustained in the past.

Answer: \$ 20,000

- f. Loss of earning capacity that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 700,000

- g. Injury to *Asher Vann's* reputation in the past.

Answer: \$ 0

- h. Injury to *Asher Vann's* reputation and the reasonable costs associated with the repair of *Asher Vann's* reputation that, in reasonable probability, will be incurred or sustained in the future.

Answer: \$ 349,000

**INSTRUCTIONS FOR QUESTION 5**

To answer "Yes" to any part of Question 5, your answer must be unanimous. You may answer "No" to any part of Question 5 only upon a vote of ten or more jurors. Otherwise, you must not answer that part of Question 5.

"Clear and convincing evidence" means the measure or degree of proof that procures a firm belief or conviction of the truth of the allegations sought to be established.

"Malice" means a specific intent to cause substantial injury or harm to *Asher Vann*.

**QUESTION 5**

Do you find by clear and convincing evidence that the infliction of severe emotional distress upon *Asher Vann* resulted from malice?

For each party below, answer "Yes" or "No."

Summer Smith \_\_\_\_\_

Kim Cole \_\_\_\_\_

**IF YOU UNANIMOUSLY ANSWERED "YES" TO ANY PART OF QUESTION 5, THEN ANSWER QUESTION 6.**

**IF YOU ANSWERED "NO" TO BOTH PARTS OF QUESTION 6, DO NOT ANSWER QUESTION 6.**

**INSTRUCTIONS FOR QUESTION 6**

“Exemplary damages” means an amount that you may in your discretion award as a penalty or by way of punishment.

You must unanimously agree on the amount of any award of exemplary damages.

Factors to consider in awarding exemplary damages, if any, are:

1. The nature of the wrong.
2. The character or the conduct involved.
3. The degree of culpability of the party against whom exemplary damages are assessed.
4. The situation and sensibilities of the parties concerned.
5. The extent to which such conduct offends a public sense of justice and propriety.
6. The net worth of the party against whom damages are being assessed.

**QUESTION 6**

What sum of money, if paid now in cash, should be assessed against each party and awarded to *Asher Vann* as exemplary damages, if any, for the infliction of severe emotional distress?

Answer in dollars and cents, if any, for each party.

Summer Smith \_\_\_\_\_

Kim Cole \_\_\_\_\_

**INSTRUCTIONS FOR QUESTION 7 AND QUESTION 8**

“Publicize” means to communicate the information to more than a small group of persons so that the matter is communicated to the public at large, such that the matter becomes one of public knowledge.

You are instructed that *Summer Smith* destroyed and/or failed to preserve messages, posts, and/or comments made on one or more social medial platforms. You are instructed to presume that *Summer Smith* deleted her social media posts and messages, which would prove that she posted identifying information of *Asher Vann* using her social medial accounts.

**QUESTION 7**

Did *Summer Smith* publicize a matter concerning *Asher Vann's* private life, the publication of which would be highly offensive to a reasonable person?

Answer "Yes" or "No."

Answer: Yes

**QUESTION 8**

Did *Kim Cole* publicize a matter concerning *Asher Vann's* private life, the publication of which would be highly offensive to a reasonable person?

Answer "Yes" or "No."

Answer: Yes

**IF YOU ANSWERED "YES" TO BOTH QUESTION 7 AND QUESTION 8, THEN ANSWER QUESTION 9.**

**IF YOU ANSWERED "NO" TO EITHER QUESTION 7 OR QUESTION 8, THEN DO NOT ANSWER QUESTION 9. NEXT, ANSWER QUESTION 10.**

**IF YOU ANSWERED "NO" TO BOTH QUESTION 7 AND QUESTION 8, THEN DO NOT ANSWER QUESTION 9, QUESTION 10, QUESTION 11, OR QUESTION 12.**

**INSTRUCTIONS FOR QUESTION 9**

Assign percentages of responsibility to each person who you found caused or contributed to publication of a matter concerning *Asher Vann's* private life. The

percentages you must find must total 100 percent. The percentages must be expressed in whole numbers.

The percentage of responsibility attributed to any one is not necessarily measured by the number of actions or omissions found. The percentage of attributable to any one need not be the same percentage attributed to that one in answering another question.

### **QUESTION 9**

For each person who you found caused or contributed to cause the publication of a matter concerning *Asher Vann's* private life, which would be highly offensive to a reasonable person, find the percentage of responsibility for each.

Summer Smith	<u>50</u> %
Kim Cole	<u>50</u> %
Total:	100%

**IF YOU ANSWERED QUESTION 9, THEN ANSWER QUESTION 10.**

**IF YOU ANSWERED "YES" TO EITHER OR BOTH QUESTION 7 AND QUESTION 8, THEN ANSWER QUESTION 10.**

**IF YOU ANSWERED "NO" TO BOTH QUESTION 7 AND QUESTION 8, THEN DO NOT ANSWER QUESTION 10, QUESTION 11, OR QUESTION 12.**

### **INSTRUCTIONS FOR QUESTION 10**

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same type of loss, if any. Do not include interest on any amount of damage you find.

Answer separately, in dollars and cents, for damages, if any. Do not reduce the amounts, if any, in your answers because of the actions or omissions of *Asher Vann*.

Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

**QUESTION 10**

What sum of money, if paid now in cash, would fairly and reasonably compensate *Asher Vann* for his injuries, if any, that resulted from the publication of matters concerning *Asher Vann's* private life, which would be highly offensive to a reasonable person?

- a. Physical pain and mental anguish sustained in the past.

Answer: \$ 200,000

- b. Physical pain and mental anguish that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 200,000

- c. Medical care expenses incurred in the past.

Answer: \$ 30,000

- d. Medical care expenses that, in reasonable probability, *Asher Vann* will incur in the future.

Answer: \$ 100,000

- e. Loss of earning capacity sustained in the past.

Answer: \$ 20,000

- f. Loss of earning capacity that, in reasonable probability, *Asher Vann* will sustain in the future.

Answer: \$ 700,000

g. Injury to *Asher Vann's* reputation in the past.

Answer: \$ 0

h. Injury to *Asher Vann's* reputation and the reasonable costs associated with the repair of *Asher Vann's* reputation that, in reasonable probability, will be incurred or sustained in the future.

Answer: \$ 349,000

**IF YOU UNANIMOUSLY ANSWERED "YES" TO QUESTION 7 AND/OR QUESTION 8, THEN ANSWER QUESTION 11. OTHERWISE, DO NOT ANSWER QUESTION 11.**

**INSTRUCTIONS FOR QUESTION 11**

To answer "Yes" to any part of Question 11, your answer must be unanimous. You may answer "No" to any part of Question 11 only upon a vote of ten or more jurors. Otherwise, you must not answer that part of Question 11.

"Clear and convincing evidence" means the measure or degree of proof that procures a firm belief or conviction of the truth of the allegations sought to be established.

"Malice" means a specific intent to cause substantial injury or harm to *Asher Vann*.

**QUESTION 11**

Do you find by clear and convincing evidence that the publication of matters concerning *Asher Vann's* private life, which would be highly offensive to a reasonable person, resulted from malice?

For each party below, answer "Yes" or "No."

Summer Smith \_\_\_\_\_

Kim Cole \_\_\_\_\_

**IF YOU ANSWERED “YES” TO ANY PART OF QUESTION 11, THEN ANSWER QUESTION 12.**

**IF YOU ANSWERED “NO” TO BOTH PARTS OF QUESTION 11, THEN DO NOT ANSWER QUESTION 12.**

**INSTRUCTIONS FOR QUESTION 12**

“Exemplary damages” means an amount that you may in your discretion award as a penalty or by way of punishment.

You must unanimously agree on the amount of any award of exemplary damages.

Factors to consider in awarding exemplary damages, if any, are:

1. The nature of the wrong.
2. The character or the conduct involved.
3. The degree of culpability of the party against whom exemplary damages are assessed.
4. The situation and sensibilities of the parties concerned.
5. The extent to which such conduct offends a public sense of justice and propriety.
6. The net worth of the party against whom damages are being assessed.

**QUESTION 12**

What sum of money, if paid now in cash, should be assessed against each party and awarded to *Asher Vann* as exemplary damages, if any, for the publication of matters concerning *Asher Vann’s* private life, which would be highly offensive to a reasonable person?

Answer in dollars and cents, if any, for each party.

Summer Smith \_\_\_\_\_

Kim Cole \_\_\_\_\_

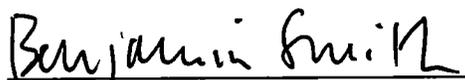
## **JURY FOREPERSON**

1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a foreperson.
2. The foreperson has these duties:
  - a. Have these instructions read aloud if it will be helpful to your deliberations;
  - b. Preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
  - c. Give written questions or comments to the bailiff who will give them to the judge;
  - d. Write down the answers you agree on;
  - e. Get the signatures for the verdict certificate; and
  - f. Notify the bailiff that you have reached a verdict.

## **INSTRUCTIONS FOR SIGNING THE VERDICT CERTIFICATE**

1. You may answer the questions on a vote of ten jurors. The same ten jurors must agree on every answer in the charge. This means you may not have one group of ten jurors agree on one answer and a different group of ten jurors agree on another answer.
2. If ten jurors agree on every answer, those ten jurors sign the verdict. If eleven jurors agree on every answer, those eleven jurors sign the verdict. If all twelve of you agree on every answer, you are unanimous and only the jury foreperson signs the verdict.
3. All jurors should deliberate on every question. You may end up with all twelve of you agreeing on some answers, while only ten or eleven of you agree on other answers. But when you sign the verdict, only those ten or eleven who agree on every answer will sign the verdict.

Signed on 30 October 2025.

  
PRESIDING JUDGE

**VERDICT CERTIFICATE**

Check one:

\_\_\_\_\_ Our verdict is unanimous. All twelve of us have agreed to each and every answer. The foreperson has signed the certificate for all twelve of us.

\_\_\_\_\_  
Foreperson Signature

\_\_\_\_\_  
Foreperson Printed Name

\_\_\_\_\_ Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

Signature

Printed Name

Wilhelm  
Hart

Wilhelm Hart

Farooque Nadeem

Rooney Redwine

Farooque Nadeem

Steve Kitcherland

Stephen Gates

STEPHEN GATES

James Tudor

JAMES TUDOR

Tesfaldet Anenya

TESFALDET ANENYA

Redemptor Amansa

Redemptor Amansa

Lucretia Anderson

Lucretia Anderson

Margaret C. Sheehan

Thuy Nguyen

Margaret C. Sheehan

10:30:25 - 11:07 am

Request the following  
videos;

PE 40 - ABC News

PE 41 - CBS News

PE 42 - wfca.tv

Wilhelm Hart

~~W Hart~~, Foreperson

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Filing Description: Motion for Judgment Notwithstanding the Verdict

Status as of 11/11/2025 7:30 AM CST

#### Case Contacts

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