

(Cite as: Not Reported in S.W.3d)

NOTICE: NOT DESIGNATED FOR PUBLICATION. UNDER TX R RAP RULE 47.7, UNPUBLISHED OPINIONS HAVE NO PRECEDENTIAL VALUE BUT MAY BE CITED WITH THE NOTATION "(not designated for publication)."

Court of Appeals of Texas, Dallas.

Rabbi Tommy L. PARKER, Appellant,

v.

The DALLAS WEEKLY, INC., Appellee.

No. 05-00-00197-CV.

Feb. 21, 2001.

On Appeal from the 134th Judicial District Court, Dallas County, Texas, Trial Court Cause No. DV99-07579-G.

Before [JAMES](#), [WRIGHT](#), and [RICHTER](#), JJ.

OPINION

[WRIGHT](#).

\*1 Rabbi Tommy L. Parker appeals the summary judgment granted in favor of The Dallas Weekly, Inc. Appellant sued appellee after it published an article referring to Parker as a "self-professed rabbi," claiming the reference to him as "self-professed" was defamatory. On appeal, appellant claims there are fact issues precluding summary judgment. We affirm the trial court's judgment.

Appellee moved for summary judgment on multiple grounds: (1) the affirmative defense of truth; (2) the phrase "self-professed rabbi" is not defamatory; and (3) the complained-of statement is not libelous per se. The trial court granted summary judgment without specifying a basis for its ruling.

When the trial court does not specify the basis for its ruling, it is appellant's burden on appeal to show that each of the independent grounds asserted in support of summary judgment is insufficient to support summary judgment. See [Williams v. Crum & Forster Comm'l Ins.](#), 915 S.W.2d 39, 43 (Tex.App.-Dallas 1995), *rev'd on other grounds* [U.S. Fire Ins. Co. v. Williams](#), 955 S.W.2d 267 (Tex.1997); [Cullen Frost Bank v. Commonwealth Lloyd's Ins. Co.](#), 852 S.W.2d 252, 256 (Tex.App.-Dallas 1993), *writ denied per curiam*, 889 S.W.2d 266 (Tex.1994).

Initially, we question whether appellant's brief is adequate to present error for our review. As noted by appellee, appellant's brief is inadequate for a number of reasons, including that it does not state the issues or points presented for review, nor does it contain a clear and accurate argument supported by appropriate citations to authority or the record. See [Tex.R.App.P. 38.1](#). Nevertheless, in the interest of justice, we have reviewed appellant's brief and, although not clear, it appears to challenge only the first ground presented by appellee in support of its motion for summary judgment. Appellant's brief does not challenge the remaining two grounds advanced by appellee in support of its motion. Appellant does not appear to address or discuss appellee's contentions that the complained-of statement is not defamatory nor libel per se. Because summary judgment may have been granted, properly or improperly, on a ground not challenged by appellant, we affirm the summary judgment. See [Holloway v. Starnes](#), 840 S.W.2d 14, 23 (Tex.App.-Dallas 1992, *writ denied*); [Warner v. Ornage County](#), 984 S.W.2d 357, 358 (Tex.App.-Beaumont 1999, *no pet.*); [King v. Texas Employers' Ins. Ass'n](#), 716 S.W.2d 181, 182 (Tex.App.-Fort Worth 1986, *no writ*).

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FN1. Appellant filed a brief on April 5, 2000. By letters dated April 7, 2000 and April 24, 2000, the Court notified appellant of deficiencies in his brief. On May 19, 2000, appellant filed an amended brief. We are considering the May 19, 2000 brief in this appeal.

FN2. Appellant's argument is that his "evidence presented establishes at the very least that there is a genuine issue as to the material facts. The plaintiff is Jesus Christ, Rabbi sent by God, which is a matter of the trial court to be determined only after a trial by a jury." We construe this argument to challenge appellee's contention that appellant is a "self-professed" rather than an "ordained" rabbi because appellant has not completed a course of study in a Jewish seminary. Thus, appellant's argument is directed at appellee's affirmative defense of truth.

Tex.App.-Dallas,2001.

Parker v. Dallas Weekly, Inc.

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