

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 07/01/13

DEPT. 75

HONORABLE CAROL BOAS GOODSON

JUDGE S. CHARLES

DEPUTY CLERK

HONORABLE #2

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. LEWIS

Deputy Sheriff

NONE

Reporter

8:30 am

BS143169

Plaintiff IN PROPRIA PERSONA  
Counsel

MARY KATHERINE CUMMINS-COBB

Defendant

VS

Counsel DEAN A. ROCCO

AMANDA LORRAINE LOLLAR

**NATURE OF PROCEEDINGS:**

harassment

Hearing on Petition for Injunction Prohibiting

The above entitled matter is called for hearing.

The petitioner is sworn.

The court finds that the petition, on its face, does not rise to the level of the issuance of an Injunction.

Oral argument taken from the petitioner.

The Petition For Injunction Prohibiting Harassment is denied.

Counsel for the respondent's motion for attorney fees is granted. The petitioner is ordered to pay the Law offices of Jackson/Lewis, the sum of \$6,350.00, within ninety (90) days.

MINUTES ENTERED 07/01/13 COUNTY CLERK
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**CH-120****Response to Request for Civil Harassment Restraining Orders**

Clerk stamps date here when form is filed.

**Use this form to respond to the Request (Form CH-100)**

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (Form CH-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use Form CH-250, Proof of Service of Response by Mail.)

**① Person Seeking Protection**

Name of person seeking protection (see Form CH-100, item ①):

Mary Katherine Cummins Cobb

**② Person From Whom Protection Is Sought**

a. Your Name: Amanda Lollar

Your Lawyer (if you have one for this case):

Name: Dean Rocco State Bar No.: 210481

Firm Name: Jackson Lewis LLP

- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: 725 S. Figueroa Blvd, Suite 2500

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 689-0404 Fax:

E-Mail Address: roccod@jacksonlewis.com

Fill in court name and street address:

Superior Court of California, County of  
Los Angeles  
111 N. Hill St.  
Los Angeles, CA 90012

Fill in case number:

Case Number:  
BS143169

Present your response and any opposition at the hearing. Write your hearing date, time, and place from Form CH-109 item ③ here:

**Hearing Date** → Date: 6/14/13 Time: 8:30 a.m.  
Dept.: 75 Room: 736

**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** At the hearing, the court may make orders against you that last for up to three years.

**③  Personal Conduct Orders**

- a.  I agree to the orders requested.  
b.  I do not agree to the orders requested.  
c.  I agree to the following orders (specify):

**④  Stay-Away Orders**

- a.  I agree to the orders requested.  
b.  I do not agree to the orders requested.  
c.  I agree to the following orders (specify):

**⑤  Additional Protected Persons**

- a.  I agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.  
b.  I do not agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.



**6 Guns or Other Firearms and Ammunition**

If you were served with Form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form CH-110. (See item 7 of Form CH-110.) You may use Form CH-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a.  I do not own or control any guns or firearms.
- b.  I have turned in my guns and firearms to the police or sold them to a licensed gun dealer.  
A copy of the receipt  is attached.  has already been filed with the court.

**7 Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested.
- c.  I agree to the following orders (*specify*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8 Denial**

I did not do anything described in item 7 of Form CH-100. (*Skip to 10.*)

**9 Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 9—Justification or Excuse" as a title. You may use Form MC-025, Attachment Respondent's response to all of the allegations with Form CH-100 is attached hereto in form MC-025 - Attachment - 9 - Justification or Excuse. In providing the response, Respondent denies engaging in much of the conduct alleged in Form CH-100, and by labelling the response as "Attachment 9 - Justification or Excuse", Respondent does not admit engaging in the alleged conduct.

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10  **No Fee for Filing**

- a.  I request that I not be required to pay the filing fee because the person in 1 claims in Form CH-100 item 13 to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.)

11  **Lawyer's Fees and Costs**

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs  
The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Prepare Response	\$ 5,525	_____	\$ _____
Attend Hearing	\$ 825	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

12 Number of pages attached to this form, if any: \_\_\_\_\_

Date: June 12, 2013

Dean A. Rocco  
Lawyer's name (if any)

► \_\_\_\_\_  
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_   
Type or print your name

► \_\_\_\_\_   
Sign your name

10  **No Fee for Filing**

- a.  I request that I not be required to pay the filing fee because the person in ① claims in Form CH-100 item ⑬ to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.)

11  **Lawyer's Fees and Costs**

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs  
The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Prepare Response	\$ 5,525		\$
Attend Hearing	\$ 825		\$
	\$		\$

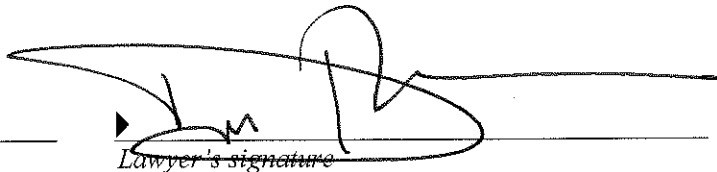
- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

12 Number of pages attached to this form, if any: 134

Date: June 12, 2013

Dean A. Rocco

Lawyer's name (if any)

  
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

  
Sign your name

FORM MC-025  
ATTACHMENT 9 – JUSTIFICATION OR EXCUSE

I. PRELIMINARY STATEMENT REGARDING RESPONDENT'S UNAVAILABILITY TO ATTEND JUNE 14, 2013 HEARING.

Respondent Amanda Lollar ("Lollar") resides in Texas and is responsible for running a non-profit bat sanctuary, Bat World Sanctuary ("Bat World"), in Mineral Wells, Texas. Lollar is the individual primarily responsible for running the organization. [See Declaration of Amanda Lollar ("Lollar Decl.") at ¶ 1]. Given these responsibilities and the short notice she received regarding the need to travel to California to attend the hearing, Lollar is unavailable to attend the June 14, 2013 hearing in person.

Lollar requests the Court deny Petitioner Mary Katherine Cummins Cobb's ("Cummins") application for restraining orders based upon the jurisdictional and substantive defects identified in this response. However, should the Court determine a further hearing is necessary, Lollar requests a continuance for a date convenient to the Court, but not less than 15 days from the current June 14, 2013 hearing date. See Cal. Code Civ. Proc. § 527(4); see also Cal. Rule of Court 3.1152(e).

II. INTRODUCTION

As a preliminary matter, the restraining order must be denied on the grounds Petitioner Mary Katherine Cummins Cobb's ("Cummins") failed to properly serve the request for restraining order and notice of hearing on Respondent Amanda Lollar's ("Lollar"), a Texas resident. As such, the Court lacks personal jurisdiction over Lollar and any order against her would be void.

Beyond the foregoing, Cummins does not and cannot offer any real evidence of a credible threat of violence against her or a willful course of conduct directed at her which seriously harassed her and served no legitimate purpose. Cal. Civ. Proc Code §527.6. To the contrary, Cummins has a history of instituting frivolous litigation and applications for restraining orders, including a recent failed attempt to sue Lollar in the U.S. District Court based upon some of the same conduct alleged in the application for restraining orders. In pursuing these matters, Cummins has demonstrated a propensity for making unfounded allegations against Lollar and countless other individuals. Indeed, it is Cummins who has subjected Lollar to a pattern of continuous harassment culminating with the filing of the instant

1 restraining order request. For example, Lollar recent secured a \$6.1 million judgment against Cummins  
2 based upon Cummins defamatory and harassing conduct.

3 For these reasons, which are more fully set forth below, Lollar respectfully requests the Court  
4 deny Cummins' request for restraining orders.

5 **III. SUMMARY OF RELEVANT FACTS**

6 **A. FOLLOWING CUMMINS' SHORT "INTERNSHIP" WITH LOLLAR'S  
7 ORGANIZATION, CUMMINS THREATENED, DEFAMED AND HARASSED  
8 LOLLAR TO THE POINT LOLLAR INSTITUTED A DEFAMATION ACTION  
9 AGAINST HER AND SECURED A \$6.1 MILLION DOLLAR JUDGMENT.**

9 For approximately one week in June 2010, Cummins worked as an intern for respondent Lollar's  
10 non-profit bat sanctuary in Mineral Wells, Texas, Bat World Sanctuary ("Bat World"). After Cummins'  
11 brief internship concluded, she initiated an online campaign to defame Bat World and Lollar by  
12 publishing a multitude of false and baseless allegations, including but not limited to, stating: Lollar  
13 engaged in animal cruelty; Bat World had been shut down by the health department; and Bat World was  
14 violating the health code and causing health and safety risks to animals and humans, including exposure  
15 to rabies. [Lollar Decl. at ¶ 3].

16 In response to such conduct, Lollar filed a defamation lawsuit against Cummins in Texas on  
17 behalf of herself and Bat World. Following a trial on the merits, the judge ruled the defamation carried  
18 about by Cummins was "egregious, as well as malicious as well as intentional" and awarded Lollar an  
19 injunction as well as actual and exemplary damages totaling \$6.1 million. [See Declaration of Katherine  
20 McSweeney ("McSweeney Decl.") at ¶ 2, Exh. "A" and "B" (*emphasis added*)].

21 **B. CUMMINS HAS A HISTORY OF INSTITUTING FRIVOLOUS LITIGATION  
22 AND MAKING UNFOUNDED ACCUSATIONS AGAINST INDIVIDUALS  
23 AGAINST WHOM SHE DEVELOPS VENDETTAS.**

24 **1. Frivolous Applications For Restraining Orders Filed by Cummins**

25 In September of 2010, Cummins filed a request for civil harassment restraining order against her  
26 then next door neighbor; the request was dismissed and no restraining order was ever issued.  
27 ["McSweeney Decl." ¶ 3, Exh. "C"]. In seeking this restraining order, Cummins accused her neighbor  
28 of such extreme and outlandish acts as "[taking] a sledgehammer to her house," "[tearing] down her  
fence and gazebo," and "[trying] to stab her husband with a machete". ["McSweeney Decl." at ¶¶ 3 and

1 8, Exh. "C" and "H"].

2 In December of 2010, Cummins filed an *ex parte* request for a civil harassment restraining order  
3 against Google's CEO Eric Schmidt, whom she claimed was hosting blogs containing harassing and  
4 defamatory content. The court denied Cummins' request on the grounds she provided no proof  
5 Schmidt's conduct constituted a credible threat of violence or a knowing and willful course of conduct,  
6 as is required for a civil harassment restraining order pursuant to Cal. Code of Civ. Proc. § 527.6(b).  
7 ["McSweeney Decl.", ¶ 4, Exh. "D"].

8 **2. Frivolous Lawsuits Filed by Cummins**

9 A name search of lawsuits in Los Angeles County identifies no less than 25 matters to which  
10 Cummins has been a party. ["McSweeney Decl.", ¶ 5, Exh. "E"]. At least three of these suits were small  
11 claims filed by Cummins in which she was awarded nothing in damages. ["McSweeney Decl.", ¶ 7,  
12 Exh. "F"]. As noted above, Cummins was also involved in at least one suit in Texas wherein she was  
13 sued by Lollar for defamation and for which she has a \$6.1 million dollar judgment against her. In  
14 addition, Cummins filed a wrongful termination lawsuit against the City of Los Angeles. The matter  
15 against the City of Los Angeles settled out of court, however the record from that matter further  
16 illustrates Cummins penchant for making allegations of stalking and harassment. ["McSweeney Decl.",  
17 ¶¶ 7 and 8, Exhs. "G" and "H"].

18 **3. Cummins' History of Unfounded Stalking and Harassment Accusations.**

19 Deposition transcripts from both Cummins' case against the City of Los Angeles and the Texas  
20 defamation matter brought by Lollar show Lollar is far from the first person Cummins believes used the  
21 internet to "stalk" and "harass" her. More specifically, in Cummins' deposition testimony from these  
22 matters, she accused at least four different people, including a California attorney and a writer for L.A.  
23 Weekly, of harassing and cyber-stalking her, including alleging that these individuals accused her of  
24 being a "9-11 terrorist," being a "biological male," "posting squirrel porn to children's chat rooms" and  
25 of "wearing gunnysacks in public". ["McSweeney Decl.", ¶¶ 7 and 8, Exhs. "G" and "H"].

26 Further, Cummins accused the attorney representing Lollar and Bat World in the Texas  
27 defamation suit against her of "touching and massaging her hand" during her deposition. ["McSweeney  
28 Decl.", ¶ 9, Exh. "I"]. Not only is there no evidence that this incident ever took place but Cummins' own



1 attorney, Neal Callaway (“Callaway”) withdrew his representation of her on the grounds that he was  
2 present at the deposition in question and did not witness any such incident. [“McSweeney Decl.”, ¶ 9,  
3 Exh. “I”]. In response to Callaway’s motion to withdraw as counsel, Cummins retaliated against him by  
4 reporting him to the bar association and accusing him of sleeping during the deposition. [“McSweeney  
5 Decl.”, ¶ 9, Exh. “I”].

6 **4. Cummins’ False Complaints Against Lollar and Bat World.**

7 In or about April 2011, Cummins made complaints to the Texas Parks & Wildlife Department  
8 (“TPWD”) and the Animal and Plant Health Inspection Service (“APHIS”) alleging, among other  
9 things, Lollar was improperly breeding bats and using inappropriate veterinary techniques to treat bats at  
10 Bat World. In response, both TPWD and APHIS launched thorough investigations into Cummins’  
11 claims. Both agencies found that there were no violations of the Animal Welfare Act or Texas wildlife  
12 laws and that all of Cummins’ claims against Lollar and Bat World were completely baseless.  
13 [“McSweeney Decl.”, ¶ 10, Exh. “J”].<sup>1</sup>

14 **5. Frivolous Law and Motion Matters**

15 Cummins was sanctioned by a Texas court for filing a motion to recuse the judge which the court  
16 found was “groundless and filed in bad faith”. [“McSweeney Decl.”, ¶ 11, Exh. “O”].

17 **C. AFTER LOLLAR FILED HER DEFAMATION LAWSUIT IN TEXAS,  
18 CUMMINS FILED A FRIVOLOUS DEFAMATION LAWSUIT AGAINST  
LOLLAR IN CALIFORNIA WHICH WAS SUMMARILY DISMISSED.**

19 In September 2011, Cummins filed suit against Lollar and Bat World in the U.S. District Court  
20 for the Central District of California alleging defamation, among other causes of action. Lollar and Bat  
21 World responded by filing a Motion for Summary Judgment, which was granted on the grounds that the  
22 defamatory statements alleged by Cummins were either true or were non-actionable opinions and that, in  
23 any event, Cummins offered no proof that any of the allegedly defamatory statements were actually  
24 made by Lollar. [“McSweeney Decl.”, ¶ 11, Exh. “K”].

25  
26 <sup>1</sup> Illustrative of the bad faith and frivolous nature of Cummins’ instant application for restraining  
27 orders, she falsely alleges in her application that “violations were found” against Lollar. [See Request  
28 for Restraining Order, MC-025, Attachment 7a(3)]. However, the so-called “evidence” presented in  
support of this fact is nothing more than an e-mail from a purported friend opining Lollar somehow  
mishandled a bat birth. [See Request for Restraining Order, MC-025, Attachment 7a(3), Exh. 1].

1  
2 **D. FOLLOWING THE U.S. DISTRICT COURT'S DISMISSAL OF HER**  
3 **DEFAMATION LAWSUIT AGAINST LOLLAR, AND AT AT THE SAME TIME**  
4 **CUMMINS WAS DIRECTLY CONTACTING LOLLAR TO MAKE**  
5 **INFLAMMARTORY REMARKS ABOUT BAT WORLD, CUMMINS FILED**  
6 **HER RESTRAINING ORDER REQUEST.**

7 Following the dismissal of her defamation suit against Lollar and Bat World, Cummins filed the  
8 instant request for restraining orders accusing Lollar of some the same conduct which gave rise to her  
9 unsuccessful defamation suit.

10 On May 21, 2013, just three days before she filed her restraining order request against Lollar,  
11 Cummins contacted her directly and made inflammatory and defamatory remarks including that Bat  
12 World committed animal cruelty and caused bats "pain, suffering, and death". ["Lollar Decl." at ¶ 4,  
13 Exh. "C"].

14 **E. CUMMINS PURSUED THE INSTANT RESTRAINING ORDER WITHOUT**  
15 **GIVING ADVANCE NOTICE TO LOLLAR OR THEREAFTER SERVING THE**  
16 **NECESSARY DOCUMENTS ON LOLLAR.**

17 Despite the fact Cummins is well aware of the identity of Lollar's counsel in Texas and  
18 California, Cummins provided no advance notice to Lollar or her attorneys that she was seeking  
19 temporary restraining orders. ["McSweeney Decl.", ¶ 15 ]. After securing her temporary restraining  
20 orders, Cummins apparently retained a process server to attempt service upon Lollar. However, that  
21 person merely taped documents to the door of Lollar's business and, notably, did so at an incorrect  
22 address (Bat World is located at 217 N. Oak Ave. Mineral Wells, TX 76067, and the documents were  
23 taped to the non-functioning door of 215 N. Oak Ave. Mineral Wells, TX 76067). [ "Lollar Decl." at ¶  
24 2].

25 **IV. LEGAL ARGUMENTS**

26 **A. THIS COURT LACKS PERSONAL JURISDICTION OVER LOLLAR.**

27 Proper service is a requirement for a court's exercise of personal jurisdiction over a party.  
28 Sternbeck v. Buck (1957) 148 Cal.App.2d 829, 307; *see also* Caldwell v. Coppola (1990) 219  
Cal.App.3d 859, 863. Indeed, an order entered without personal jurisdiction over the defendant is void.  
Slaughter v. Legal Process & Courier Service (1984) 162 Cal.App.3d 1236.

California Code of Civil Procedure, Section 527.6(m) governing the service of civil harassment

1 restraining orders states as follows:

2           Upon the filing of a petition for an injunction under this section, the  
3           respondent shall be *personally served* with a copy of the petition,  
4           temporary restraining order, if any, and notice of hearing of the petition.  
5           Service shall be made at least five days before the hearing. The court may  
6           for good cause, on motion of the petitioner or on its own motion, shorten  
7           the time for service on the respondent. (emphasis added).

8 See also Texas Rules of Civil Procedure, Rule 106:

9           (a) Unless the citation or an order of the court otherwise directs, the  
10           citation shall be served by any person authorized by Rule 103 by:

11           (1) delivering to the defendant, in person, a true copy of the citation with  
12           the date of delivery endorsed thereon with a copy of the petition attached  
13           thereto, or

14           (2) mailing to the defendant by registered or certified mail, return receipt  
15           requested, a true copy of the citation with a copy of the petition attached  
16           thereto.

17           (b) Upon motion supported by affidavit stating the location of the  
18           defendants usual place of business or usual place of abode or other place  
19           where the defendant can probably be found and stating specifically the  
20           facts showing that service has been attempted under either (a)(1) or (a)(2)  
21           at the location named in such affidavit but has not been successful, the  
22           court may authorize service

23           (1) by leaving a true copy of the citation, with a copy of the petition  
24           attached, with anyone over sixteen years of age at the location specified in  
25           such affidavit, or

26           (2) in any other manner that the affidavit or other evidence before the  
27           court shows will be reasonably effective to give the defendant notice of  
28           the suit.

29           Here, Respondent was not personally served with the required Request for Civil Harassment  
30           Restraining Order (Form CH-100) or the Notice of Hearing (Form CH-109) or through any other  
31           authorized means of service. Because Respondent was not properly served, the Court does not have  
32           jurisdiction to grant and/or enforce a restraining order against her and the request for restraining order  
33           should be denied on these grounds alone.

34           **B. NOTWITHSTANDING THE JURISDICTIONAL ISSUES, CUMMINS HAS NOT  
35           MET THE BURDEN FOR A RESTRAINING ORDER UNDER CAL. CODE OF  
36           CIVIL PROCEDURE § 527.6(B).**

37           Cal. Code of Civ. Proc. § 527.6(b) sets forth the criteria for a Civil Harassment Restraining

1 Order as follows:

2 (1) "Course of conduct" is a pattern of conduct composed of a series of  
3 acts over a period of time, however short, evidencing a continuity of  
4 purpose, including following or stalking an individual, making harassing  
5 telephone calls to an individual, or sending harassing correspondence to an  
6 individual by any means, including, but not limited to, the use of public or  
7 private mails, interoffice mail, facsimile, or computer email.  
8 Constitutionally protected activity is not included within the meaning of  
9 "course of conduct."

10 (2) "Credible threat of violence" is a knowing and willful statement or  
11 course of conduct that would place a reasonable person in fear for his or  
12 her safety, or the safety of his or her immediate family, and that serves no  
13 legitimate purpose.

14 (3) "Harassment" is unlawful violence, a credible threat of violence, or a  
15 knowing and willful course of conduct directed at a specific person that  
16 seriously alarms, annoys, or harasses the person, and that serves no  
17 legitimate purpose. The course of conduct must be such as would cause a  
18 reasonable person to suffer substantial emotional distress.

19 As illustrated herein, Cummins has offered no proof whatsoever of Lollar engaging in any course  
20 of conduct that would constitute stalking, a credible threat of violence or other type of harassment as  
21 defined by § 527.6(b). In fact, the record clearly reflects Cummins' allegations are unsupported, if not  
22 fabricated, and it is Cummins who has stalked, harassed, threatened and defamed Lollar.

23 1. **Cummins' Claims That Lollar Defamed Her In Retaliation For Reporting  
24 Her To Government Agencies Are Unfounded.**

25 Contrary to Cummins' suggestion Lollar would want to defame because Cummins reported her  
26 to government agencies, both the Texas Parks & Wildlife Department ("TPWD") and the Animal and  
27 Plant Health Inspection Service ("APHIS") investigated Cummins' complaints and found them to be  
28 completely baseless. ["McSweeney Decl.", ¶ 10, Exh. "J"].

29 2. **Cummins Offers Absolutely No Proof That The Allegedly Defamatory  
30 Material Posted About Her Online Was Authored By Lollar.**

31 Cummins alleges Lollar posted material online stating that she has a criminal record and  
32 committed theft, forgery and credit card fraud. [See Request for Restraining Order, MC-025, Attachment  
33 7a(3)]. However, once again, Cummins offers no proof that Lollar was responsible for posting these  
34 comments. Just as the Court in her federal defamation suit against Lollar found that there was no

1 credible proof that Lollar posted such comments, the court must reach the same conclusion here.  
2 ["McSweeney Decl.", ¶ 11, Exh. "K"].

3 Cummins further alleges Lollar posted a death threat against her online. [See Request for  
4 Restraining Order, MC-025, Attachment 7a(3)]. However Lollar never authored such a post, and  
5 Cummins offers no proof that such post was authored by Lollar. ["Lollar Decl." at ¶ 5]. In fact, the cited  
6 post states that it was authored by a "Sharon Warner of Harrisburg, Pennsylvania". [See Request for  
7 Restraining Order, MC-025, Attachment 7a(3), Exh. 2].

8 Finally, Cummins alleges Lollar makes comments online about her personal appearance. Again,  
9 Cummins offers no proof of any such posts by Lollar and Lollar is not responsible for these posts.  
10 ["Lollar Decl." at ¶ 6].

11 **3. Cummins Previously Attributed Certain Conduct Supporting Her**  
12 **Restraining Order Request To Persons Other Than Lollar.**

13 Cummins alleges incidents in her restraining order request that she has previously attributed to  
14 individuals other than Lollar. For instance, she states in her request that in November 2011 she found an  
15 M-80 firecracker under her car and that a few weeks later she found a broken incendiary device under  
16 her car that looked like someone had made a Molotov cocktail. [See Request for Restraining Order, MC-  
17 025, Attachment 7a(3)]. However, at a hearing on a motion for protective order she filed in connection  
18 with a prior Texas suit, she accuses the opposing attorney in that action, Randy Turner of being  
19 responsible for these same exact incidents. ["McSweeney Decl.", ¶ 12, Exh. "L"].

20 **4. The Alleged Incidents Involving Process Servers Were Merely Valid**  
21 **Attempts to Serve Cummins with Documents Related to Bat World's Texas**  
22 **Judgment Against Her.**

23 The incidents Cummins refers to in her restraining order request involving process servers in no  
24 way constitute "stalking" or "harassment". Rather, these incidents were merely valid and lawful  
25 attempts to serve Cummins with documents necessary to domesticate Lollar's still pending \$6.1 million  
26 Texas judgment against her. Indeed, Cummins went to such great lengths to evade service of these  
27 documents that Lollar was forced to attempt service of these documents *30 times* before successfully  
28 serving Cummins. ["McSweeney Decl.", ¶ 13, Exh. "M"].

1 Further, the YouTube video of Cummins being served was posted online by Lollar merely as a  
2 way of refuting Cummins' repeated online allegations that the service was illegal and that she was  
3 "attacked" by the process server. ["Lollar Decl." at ¶ 7]. Indeed, the video reflects that Cummins was  
4 properly served by having the documents placed at her feet. ["Lollar Decl." at ¶ 7].

5 **5. Cummins Offers Absolutely No Proof That Lollar Attempted To Access Her**  
6 **Bank Account Or Sent Her Spam Email Or Phone Calls.**

7 Cummins alleges Lollar called her bank and attempted to access her bank account using her  
8 social security number which she "illegally obtained through discovery." First, Cummins filed a motion  
9 for contempt based on similar allegations Lollar's attorneys "illegally obtained her social security  
10 number through discovery," and Lollar thereafter used the information to access her accounts. The  
11 judge denied the motion for contempt based on "lack of competent evidence". Moreover, despite  
12 Cummins' unsupported references to a written notice she allegedly received from her bank and a tape  
13 recording of "Lollar's voice," the only evidence she provides to support this alleged incident is a police  
14 report she filed herself, which makes no reference whatsoever to Amanda Lollar. [See Request for  
15 Restraining Order, MC-025, Attachment 7a(3), Exh. 8].

16 Similarly, Cummins offers no proof whatsoever that Lollar signed her up for spam emails and  
17 phone calls and, in fact, Lollar engaged in no such conduct.

18 **6. Lollar Has Not Engaged In Any Conduct Since Cummins' Filing Of The**  
19 **Restraining Order Request Which Would Amount To A Violation Of The**  
20 **Temporary Restraining Order.**

21 Based upon e-mails sent by Cummins to Lollar's counsel, it is anticipated Cummins will claim  
22 Lollar has violated the temporary restraining orders. ["McSweeney Decl.", ¶ 14, Exh. "N"]. Lollar has  
23 made no effort whatsoever to contact Cummins since the issuance of the temporary restraining orders.  
24 ["Lollar Decl." at ¶ 8].

25 In fact, Lollar fears for her own safety and has attempted for some time to avoid Cummins at all  
26 costs. ["Lollar Decl." at ¶ 9]. Indeed, Cummins has directed countless threatening remarks towards  
27 Lollar online. For example, on July 10, 2012, Cummins posted the following to her blog which she  
28 directed to "@batworld" among others:

Think wisely before you act... I have permitted guns and have taken the  
advanced gun class at the police academy."

1 ["Lollar Decl." at ¶ 10, Exh. "A" (*emphasis added*)]. Similarly, on February 24, 2013, Cummins posted  
2 a status to Facebook related to "bat lady" (as she commonly refers to Lollar in online postings) and in  
3 the follow-up comments to her post she states that:

4 I have a gun with hollow points, I bought this one for shooting at close  
5 range. I can instantly drop someone with this gun and these bullets.

6 ["Lollar Decl." at ¶ 11, Exh. "B" (*emphasis added*)].

7 **V. CONCLUSION**

8 For all of the foregoing reasons, the Court should deny Cummins' request for a restraining order.

9 4811-2523-1380, v. 2

1        **DECLARATION OF KATHERINE M. MCSWEENEY IN SUPPORT OF RESPONSE TO**  
2                                    **CIVIL HARASSMENT RESTRAINING ORDERS**

3            I, Katherine M. McSweeney, hereby declare:

4            1.        I am an attorney admitted to practice before all courts of the State of California. I am an  
5 attorney with the law firm of Jackson Lewis LLP, counsel of record for Respondent Amanda Lollar.  
6 The following is based on my personal knowledge. If called as a witness, I could and would  
7 competently testify to the facts contained herein.

8            2.        Attached hereto as Exhibit “A” is a true and correct copy of an excerpt of the trial on the  
9 merits from Respondent Amanda Lollar’s (“Lollar”) Texas defamation lawsuit against Petitioner Mary  
10 Katherine Cummins Cobb’s (“Cummins”). Attached hereto as Exhibit “B” is a true and correct copy of  
11 the Court’s judgment in that same matter.

12           3.        Attached hereto as Exhibit “C” is a true and correct copy of the court’s case summary  
13 regarding Cummins’ request for a Civil Harassment Restraining Order against respondent Jason Simas.

14           4.        Attached hereto as Exhibit “D” is a true and correct copy of the court’s case summary  
15 regarding Cummins’ request for a Civil Harassment Restraining Order against respondent Eric Schmidt.

16           5.        Attached hereto as Exhibit “E” is a true and correct copy of the results of a Los Angeles  
17 Superior Court litigation search of Cummins.

18           6.        Attached hereto as Exhibit “F” are true and correct copies of the case summaries for three  
19 small claims lawsuits in which Cummins was the Plaintiff and was awarded nothing in damages.

20           7.        Attached hereto as Exhibit “G” is a true and correct copy of a deposition transcript from  
21 Cummins’ suit against the City of Los Angeles.

22           8.        Attached hereto as Exhibit “H” is a true and correct copy of a deposition transcript from  
23 Lollar’s Texas defamation suit against Cummins.

24           9.        Attached hereto as Exhibit “I” is a true and correct copy of Cummins’ attorney’s Motion  
25 to Withdraw in the Texas defamation suit brought by Lollar against Cummins.

26           10.       Attached hereto as Exhibit “J” is a true and correct copy of Cummins’ complaints to  
27 agencies regarding Bat World Sanctuary (“Bat World”) and the agencies’ responses.

28           11.       Attached hereto as Exhibit “K” is a true and correct copy of the United States District



1 Court for the Central District of California's order granting Lollar/Bat World's Motion for Summary  
2 Judgment in Cummins' California defamation suit against Lollar.

3 12. Attached hereto as Exhibit "L" is a true and correct copy of an excerpt from a Texas  
4 hearing on a motion for protective order wherein Cummins accuses Randy Turner of placing incendiary  
5 devices under her car.

6 13. Attached hereto as Exhibit "M" is a true and correct copy of a declaration of non-service  
7 reflecting 30 unsuccessful attempts to serve Cummins.

8 14. Attached hereto as Exhibit "N" is a true and correct copy of an email correspondence  
9 from Cummins to Lollar's counsel indicating her position that Lollar has violated the restraining order.

10 15. Cummins is well aware of the identity of Lollar's counsel in both Texas and California,  
11 but provided no advance notice to Lollar or her counsel of her intent to seek temporary restraining  
12 orders.

13 Dated this 12<sup>th</sup> day of June 2013 at Los Angeles, California.

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16 Katherine M. McSweeney

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REPORTER'S RECORD

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY, ET AL.*	IN THE DISTRICT COURT
	*
VS.	*
	352ND DISTRICT COURT
	*
	*
MARY CUMMINS	*
	TARRANT COUNTY, TEXAS

\*\*\*\*\*

EXCERPT ON TRIAL ON MERITS

\*\*\*\*\*

On the 14th day of June, 2012, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable William Brigham, Judge Presiding, held in Tarrant County, Texas.

Proceedings reported by machine shorthand.

CAROLYN H. GAYALDO, CSR  
 Deputy Official Reporter  
 352nd District Court  
 Tarrant County, Texas

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A P P E A R A N C E S

Attorney for Plaintiffs:

Mr. Randal E. Turner  
SBOT NO. 20328310  
TURNER & MCKENZIE, PC  
1800 Norwood Road, Suite 100  
Hurst, Texas 76054  
(817) 282-3868  
(817) 282-1563 Fax

Attorney for Defendant:

Ms. Mary Cummins, Pro Se

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INDEX

EXCERPT OF TRIAL ON MERITS

June 14, 2012	Page
Appearances.....	2
Beginning of Requested Excerpt.....	4
Order of Court.....	4
End of Requested Excerpt.....	5
Reporter's Certificate.....	6

EXHIBITS

EXHIBIT

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>
	None		

## 1 BEGINNING OF REQUESTED EXCERPT

2 (June 14, 2012, 10:35 a.m.)

3 THE COURT: The evidence is complete.  
4 The summation is complete. There will be no more  
5 evidence and no more summation. The Court is about to  
6 rule.

7 In this case, the Court is of the opinion  
8 that plaintiff is entitled to recover. I think the  
9 plaintiff has clearly proven that a defamation in this  
10 case was egregious as well as malicious as well as  
11 intentional. I think that Amanda Lollar, the plaintiff  
12 in this case, had a worldwide reputation in the proper  
13 care of bats similar to that of Jan Goodall in the care  
14 of primates. Jan Goodall went to Africa to find  
15 primates.

16 Amanda Lollar in Palo Pinto County,  
17 Texas, where it probably has maybe one of largest  
18 concentration of bats in Texas, at least, maybe Austin  
19 has a few more. I don't know. The concentration of  
20 bats in the old Crazy Well Hotel, now known as the Baker  
21 Hotel that shut the Crazy Well Hotel down years ago, the  
22 bats have been there forever. The Court finds that the  
23 defendant did, in fact, sign the contract proven by  
24 excellent expert testimony point after point after  
25 point.

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So, Mr. Turner, if you will prepare a final judgment in this case and mail a copy of it to the defendant, Mary Cummins, at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Los Angeles, California [REDACTED], and in that final judgment compensatory damages of \$3 million; exemplary damages of an additional \$3 million; a permanent injunction on items Plaintiffs' 17 and 18; liquidated damages and then attorney fees of \$176,700.

Mail it to her for her review. Her signature is not necessary. Upon proper submission, it will be signed by the Court. Thank you. We will stand in recess.

MR. TURNER: Thank you, Your Honor.  
(End of requested excerpt.)

1 STATE OF TEXAS )

2 COUNTY OF TARRANT )

3

4 I, Carolyn Hawks-Gayaldo, Deputy Official Reporter  
5 in and for the 352nd District Court of Tarrant County,  
6 State of Texas, do hereby certify that the above and  
7 foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record in the above-styled  
11 and numbered cause, all of which occurred in open court  
12 or in chambers and were reported by me.

13 I further certify that this Reporter's Record of  
14 the proceedings truly and correctly reflects the  
15 exhibits, if any, admitted by the respective parties.

16 I further certify that the total cost for the  
17 preparation of this Reporter's Record is \$50.00 and has  
18 been paid by Plaintiffs.

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WITNESS MY OFFICIAL HAND on this the 14th day of  
June, 2012.

/s/Carolyn H. Gayaldo  
CAROLYN H. GAYALDO CSR 7181  
EXPIRATION DATE 12/31/13  
Deputy Official Court Reporter  
352nd District Court  
Tarrant County, Texas  
Allied Court Reporters  
5208 Airport Freeway, Suite 105  
Fort Worth, Texas 76117  
(817) 335-5568



CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY and	§	IN THE DISTRICT COURT
AMANDA LOLLAR	§	
Plaintiffs,	§	
	§	
v.	§	OF TARRANT COUNTY, TEXAS
	§	
MARY CUMMINS,	§	
Defendant	§	352 <sup>ND</sup> JUDICIAL DISTRICT

JUDGMENT

ON the 11<sup>th</sup> day of June this cause came on to be heard. Amanda Lollar, Plaintiff whose last three digits of her Texas driver's license number are 000, appeared in person and by her attorney and announced ready for trial. Bat World Sanctuary, Plaintiff, appeared by and through its attorney and announced ready for trial. Mary Cummins, Defendant whose last three digits of her California driver's license number are 781 appeared *pro se* and announced ready for trial. No jury having been demanded, all questions of fact were submitted to the Court.

After hearing the evidence and arguments of counsel and the defendant the Court finds that the plaintiffs, Amanda Lollar and Bat World Sanctuary, are entitled to recover from the defendant, Mary Cummins.

IT IS THEREFORE ORDERED that Amanda Lollar recover from Mary Cummins actual damages in the amount of THREE MILLION DOLLARS (\$3,000,000.00).

IT IS FURTHER ORDERED that Amanda Lollar recover from Mary Cummins exemplary damages in the amount of THREE MILLION DOLLARS (\$3,000,000.00).

IT IS FURTHER ORDERED that Bat World Sanctuary recover from Mary Cummins actual damages in the amount of TEN THOUSAND DOLLARS (\$10,000.00).

IT IS FURTHER ORDERED that Bat World Sanctuary recover from Mary Cummins attorney's fees in the amount of ONE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED DOLLARS (\$176,700.00).

IT IS ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://www.animaladvocates.us/batWorldLawsuit/>:

1. They breed animals in the facility.

2. Pretty ironic for this group to certify Bat World Sanctuary when the health department told her to leave town and they had to gut the building and remove her belongings.
3. Vet recommended blood and stool tests. Lollar declined. She just wants empirical therapy. If that doesn't work, she wants to euth the dog. She refused treatment. When I was at Bat World June 19, 2010 to June 28, 2010 I saw her use her fingers to pull out one of the dog's teeth, i.e. oral surgery on dogs.
4. The current method she suggests is also inhumane. The bats die of suffocation. She also forgets to mention that the drugs she suggests must be used under the direction of a veterinarian. She doesn't even administer the gas legally, humanely, or safely.
5. He should not be working for free for someone who commits animal cruelty.
6. I doubt he'll be speaking about this embarrassing little case where he is actually representing someone who commits animal cruelty and neglect.
7. She took the money that came from the dissolution of Bonnie Bradshaw's group and bought a new silver Honda Eclipse. That money was supposed to go for animals. This is what Lollar does with money that is given to Bat World.
8. Lollar never even washed her hands before surgery, you can see dirty finger nails in the photos, no surgical garments, no mask, hat, nothing. Night and day.
9. Just confirmed that Amanda Lollar of Bat World Sanctuary is illegally obtaining human and animal rabies vaccinations. ...Again, breaking the law. I'm amazed she admitted to having the vaccine and buying it when she is doing it illegally.
10. She does not state that it died from neglect of care. She also chose to euth it instead of treating it as her vet suggested. She'd previously turned down care which her vet suggested.
11. When I was at Bat World she told me the place where she buys her rabies vaccine thinks she's a doctor.
12. Earlier in the year the vet noted the dog had major dental issues yet she didn't have the vet treat them. You know how painful it would be to have a mouth full of rotten teeth? That's animal neglect.
13. **BREAKING NEWS!!!** Amanda Lollar of Bat World Sanctuary admits in writing that she and Bat World Sanctuary are being forced to leave Mineral Wells because of all the complaints to the City and Health Department.
14. The dogs rear claws are super long. There is no way she could stand. ... She has to drag herself on cement.
15. She tells people to use Isoflurane illegally, inhumanely and unsafely in her book.

16. He didn't care that she admitted to illegally having the human rabies vaccination, admitted to using drugs not according to the label or that she "proudly" admitted to performing surgery.
17. In the video Lollar takes tweezers and just pulls out the molars of a conscious bat that is fighting and biting her while it bleeds. Lollar is proud of this and posted this video in her book and online. Bat experts know that bats must be unconscious and intubated to remove molars. Can you imagine the pain that bat felt?
18. Pulling molars out of conscious bats is not "cutting-edge" though cutting open conscious bats might fall into that "category." Operating on bats using the drop anesthesia technique or amputating wings instead of pinning them is also not cutting edge but cave man veterinary practice.
19. Lollar is exposing people to rabies by not checking their cards.
20. Her recent story about the episiotomy at the depo was that, that was not the bat's vagina and uterus being pulled out. It was the "placenta separating." It clearly was not.
21. She'd already yanked out the placenta which is what helped cause the prolapse, besides cutting way too much and pulling too hard. She really needs to get her vision checked. Someone with very bad vision is the last person who should be slicing into microbats.
22. Yeah, I look like crap in the videos but at least there are no videos of me hacking an animal to death.
23. She's been breeding her bats illegally. She's committing fraud asking for money for a project she cannot and will not do.
24. She said she would use the bag for the trip then return it to Walmart for a refund. She admitted to me with an evil laugh that she does this frequently.
25. Rabies complaint against Bat World Sanctuary. General sanitation laws, harboring high risk rabies animals, allowing them in downtown.
26. Amanda Lollar and her buildings have been written up so many times for building violations, safety issues, rabies, histoplasmosis, no address, unsightly building, build up of guano 6-8 feet... People have been reporting her smelly building and rabid bats for over 15 years.
27. She's basically experimenting on bats. The bats are dying because she doesn't take them to the vet. That's okay because she can just go get more bats.
28. Amanda Lollar of Bat World Sanctuary found guilty of illegally breeding bats at her facility. It is a violation of her permit.

29. Amanda Lollar of Bat World Sanctuary is now sending threats of extortion from Mineral Wells, Texas. Because she's sending it over the computer it's a Federal crime.
30. She has violated the following regulations listed on her permit. "15 a. Permit holder is prohibited from a. Propagating, selling or bartering animals or animal remains received or held under authority of this permit." She is allowing the bats to breed.
31. The complaints going back 18 years were about alleged animal cruelty, animal neglect, violations of the health code and building and safety regulations.
32. The complaints stretching back 18 years were about animal cruelty, animal neglect, violations of the health code, violations of Texas Parks & Wildlife regulations, violations of the Animal Welfare Act, building violations and a report about a rabid bat biting a toddler directly next door to Bat World Sanctuary.
33. Here is the disgusting photo of my face which they photoshopped semen onto. They then added the caption "Yep, screw you too, Mmmmary!" They named the file "mmmm." This is how disgusting and childish these people are.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ordered to immediately and permanently remove from the following URL's in their entirety:

1. [http://www.animaladvocates.us/batWorldLawsuit/Amanda\\_Lollar\\_Bat\\_World\\_Sanctuary\\_Breeding\\_Bats.pdf](http://www.animaladvocates.us/batWorldLawsuit/Amanda_Lollar_Bat_World_Sanctuary_Breeding_Bats.pdf)
2. [http://www.animaladvocates.us/batWorldLawsuit/amanda\\_lollar\\_1994\\_manual\\_original.pdf](http://www.animaladvocates.us/batWorldLawsuit/amanda_lollar_1994_manual_original.pdf)
3. <http://www.animaladvocates.us/batWorldLawsuit/mmmm.jpg>

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at [http://www.animaladvocates.us/mary\\_cummins\\_sues\\_amanda\\_lollar\\_bat\\_world\\_sanctuary](http://www.animaladvocates.us/mary_cummins_sues_amanda_lollar_bat_world_sanctuary)

1. She's the one who handles rabid bats with her bare hands.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://www.facebook.com/marycummins>:

1. Update: Health Dept. forced Bat World Sanctuary to leave town. In January they gutted the building, cleaned it and removed her property.

2. Amanda who runs bat sanctuary just uses her bare hands. The rabid bats even bite her.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://www.facebook.com/AnimalAdvocatesUSA>:

1. Update: Health Dept. forced Bat World Sanctuary to leave town. In January they gutted the building, cleaned it and removed her property.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://plus.google.com/107575973456452472889>:

1. Bat World Sanctuary admits in writing they are being forced to leave the City because of all the complaints to the City and Health Dept.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://twitter.com/MMMARYinLA>:

1. Bat World Sanctuary admits in writing that they are being forced to leave the City because of all the complaints to the City and Health Dept.
2. Update: Health Dept. forced Bat World Sanctuary to leave town. They gutted her building, cleaned it and removed her property.
3. Amanda Lollar commits animal cruelty at Bat World Sanctuary <http://goo.gl/fb/4x>

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://www.myspace.com/mmmmaryinla>:

1. Health Dept. forced Bat World Sanctuary to leave town. They gutted her building, cleaned it and removed her property.
2. Bat World Sanctuary admits in writing they are being forced to leave the City because of all the complaints to the City and Health Dept.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and prohibited from posting on the internet or publishing to any person any video recording of any episiotomy that was recorded or made at Bat World Sanctuary.

IT IS FURTHER ORDERED that the total amount of the judgment here rendered will bear interest at the rate of five percent (5%) per year from the date of this judgment until paid.

All costs of court spent or incurred in this cause are adjudged against Mary Cummins, defendant.

All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary.

All other relief not expressly granted in this judgment is denied.

SIGNED this 27 day of August, 2012.

*William Brigham*  
JUDGE PRESIDING

Fax Server 9/13/2011 10:26:34 AM PAGE 2/002 Fax Server

**THOMAS A. WILDER - TARRANT COUNTY DISTRICT CLERK  
FAX TRANSMITTAL FORM Cover Sheet**

Attorney: Randall E. Turner Bar ID # 20328310

Firm Name Bailey & Galvan Fax# 817-868-1290

Subscriber Number 95000904 Telephone # 817-359-7089

Representing:  Pl. intiti./Petitioner  Defendant/Respondent  Other

Authorization: I authorize the filing of the below named document(s) and I further authorize my checking account to be debited in accordance with my subscriber's agreement.

Signature: [Handwritten Signature]

Total number of Pages (including this form) 4 Case Number (if not new case) \_\_\_\_\_

This document should be filed in:

Civil (For Civil or Criminal please send your fax to: 817-850-2928)  
 Criminal

Family (For Family please send your fax to: 817-850-2927)  
 Juvenile (For Juvenile please send your fax to: 817-850-2303)

If you ever have a problem, please call 817-212-7011 for Civil, 817-212-7533 for Bara - or 817-338-4645 for Juvenile.

New Case Filing

Motions and other pleadings WITH FEES:

Motions and other pleadings WITHOUT FEES: letter + Judgment  
(Do we need to RUSH this to the court for a hearing today?)

DATE/TIME OF HEARING TRIAL: \_\_\_\_\_

**REQUEST FOR SERVICE DOCUMENTS** (Do you want us to issue citations or other documents?)

Type of service document	Name of person to be served	Address	Type of service (constable, private, certified, mail, etc)

Att: Lindabair Bat World

FILED  
TARRANT COUNTY  
2012 JUL 11 P 3:07  
THOMAS A. WILDER  
DISTRICT CLERK

## Case Summary

**Case Number:** BS071512  
MARY K. CUMMINS VS. JASON SIMAS

**Filing Date:** 09/04/2001  
**Case Type:** Civil Harassment (General Jurisdiction)  
**Status:** Dismissed - Other 12/18/2001

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### Future Hearings

None

---

### [Documents Filed](#) | [Proceeding Information](#)

### Parties

CUMMINS MARY K. - Plaintiff & Plaintiff In Pro Per

SIMAS JASON - Defendant/Respondent

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### [Case Information](#) | [Party Information](#) | [Proceeding Information](#)

### Documents Filed (Filing dates listed in descending order)

**03/14/2002** Proof of Service (re: 3/13/02 tro order )  
Filed by Plaintiff

**03/14/2002** Order (re: TRO & OSC re: P.I. )  
Filed by Plaintiff

**03/13/2002** Order (re: TRO )  
Filed by Plaintiff

**03/13/2002** Proof of Service  
Filed by Plaintiff

**03/13/2002** Application for TRO  
Filed by Plaintiff

**12/18/2001** Stipulation and Order (STIPULATION AND ORDER RE SETTLEMENT AND DISMISSAL )



Filed by Court

10/12/2001 Memorandum - Other (Memo of Points & Authorities )  
Filed by Defendant

10/12/2001 Response to Harrassment Petition  
Filed by Defendant

09/04/2001 Application for TRO  
Filed by Plaintiff & Plaintiff In Pro Per

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[Case Information](#) | [Party Information](#) | [Documents Filed](#)

**Proceedings Held** (Proceeding dates listed in descending order)

04/10/2002 at 10:30 am in Department 33, George H. Wu, Presiding  
Order to Show Cause Re Prelim Inj - **OSC held, order made**

04/04/2002 at 10:30 am in Department 33, George H. Wu, Presiding  
Order to Show Cause Re Prelim Inj - **Held-Continued**

04/02/2002 at 10:30 am in Department 33, George H. Wu, Presiding  
Order to Show Cause Re Prelim Inj - **Held-Continued**

03/14/2002 at 10:00 am in Department 33, George H. Wu, Pre

**Case Summary**

**Case Number:** BS074692  
MARY K CUMMINS VS JASON SIMAS

**Filing Date:** 03/12/2002  
**Case Type:** Civil Harassment (General Jurisdiction)  
**Status:** Pending

---

**Future Hearings**  
None

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[Documents Filed](#) | [Proceeding Information](#)

**Parties**

CUMMINS MARY K. - Plaintiff & Plaintiff In Pro Per

SIMAS JASON - Defendant/Respondent

---

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

**Documents Filed** (Filing dates listed in descending order)

03/12/2002 Application for TRO

---

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

**Proceedings Held** (Proceeding dates listed in descending order)

04/10/2002 at 09:00 am in Department 6, Victor Reichman, Presiding  
Hrng on Petn Prohibit Harassment (NO ORDERS ISSUED) - **Off Calendar**

**Civil Case Index**

**Case Number:** BP011438  
**Case Title:** CUMMINS MARY R VS. DECEASED  
**Filing Date:** 10/23/1991  
**Case Type:** Civil (General Jurisdiction)

**Plaintiff(s)**

CUMMINS MARY R  
CUMMINS MARY RIVERA

**Civil Case Index**

**Case Number:** C624918  
**Case Title:** COBBS MARIE VS. CUMMINS MARY RIVERA  
**Filing Date:** 11/14/1986  
**Case Type:** Civil (General Jurisdiction)

**Plaintiff(s)**

COBBS MARIE  
CUMMINS JULIETTE  
SCHOTT MARIE

**Defendant(s)**

CUMMINS MARY RIVERA

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Mary Cummins-Cobb 645 W. 9th St. #110-140 Los Angeles CA 90015 310-977-4770		STATE BAR NUMBER	Reserved for Clerk's File Stamp <b>FILED</b> LOS ANGELES SUPERIOR COURT DEC 30 2010 JOHN A. CLARKE, CLERK BY N. RIZO DEPUTY
ATTORNEY FOR (NAME): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURT HOUSE ADDRESS: 111 N. Hill St., LA, CA 90012			
PETITIONER / PLAINTIFF: Mary Cummins-Cobb			
RESPONDENT / DEFENDANT: Eric Schmidt			
CHILD'S NAME	CHILD'S DATE OF BIRTH	CASE NUMBER	
DECLARATION RE: NOTICE OF EX PARTE REQUEST (NO NOTICE GIVEN) (Temporary Restraining Order)		RELATED CASES (IF ANY):	

I, Mary Cummins-Cobb declare that:  
(PRINT NAME)

- 1) I did not give notice to the other party in this action because:
- I was afraid that the violence would reoccur when I gave notice that I was asking for these orders.
  - I was afraid that the other party would take the children out of the area before the order could be granted and served.
  - I believe that giving notice would make the orders useless because the other party would:

2) I attempted and was unable to inform Eric Schmidt or his/her attorney  
that I would be seeking a temporary restraining order. My attempts included email & phone  
message.

3) Other reason:

I declare that the above is true and correct, and that I executed this declaration at Los Angeles, California

12-30-10  
DATE

Mary Cummins  
SIGNATURE OF DECLARANT

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 12/30/10

DEPT. 75

HONORABLE KENJI MACHIDA

JUDGE N. RIZO

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. CASTRO

Deputy Sheriff

NONE

Reporter

1:30 pm

BS129901

Plaintiff IN PRO PER

Counsel

MARY CUMMINGS-COBB

VS

Defendant NO APPEARANCE

ERIC SCHMIDT

Counsel

**NATURE OF PROCEEDINGS:**

Exparte Hearing

The Court reads and considers the Request for Orders To Stop Harassment.

The petition is DENIED, and the case is ordered dismissed.

The Court does not order a hearing date.

Ex-parte Rejection Sheet For Civil Harassment Cases filed this date and incorporated herein by reference.

MINUTES ENTERED 12/30/10 COUNTY CLERK
---

Carpenter vs. Schmidt

Case # 05170017

DEC 05 2010

### EX PARTE REJECTION SHEET FOR CIVIL HARASSMENT CASES

The court is not able to issue the temporary protective order that you have requested for the reason checked below:

The application does not show reasonable proof by legally admissible evidence of harassment which is defined as:  
Unlawful violence;  
A credible threat of violence; or  
A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses and serves no legitimate purpose. (CCP § 527.6 (b)).

The application fails to state how the facts are known as such facts must be based upon personal knowledge of the person signing the declaration.

The application does not describe recent facts giving rise to the claim.

An injunction prohibiting harassment cannot be granted to restrain the respondent from constitutionally protected activities or other activities which serve a legitimate purpose. (CCP § 527.6 (b)).

Portions of your documents are illegible. Court rules generally require that documents be typed. Handwritten documents may be accepted if you are unable to have the documents typed, however, handwritten documents must be legible.

The petitioner fails to show that he or she will suffer great or irreparable harm if the TRO is not granted.

The application fails to show a threat of future harm.

No bad conduct, threat of future harm by Schmidt personally  
Google is not - not blogger

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):  
Mary Cummins-Cobb

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):  
645 W. 9th St. #110-140

City: Los Angeles State: CA Zip: 90015

Your telephone number (optional): ( 310 ) 877-4770

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):  
None

**FILED**  
 OCT 20 2010

Fill in court name and street address:

**Superior Court of California, County of**  
Stanley Mosk Courthouse  
11 N Hill St.  
Los Angeles CA 90012

Court fills in case number when form is filed.

**Case Number:**  
PS129901

2 Name of person you want protection from:  
Eric Schmidt and Google/Blogger

Describe the person: Sex:  M  F Weight: 200

Height: 6'3" Race: Caucas Hair Color: Grey

Eye Color: Blue Age: 55 Date of Birth: 4/12/1955

Home Address (if you know): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Address (if you know): Google - Legal Dept - 1600 Amphitheater Parkway

City: Mountain View State: CA Zip: 94043

3 Besides you, who needs protection? (Family or household members)

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

4 Why are you filing in this court? (Check all that apply):

The person in 2 lives in this county.

I was hurt (physically or emotionally) by the person in 2 here.

Other (specify): \_\_\_\_\_

5 How do you know the person in 2? (Describe):  
Eric Schmidt is the CEO of Google/Blogger. He/they are hosting blogs which are civil harassment besides libel and defamation per se.

**This is not a Court Order.**





Your name: Mary Cummins-Cobb

Case Number: \_\_\_\_\_

6 Describe how the person in ② has harassed you:

- a. Date of most recent harassment: Today  
b. Who was there? The blogs are public on the internet.

c. Did the person in ② commit any acts of violence or threaten to commit any acts of violence against you?  
 Yes  No

If yes, describe those acts or threats: \_\_\_\_\_

d. Did the person in ② engage in a course of conduct that harassed you and caused substantial emotional distress?  Yes  No

If yes, describe: They continue to host harassing, libelous, defamatory blogs about me. They refuse to remove them unless I get a court order. I am here to get this court order.

e. Did the conduct of the person in ② described above seriously alarm, annoy, or harass you?  Yes  No

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want

7  Personal Conduct Orders

I ask the court to order the person in ② to not do the following things to me or anyone listed in ③:

a.  Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.

b.  Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

8  Stay-Away Orders

I ask the court to order the person in ② to stay at least (specify): \_\_\_\_\_ yards away from me and the people listed in ③ and the places listed below: (Check all that apply):

a.  My home

d.  My vehicle

b.  My job or workplace

e.  Other (specify): Remove blogs about me

c.  My children's school or child care

If the court orders the person in ② to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job?  Yes  No

If no, explain: \_\_\_\_\_

**This is not a Court Order.**

Request for Orders to Stop Harassment  
(Civil Harassment)

CH-100, Page 2 of 4



Case Number:

Your name: Mary Cummins-Cobb

9  **Others to Be Protected**

Should the other people listed in ③ also be covered by the orders described above?

Yes  No  Does not apply

If yes, explain: \_\_\_\_\_

10 **Order About Guns or Other Firearms**

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

11  **Other Orders**

I ask the court to order the person in ② to (specify): remove harassing, libelous, defamatory blogs about me, my business Cummins Real Estate and my rescue group Animal Advocates. To remove any future harassing blogs about same as I report them.

12  **Temporary Orders**

Do you want the court to make orders now on the matters listed in ⑦, through ⑪ that will last until the hearing?  Yes  No

If yes, explain why you need these orders right now: I cannot get any work with these blogs on the internet. I have lost my family and almost all of my friends because of these blogs.

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: LAPD (Central Station)

Address: \_\_\_\_\_

City: Los Angeles

State: CA

Zip: 90015

b. Name of Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

14  **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in ②?  Yes  No

If yes, specify the counties and case numbers if you know them: \_\_\_\_\_

**This is not a Court Order.**



Case Number: \_\_\_\_\_

Your name: Mary Cummins-Cobb

**15**  **Time for Service**

You must have your papers personally served on (notify) the person in **(2)** at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

**16**  **No Fee for Filing**

I ask the court to waive the filing fee because the person in **(2)** has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

**17**  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in **(2)** about the orders for free because:

- a.  My request for orders is based on stalking; or
- b.  My request for orders is based on a credible threat of violence; or
- c.  I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

**18**  **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a.  Lawyer's fees
- b.  Out-of-pocket expenses

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Service costs _____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

**19** **Additional Relief**

I ask the court for additional relief as may be proper.

**20** Number of pages attached to this form, if any: 9

Date: 12-30-10

pro se - Mary Cummins-Cobb  
Lawyer's name

\_\_\_\_\_  
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: \_\_\_\_\_

Mary Cummins-Cobb  
Type or print your name

Mary K. Cummins  
Sign your name

**This is not a Court Order.**

CH-100 Item 6  
Restraining order  
Mary Cummins vs Google/Blogger

Google/Blogger is hosting over a dozen libelous and defamatory blogs about me on the Internet. These blogs state that I am a "convicted felon," there "is a bench warrant out for my arrest," I am involved in "bestiality," "child porn," "squirrel porn," am a "terrorist," am a "911 terrorist," am a "stalker," am an "ugly whore," I "ass raped a baby skunk at a sex party until it bled to death," "I put a rubber band on a baby skunk's penis to torture it," "the police just arrested me," I "impersonated a police officer," I "posted a naked photo of myself showing my penis," besides other libelous things. None of these things are true.

**These libelous blogs are a willful course of conduct directed specifically at me, my business and my animal rescue group. They seriously alarm, annoy and harass me. They serve no legitimate purpose as I am not a public person or of public concern. They have interfered with my business and animal rescue activities besides my personal life.**

These blogs posted my personal financial information such as my social security number, home address and banking information. The blogs contain my copyrighted photographs. They have posted photos of me in their blogs with semen "Photoshopped" on my face. They have posted photos of my animal rescues with revolting sexual comments about penises and pornography. These blogs are libel per se and severe harassment besides copyright infringement. They have been on the internet since 2006.

I have repeatedly asked Google/Blogger to remove them. I have sent cease and desist letters to Google/Blogger. The blogs are still online. They state they will not remove them without a court order which is what I seek today.

Because of the libelous and defamatory blogs on the internet I lost my job working for the City of LA. The Deputy Mayor of Los Angeles told me I was fired because "we just can't be involved in anything scandalous, be it true or not." I am unable to get work. I was forced to sell most of my personal belongings and my home in order to try to pay my bills. I was forced to sell my home during a time when there were no jumbo loans. I had to sell it at a 30% discount because the buyer had to have all cash. Every time I apply for a job the prospective employer Googles my name. The first thing that shows up are blogs stating I'm a "convicted felon, was convicted of credit card fraud, am a terrorist...." For this reason I have not been able to get much work in over four years.

I also lost most of my family and friends. They fear being associated with me or targeted. I currently live in hiding in a rental in a friend's name so these people can't libel me to my landlord. I was not even able to rent a place in my own name because of the libel. The prospective landlords would Google my name and see all of the libel and not even call me back.

I have suffered extreme emotional distress because of these blogs. I can't sleep for more than two hours at a time. I have to take sleeping pills every night. I have nightmares. I now have high blood pressure. I started grinding my teeth at night and

cracked four molars which need crowns. I have gone to a psychologist because of these problems.

I have sent many emails to Google/Blogger reporting the blogs as terms of service violations. Google/Blogger replied that they have no idea if these things are libelous or harassing. They refused to remove the blogs. I reported the blogs as copyright infringement as they contain my copyrighted photographs. I reported the blogs for sharing my confidential financial information. Every time they refused to remove the blogs. They stated they needed a court order to remove the blogs. I have successfully removed this same libel from all other hosts. Google legal told me they are too large to enforce their "terms of service."

Below are the libelous blogs which exist as of this filing.

<http://laanimalpals.blogspot.com>

<http://animal-nutz.blogspot.com>

<http://mary-cummins-animal-advocates-crackpo.blogspot.com/>

<http://marycummins.blogspot.com>

<http://richieramone-fan.blogspot.com>

<http://laanimalfriends.blogspot.com>

<http://laanimal-friends.blogspot.com>

<http://laanimalfriendseponym.blogspot.com>

<http://laanimalfriends-eponym.blogspot.com>

<http://mary-cummins-animal-advocates-crackpo.blogspot.com>

<http://civil-lawsuit-los-angeles.blogspot.com/>

<http://animal-advocates-psycho-cummins.blogspot.com>

<http://maryispoor.blogspot.com/>

<http://annetestark.blogspot.com/>

<http://victimsofmisscummins.blogspot.com/>

I ask the court to please restrain Google/Blogger from hosting these harassing blogs. I ask the court to make Google/Blogger take the blogs down. I also ask the court to not allow Google/Blogger to host any new harassing blogs about me, my business, Cummins Real Estate, or my rescue group, Animal Advocates, for at least five years.

CH-100 Item 6  
Restraining order  
Mary Cummins vs Google/Blogger  
Exhibits

Saturday, November 11, 2006

**MARY CUMMINS' CRIMINAL RECORD**

Wow.

Mary Cummins in LA of Animal Advocates and Cummins Real Estate Appraisals was charged with CREDIT CARD FORGERY AND THEFT!

Case Number LAW95W00B78-01

Count 1 484E(A) PC PTY THFT:ACQ CRED CRD W/O CONS

Count 2 484F(B) PC FORGE NAME ON CREDIT CARD

Count 3 484G(A) PC THEFT BY FORG/INVALID CRED CAR

Count 4 484(A) PC THEFT OF PROPERTY

[http://laanimalpals.blogspot.com/2006/11/mary-cummins-criminal-record\\_11.html](http://laanimalpals.blogspot.com/2006/11/mary-cummins-criminal-record_11.html)

**LA Stalker Alert! Mary Cummins Animal Advocates Stalks Ed Boks And Posts Internet Death Threats**

ALERT! ALERT! ALERT! MARY CUMMINS OF ANIMAL ADVOCATES, STALKER OF ANIMAL SERVICES GM ED BOKS, TIFFANY KROG, DANIEL GUSS, RAMONES FANS, ANNETTE STARK, RICHIE RAMONE, TONY RAFAEL, AND COUNTLESS OTHERS HAS POSTED VIOLENT DEATH THREATS ON MAYOR SAM'S SISTER CITY, THREATENING THE LIVES OF DANIEL GUSS, TIFFANY KROG, ANNETTE STARK AND OTHERS.

THE POSTS, WHICH ARE IN SCREENSHOTS, ARE ON THEIR WAY TO THE AUTHORITIES AS WE SPEAK. WE WERE ALERTED TO THIS SITUATION EARLY



THIS MORNING BY SEVERAL BLOGGERS HERE AND OTHER VICTIMS OF THIS PSYCHO NUTJOB MARY CUMMINS.

WE WILL BE POSTING THE FULL TEXT OF THESE VIOLENT DEATH THREATS BY MARY CUMMINS LATER. ALL WE CAN SAY AT THIS TIME IS THAT MARY CUMMINS OF ANIMAL ADVOCATES THREATENED HER VICTIMS WITH VIOLENCE. states that their lives are in danger "IN A BACK ALLEY." AMONG OTHER THINGS.

Unknown to Charlotte Laws and the rest of the DAWS, but according to wildlife rescuers, when Torrance Animal Control arrived at Red Enright's home, they were greeted by the sight of Mary Cummins in a BHLE Animal Control Officer's Uniform. The crazy nut Mary Cummins was posing as a cop!

<http://mary-cummins-animal-advocates-crackpo.blogspot.com/2008/01/la-stalker-alert-mary-cummins-animal.html>

Tuesday, December 05, 2006

#### **Warrant For Mary Cummins - DA Knaan says Mary Cummins is Nuts**

Mary Cummins in LA of Animal Advocates and Cummins Real Estate Appraisals, ex-lover of Boks, has a warrant out for her arrest. Appears she got charged with credit card forgery and theft, couldn't afford an attorney, pled guilty with the help of the Public Defender and then simply never showed up at court again. And the warrant issued.

On a related note, when Mary Cummins started her nutty blog back in March of 2006, District Attorney Debbie Knaan (newly appointed Assistant General Manager of LA Animal Services) immediately knew that Mary Cummins and Edward Muzika were behind the defamatory blogs in the deluded and desperate hopes for jobs with LAAS. District Attorney Knaan was highly disturbed by Mary Cummins and Edward Muzika and instructed that everyone should just ignore their insane blogs. Knaan is not the only upper echelon person in LA Animal Services that is well aware of crazy Mary Cummins and Edward Muzika.

No wonder crazy Mary Cummins and Edward Muzika don't attack Knaan on their blogs. They're still hoping for a crumb... or a penny. More funny is the fact that Mary Cummins has a psychotic hatred of female lawyers... because again, Mary Cummins has no professional credentials of which to speak of and is a failure.

<http://laanimalpals.blogspot.com/2006/12/warrant-for-mary-cummins-da-knaan-says.html>

**Mary Cummins alleges she was called "a biological man."**

Fact: It has been posted in cyberspace in the last ten years that Mary Cummins "posed naked online with a penis," and that witnesses located this photo of Mary Cummins in this strange situation ON HER OWN WEBSITE. Again, this is completely accurate, has been posted in cyberspace and talked about by witnesses who have offered to be witnesses for the city.

**Mary Cummins alleges that she is accused of "having a bench warrant for her arrest."**

Now, we have never alleged that in any of the Mary Cummins' Is The LA Cyberstalker Victims Blogs but the allegation has been raised elsewhere; we can tell you that City Attorney Bob Ferber invited Mary Cummins to come in to his office and be fingerprinted so as to clear herself and put an end to any of these allegations and MARY CUMMINS REFUSED.

<http://laanimalfriends.blogspot.com/2007/12/mary-cummins-aka-mary-cummins-cobbs.html>

RE: Mayor Villaraigosa reports animal services failure > General Pets by Mary Cummins. Animal Advocates

In early 2006 Ed Boks 's stalker started a "fan" blog called LAAnimalFriends where SHE attacked, harassed and threatened all naysayers. SHE'S PSYCHO MARY CUMMINS and she misspelled the blog so you couldn't find it and know what a NUTCASE SHE IS. IT's LA's Animal Friends and Mary Cummins, a sick liar, is represented by The Law Firm of Rheuban & Gresen in a frivolous lawsuit against LA City And LAAS GM Ed Boks. Recently, Mary Cummins continued her campaign of terror and harassment by sending a horrific email to Tiffany Krog in the middle of the night. Mary Cummins also recently posted DEATH THREATS against attorney Tiffany Krog, Annette Stark a writer for LA City Beat and animal rescuer Daniel Guss.

Mary Cummins was called "Terrorist" in LA's City Council and has become Ed Boks' own "number-one stalker"

[valleynews.com/TheValley/Stories/Pets/General-Pets/Story~418806.aspx](http://valleynews.com/TheValley/Stories/Pets/General-Pets/Story~418806.aspx) - 110k -  
Cached - Similar pages

[http://animal-nutz.blogspot.com/2008/02/re-mayor-villaraigosa-reports-animal\\_05.html](http://animal-nutz.blogspot.com/2008/02/re-mayor-villaraigosa-reports-animal_05.html)

In a message dated 8/29/2007 6:46:52 PM Eastern Daylight Time,  
cfowler@\*\*\*\*\* writes:

Please cross-post.

I think more emails need to be sent to Nicole Carion at our California  
Department of Fish & Game. ncarion@dfg.ca.gov

Mary Cummins posted this video to youtube. This poor skunk does NOT look  
neuro to me at all. That screaming and biting at himself is a PAIN response! It  
looks to me like she did something like put a tight rubberband around his penis  
or back leg. I find this to be absolutely SICK. I would like to know what can  
be done about this?

[http://laanimal-friends.blogspot.com/2007/12/re-mary-cummins-si-friend-floyd\\_04.html](http://laanimal-friends.blogspot.com/2007/12/re-mary-cummins-si-friend-floyd_04.html)

Why is Crazy Mary Cummins of Animal Advocates posting to these rescue groups like  
DAWS when rescuers do not want to talk to her? See below for infamous nutcase Mary  
Cummins crass and stupid t shirt idea. This woman has NO CREDIBILITY, all these  
rescuers know Mary Cummins is a crazy loser who is banned from rescue in Los  
Angeles and questioned by LAPD anti-terrorism. Mary Cummins of Animal Advocates

has stalked and cyberstalked so many victims. How can she think people don't know about her?

Some of the rescuers in these groups are even WELL AWARE of Mary Cummins' numerous questionable acts towards animals in her care. Many of these rescuers agreed with Ed Bokis' actions of having the LA Animal Cruelty Task Force investigate Mary Cummins. Who does this scik nut think she's fooling?

<http://laanimalfriendseponym.blogspot.com/2008/02/las-animal-friends-rebuttal-to-email.html>

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**Civil**

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COBB MARY CUMMINS	Civil Harassment (Unlimited)	12/30/2010	Stanley Mosk Courthouse	
COBB MARY CUMMINS	Civil	06/07/1983		
CUMMINS MARY ALICE	Motor Vehicle - PIPD/WD (Unlimited)	06/10/2002	Pasadena Courthouse	
CUMMINS MARY ALICE	Motor Vehicle - PIPD/WD (Unlimited)	01/13/1997	Pasadena Courthouse	
CUMMINS MARY ANN	Civil	04/26/1987		
CUMMINS MARY ANN	Civil	05/20/1988		
CUMMINS MARY A	Motor Vehicle - PIPD/WD (Unlimited)	05/14/1993	Burbank Courthouse	
CUMMINS MARY C	Civil	10/30/1987		
CUMMINS MARY K.	Small Claims	07/23/1997	Beverly Hills Courthouse	
CUMMINS MARY K.	Small Claims	06/03/1999	Beverly Hills Courthouse	
CUMMINS MARY K.	Civil Harassment (Unlimited)	09/04/2001	Stanley Mosk Courthouse	

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CUMMINS MARY LOUISE	Civil	12/19/1985		
CUMMINS MARY R.	U.D.- RESIDENTIAL (Limited)	11/28/1990	Beverly Hills Courthouse	
CUMMINS MARY RIVERA	Civil	10/23/1991		
CUMMINS MARY RIVERA	Civil	11/14/1986		
CUMMINS MARY R.	Civil	10/23/1991		
CUMMINS MARY R.	Civil	05/07/1984		
CUMMINS MARY R.	Civil	01/25/1984		
CUMMINS MARY.	Prod Liability (not asbes,tox,envir (Unlimited)	02/03/2006	Stanley Mosk Courthouse	2
CUMMINS MARY	Small Claims	08/30/2000	Malibu Courthouse	
CUMMINS MARY	OTHER PL/D/W TORT (Limited)	11/22/1993	Michael Antonovich Antelope Valley Courthouse	
CUMMINS MARY	Other Real Property Rights Case (Unlimited)	10/09/2001	Stanley Mosk Courthouse	

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RIVERA					
CUMMINS MARY R.	Civil		10/23/1991		
CUMMINS MARY R.	Civil		05/07/1984		
CUMMINS MARY R.	Civil		01/25/1984		
CUMMINS MARY.	Prdct Liability (not asbes, tox, envir (Unlimited)		02/03/2006	Stanley Mosk Courthouse	2
CUMMINS MARY	Small Claims		06/30/2000	Malibu Courthouse	
CUMMINS MARY	OTHER P/D/W TORT (Limited)		11/22/1993	Michael Antonovich Antelope Valley Courthouse	
CUMMINS MARY	Other Real Property Rights Case (Unlimited)		10/09/2001	Stanley Mosk Courthouse	
CUMMINS MARY	Civil		05/14/1986		
CUMMINS MARY	Civil		04/30/1987		

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# Superior Court of California County of Los Angeles

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Name	Case Type	Filing Date	Location	Available Imaged Documents
CUMMINS MARY	Civil	08/02/1989		
CUMMINS-COBB MARY K.	Wrongful Termination (Unlimited)	07/20/2007	Stanley Mosk Courthouse	62
CUMMINS-COBB MARY K.	COLLECTIONS CASE (Limited)	02/21/2008	Beverly Hills Courthouse	
CUMMINS-COBB MARY	Small Claims	01/03/2011	West Los Angeles Courthouse	
CUMMINS-PRAGER MARY ANN	Other Employment Complaint (Unlimited)	10/24/2000	Stanley Mosk Courthouse	
MARY CUMMINS	Intellectual Property (Unlimited)	03/07/2005	Stanley Mosk Courthouse	43
MARY K. CUMMINS-COBB	Small Claims	05/18/1993	Beverly Hills Courthouse	

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Name	Case Type	Filing Date	Location	Available Imaged Documents
CUMMINS-COBB MARY K.	Wrongful Termination (Unlimited)	07/20/2007	Stanley Mosk Courthouse	62
CUMMINS-COBB MARY K.	COLLECTIONS CASE (Limited)	02/21/2008	Beverly Hills Courthouse	
CUMMINS-COBB MARY	Small Claims	01/03/2012	West Los Angeles Courthouse	
MARY K. CUMMINS-COBB	Small Claims	05/18/1993	Beverly Hills Courthouse	

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## Case Summary

**Case Number:** 93S01539

MARY K. CUMMINS-COBB VS. CARL WILLIAMS/PRUDENTIAL REALT

**Filing Date:** 05/18/1993

**Case Type:** Small Claims (Limited Jurisdiction)

**Filing Court:** Beverly Hills Courthouse

**Status:** DISPOSED BY JUDGMENT

---

### Future Hearings

None

---

### History Information

#### Parties

**Plaintiff:** MARY K. CUMMINS-COBB

**Attorney:** None

**Defendant:** CARL WILLIAMS/PRUDENTIAL REALTY

**Attorney:** None

**Defendant:** MARY ANN MUSICO/PRUDENTIAL REALTY

**Attorney:** None

**Defendant:** ANTIONETTE CAMPBELL

**Attorney:** None

---

### Party Information

#### Histories ( Dates listed in descending order)

**05/23/2006** CASE FILE ORDERED DESTROYED PER SECTION(S) 71008 AND/OR 68152 OF THE GOVERNMENT CODE.

**05/23/2006** PURSUANT TO COURT ORDER THE CASE FILE WAS DESTROYED ON 05/23/06 . CASE SET TO BE PURGED FROM THE SYSTEM.

**07/14/1993** JUDGMENT ENTERED AS A FINAL DISPOSITION ON 07/14/93 . FOR (CARL WILLIAMS/PRUDENTIAL REALTY) , (MARY ANN MUSICO/PRUDENTIAL REALTY) , (ANTIONETTE CAMPBELL) .

AGAINST (MARY K. CUMMINS-COBB) . DAMAGES \$ 00.00 . COSTS \$  
00.00 . TOTAL \$ .00 . EXECUTION STAYED 30 DAYS. ALL  
PARTIES PRESENT

**06/17/1993** CERTIFIED MAIL RETURN RECEIPT FILED. SERVED AS TO (CARL  
WILLIAMS/PRUDENTIAL REALTY) . COSTS OF \$ 5.00 .

**06/10/1993** CERTIFIED MAIL RETURN RECEIPT FILED. SERVED AS TO  
(ANTIONETTE CAMPBELL) . COSTS OF \$ 5.00 .

**06/09/1993** CERTIFIED MAIL RETURN RECEIPT FILED. SERVED AS TO (MARY  
ANN MUSICO/PRUDENTIAL REALTY) . COSTS OF \$ 5.00 .

**05/18/1993** PLAINTIFF'S CLAIM AND ORDER TO DEFENDANT FILED. RN PAID.  
HEARING SET FOR 07/14/93 AT 01:30 PM IN DIV. 003.

## Case Summary

**Case Number:** 11W00011  
CUMMINS-COBB, MARY VS. ANDERSON, LAUREL

**Filing Date:** 01/03/2011  
**Case Type:** Small Claims (Limited Jurisdiction)  
**Filing Court:** West Los Angeles Courthouse  
**Status:** DISPOSED BY JUDGMENT

---

**Future Hearings**  
None

---

### History Information

#### Parties

**Plaintiff:** CUMMINS-COBB MARY  
**Attorney:** None

**Defendant:** ANDERSON LAUREL  
**Attorney:** None

---

### Party Information

#### Histories ( Dates listed in descending order)

**03/14/2011** NOTICE/LETTER RE: NOTICE OF ENTRY OF JUDGMENT RETURNED AS TO (ANDERSON, LAUREL) DUE TO RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD .

**02/18/2011** PROOF OF SERVICE RE: PLAINTIFF'S CLAIM FILED. SERVED AS TO (ANDERSON, LAUREL) . COSTS OF \$ 0.00 .

**02/18/2011** CAUSE CALLED AT 08:30A M, IN DEPT. 090 , HON. PAMELA DAVIS PRESIDING FOR SMALL CLAIMS HEARING. PLAINTIFF APPEARING . NO APPEARANCE BY OR FOR DEFENDANT .

**02/18/2011** COURT TAKES MATTER UNDER SUBMISSION.

**02/18/2011** AFTER SUBMISSION, COURT ORDERS JUDGMENT ENTERED AS

FOLLOWS:

**02/18/2011** JUDGMENT ENTERED AS A FINAL DISPOSITION ON 02/18/11 .  
THE COURT ORDERS THAT THE DEFENDANT(S) DOES NOT OWE  
PLAINTIFF(S) ANY MONEY ON PLAINTIFF'S CLAIM.

**02/18/2011** NOTICE OF ENTRY OF JUDGMENT FILED AND MAILED TO ALL  
PARTIES.

**02/18/2011** MINUTE ORDER AND CLERK'S NOTICE OF RULING MAILED TO ALL  
PARTIES. CLERK'S CERTIFICATE OF SERVICE FILED.

**02/18/2011** CASE FILE RETURNED TO SMALL CLAIMS OFFICE FROM COURTROOM  
090 .

**01/03/2011** PLAINTIFF'S CLAIM AND ORDER TO DEFENDANT FILED.  
RN 1110104E8037. HEARING SET FOR 02/18/11 AT 08:30 AM  
IN DPT. 090.

## Case Summary

**Case Number:** 97S01724  
CUMMINS, MARY K. VS. THUNDER ROADHOUSE CLASSIC MOTO

**Filing Date:** 07/23/1997  
**Case Type:** Small Claims (Limited Jurisdiction)  
**Filing Court:** Beverly Hills Courthouse  
**Status:** DISPOSED BY JUDGMENT

---

### Future Hearings

None

---

### History Information

#### Parties

**Plaintiff:** CUMMINS MARY K.  
**Attorney:** None

**Defendant:** THUNDER ROADHOUSE CLASSIC MOTORCYCLES  
**Attorney:** None

---

### Party Information

#### Histories ( Dates listed in descending order)

**08/27/2008** CASE FILE ORDERED DESTROYED PER SECTION(S) 71008 AND/OR 68152 OF THE GOVERNMENT CODE.

**08/27/2008** PURSUANT TO COURT ORDER THE CASE FILE WAS DESTROYED ON 11/17/08 . CASE SET TO BE PURGED FROM THE SYSTEM.

**10/06/1997** AFTER SUBMISSION, COURT ORDERS JUDGMENT ENTERED AS FOLLOWS:

**10/06/1997** JUDGMENT ENTERED AS A FINAL DISPOSITION ON 10/06/97 . THE COURT ORDERS THAT THE DEFENDANT(S) DOES NOT OWE PLAINTIFF(S) ANY MONEY ON PLAINTIFF'S CLAIM.

**10/06/1997** NOTICE OF ENTRY OF JUDGMENT FILED AND MAILED TO ALL PARTIES.

09/25/1997 CAUSE CALLED AT 09:00A M, IN DIV. 006 , HON. HUGH M. BOBYS PRESIDING FOR SMALL CLAIMS HEARING. PLAINTIFF APPEARING . DEFENDANT APPEARING .

09/25/1997 COURT TAKES MATTER UNDER SUBMISSION.

08/15/1997 MATTER RE-SET FOR SMALL CLAIMS HEARING ON 09/25/97 AT 08:30A M, IN DIV. 006 .

08/14/1997 REQUEST FOR CONTINUANCE OF SMALL CLAIMS HEARING RECEIVED FROM (CUMMINS, MARY K.) . CASE FILE FOWARDED TO DIV. 006 FOR CONSIDERATION . RN PAID

07/23/1997 PLAINTIFF'S CLAIM AND ORDER TO DEFENDANT FILED. RN PAID. HEARING SET FOR 08/21/97 AT 08:30 AM IN DIV. 006.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES -- CENTRAL DISTRICT

MARY K. CUMMINS-COBB, )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CITY OF LOS ANGELES, et al., )  
 )  
 Defendants. )

CASE NO.: BC 374 596  
VOLUME I  
(Pages 1-109)

DEPOSITION OF MARY K. CUMMINS-COBB

TAKEN ON

WEDNESDAY, AUGUST 27, 2008

Reported by:  
Elizabeth Cortes, CSR # 10566  
Job No.: 8329

ATTORNEYS' CHOICE  
1925 CENTURY PARK EAST  
SUITE 1320  
LOS ANGELES, CALIFORNIA 90067  
310.551.0700



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THE PLAINTIFF,                   LAW OFFICES OF RHEUBAN & GRESEN  
BY: SOLOMON E. GRESEN, ESQ.  
1990 South Bundy Drive  
Suite 540  
Los Angeles, California 90025  
310.979.0325

THE DEFENDANTS,                   OFFICE OF THE CITY ATTORNEY  
DEPUTY CITY ATTORNEY  
EMPLOYMENT LITIGATION  
BY: VIBIANA M. ANDRADE, ESQ.  
700 City Hall East  
200 North Main Street  
Los Angeles, California  
90012  
213.978.8282

Also present: Russell Core

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES -- CENTRAL DISTRICT

MARY K. CUMMINS-COBB, )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CITY OF LOS ANGELES, et al., )  
 )  
 Defendants. )

CASE NO.: BC 374 596  
VOLUME I  
(Pages 1-109)

DEPOSITION OF MARY K. CUMMINS-COBB,  
taken on behalf of the Defendants, at 200 North Main  
Street, City Hall East, 7th Floor, Los Angeles,  
California, at 10:15 a.m., on Wednesday, August 27, 2008,  
before ELIZABETH CORTES, CSR No. 10566, a Certified  
Shorthand Reporter in and for the State of California  
pursuant to Notice.

\* \* \* \*

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I N D E X

DEPONENT	EXAMINATION	PAGE
MARY K. CUMMINS-COBB	BY MS. ANDRADE	5

E X H I B I T S

(none)

Q U E S T I O N S M A R K E D

(none)

I N F O R M A T I O N R E Q U E S T E D

(none)

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 27, 2008

2 10:15 A.M.

3 \* \* \* \*

4 MARY K. CUMMINS-COBB,

5 called as the deponent by the Defendants, having been  
6 first duly sworn, was examined and testified as follows:

7  
8 EXAMINATION

9 BY MS. ANDRADE:

10 Q Could you state and spell your name for the  
11 record, please.

12 A Mary, M-a-r-y, Katherine, K-a-t-h-e-r-i-n-e,  
13 Cummins, C-u-m-m-i-n-s, dash, Cobb, C-o-b-b.

14 Q Ms. Cummins, have you used any other names  
15 before?

16 A No.

17 Q So the only name you have is Mary Cummins-Cobb?

18 A Yes.

19 Q Have you ever used the name Cummins-Rivera?

20 A No.

21 Q Is that your name?

22 A No.

23 Q Do you know a Mary Cummins-Rivera?

24 A No.

25 Q Do you know a Mary Cummins-Riviera?

1           Go ahead.

2           THE WITNESS: There's a lot of untrue negative  
3 items written about me on the internet.

4 BY MS. ANDRADE:

5           Q     And in 2006 there were negative untrue items  
6 written about you on the internet; is that correct?

7           A     Yes.

8           Q     In 2007 approximately how much income did you  
9 earn as Cummins Real Estate Services?

10          A     Zero.

11          Q     And why is that?

12          MR. GRESEN: Objection, foundation, speculation.

13          Go ahead.

14          THE WITNESS: It's impossible for me to get work  
15 in my name, because of what's written on the internet.

16 BY MS. ANDRADE:

17          Q     And in 2008 how much money have you earned as  
18 Cummins Real Estate Services?

19          A     Zero.

20          Q     And why is that?

21          MR. GRESEN: Objection, foundation, speculation

22          Go ahead.

23          THE WITNESS: It's impossible for me to work,  
24 because of the negative falsehoods written on the  
25 internet.

1 BY MS. ANDRADE:

2 Q Who is it that writes negative falsehoods on the  
3 internet?

4 MR. GRESEN: Objection, foundation, speculation.

5 THE WITNESS: I believe it's Annette Stark,  
6 Tiffany Krog and Daniel Gus.

7 BY MS. ANDRADE:

8 Q Who is Annette Stark?

9 A Annette Stark was a writer for LA City Week.

10 Q And who is Tiffany Krog?

11 A She was an attorney who was a member of animal  
12 Directors of Animal Welfare.

13 Q And what's Animal Welfare?

14 A It is a private group of individuals who want to  
15 help people with animals.

16 Q And who is Daniel Gus?

17 A Daniel Gus is an animal activist.

18 Q What terrible things has Annette Stark written  
19 about you commencing in 2006 such that you find it  
20 impossible to get any work?

21 MR. GRESEN: Objection, foundation, speculation,  
22 assumes facts not in evidence, misstates testimony.

23 You can answer.

24 THE WITNESS: She wrote that I'm a terrorist --  
25 a 9-11 terrorist, I post squirrel porn to children's chat

1 rooms, I'm a biological mail, convicted criminal, there's  
2 a bench warrant out for my arrest, I was convicted of  
3 credit card fraud, I'm a cyberstalker.

4 BY MS. ANDRADE:

5 Q Anything else?

6 A She's written other things, but it would be too  
7 lengthy for me to repeat.

8 Q Do you have any of those things in writing?

9 A Yes.

10 Q Have you provided those things in writing to  
11 your attorney?

12 A I think so.

13 Q Okay.

14 MR. GRESEN: Counsel, I can make the  
15 representation that we've provided them to you in  
16 production.

17 MS. ANDRADE: I just wanted to make sure that we  
18 did have them. Okay.

19 BY MS. ANDRADE:

20 Q So those things that are written by Annette  
21 Stark, how do you know that Annette Stark is writing  
22 them?

23 A She wrote them in e-mail and sent them to the  
24 mayor and city council members and Ed Boks.

25 Q When did she send them in an e-mail to the city

1 BY MS. ANDRADE:

2 Q And on Craigslist?

3 A 2006, 2007.

4 Q Okay. You've mentioned Blogspot, Equinum and  
5 Craigslist is there anything else you believe she's  
6 posted things about you that have made it impossible for  
7 you to find work?

8 A No, just those main sites.

9 Q You also mentioned Tiffany Krog?

10 A Krog.

11 Q Krog. As someone who had said unkind things  
12 about you or posted unkind things about you?

13 A Yes.

14 Q Has she said the same things as Annette Stark?

15 A Yes.

16 Q So in other words she's called you a 9-11  
17 terrorist, a biological male?

18 A No, Annette Stark called me the biological male.

19 Q Has Krog said that there's a bench warrant out  
20 for your arrest?

21 A Yes.

22 Q And that you've been convicted of credit card --

23 A Yes.

24 Q What was it, fraud?

25 A Credit card fraud.



1 Q And that you are a cyberstalker?

2 A Yes.

3 Q Krog said the same thing?

4 A Yes.

5 Q In writing?

6 A Yes.

7 Q And she accused you of being a -- posting  
8 squirrel pornography on children's web sites?

9 A I believe that was Annette Stark only who said  
10 that.

11 Q Okay. And Daniel Gus you also mentioned him as  
12 someone who had posted unfavorable things about you?

13 A Yes.

14 Q Did Daniel Gus call you a 9-11 terrorist?

15 A I would have to go read his blogs again to  
16 check.

17 Q Okay. And did he call you a biological male?

18 A I don't think he did.

19 Q Did he say that there was a bench warrant out  
20 for your arrest?

21 A I believe he was posting that on Craigslist.

22 Q When did he post that on Craigslist?

23 A 2006.

24 Q Did he accuse -- did he say that you had  
25 committed credit card fraud?

1 A I believe so.

2 Q And did he accuse you of being a cyberstalker?

3 A Yes.

4 Q And did he accuse you of posting squirrel  
5 pornography?

6 A I don't think so.

7 Q Where did Daniel Gus post unfavorable things  
8 about you?

9 MR. GRESEN: Objection, foundation, speculation.

10 You can answer.

11 THE WITNESS: On Blogger.

12 BY MS. ANDRADE:

13 Q Is Blogger different than Blogspot?

14 A They are the same.

15 Q Does he have his own blog?

16 A Yes.

17 Q What's the name of his blog?

18 A He has two, one is MAYORDANIEL.BLOGSPOT.COM,  
19 another is TONYVALARATBLOGSPOT.COM, another is  
20 EDHOAGS@BLOGSPOT.COM.

21 Q So he has three?

22 A That I know of.

23 Q When you said that he posted that you were a  
24 9-11 terrorist on Blogger was it on one of these three  
25 blogs where he made the posting?

1 A No.

2 Q Where did he post that?

3 A Craigslist.

4 Q Okay. And where did he post that you were  
5 wanted for a bench warrant?

6 A Craigslist.

7 Q And where did he post that you had committed  
8 credit card fraud?

9 A Craigslist.

10 Q And where did he post that you had -- that you  
11 were a cyberstalker?

12 A Craigslist.

13 Q What unkind things has he said about you that  
14 he's posted on any of his blogs?

15 A I haven't read them in a while, I would have to  
16 read them again.

17 Q Okay. Do you know the last time he posted  
18 something that was not favorable to you?

19 A 2006.

20 Q Has Tiffany Krog posted statements about you?

21 MR. GRESEN: Objection, foundation, speculation.

22 Go ahead.

23 THE WITNESS: Yes.

24 BY MS. ANDRADE:

25 Q And has she posted statements about you?

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY and  
AMANDA LOLLAR,

Plaintiffs,

VS.

MARY CUMMINS,

Defendant.

) IN THE DISTRICT COURT

) TARRANT COUNTY, TEXAS

) 352ND JUDICIAL DISTRICT

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
MARY CUMMINS  
AUGUST 25, 2011  
-----

ORAL AND VIDEOTAPED DEPOSITION OF MARY CUMMINS, produced as a witness at the instance of the PLAINTIFFS, and duly sworn, was taken in the above-styled and numbered cause on August 25, 2011, from 9:40 a.m. to 5:11 p.m., before Michael Navarro, CSR in and for the State of Texas, reported by machine shorthand, at the law offices of Neal Callaway, 1200 Summit Avenue, Suite 720, Fort Worth, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.



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CERTIFIED COURT REPORTERS  
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(817) 810-0244 • (800) 676-2401 • FAX 810-0064

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EXHIBIT H

1 Q. Why -- he sued you for getting a restraining  
2 order?

3 A. After I filed the restraining order, he sued  
4 me.

5 Q. Okay. What did he restrain you from doing?

6 A. I got the restraining order against him.

7 Q. Okay, so you -- what did you restrain him from  
8 doing?

9 A. He had to stay away from my property, he had  
10 to stay away from me and my husband.

11 Q. What was Mr. Simas doing to you that made you  
12 feel like you needed to go sue him and get a restraining  
13 order?

14 A. He took a sledgehammer to my house, he tore  
15 down my fence, he tore down my gazebo. He stalked my  
16 husband and me. He tried to stab my husband with a  
17 machete. He stabbed the hedge trimmers through the  
18 fence at me.

19 Q. And, so, then, he sued you for defamation and  
20 assault and some other things; is that correct?

21 A. I don't know if he sued me for assault.

22 Q. What was the outcome of that case?

23 A. I got a restraining order against him.

24 Q. What happened on his countersuit?

25 A. He went crazy, his attorney dumped him, and

1 that was the end of the suit.

2 Q. So it was eventually dismissed?

3 A. There was -- he represented himself after  
4 that, and then the judge gave me the restraining order.

5 Q. Were you *pro se* in that case?

6 A. Yes -- um, I was *pro se* in the beginning, then  
7 I hired an attorney, and then I was *pro se* in the end.

8 Q. Who is Tiffany Krog?

9 A. Tiffany Krog is an attorney in Los Angeles.

10 Q. And how do you know her?

11 A. She was stalking me for a few years.

12 Q. So a lawyer in Los Angeles was stalking you?

13 A. Yes.

14 Q. Wow. Did you report her to the police?

15 A. No.

16 Q. Why not?

17 A. I spoke to the head of cyber-stalking for LA  
18 County, and they told me that would enrage her more and  
19 she would never stop.

20 Q. Why was Tiffany Krog stalking you?

21 A. She was embarrassed in a Yahoo group and  
22 blamed it on me.

23 Q. What embarrassed her?

24 A. She posted something negative about me, and  
25 the other people stood up for me. Then she got another

1 user name, pretended to be a man, and attacked everyone.  
2 And then one night, she mixed up her user names, and  
3 everyone could see that it was her.

4 Q. What was she saying on this Yahoo group?

5 A. She was calling all the women hags, and she  
6 said in her male user name that Tiffany Krog is pretty  
7 and smart and everyone should do as she says.

8 Q. Did you report her to the California bar?

9 A. No.

10 Q. Why not?

11 A. The head of the cyber-stalking division told  
12 me that would infuriate her even more and she would  
13 never stop.

14 Q. Did you ever get involved with litigation with  
15 her?

16 A. No.

17 Q. Did you make an accusation about her brother?

18 A. I didn't even know she had one.

19 Q. You never accused her brother of raping you?

20 A. No.

21 Q. So, she stalked you. Who else has stalked you  
22 besides Ms. Krog?

23 A. Annette Stark.

24 Q. Annette Stark?

25 A. Yes.

1 Q. A-N-N-E-T-T-E, Stark, S-T-A-R-K?

2 A. Yes.

3 Q. So she has stalked you, too?

4 A. Yes.

5 Q. Well, let me back up. Before we get off  
6 Tiffany Krog, how did Tiffany Krog stalk you, the lawyer  
7 in California?

8 A. She made quite a few blogs about me. She sent  
9 many e-mails to the city of LA accusing me of climbing  
10 over her fence, following her. That's about it.

11 Q. So she posted some blogs and sent some e-mails  
12 and that was stalking?

13 A. She sent e-mails to the mayor and city council  
14 saying really crazy things, that I'm a criminal, that  
15 I'm stalking her.

16 Q. So you consider that stalking if somebody  
17 sends e-mails talking about a person?

18 A. She also -- that's cyber-stalking. But it was  
19 what she was sending.

20 Q. While we're on that subject, what is  
21 cyber-stalking?

22 A. Using the Internet to threaten someone.

23 Q. So what threats was she making to you?

24 A. She sent me e-mails saying that I better shine  
25 up my gun because she's coming, that she was going to



1 sexually assault me.

2 Q. She sent you an e-mail saying, "I'm going to  
3 sexually assault you"?

4 A. She sent an e-mail in an anonymous e-mail  
5 address, but I could see her source code that it was  
6 her, and she said she was coming to fuck my big fat fake  
7 tits.

8 Q. You're big fat what?

9 A. Fake tits.

10 Q. You could tell from the source code?

11 A. Yes.

12 Q. Tell me how that works.

13 A. View full header or view source of an e-mail.

14 Q. Those are Web sites?

15 A. No. She sent the e-mail through Yahoo,  
16 through an e-mail address called "Mary Cummins is a  
17 whore," um, "Mary Cummins is finished," "Mary Cummins is  
18 poor." But if I viewed the source code of the e-mail  
19 address, I could see it was her IP.

20 Q. How do you view the source code of an e-mail  
21 address?

22 A. Depends upon the mail program.

23 Q. How did you view the source of her e-mail  
24 address?

25 A. View full headers and view source.

1 Q. I don't understand what that means. What do  
2 you mean "view full headers"?

3 A. If you go to your e-mail account and open an  
4 e-mail, there are options to view source or view full  
5 headers.

6 Q. Okay. In that way, you -- by doing that, you  
7 were able to tell that it was Tiffany Krog who was  
8 cyber-stalking you and sending you these threatening  
9 e-mails?

10 A. Yes.

11 Q. And she was doing that because why?

12 A. She was embarrassed on the Yahoo group and she  
13 thought it was my fault.

14 Q. And what were all the things that embarrassed  
15 her?

16 A. That she was caught using a different user  
17 name and telling everyone people should be nice to  
18 Tiffany because she's pretty and smart.

19 Q. And when it was discovered that that was her,  
20 she was embarrassed so she started cyber-stalking you?

21 A. Yes.

22 Q. Who else was cyber -- okay, you said Annette  
23 Stark has also cyber-stalked you; is that correct?

24 A. Yes.

25 Q. And then, I believe you're claiming that

1 Amanda Lollar has cyber-stalked you as well; is that  
2 correct?

3 A. I believe so.

4 Q. So besides Tiffany Krog, an attorney in  
5 California, and Annette Stark and Amanda Lollar, who  
6 else has cyber-stalked you?

7 A. I've received totally anonymous e-mails. I  
8 don't know where they came from.

9 Q. Does that mean you're being cyber-stalked?

10 A. If someone sends a threatening e-mail saying  
11 they're going to break my legs.

12 Q. So you get e-mails from people threatening to  
13 break your legs?

14 A. I have in the past.

15 Q. But they're anonymous?

16 A. Yes.

17 Q. Why don't you view the source code and see who  
18 they are?

19 A. If they send it through multiple re-mailers, I  
20 can't see it.

21 Q. If they use proxy servers?

22 A. Yes.

23 Q. Do you ever do that?

24 A. To visit Web sites that I can't see normally.

25 Q. So if somebody wants to block you from their

1 Web site, there's a way you can get around that; is that  
2 correct?

3 A. Yes.

4 Q. As a matter, you did that with me, didn't you?

5 A. Yes.

6 Q. So, who is Annette Stark?

7 A. She was a writer.

8 Q. Where?

9 A. Los Angeles.

10 Q. For whom did she write?

11 A. "LA Weekly," "LA CityBeat."

12 Q. So, she's a news reporter?

13 A. She writes more editorials.

14 Q. Okay. So an editorial writer for the "LA  
15 Weekly," you say?

16 A. Yes.

17 Q. She cyber-stalked you as well?

18 A. Yes.

19 Q. And tell me about the cyber-stalking that  
20 Ms. Stark did.

21 A. She teamed up with Tiffany Krog and sent many  
22 threatening e-mails to the city, to the city council,  
23 saying I was a criminal, a terrorist, a 9/11 terrorist,  
24 I post squirrel porn to children's chat rooms, I am a  
25 biological male, I actually weigh 300 pounds and I wear

1 gunnysacks in public, I give needles to drug dealers.

2 And then she sent me threats directly.

3 Q. So those things you just mentioned, is that  
4 cyber-stalking? If you post false or defamatory  
5 statements about somebody, is that cyber-stalking?

6 A. Using the Internet to threaten.

7 Q. Okay, but those things weren't threats, that  
8 you just mentioned, I don't think.

9 A. She did make other threats.

10 Q. Okay, so there has to be a threat in order for  
11 it to be cyber-stalking? Is that what you're saying?

12 A. Yes.

13 Q. And what were the threats that she made?

14 A. She was going to destroy me, she was going to  
15 cause me to lose my job and to lose my house.

16 Q. So, she's the second person who said she was  
17 going to destroy you? Rebecca Dmytryk also said she was  
18 going to destroy you?

19 A. Yes.

20 Q. What does "destroy you" mean?

21 A. I don't know what they mean.

22 Q. Did you find it interesting that both of these  
23 women said they were going to destroy you?

24 A. What do you mean by "interesting"?

25 Q. Did that strike you as just a coincidence, or

1 do you think maybe they were colluding?

2 A. Tiffany Krog and Annette Stark were colluding.

3 Q. But Annette Stark and Rebecca Dmytryk were  
4 not?

5 A. I believe Annette Stark is dead.

6 Q. Okay. Now, I assume you filed police reports  
7 over all of these threats to your health and safety?

8 A. Yes.

9 Q. And who did you file those with?

10 A. LAPD.

11 Q. Tell me the years that these were filed.

12 A. 2006, 2007.

13 Q. Just those two years?

14 A. Yes.

15 Q. So the LAPD should have record of you  
16 complaining about threats made to your safety in those  
17 two years?

18 A. Yes.

19 Q. And these would be threats by who? All three  
20 people or just -- who?

21 A. Tiffany Krog and Annette Stark.

22 Q. Was anybody ever prosecuted or arrested for  
23 threatening you?

24 A. No.

25 Q. Who else has cyber-stalked you besides the

1 people that we've talked about here today?

2 A. When I was outing stock criminals, I would  
3 generally have people harass and threaten me.

4 Q. You used to out stock criminals?

5 A. Yes.

6 Q. What does that mean?

7 A. If I saw what looked like a stock scam, I  
8 would investigate, write a report and post it on the  
9 Internet.

10 Q. Was this just a hobby of yours, or was it  
11 involved in your work somehow?

12 A. It was a hobby.

13 Q. So you had a hobby of sort of seeking out  
14 stock scams?

15 A. Yes.

16 Q. How long did you have that hobby?

17 A. 2000 to 2004.

18 Q. Did you expose a lot of stock criminals?

19 A. Yes.

20 Q. And as a result, you got a lot of threats to  
21 your health and safety?

22 A. Yes.

23 Q. Did you report those to the police?

24 A. No.

25 Q. Did you know who those people were, or were

1 they anonymous?

2 A. I knew who some of them were and some were  
3 anonymous.

4 Q. Who were some of them?

5 A. Francois Goelo.

6 Q. How do you spell his last name?

7 A. G-O-E-L-O.

8 Q. Where does Mr. Goelo live?

9 A. The Cayman Islands.

10 Q. And so he threatened your safety?

11 A. He threatened the safety of my husband.

12 Q. What did he say?

13 A. He said he was going to cut his penis up into  
14 tiny, little pieces.

15 Q. Wow. Did you say somebody advised you not to  
16 file a police report about Tiffany Krog? That's the  
17 head of cyber-stalking?

18 A. I was advised not to file a restraining order  
19 and not to sue her.

20 Q. And what's the name of that person who gave  
21 you that advice?

22 A. It's a woman who is the head of LA County  
23 cyber-stalking.

24 Q. Do you remember her name?

25 A. No.



1 Q. Is she still there?

2 A. I don't know.

3 Q. What are the names of some other people who  
4 have cyber-stalked you?

5 A. That's -- stockholders of Ashton Technology.

6 Q. Ashton Technology. Do you know their names?

7 A. I would have to -- I don't think I have their  
8 names anymore.

9 Q. Did they cyber-stalk you through e-mail?

10 A. E-mail and message boards.

11 Q. And, so, tell me the -- tell me about the  
12 cyber-stalking that Amanda Lollar has done to you.

13 A. She made a post on someone else's blog from  
14 Mineral [sic], Texas, stating, "You better remove the  
15 articles and the Indybay articles or we will keep the  
16 "Victims of Miss Cummins" blog up." And let everyone  
17 know about my horrible life. That's paraphrased.

18 Q. So, remove the articles from Indybay and what  
19 else?

20 A. The items in your discovery.

21 Q. And if you don't do that, what's going to  
22 happen?

23 A. They're going to share the secrets of my  
24 horrible life on the "Victims of Miss Cummins" blog.

25 Q. What are the secrets of your horrible life?

1 A. I don't know.

2 Q. Did you send me that e-mail or that post?

3 A. Yes.

4 Q. And how do you know that was a Amanda Lollar?

5 A. The person who ran the blog has stats, and it  
6 showed her IP address, her browser, her computer,  
7 longitude, latitude.

8 Q. How did you get that information?

9 A. The comment was posted to the blog. And the  
10 blogger saw it, he did not approve it. He forwarded it  
11 to me.

12 Q. What's the blogger's name?

13 A. Edward Muzika.

14 Q. How do you spell his last name?

15 A. M-U-Z-I-K-A.

16 Q. Where does Edward live?

17 A. Somewhere in Los Angeles.

18 Q. Do you know him?

19 A. Yes.

20 Q. And how do you know Edward?

21 A. We both volunteered for the Department of  
22 Animal Services together.

23 Q. So he's a friend of yours?

24 A. Yes.

25 Q. So, Amanda Lollar posted a threat to your

1 friend's blog, and then he forwarded it to you; is that  
2 correct?

3 A. The comment made it seem that the person who  
4 sent it thought it was my blog.

5 Q. Okay. So the threat that you say Ms. Lollar  
6 made was that she was going to share the secrets of your  
7 horrible life or the horrible secrets of your life?

8 A. That's paraphrased through -- you have a copy  
9 in discovery.

10 Q. Did she threaten anything else besides that?

11 A. In that one post?

12 Q. Any other posts.

13 I want to know about all the threats you've  
14 received from Amanda Lollar.

15 A. Some of the threats are online, and I don't  
16 know who posted them.

17 Q. So you don't know if they're from Amanda  
18 Lollar or not?

19 A. Not the other ones online.

20 Q. Have you told -- is this threat that you  
21 talked about from Edward Muzika, is that the only threat  
22 that you know about that you claim you know about that  
23 Amanda Lollar made?

24 A. Yes.

25 Q. Do you consider that cyber-stalking?

1 A. Yes.

2 Q. So cyber-stalking is a threat of any kind, in  
3 your mind, not just a threat of physical harm?

4 A. Yes. She was threatening to post liable.

5 Q. Well, how do you know what she was going to  
6 post? She just said secrets, right?

7 A. There's liable already posted on that blog.

8 Q. On your friend's blog?

9 A. On the "Victims of Miss Cummins."

10 Q. Oh, I see. Who runs that blog?

11 A. Rebecca Dmytryk.

12 Q. How long has that blog been up?

13 A. She started it a year ago and then took it  
14 down, and she started up again when, I guess, she met  
15 Ms. Lollar.

16 Q. Why does Rebecca Dmytryk have a blog called  
17 "Victims of Miss Cummins"?

18 A. She believes that I posted her bankruptcy  
19 documents online. And she posted that in retaliation,  
20 saying she will not remove the blog until I remove her  
21 bankruptcy documents.

22 Q. Did you post her bankruptcy documents online?

23 A. Not at that time.

24 Q. But you did later?

25 A. Recently.

1 Q. How do you know Rebecca Dmytryk?

2 A. I've known her since 2001. She is -- she was  
3 a wildlife rehabilitator.

4 Q. Where is she?

5 A. She's in Moss Landing, California.

6 Q. Have you met her in person?

7 A. Yes.

8 Q. Did you use to be friends?

9 A. For about a week.

10 Q. And then what happened to interrupt the  
11 friendship?

12 A. Two of the Fish and Game wardens told me not  
13 to have anything to do with her because she's crazy, she  
14 breaks the law, and she's going to lose her license.

15 Q. So, at some point, she -- that was in 2001.  
16 Did you say 2001?

17 A. Yes, I think so.

18 Q. So, in 2001, that was -- did you have any more  
19 contact with her after that year?

20 A. Yes.

21 Q. What?

22 A. In 2004, I got the new wildlife policy passed  
23 in LA, and she wanted to force the city to pay her to  
24 pick up the wildlife.

25 Q. How did that cause you to deal with her?

1 A. I had already set up a free transportation  
2 system, and she wanted to -- she was threatening to turn  
3 the city in for fish and game violations if they didn't  
4 hire her to pick up the wildlife and deliver it to  
5 rehabbers.

6 Q. That was in 2004?

7 A. Yes.

8 Q. And, then, what dealings with her have you had  
9 since 2004?

10 A. I provide humane nuisance wildlife control for  
11 free, and she charges. We get the same calls.

12 Q. So, how do you deal with her? What dealings  
13 do you have with her when that happens?

14 A. Generally, the homeowner or city will choose  
15 me, and she'll be upset.

16 Q. So, do you communicate with her?

17 A. I no longer communicate with her directly.

18 Q. When did you last communicate with her?

19 A. Six months ago. She sent me e-mails through  
20 someone else's account asking to add me to a list of  
21 rehabbers, and I said no.

22 Q. So, have we now talked about everybody who has  
23 cyber-stalked you?

24 A. There were quite a few shareholders of Ashton  
25 Technology and also professional stock promoters.

1 Q. And they all cyber-stalked you?

2 A. They sent threatening e-mails saying they were  
3 going to hunt me down, going to kill me, going to  
4 destroy me, going to sue me.

5 Q. Actually threatened to kill you?

6 A. Yes.

7 Q. Who is Ed Boks?

8 A. Ed Boks was the general manager of Animal  
9 Services.

10 Q. And what dealings did you have with Mr. Boks?

11 A. I worked -- I built a new Web site for the  
12 Department of Animal Services as a volunteer, under his  
13 order.

14 Q. But you got crossways with him somehow, didn't  
15 you?

16 A. Yes.

17 Q. Explain your disagreement or your conflict  
18 with Mr. Boks.

19 A. Mr. Boks blamed his mistakes on me, which  
20 caused me to be fired. Then he promised to get me a new  
21 job, because he felt bad, and he never got me a new job.

22 Q. And did you sue him or he sued you or  
23 something?

24 A. I sued him.

25 Q. What did you sue him for?

1 A. Unlawful termination and sexual harassment.

2 Q. How many people have you sued?

3 A. I sometimes take clients to small claims.

4 Quite a few.

5 Q. More than 20?

6 A. Approximately 20.

7 Q. And how many times have you been sued?

8 A. I think five times.

9 Q. Has anybody taken a judgment against you?

10 A. I think there may be a judgment against me.

11 Q. Who took a judgment against you?

12 A. A credit card company.

13 Q. For how much?

14 A. 5,000.

15 Q. Have you not paid that?

16 A. No, I haven't.

17 Q. Now, you actually sued Ed Boks for sexual  
18 harassment, didn't you, ma'am?

19 A. Yes.

20 Q. How did he sexually harass you?

21 A. He constantly asked me out, he would send  
22 sexual e-mails late at night, he would try to touch me  
23 in the office, try to force me to go to the office when  
24 I decided to work at home instead.

25 Q. And were you *pro se* in that lawsuit?



1 A. No.

2 Q. What was the outcome?

3 A. It was settled for a hundred and thirty  
4 thousand.

5 Q. He paid you?

6 A. The city paid me.

7 Q. Didn't you date him before you got that job?

8 A. No.

9 Q. You never dated Ed Boks?

10 A. No.

11 Q. Did you ever testify to that under oath?

12 A. No.

13 Q. So, the basis for your not wanting to reveal  
14 your home address is you think that if my client learns  
15 your home address, that she's going to share that  
16 information with the world, correct?

17 A. Yes.

18 Q. And then, some or all of these cyber-stalkers  
19 who have threatened to cut off your husband's penis and  
20 things like that, they're all going to come to your  
21 house?

22 A. Some of them might.

23 Q. You're not worried about Amanda Lollar doing  
24 anything violent to you, are you?

25 A. I don't think so.

1 into a trash can? Why did you feel like you needed to  
2 report that?

3 A. Had I not been there when it fell in, no one  
4 might have retrieved it, and it might have ended up like  
5 the dead bat under the desk.

6 Q. I'm going to show you what's been marked as  
7 Plaintiff's Exhibit No. 10 and ask if you recognize  
8 that.

9 A. Yes.

10 Q. What is it?

11 A. These are blogs that the stalkers made.

12 Q. That -- the people who cyber-stalked you?

13 A. Yes.

14 Q. These are blogs that they put on the Internet?

15 A. Yes.

16 Q. Who's Councilwoman Janice Hahn?

17 A. She was a councilwoman for LA City for one of  
18 the districts.

19 Q. Did she call you a terrorist?

20 A. Yes.

21 Q. Was she wrong?

22 A. Yes.

23 Q. Why would she call you a terrorist?

24 A. Because someone had told her that I was a  
25 terrorist.

1 Q. And this is a Los Angeles city councilwoman?

2 A. Yes.

3 Q. And so it's your testimony that a Los Angeles  
4 city councilwoman, somebody told her you were a  
5 terrorist so she started accusing you of being a  
6 terrorist?

7 A. She stated in a city council meeting that I  
8 was a terrorist.

9 Q. I'm showing you Exhibit No. 11. What is that?

10 A. It looks like more pages from the blogs.

11 Q. More people cyber-stalking you?

12 A. Yes.

13 Q. Have you ever filed bankruptcy?

14 A. No.

15 Q. I'm showing you now what's been marked as  
16 Exhibit No. 12 and ask if you could tell us what that  
17 is.

18 A. It's my renewal for my Fish and Game permit.

19 Q. You filled that out?

20 A. Yes.

21 Q. And I understand that the highlighting at the  
22 bottom, that wasn't done by you, correct?

23 A. I didn't do the highlighting.

24 Q. Okay. What's the rest of it? Is it all your  
25 renewal application?

1 A. No.

2 Q. What's the rest of that exhibit?

3 A. They are a few nasty e-mails to me from the  
4 stalkers. And an e-mail from the rehab coordinator for  
5 Fish and Game.

6 Q. Have you ever posted false information about  
7 anybody on the Internet?

8 A. No.

9 Q. Have you ever posted personal information  
10 about anyone on the Internet?

11 A. Personal as in private? What do you mean by  
12 "personal"?

13 Q. Private.

14 A. No.

15 Q. Have you ever impersonated anybody on the  
16 Internet? And by that, I mean, have you ever posed as  
17 someone else?

18 A. No.

19 Q. Did you post Rebecca's bankruptcy papers  
20 online?

21 A. Recently, yes.

22 Q. Why?

23 A. I wanted people to know that the person  
24 posting these libelous things about me is not an  
25 upstanding person.

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY  
AND AMANDA LOLLAR

Plaintiffs,

v.

MARY CUMMINS

Defendant.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352<sup>nd</sup> JUDICIAL DISTRICT

**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MARY CUMMINS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW NEAL S. CALLAWAY and files this his Motion To Withdraw As Counsel For Defendant Mary Cummins and would show the Court as follows:

I.

Neal S. Callaway ("Callaway"), the undersigned, represents Defendant Mary Cummins ("Defendant").

II.

As the basis for this Motion to Withdraw, Callaway would show that good cause exists for allowing him to withdraw as counsel for Defendant. Callaway is unable to effectively represent Defendant due to conflict between Callaway and Defendant. On September 22, 2011, Callaway received notice by email from Randall Turner ("Turner"), counsel for Plaintiffs, demanding that that Callaway's client and Defendant remove a statement from her AnimalAdvocates website. See email attached hereto as Exhibit "A". The statement of Defendant on her website accused Turner of touching and massaging her hand while Turner was

deposing Defendant on August 25, 2011. Callaway was present at the deposition representing Defendant. Callaway did not witness any such conduct by Turner and most certainly would have objected if such had occurred. Moreover, after the deposition, Callaway's client and Defendant said nothing to Callaway about this alleged incident.

Defendant now claims that Callaway was asleep in the deposition when this alleged conduct by Turner occurred. Callaway did not fall asleep at any time during the deposition.

Furthermore, on September 22, 2011, Defendant contacted the Tarrant County Bar Association and made various wild claims and allegations against Callaway who was referred by the TCBA to Defendant. Defendant made it abundantly clear to the TCBA that she does not believe Callaway is competent to represent her.

As a result of this bizarre accusation by Defendant against Turner and Defendant's other claims about Callaway, Callaway cannot adequately represent the Defendant's in this case because Callaway is a witness to the fact that Defendant's claims are false. And Defendant does not believe that Callaway is competent to represent her. Therefore, Callaway has a conflict in continuing to represent Defendant.

### III.

This case presently is set for trial the week of January 9, 2012. There is a hearing on discovery matters set for October 6, 2011 at 10:30 a.m.

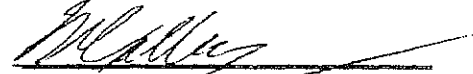
### IV.

A copy of this Motion has been delivered by certified mail, regular mail and email to client. The client has been notified in writing of her right to object to the Motion. At this time, the client does not consent to the Motion, therefore a hearing is necessary. The client and

Defendant's last known address is 645 W. 9th St. #110-140, Los Angeles, CA 90015.

WHEREFORE, NEAL S. CALLAWAY respectfully requests that this Court grant his Motion to Withdraw As Counsel For Defendant Mary Cummins and such other and further relief to which he may show himself entitled.

Respectfully submitted,



Neal S. Callaway

Bar Car No. 03657020

**LAW OFFICES OF NEAL S. CALLAWAY**

1200 Summit Ave., Suite 720

Fort Worth TX 76102

817/332-2076; Fax 817/877-5661

CONSENTED TO BY:

\_\_\_\_\_  
Mary Cummins

VERIFICATION

STATE OF TEXAS )

COUNTY OF TARRANT )

BEFORE ME, the undersigned authority on this day personally appeared NEAL S. CALLAWAY, known to me to be the person subscribed to herein, who stated on oath as follows:

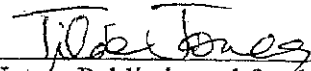
1. "My name is Neal S. Callaway. I am over 21 years of age, am of sound mind, and have never been convicted of a felony. I have personal knowledge of the facts contained herein.

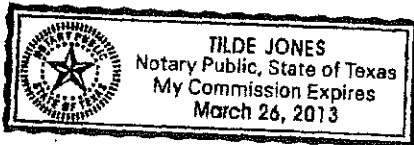
2. I am the attorney of record for Defendant Mary Cummins in the above-entitled and numbered cause. I have read the above and foregoing Motion to Withdraw As Counsel For The Defendant Mary Cummins and the facts contained therein are true and correct and are of my personal knowledge.

  
NEAL S. CALLAWAY

SUBSCRIBED AND SWORN TO before me on September 25, 2011, to which I place my official seal.

My Commission Expires:

  
Notary Public in and for the State of Texas





CERTIFICATE OF CONFERENCE

A conference by email was held on September 26, 2011 with Randall Turner (Plaintiffs' attorney) on the merits of the motion, and he does not oppose the Motion.

  
Neal S. Callaway


CERTIFICATE OF SERVICE

This is to certify that on the 27<sup>th</sup> day of September, a copy of the foregoing was served by regular mail to the following counsel of record:

Randall E. Turner  
LAW OFFICE OF TURNER & MCKENZIE  
1800 N. Norwood Drive, Suite 100  
Hurst, Texas 76054

and by certified mail, no. 7006 0810 0004 1143 9422, return receipt requested, regular mail and email ([mmmarvinla@aol.com](mailto:mmmarvinla@aol.com)) to:

Mary Cummins  
645 W. 9th St. #110-140  
Los Angeles, CA 90015

  
Neal S. Callaway

Hi, Neat Sign Out All new att.net Mail Help

Mail AT

Search

Search Web

BUICK HUMAN HIGHLIGHT REEL [WATCH THIS STORY](#)

WATCH A FORMER STAR

Mail | Contacts | Calendar | Notepad | [What's New?](#) | [Mobile Mail](#) | [Options](#)

Check Mail | New | Mail Search | Try the new att.net Mail

Netfix Try us for Free | Previous | Next | Back to Messages | Mark as Unread | Print

Delete | Reply | Forward | Spam | Move...

- Folders** [Add]
- Inbox (37)
  - Drafts (29)
  - Sent
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**Mary Cummins** Thursday, September 22, 2011 4:13 PM

From: "Randy Turner" <randy@turnermckenzie.com>

To: callawaylaw@sbcglobal.net

Cc: "Kelly" <kelly@turnermckenzie.com>

Neat, your client posted the statements below on the internet. As you, the court reporter, and everyone else at the deposition knows, these statements are false. The deposition was also videotaped. Please tell your client to immediately remove these statements. If they are not removed by 9:00 a.m. tomorrow morning I will personally sue her for defamation. The lawsuit will start in Texas but, if necessary, it will be pursued in California. Needless to say, you will be my first witness.

Thank you for your immediate attention to this matter.

**Chat & Mobile Text** [Hide]

I am Available

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Start a New Chat

2 Mobile Contacts [Add]

Jim Hill 940-452-0144

lodd kelly 817-371-65...

Not Listed? New Text

Settings

Randall E. Turner  
 Turner & McKenzie, PC  
 Attorneys at Law  
 1800 Norwood, Suite 100  
 Hurst, Texas 76054  
 Tel.: 817-282-3868  
 Fax: 817-268-1563  
 www.turnermckenzie.com

September 22, 2011: As I'd posted previously during the depo Turner basically accused me of holding a bat barehanded and lying about it. I told him the brown hand in the photo was not mine as I am white. I then asked him to look at the photo then look at my hand. He then grabbed my hand and started touching it practically massaging it. It's a tattoo. You only need to look at it, not touch it. Very creepy. I was informed last night by a lawyer that lawyers are not allowed to touch you in a depo. It's considered an assault. More inappropriate behavior. I'm sure this must be a violation of the Tarrant County Bar Association.

1800 Norwood, Suite 100  
 Hurst, Texas 76054  
 Tel.: 817-282-3868  
 Fax: 817-268-1563  
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"A"

**NEAL S. CALLAWAY**  
ATTORNEY AT LAW

Mailing Address:  
1200 SUMMIT AVENUE-SUITE 720  
FORT WORTH TX 76102

Telephone 817/332-2076  
Facsimile 817/877-5661  
email: callawaylaw@sbcglobal.net

September 27, 2011

**CERTIFIED MAIL, RRR. 70060810000411439422,**  
**REGULAR MAIL AND EMAIL [mmmaryinla@aol.com](mailto:mmmaryinla@aol.com)**

Mary Cummins  
645 W. 9th St. #110-140  
Los Angeles, CA 90015

RE: *Bat World Sanctuary and Amanda Lollar v. Mary Cummins*, Cause  
No. 352-248169-10 in the 352<sup>nd</sup> Judicial District Court, Tarrant County,  
Texas.

Dear Ms. Cummins:

Enclosed please find my Motion To Withdraw As Counsel For Defendant Mary Cummins.

The grounds for my Motion are set out in the Motion. If you consent to the Motion, you may sign on page 3 and return same to me. **Please be advised that you have the right to object to the Motion.**

This matter is set for hearing on October 6, 2011 at 10:30 a.m. in the 352<sup>nd</sup> Judicial District Court. You have the right to be present at that hearing.

Sincerely,

  
Neal S. Callaway

tj

cc: Court Coordinator  
352<sup>nd</sup> Judicial District Court  
Eighth Floor  
401 West Belknap  
Fort Worth TX 76196-0223

Randall E. Turner  
LAW OFFICE OF TURNER & MCKENZIE  
1800 N. Norwood Drive, Suite 100  
Hurst, Texas 76054

Major:

Megan Russell in Permits has received complaints on the following wildlife rehabilitator:

Amanda Lollar, Bat World Sanctuary  
217 N. Oak Ave.  
Mineral Wells, Texas 76067

Most of the complaint issues are local law enforcement concerns. However, Megan is concerned about the allegation that Ms. Lollar is intentionally breeding bats, which is a violation of the permit conditions. Please assign or forward this complaint as you see fit. Thanks.

**Scott Vaca**  
**Assistant Chief of Wildlife Enforcement**

Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744  
Office: 512-389-4626  
Fax: 512-389-8400

Texas Game Wardens Serving Texans Since 1895 - Law Enforcement Off the Pavement

**From:** David Modgling  
**Sent:** Thursday, April 14, 2011 5:23 PM  
**To:** Pat Canan  
**Cc:** David Sinclair  
**Subject:** FW: Bat World Sanctuary

Matt and I went to the Bat World Sanctuary and talked to Amanda Lollar and took a tour of the facilities. We couldn't find anything wrong. There are bats that are reproducing at the facility but it is occurring naturally. Apparently she has a person that is trying to cause trouble with her over a lawsuit. This person appears to make a habit of getting involved with organizations and then filing lawsuits against them. The attachments are information from the lawsuit.

From: Bat World Sanctuary [mailto:sanctuary@batworld.org]  
Sent: Tuesday, August 23, 2011 12:40 PM  
To: Open Records  
Subject: Information request

Dear Laura Russel,

Please see the attached files. I would like to know if either I or my organization is still under investigation as per a letter from you to Ms. Cummins which was written in May of this year. If we are still under investigation, can you please direct me to a department that can help me answer questions as to why?

Thank you for your time.

Amanda Lollar

---  
Amanda Lollar  
Founder and President  
Bat World Sanctuary, Inc.  
www.batworld.org

A non-profit, all volunteer conservation  
organization providing rescue for bats worldwide.  
Please join us on Facebook and Twitter!  
PLEASE GO GREEN, print only if necessary

---

Subject: RE: Information request  
From: Open Records (Open.Records@tpwd.state.tx.us)  
To: sanctuary@batworld.org;  
Cc: Open.Records@tpwd.state.tx.us;  
Date: Tue, 23 Aug 2011 14:22:52

Dear Ms. Lollar,

According to one of our game wardens, there is no current active investigation. Please let me know if you have any other questions, and have a good day.

Laura Russell  
Attorney  
Texas Parks and Wildlife Department  
T: (512) 389-8335  
F: (512) 389-4482

---

From: Laura Russell <Laura.Russell@tpwd.state.tx.us>  
To: Bat World Sanctuary <sanctuary@batworld.org>  
Cc: Open Records <Open.Records@tpwd.state.tx.us>  
Sent: Thursday, August 25, 2011 2:25 PM  
Subject: FW: Investigation of Bat World Sanctuary

Dear Ms. Lollar,

Please see the email below from Asst. Chief Vaca regarding your request. Let me know if you have any questions, and have a good day.

Laura Russell  
Attorney  
Texas Parks and Wildlife Department  
T: (512) 389-8335  
F: (512) 389-4482

From: Scott Vaca  
Sent: Thursday, August 25, 2011 9:52 AM  
To: Mitch Lockwood; Laura Russell; Megan Russell  
Cc: Butch Shoop  
Subject: RE: Investigation of Bat World Sanctuary

All:

LE did an inspection. No violations were found, so no warnings or citations were issued.

Scott Vaca  
Assistant Chief of Wildlife Enforcement

Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744  
Office: 512-389-4626  
Fax: 512-389-8400

*Texas Game Wardens Serving Texans Since 1895 - Law Enforcement Off the Pavement*

## Laura Russell

---

**From:** Mitch Lockwood  
**Sent:** Wednesday, July 13, 2011 9:57 PM  
**To:** Boyd Kennedy; Laura Russell; Scott Vaca; Megan Russell  
**Subject:** RE: Bat World Sanctuary subject of law enforcement investigation by USDA

**From:** Mary Cummins [mailto:mmmaryinla@aol.com]  
**Sent:** Wednesday, July 13, 2011 10:25 AM  
**To:** Boyd Kennedy; Mitch Lockwood; Laura Russell; Scott Vaca; Megan Russell  
**Subject:** Re: Bat World Sanctuary subject of law enforcement investigation by USDA

Do you want copies of the libel and defamation? I'll gladly send it.

Your wardens and the rehab coordinator did find violations of Texas wildlife laws. They found that she is illegally breeding bats. Lollar even admitted this in writing. Rehabbers are not allowed to breed the animals.

Mary Cummins  
Animal Advocates  
<http://www.AnimalAdvocates.us>

-----Original Message-----

**From:** Boyd Kennedy <Boyd.Kennedy@tpwd.state.tx.us>  
**To:** Mary Cummins <mmmaryinla@aol.com>; Mitch Lockwood <Mitch.Lockwood@tpwd.state.tx.us>; Laura Russell <Laura.Russell@tpwd.state.tx.us>; Scott Vaca <Scott.Vaca@tpwd.state.tx.us>; Megan Russell <Megan.Russell@tpwd.state.tx.us>  
**Sent:** Wed, Jul 13, 2011 6:04 am  
**Subject:** RE: Bat World Sanctuary subject of law enforcement investigation by USDA

Dear Ms. Cummins: This is to advise you that TPWD will not be responding to any further allegations from you concerning Amanda Lollar's facility. Representatives of the TPWD Law Enforcement Division visited that facility earlier this year and found no violations of the Texas wildlife laws. In light of this information and your baseless claim that someone at TPWD is libeling and defaming you, we consider the matter closed.

Boyd Kennedy  
Staff Attorney



**From:** "Juarez, Bernadette R - APHIS" <Bernadette.R.Juarez@aphis.usda.gov>  
**To:** "sanctuary@batworld.org" <sanctuary@batworld.org>  
**Cc:** "Gibbens, Robert - APHIS" <Robert.M.Gibbens@aphis.usda.gov>; "Shea, Kevin A - APHIS" <Kevin.A.Shea@aphis.usda.gov>; "Huttenlocker, Robert J - APHIS" <Robert.J.Huttenlocker@aphis.usda.gov>  
**Sent:** Monday, October 3, 2011 6:00 PM  
**Subject:** Pending FOIA Request for Bat World Investigation

Ms. Lollar:

I write on behalf of the Animal and Plant Health Inspection Service (APHIS), and in response to your inquiry about the status of our investigation involving your facility known as Bat World.

Please know that we have just concluded our fact finding investigation involving Bat World and, based on the evidence in our possession, did not identify any violations under the Animal Welfare Act in connection with the issues that we examined. We plan to provide APHIS' Freedom of Information Act (FOIA) Office with a copy of our final fact finding investigative report on October 4. I understand that you have a pending FOIA request in which you seek a copy of this report, and I am committed to ensuring that you receive a copy of the report as soon as possible. I will confer with APHIS' FOIA Office tomorrow and send you a second email message to let you know when and how you should expect to receive your copy of the report.

Please let me know if you have any further questions.

Bernadette Juarez  
Deputy Director, APHIS, Investigative and Enforcement Services

(b)(6) (b)(7)(C)

**From:** Gibbens, Robert - APHIS  
**Sent:** Friday, September 30, 2011 9:25 AM  
**To:** (b)(6) (b)(7)(C) - APHIS  
**Cc:** Nickerson, Eric S - APHIS; Fordahl, Timothy R - APHIS (b)(6) (b)(7)(C)  
**Subject:** Re: TX11418-AC; Bat World Sanctuary

Yes - no violation. Thanks.

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, September 30, 2011 07:02 AM  
**To:** Gibbens, Robert - APHIS  
**Cc:** Nickerson, Eric S - APHIS; Fordahl, Timothy R - APHIS  
**Subject:** TX11418-AC; Bat World Sanctuary

Hi Dr. Gibbens,

By now you should have received the program copy of subject case prepared as a No Violation report by (b)(6) (b)(7)(C) documented the matter as 'no violation' based on the evidence compiled regarding this matter and his earlier discussion with you re same.

Please advise if you are still in agreement with closing this matter as no violation, and if so, I'll see about doing so and getting the original submitted to IES HQ.

Thanks,  
(b)(6) (b)(7)(C)

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
INVESTIGATIVE AND ENFORCEMENT SERVICES

**REPORT OF INVESTIGATION**

**Case Number:** TX11418-AC

**Subject(s):** Bat World Sanctuary  
(*Contact Information*) 217 N. Oak Avenue  
Mineral Wells, TX 76067  
(940) 325-3404

**Investigator:** [REDACTED]  
(*Contact Information*) IES Sr. Investigator  
2150 Centre Ave., Bldg. B [REDACTED]  
Ft. Collins, CO 80526  
Cell: [REDACTED]

**Date of Report:** September 16, 2011

- Substantiated allegation(s)
- No violation(s)
- Insufficient evidence
- Fact finding
- Contains Confidential Business Information

**FOR OFFICIAL USE ONLY**

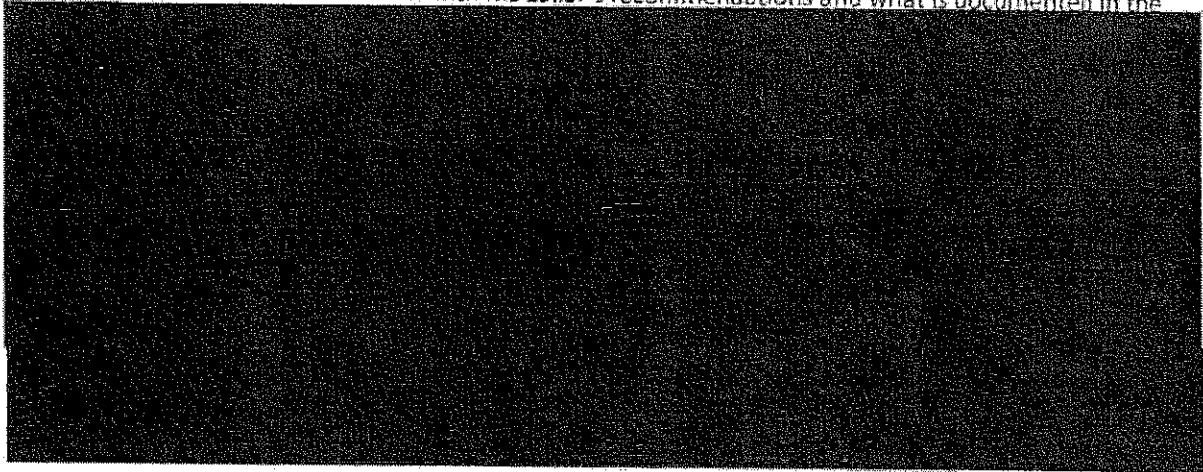
This document and its contents are not to be distributed outside your agency, or duplicated, without prior consent from USDA APHIS Investigative and Enforcement Services.

Reviewer(s) \_\_\_\_\_

Complaint results:

I visited Bat World Sanctuary on May 9, 2011 to address multiple complaints from one individual against Amanda Lollar and Bat World Sanctuary. Most of those complaints centered around emergency medical care provided to the animals. The complaints referred over and over again to inappropriate veterinary procedures performed by Ms Lollar and referenced in Ms Lollar's current book on bat care. In reviewing the literature published in the book and speaking with Ms Lollar I see no cause for concern. All veterinary procedures seem appropriate and within current standards of veterinary care. Bat World Sanctuary's consulting veterinarian provided a letter stating that he has personally trained Ms Lollar on these emergency procedures and has contributed to and reviewed the information in the book. He is confident in her ability to handle these emergencies and in her ability to identify cases where he should be involved, such as surgeries involving open body cavities, spays, neuters and rabies vaccinations.

Furthermore, in speaking with Ms Lollar and reviewing sections of the book, the complainant's accusations seem to be inconsistent with Ms Lollar's recommendations and what is documented in the



I have visited Bat World Sanctuary multiple times over the past three years. The facility has always been clean and well organized. I have never encountered a strong ammonia smell which is very common in many bat enclosures. The resident bats have always appeared healthy. The rehab bats and babies are housed in a separate quarantine area and this area has always been clean and the bats appeared to be receiving more than adequate care. I spoke with the local Texas Parks and Wildlife Law Enforcement Agent in the area. He concurred with my assessment. The place is clean and well organized and the bats look happy and healthy.

There is absolutely no evidence confirming any of the accusations made by the complainant. On the contrary, Ms Lollar appears to be providing exceptional care as required under the Animal Welfare Act.



1 I.

2 **PROCEDURAL BACKGROUND**

3 On September 29, 2011, Plaintiff Cummins filed a complaint against Defendants  
4 Amanda Lollar and Bat World Sanctuary. On December 22, 2011, Plaintiff filed a first  
5 amended complaint ("FAC") against the same Defendants and alleging the same causes  
6 of action, providing more specificity than the original complaint. [Doc. # 21.] In the  
7 FAC, Cummins alleges five causes of action (defamation, defamation per se, intentional  
8 interference with business relations, intentional interference with prospective economic  
9 advantage and intentional infliction of emotional distress) all based on allegedly  
10 defamatory statements about Cummins posted on the Internet by Defendants. The  
11 allegedly defamatory statements that Cummins challenges include statements that  
12 Cummins "has a criminal record," was "convicted" of "theft of property, forged name on  
13 a credit card," is a "cyberstalker," "cybersquatter," "hacked into our website" and "email  
14 list," "was picked up by the LAPD Anti-Terrorism Task Force," "posts pornography in  
15 children's chat rooms," "commits animal cruelty," "tortures animals," has made "false  
16 complaints to govt agencies about deft," has a "history of stalking and harassment," was  
17 "charged with criminal contempt," and Plaintiff's deposition was "court ordered."

18 Defendants seek summary judgment contending that Cummins is a limited public  
19 figure and, therefore, summary judgment is warranted because the allegedly defamatory  
20 statements were either true, constituted opinions, or were made without malice.

21 II.

22 **FACTUAL BACKGROUND**

23 Cummins is the founder of a non-profit organization, Animal Advocates, located in  
24 California and is licensed by the United States Department of Agriculture and the  
25 California Department of Fish & Game ("CADFG") to possess, rescue and rehabilitate  
26 ill, injured and orphaned native wildlife for release back to the wild. (FAC ¶ 9 [Doc. #  
27 21].) According to Cummins' declaration filed in opposition to the summary judgment  
28

1 motion, Cummins also serves as the president of Animal Advocates. (Plaintiff's Opp'n,  
2 Exh 1.) [Doc. # 59.]

3 Cummins alleges she is trained to care for coyotes, bobcats, foxes, raccoons,  
4 opossums, skunks and all other small mammals including bats; has published CADFG  
5 approved manuals on wildlife rehabilitation and instructs CADFG accredited classes to  
6 wildlife rehabilitators, veterinarians and animal care professionals. (FAC ¶¶ 9-10.)  
7 Plaintiff further alleges that she has been trained at the Rio Hondo Police Academy and  
8 the California State Humane Association Animal Law Enforcement Academy to  
9 investigate animal cruelty and neglect. (*Id.* at ¶ 11.)

10 It is undisputed that Defendant Amanda Lollar operates a bat sanctuary in Texas,  
11 Defendant Bat World Sanctuary. In June 2010, Cummins attended an internship at Bat  
12 World Sanctuary, but left early after injuring her head. According to Cummins, during  
13 her internship, she "witnessed Defendant Lollar commit animal cruelty, animal neglect,  
14 [and] violations of the health code," and after returning to California "reported  
15 Defendants for the violations she witnessed." (Plaintiff's Opp'n at 7.) Cummins also  
16 posted comments about Lollar's activities on the Internet. (*Id.* at 8.) Numerous postings  
17 about Plaintiff and Defendants have appeared on the Internet. Plaintiff and Defendants  
18 each blame the other for the postings. In September 2012, Lollar sued Cummins in Texas  
19 for defamation. (Plaintiff's Opp'n at 5.) In September 2011, while Lollar's action was  
20 pending, Cummins filed the instant defamation action in the Central District of California  
21 against Lollar and Bat World Sanctuary. After a court trial in the Texas action, Lollar  
22 was awarded a \$6.1 million judgment against Cummins.

23 According to Cummins' opposition to the summary judgment motion,  
24 Plaintiff with written and oral permission from defendant  
25 posted videos and photos online. Plaintiff made honest  
26 comments on the photos such as "she (Defendant) debarked her  
27 dogs," "she has rabies vaccinations," "I found a dead bat with  
28 one wing under her desk . . . ." In retaliation for reporting

1 Defendant to authorities and posting the truth about her  
2 activities online, Defendant started defaming Plaintiff . . . .  
3 Plaintiff's Opp'n at 8.

4 At her deposition, Plaintiff stated the following:

5 She [Amanda Lollar] states that I have harassed and  
6 defamed her and that she states that I posted on the Internet  
7 false statements of fact.

8 Everything I have posted about the woman and her  
9 organization is the absolute truth.

10 And she states I've made wild accusations containing  
11 false and defamatory statements about her and Bat World to  
12 numerous government agencies.

13 Again that's completely false. Everything that I have  
14 complained about her was the absolute truth.

15 (MacPhail Decl., Exh. A (Plaintiff's Depo., 64:25-65:9).) [Doc. # 42.]

16 Cummins has maintained a YouTube website with various downloadable videos  
17 concerning rescue and rehabilitation of squirrels, raccoons, skunks, bats and other  
18 wildlife (<http://www.youtube.com/user/marycummins>). (MacPhail Decl., Exh. B.) She  
19 also maintains a website for her non-profit organization, Animal Advocates, which  
20 provides links to her biography and four-page curriculum vitae, as well as several online  
21 articles about her (<http://www.animaladvocates.us>). (*Id.*, Exh. D.)

### 22 III.

### 23 LEGAL STANDARD

24 Summary judgment should be granted "if the pleadings, the discovery and  
25 disclosure materials on file, and any affidavits show that there is no genuine issue as to  
26 any material fact and that the movant is entitled to a judgment as a matter of law." Fed.  
27 R. Civ. P. 56(c)(2); *accord Mattos v. Agarano*, 590 F.3d 1082, 1085 (9th Cir. 2010).  
28 Material facts are those that may affect the outcome of the case. *Anderson v. Liberty*



1 *Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986). An issue is  
2 genuine “if the evidence is such that a reasonable jury could return a verdict for the  
3 nonmoving party.” *Id.*

4 The moving party bears the initial burden of establishing the absence of a genuine  
5 issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L.  
6 Ed. 2d 265 (1986). Where the moving party does not have the ultimate burden of  
7 persuasion at trial, the moving party meets its burden of production and persuasion by  
8 either producing evidence negating an essential element of the nonmoving party’s claim  
9 or defense or showing that the nonmoving party does not have enough evidence of an  
10 essential element to carry its ultimate burden of persuasion at trial. *Id.* at 325; *see also*  
11 *Nissan Fire & Marine Ins. Co.*, 210 F.3d 1099, 1102 (9th Cir. 2000). Once the moving  
12 party has met its initial burden, Rule 56(e) requires the nonmoving party to “go beyond  
13 the pleadings and by her own affidavits, or by the ‘depositions, answers to  
14 interrogatories, and admissions on file,’ designate ‘specific facts showing that there is a  
15 genuine issue for trial.’” *Id.* at 324; *see also Bias v. Moynihan*, 508 F.3d 1212, 1218 (9th  
16 Cir. 2007). “[T]he inferences to be drawn from the underlying facts . . . must be viewed  
17 in the light most favorable to the party opposing the motion.” *Matsushita Elec. Indus.*  
18 *Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986).  
19 However, “an opposing party may not rely merely on allegations or denials in its own  
20 pleading.” Fed. R. Civ. P. 56(e).

#### 21 IV.

#### 22 DISCUSSION

#### 23 A. DEFENSE OF TRUTH AS TO CUMMINS’ DEPOSITION

24 It is not entirely clear why the statement that Cummins’ “deposition was court  
25 ordered” would be defamatory. Nonetheless, Cummins complains that contrary to  
26 Lollar’s post on the Internet that Cummins’ “deposition was court ordered,” it was,  
27 instead, pursuant to notice. Cummins concedes in her deposition, however, that the  
28 Texas court granted a motion to compel her deposition and ordered the deposition to

1 occur. (MacPhail Decl., Exh. A.) Thereafter, the parties mutually agreed on a different  
2 date for the deposition. *Id.* That subsequent mutual agreement regarding the date does  
3 not change the fact that the deposition was court ordered. Because this statement was  
4 true, Plaintiff cannot prevail on this claim of defamation.

5 **B. CERTAIN OF THE INTERNET POSTINGS ARE OPINION**

6 Cummins contends that she has been defamed by Lollar's Internet postings that  
7 accuse her of being a "cyberstalker," a "crackpot," "psycho" and a "crackpot stalker."  
8 These claims fail for two reasons: (1) because these are statements of opinion, they are  
9 not actionable and (2) Cummins cannot prove that these allegedly defamatory statements  
10 were authored by Lollar.

11 As the California Court of Appeal has explained:

12 "An essential element of libel . . . is that the publication in  
13 question must contain a false statement of fact. . . . This  
14 requirement . . . is constitutionally based." (*Gregory v.*  
15 *McDonnell Douglas Corp.* (1976) 17 Cal.3d 596, 600-601 [131  
16 Cal.Rptr. 641, 552 F.2d 425].) "However pernicious an opinion  
17 may seem, we depend for its correction not on the conscience of  
18 judges and juries but on the competition of other ideas. But  
19 there is no constitutional value in false statements of fact."  
20 (*Gertz v. Robert Welch, Inc.* (1974) 418 U.S. 323, 339-340 [41  
21 L.Ed.2d 789, 805, 94 S.Ct. 2997], fn. omitted.)

22 \* \* \*

23 [T]he courts have regarded as opinion any "broad, unfocused  
24 and wholly subjective comment," (*Fletcher v. San Jose*  
25 *Mercury News* (1989) 216 Cal.App.3d 172, 191 [264 Cal.Rptr.  
26 699]) such as that the Plaintiff was a "shady practitioner"  
27 (*Lewis v. Time Inc.* (9th Cir. 1983) 710 F.2d 549, 554), "crook"  
28 (*Lauderback v. American Broadcasting Companies* (8<sup>th</sup> Cir.

1 1984) 741 F.2d 193, 195-198), or “crooked politician”  
2 (*Fletcher v. San Jose Mercury News, supra*, 216 Cal.App.3d at  
3 pp. 190-191). Similarly, in *Moyer v. Amador Valley J. Union*  
4 *High School Dist., supra*, 225 Cal.App.3d at page 725, this  
5 court found no cause of action for statements in a high school  
6 newspaper that the Plaintiff was “the worst teacher at FHS” and  
7 “a babbler.” The former was clearly “an expression of  
8 subjective judgment.” (*Ibid.*) And the epithet “babbling” could  
9 be reasonably understood only “as a form of exaggerated  
10 expression conveying the student-speaker’s disapproval of  
11 Plaintiff’s teaching or speaking style.” (*Id.* at p. 726.)

12 *Copp v. Paxton*, 45 Cal. App. 4th 829, 837-38, 52 Cal. Rptr. 2d 831 (1996). One of the  
13 statements on which the *Copp* court focused was a statement in a letter that referred to the  
14 plaintiff as a “booby.” Finding such expression to be opinion, the court stated, “[t]he  
15 epithet ‘booby,’ like the expression ‘babbling,’ can be understood only as a vague  
16 expression of low esteem.” *Id.* at 838.

17 Like “booby” and “babbling,” labels such as “cyberstalker,” “crackpot,” “psycho,”  
18 and “crackpot stalker” are expressions of subjective judgment conveying an opinion of  
19 low esteem. As such, they are not actionable.

20 Moreover, at her deposition, when confronted with the exhibits containing these  
21 allegedly defamatory statements, Cummins admitted that she did not have evidence that  
22 Lollar was the author. When asked about a document, marked as Exhibit 9 during her  
23 deposition, Cummins claimed that the exhibit falsely stated that she was a cyberstalker  
24 and . . . they call me a crackpot. I’m psycho.” (MacPhail Decl., Ex. A (Plaintiff’s  
25 Depo., 84:16-20).) Cummins admitted, however, that she did not know who posted  
26 Exhibit 9 to the Internet. (*Id.* (Plaintiff’s Depo., 84:2-4).) Similarly, Cummins claimed  
27 that a document marked as Exhibit 20 was defamatory because it said, “I’m a  
28 quote/unquote morbid cyberstalker who should be in jail for her crimes.” (*Id.* (Plaintiff’s

1 Depo., 131:23-132:4.) Again, Plaintiff admitted that she had no evidence to prove that  
2 Lollar authored Exhibit 20. (*Id.* (Plaintiff's Depo., 131:3-7).) As to another document,  
3 marked as Exhibit 21, which allegedly contained the defamatory statement that Cummins  
4 was a "cyberstalker" (*id.* (Plaintiff's Depo. 132:23-25)), Cummins again admitted she did  
5 not know who the author was. (*Id.* (Plaintiff's Depo., 132:15-18).) Plaintiff claimed that  
6 a document marked as Exhibit 23 defamed her by calling her "a quote/unquote notorious  
7 crackpot stalker. . . . And they post that I am stalking people I've never even heard of  
8 . . . ." (*Id.* (Plaintiff's Depo., 137:6-14).) When asked whether this document was drafted  
9 by Lollar, Cummins admitted she had no evidence as to who posted this statement on the  
10 Internet. (*Id.* (Plaintiff's Depo., 137:2-5).)

11 Thus, even if these expressions were not constitutionally protected opinion,  
12 Cummins has failed to present any evidence that Lollar is the author of the Internet  
13 postings that accuse her of being a "cyberstalker," "crackpot," "psycho," and a "crackpot  
14 stalker." Consequently, Plaintiff cannot prevail against Lollar on these claims.

15 **C. CUMMINS IS A LIMITED PUBLIC FIGURE**

16 A public official is prohibited "from recovering damages for a defamatory  
17 falsehood relating to his official conduct unless he proves that the statement was made  
18 with 'actual malice' – that is, with knowledge that it was false or with reckless disregard  
19 of whether it was false or not." *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80,  
20 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964). This "actual malice" requirement has been  
21 extended to "public figures." *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 87 S. Ct.  
22 1975, 18 L. Ed. 2d 1094 (1967).

23 In the *Gertz* decision, the Court observed that the  
24 characterization of a Plaintiff as a public figure "may rest on  
25 either of two alternative bases. In some instances an individual  
26 may achieve such pervasive fame or notoriety that he becomes  
27 a public figure for all purposes and in all contexts. More  
28 commonly, an individual voluntarily injects himself or is drawn

1 into a particular public controversy and thereby becomes a  
2 public figure for a limited range of issues.”

3 *Copp*, 45 Cal. App. 4th at 843-44 (quoting *Gertz*, 418 U.S. at 315).

4 “*Copp* . . . sets forth the elements that must be present in  
5 order to characterize a Plaintiff as a limited purpose public  
6 figure. First, there must be a public controversy, which means  
7 the issue was debated publicly and had foreseeable and  
8 substantial ramifications for nonparticipants. Second, the  
9 Plaintiff must have undertaken some voluntary act through  
10 which he or she sought to influence resolution of the public  
11 issue. In this regard it is sufficient that the Plaintiff attempts to  
12 thrust him or herself into the public eye. And finally, the  
13 alleged defamation must be germane to the Plaintiff’s  
14 participation in the controversy.”

15 *Gilbert v. Sykes*, 147 Cal. App. 4th 13, 24, 53 Cal. Rptr. 3d 752 (2007) (quoting *Ampex*  
16 *Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1577, 27 Cal. Rptr. 3d 863 (2005)).

17 “A person *becomes* a limited public figure by injecting himself into the public  
18 debate about a topic that concerns a substantial number of people. Once he places  
19 himself in the spotlight on a topic of public interest, his private words and conduct  
20 relating to that topic become fair game.” *Gilbert*, 147 Cal. App. 4th at 25 (emphasis in  
21 original).

22 In this case, Cummins has made herself a limited public figure in the field of  
23 animal welfare – rescue, rehabilitation, and care. There is public interest in the protection  
24 of wildlife and Cummins has voluntarily and publicly involved herself in that issue. Her  
25 postings on the Internet evidence her voluntary acts seeking to involve herself in  
26 promoting animal welfare to the public and to influence the public debate concerning  
27 animal rescue and rehabilitation. Moreover, Cummins has voluntarily thrust herself into  
28 the public eye concerning the personal attacks between herself and Lollar by posting on

1 the Internet comments regarding her own experience as an intern at Batworld and  
2 Lollar's conduct and activities. Because Cummins has publicly aired on the Internet her  
3 personal dispute with Lollar, the alleged defamatory comments by Lollar are germane to  
4 Cummins' participation in the public controversy.

5 As a result, Cummins is a limited public figure with respect to the field of animal  
6 welfare as well as the personal attacks between herself and Lollar. Therefore, Cummins  
7 is required to show actual malice to prevail on her defamation claims.

8 Cummins contends that when Lollar posted on the Internet that Cummins was  
9 convicted of crimes, she acted with reckless disregard for the statement's truth or falsity.  
10 Cummins argues that "[t]he original post made by another stated Mary Cummins 'was  
11 charged with credit card forery (sic) and theft!' . . . That was posted by an anonymous  
12 person on an anonymous blog . . . It was not a credible source and it said 'charged with,'  
13 not 'convicted.'" (Plaintiff's Supp. Brief at 4 [Doc. # 86].) Plaintiff provides no  
14 evidence to support her assertion that the source was not credible or that Lollar was more  
15 than negligent.

16 Cummins' burden of proving "reckless disregard" is not an easy one:

17 The reckless disregard standard requires a high degree of  
18 awareness of . . . probable falsity . . . There must be sufficient  
19 evidence to permit the conclusion that the defendant in fact  
20 entertained serious doubts as to the truth of his publication. . . .

21 Gross or even extreme negligence will not suffice to establish  
22 actual malice; the defendant must have made the statement with  
23 knowledge that the statement was false or with actual doubt  
24 concerning the truth of the publication.

25 *Annette F. v. Sharon S.*, 119 Cal. App. 4th 1146, 1167, 15 Cal. Rptr. 3d 100 (2004)  
26 (quotation marks and citations omitted). Given this high standard for finding reckless  
27 disregard, Cummins' personal belief that Lollar's source was not credible is not sufficient  
28 to meet it.

1 As further argument for finding malice, Cummins contends that Lollar continued  
2 to post the defamatory statements that Cummins was convicted of crimes even after  
3 having been notified of their falsity. Cummins asserts that she sent two cease and desist  
4 email messages to Lollar, which Lollar admits receiving. (Plaintiff's Opp., Exh. 3 [Doc.  
5 # 59].) Cummins contends that Lollar's receipt of these email messages is evidence that  
6 she was on notice of the falsity of her Internet posting. In her deposition, however, Lollar  
7 explains that "I deleted the post because we received a cease and desist. I deleted every  
8 post on World Bat Line where you [Plaintiff] were a part of the comment thread." (*Id.*)  
9 Because Cummins neither disputes this deposition testimony nor provides any evidence  
10 to controvert the testimony, her evidence of Lollar's receipt of her cease and desist  
11 emails, without evidence that Lollar continued to post the statements thereafter, is not  
12 sufficient to foreclose summary judgment on the issue of malice.<sup>1</sup>

13 Cummins does not address the issue of malice with respect to the false statement  
14 that she was charged with criminal contempt. In fact, apparently, even Defendants'  
15 counsel herein believed that Cummins was found in criminal contempt as he was arguing  
16 such as recently as May 11, 2012, in Defendants' opposition to Plaintiff's preliminary  
17 injunction motion. In said opposition, Defendants' counsel asserted that the statement of  
18 criminal contempt was true but nevertheless, Defendants would delete the word,  
19 "criminal." [Doc. # 31.] In the Order denying Plaintiff's preliminary injunction motion,  
20 this Court explained that Plaintiff was found in civil contempt, not criminal contempt.  
21 (Order Denying Mot. for Prelim. Inj., filed July 17, 2012 [Doc. # 49].) Cummins,  
22 however, provides no evidence that Lollar knew of the falsity of the statement before this  
23 Court's order denying preliminary injunction, and provides no evidence that Lollar  
24 continued to post that statement after this Court's July 17, 2012 Order. Having failed to  
25

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26 <sup>1</sup> Even if Cummins could prove malice for Defendants' Internet posting of statements that she  
27 was convicted of crimes, to the extent such posting was the republication of information posted by  
28 another person, Defendants would be immune from liability. 47 U.S.C. § 230(c)(1); *Barrett v.*  
*Rosenthal*, 40 Cal. 4th 33, 63, 51 Cal. Rptr. 3d 55 (2006).

1 produce any evidence of malice (i.e., that Defendants acted with knowledge of falsity or  
2 reckless disregard of truth or falsity of a statement when posting such statement on the  
3 Internet), Cummins fails to show that a genuine issue of material fact remains.

4 V.

5 **CONCLUSION**

6 Based on the foregoing, Defendants are entitled to summary judgment on  
7 Cummins' defamation claims. Furthermore, because Cummins' other claims (intentional  
8 interference with business relations, intentional interference with prospective economic  
9 advantage, and intentional infliction of emotional distress) are all premised on the alleged  
10 defamation, summary judgment is warranted as to all of Cummins' claims.

11 Accordingly, Defendants Lollar and Bat World Sanctuary's motion for summary  
12 judgment is GRANTED. By no later than November 30, 2012, Plaintiff Cummins shall  
13 file a status report regarding her efforts to serve her Second Amended Complaint on all  
14 remaining defendants.

15  
16 DATED: November 16, 2012

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18 DOLLY M. GEE  
19 UNITED STATES DISTRICT JUDGE  
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REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY, ET AL            )    IN THE 352ND JUDICIAL  
  )    )  
vs.                                        )    DISTRICT COURT OF TEXAS  
  )    )  
MARY CUMMINS                            )    IN AND FOR TARRANT COUNTY

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**MOTION HEARING**

February 9, 2012

On the 9th day of February, 2012, the following proceedings came on to be heard in the above-titled and numbered cause before the Honorable Bonnie Sudderth, Judge Presiding, held in Fort Worth, Texas, reported by machine shorthand utilizing computer-aided transcription.

1 contempt of court because I cannot comply with the order and  
2 it's not my decision.

3 THE COURT: Ms. Cummins, you're going to have to  
4 give them your home address. That is -- that is discoverable  
5 in Texas in lawsuits. And I've done everything I can to  
6 protect that by requiring that they not divulge it to his own  
7 client.

8 MS. CUMMINS: You know I actually think he  
9 probably already has it, because he told me earlier that if I  
10 signed an impossible injunction against myself, promising to  
11 remove every negative thing written about him and his client,  
12 written by anyone posted anywhere, that he would withdraw his  
13 motion. And then, of course, I'd have another -- I'd be in  
14 contempt of that other motion, I'd be in the same place.

15 And not only that but six weeks ago I find an  
16 M80 under the front of my car. And about four weeks ago you  
17 may have heard in the news about all the arson in LA, Beverly  
18 Hills. Someone tried to throw a Molotov cocktail under the  
19 front of my car. But it looks like they had bad aim, it hit  
20 the curb and broke off and ended up in the street. So a  
21 container with gasoline and some sort of solvent ended up in  
22 the front of my car.

23 I think he probably already has the address.  
24 But still I gave my word and I really can't -- this is not my  
25 home. I can't get insurance on the home. There is no way I

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Evanns, Richard</b> 515 S. Flower St., 36th Floor (#3656) Los Angeles, CA 90071  TELEPHONE NO.: 213 404-1002      FAX NO. (Optional): 213 236-3533 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): Amanda Lollar and Bat Word Sanctuary	FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  JAN 04 2013  John A. Clarke, Executive Officer/Clerk BY <i>Paul Sanchez</i> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES. STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Room 109 CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Amanda Lollar and Bat Word Sanctuary	CASE NUMBER: <b>BS140207</b>
DEFENDANT/RESPONDENT: Mary Cummins	Ref. No. or File No.: <b>BS140207: Bat World</b>
<b>DECLARATION OF NON SERVICE</b>	

I declare that I am and was on the dates herein mentioned, a citizen of the United States, over the age of 18 years, not a party to nor interested in the above entitled action, and competent to be a witness therein.

I received the following documents for service:

Notice of Entry of Judgment on Sister-state Judgment; Application for Entry of Judgment on Sister-state Judgment; Judgment Based on Sister-state Judgment

I attempted to serve **Mary Cummins**  
 at the address of **858 N BEVERLY GLEN, LOS ANGELES, Los Angeles County, CA 90077**

and was unable to effect service for the following reasons:

- 11/24/2012 6:10 PM: No answer at door, no noise inside and no lights.
- 11/27/2012 10:42 AM: No answer at door, no noise inside, no movement inside and no lights. Suv parked plate number 6XEA934 and personal plate in front of suv reads MMMary.
- 11/30/2012 7:42 PM: No answer at door, no noise inside, no movement inside and no lights. Car moved from location.
- 12/2/2012 7:09 AM: No answer at door, no noise inside, no movement inside and no lights.
- 12/5/2012 1:01 PM: No answer at door, noise inside, movement inside and no lights. Car parked on driveway.
- 12/6/2012 9:07 AM: No answer at door, no noise inside, no movement inside and no lights.
- 12/7/2012 7:01 PM: No answer at door, no noise inside, no movement inside and no lights.
- 12/8/2012 6:20 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked.
- 12/9/2012 2:01 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked not moved from location.
- 12/10/2012 7:08 PM: No answer at door, no noise inside, no movement inside and lights on inside. Car parked outside of home. Car has been moved from location.
- 12/11/2012 6:03 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.
- 12/12/2012 10:35 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.
- 12/13/2012 1:20 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked.
- 12/14/2012 7:41 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked.
- 12/15/2012 4:32 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway and has been moved.
- 12/15/2012 4:50 PM: Female inside of home would not come to door. Female fit subjects discription.
- 12/16/2012 7:06 AM: No answer at door, no noise inside, no movement inside and no lights.
- 12/17/2012 9:04 PM: No answer at door, no noise inside, no movement inside and lights on inside.
- 12/18/2012 1:15 PM: No answer at door, no noise inside, no movement inside and no lights.
- 12/19/2012 6:06 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.
- 12/20/2012 11:36 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.
- 12/21/2012 7:07 PM: No answer at door, noise inside, movement inside and lights on inside.
- 12/22/2012 5:11 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked outside on driveway.
- 12/23/2012 11:11 AM: No answer at door, no noise inside, no movement inside and no lights.
- 12/24/2012 6:13 PM: No answer at door, noise inside, movement inside and lights on inside.
- 12/26/2012 11:36 AM: No answer at door, no noise inside, no movement inside and no lights. Subjects car is missing.
- 12/27/2012 5:48 PM: No answer at door, no noise inside, no movement inside and no lights.
- 12/28/2012 6:19 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.
- 12/29/2012 7:11 AM: No answer at door, no noise inside, no movement inside and no lights. Car parked.
- 12/30/2012 12:08 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked.
- 12/31/2012 5:18 PM: No answer at door, no noise inside, no movement inside and no lights.
- 1/2/2013 4:21 PM: No answer at door, no noise inside, no movement inside and no lights. Car parked on driveway.

Fee for service: \$ 95.00

01/04/2013

I am a registered California process server; my name, address, phone number, and county of registration and number are:

**John Gonzalez**  
201 South Figueroa Street, Suite 100, Los Angeles, CA  
90012  
213-621-9999  
Los Angeles, #2971

Contractor for: **ABC Legal Services, Inc.**  
Registration #: **6779**  
County: **Los Angeles**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. .

Date: 1/4/2013

**John Gonzalez**  
(PRINTED NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

Page 1 of 1



**DECLARATION OF NON SERVICE**

Order No. 9748444 LAX FIL



01 / 04 / 2013

## McSweeney, Katherine (LA)

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**From:** Rocco, Dean A. (LA)  
**Sent:** Wednesday, June 12, 2013 1:31 PM  
**To:** Mary Cummins  
**Subject:** RE: Cummins v. Lollar

**Importance:** High

Ms. Cummins:

You did not answer the question in our original e-mail. We need to serve you with the opposition. If you want us to avoid doing so personally and by mail, you have to authorize us to serve the opposition by electronic means. Otherwise, we have to go by the Code and serve it through traditional means. Please let us know if you prefer we send you the materials via e-mail.

Regards,

Dean

---

Dean A. Rocco  
Jackson Lewis LLP  
725 S. Figueroa St., Suite 2500  
Los Angeles, California 90017  
Tel: (213)689-0404  
Fax: (213)689-0430

---

**From:** Mary Cummins [mailto:mmmaryinla@aol.com]  
**Sent:** Wednesday, June 12, 2013 1:22 PM  
**To:** Rocco, Dean A. (LA)  
**Subject:** Re: Cummins v. Lollar  
**Importance:** High

I notified you of the TRO May 28, 2013 right after she was served. I asked you if you were representing her. You did not reply at all. You should have replied sooner instead of waiting until the last second as usual.

Do not send anyone to my house. Do not have a process server approach me in person. I will assume it's just your client Lollar paying people to assault me again.

Will your client be at the hearing Friday at 8:30 a.m.? She violated the restraining order many times. Your client still thinks she's anonymous and invisible online. She is not.

Mary Cummins

On Jun 12, 2013, at 12:44 PM, Rocco, Dean A. (LA) wrote:

Ms. Cummins:

Our office represents Ms. Lollar in relation to your recent application for restraining orders against Amanda Lollar.

This e-mail concerns service of Ms. Lollar's opposition to the application. In your application, you provided an address of 645 W. 9<sup>th</sup> Street, Suite 110-140, Los Angeles, California 90015. That is the address we intend to

and about being personally served in connection with various litigations. We can serve you with a copy of the papers via e-mail in lieu of mail or personal service. If this is something you would prefer, please let us know as soon as possible.

Regards,

Dean

---

Dean A. Rocco  
Jackson Lewis LLP  
725 S. Figueroa St., Suite 2500  
Los Angeles, California 90017  
Tel: (213)689-0404  
Fax: (213)689-0430

### Representing management exclusively in workplace law and related litigation

Confidentiality Note: This e-mail, and any attachment to it, contains privileged and confidential information intended only for the use of the individual(s) or entity named on the e-mail. If the reader of this e-mail is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that reading it is strictly prohibited. If you have received this e-mail in error, please immediately return it to the sender and delete it from your system. Thank you.

Mary Cummins  
[MMMARYinLA@AOL.COM](mailto:MMMARYinLA@AOL.COM)



1 recuse right then and there at the beginning of the trial.

2           **THE COURT:** Well, Ms. Cummins, I'm going to  
3 sanction you under Rule 18a, Subparagraph H. The sanction  
4 is -- I'll make a finding that your motion to recuse was  
5 groundless and filed in bad faith. It only provides for  
6 attorney's fees and expenses, and I'm going to set that at  
7 \$500. You'll have 30 days in which to pay that to Mr. Turner.

8           And I will have a prepared order in the mail to  
9 you soon as I have it written up, signed and placed in the  
10 file.

11           That concludes this hearing.

12           **MR. TURNER:** Thank you, Your Honor.

13           *(Proceedings adjourned)*

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**CH-120**

**Response to Request for Civil Harassment Restraining Orders**

Clerk stamps date here when form is filed.

**Use this form to respond to the Request (Form CH-100)**

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (Form CH-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use Form CH-250, Proof of Service of Response by Mail.)

**① Person Seeking Protection**

Name of person seeking protection (see Form CH-100, item ①):

Mary Katherine Cummins Cobb

**② Person From Whom Protection Is Sought**

a. Your Name: Amanda Lollar

Your Lawyer (if you have one for this case):

Name: Dean Rocco State Bar No.: 210481

Firm Name: Jackson Lewis LLP

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: 725 S. Figueroa Street, Suite 2500

City: Los Angeles State: CA Zip: 90017

Telephone: 213-689-0404 Fax: 213-689-0430

E-Mail Address: RoccoD@jacksonlewis.com

Fill in court name and street address:

**Superior Court of California, County of Los Angeles**  
Los Angeles Superior Cou  
111 North Hill Street  
111 North Hill Street  
Los Angeles, CA 90012-31  
Central District

Fill in case number:

**Case Number:**

BS143169

Present your response and any opposition at the hearing. Write your hearing date, time, and place from Form CH-109 item ③ here:

**Hearing** → Date: 07-01-13 Time: 8:30am  
**Date** Dept.: 75 Room: 736

**If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.**

**③  Personal Conduct Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested.
- c.  I agree to the following orders (specify):

\_\_\_\_\_  
\_\_\_\_\_

**④  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested.
- c.  I agree to the following orders (specify):

\_\_\_\_\_  
\_\_\_\_\_

**⑤  Additional Protected Persons**

- a.  I agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.
- b.  I do not agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.

SUPPLEMENTAL





Case Number:

BS143169

10  No Fee for Filing

- a.  I request that I not be required to pay the filing fee because the person in 1 claims in Form CH-100 item 13 to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.)

11  Lawyer's Fees and Costs

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
Prepare Response	\$ 5,525		\$
Attend Hearing	\$ 825		\$
	\$		\$


Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.

- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

12 Number of pages attached to this form, if any: 20

Date: June 28, 2013

Dean A. Rocco  
Lawyer's name (if any)

  
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

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FORM MC-025  
ATTACHMENT 9 – RESPONDENT’S SUPPLEMENTAL RESPONSE

I. INTRODUCTION

Respondent Amanda Lollar (“Lollar”) files this supplemental response to Petitioner Mary Katherine Cummins Cobb’s (“Cummins”) Request for Restraining Order in an effort to apprise the Court of certain troubling events which have transpired since June 12, 2013, the date Lollar filed her initial response to Cummins’ request for restraining order. In short, and as addressed more fully herein, despite the fact that it is Cummins seeking the restraining order against Lollar, *Cummins* has made repeated threats of violence against *Lollar*. In fact, the threats have been so specific and so credible that Lollar justifiably fears Cummins and feels she cannot appear at the July 1, 2013 hearing without jeopardizing her personal safety. [See Declaration of Amanda Lollar (“Lollar Decl.”) at ¶¶ 4-5]. In addition to these fears, Lollar still has not been personally served with Cummins’ Request for Restraining Order or Notice of Hearing and thus the Court lacks personal jurisdiction over her. [Lollar Decl. at ¶ 2].

II. SUMMARY OF RELEVANT FACTS

A. **SINCE JUNE 12, 2013, THE DATE LOLLAR FILED HER RESPONSE TO CUMMINS’ REQUEST FOR RESTRAINING ORDER, CUMMINS HAS MADE REPEATED THREATS OF VIOLENCE DIRECTED AT LOLLAR.**

1. Threatening Email to Lollar’s Counsel on June 13, 2013

On June 13, 2013, Cummins sent respondent’s counsel an email informing him to tell Lollar to “stay away” from her, the email goes on to state “I have a gun, gun permit, ammo and went through the weapons class at the police academy”. [See Declaration of Dean Rocco (“Rocco Decl.”) at ¶ 2. Exh. “A”]. Notwithstanding the fact that Lollar avoids Cummins at all costs and has not contacted her at any time since the issuance of the temporary restraining order, this statement constitutes a direct threat of physical harm to Lollar. [Lollar Decl. at ¶ 3].

2. Online Threats on June 14, 2013

On June 14, 2013, Cummins posted the following online on her Facebook profile in reference to Lollar and her alleged violations of the temporary restraining order, “[LAPD officers] told me I should get a gun. I told them I had a couple. They told me to have it loaded at all times and within easy reach.

1 Done” [Rocco Decl. at ¶ 3, Exh. “B”]. Again, as noted above, Lollar has not contacted Cummins at any  
2 time since the Temporary Restraining Order issued. [Lollar Decl. at ¶ 3]. Moreover, this statement  
3 amounts to a direct threat of physical harm against Lollar.

4 Later on that same date, Cummins posted the following in reference to Lollar “[e]very single  
5 officer told me I should shoot her. I went through the policy academy, took the gun class. I’ve been  
6 going to the range. I took a tazer class at Pasadena PD few years back which was very helpful. They  
7 told me to shoot the person after he disobeys my orders once... I am prepared to legally defend myself  
8 against this crazy person.” [Rocco Decl. at ¶ 4, Exh. “C”].

9 **3. Online Threat on June 26, 2013**

10 On June 26, 2013, in response to a comment Cummins posted on her facebook page regarding  
11 Lollar’s alleged violation of the temporary restraining order, she stated “[t]he police told me to shoot  
12 her dead.” [Rocco Decl. at ¶ 5, Exh. “D”].

13 **B. BASED ON CUMMINS’ CREDIBLE THREATS OF VIOLENCE, LOLLAR HAS  
14 A LEGITIMATE FEAR OF HER AND FEELS HER SAFETY WOULD BE IN  
JEOPARDY IF SHE WERE TO ATTEND THE JULY 1, 2013 HEARING.**

15 Based on the foregoing threats made by Cummins, Lollar does not feel she can attend the hearing  
16 without placing her personal safety at risk. As such Lollar will not be attending the July 1, 2013  
17 hearing, but will be represented by counsel on that date. She asks that the Court consider her declaration  
18 filed in support of of her intial response and the declaration attached hereto in lieu of her live testimony.

19 **III. LEGAL ARGUMENTS**

20 **A. THIS COURT STILL LACKS PERSONAL JURISDICTION OVER LOLLAR.**

21 Proper service is a requirement for a court's exercise of personal jurisdiction over a party.  
22 Sternbeck v. Buck (1957) 148 Cal.App.2d 829, 307; *see also* Caldwell v. Coppola (1990) 219  
23 Cal.App.3d 859, 863. Indeed, an order entered without personal jurisdiction over the defendant is void.  
24 Slaughter v. Legal Process & Courier Service (1984) 162 Cal.App.3d 1236.

25 California Code of Civil Procedure, Section 527.6(m) governing the service of civil harassment  
26 restraining orders states as follows:

27 Upon the filing of a petition for an injunction under this section, the  
28 respondent shall be *personally served* with a copy of the petition,  
temporary restraining order, if any, and notice of hearing of the petition.  
Service shall be made at least five days before the hearing. The court may

1 for good cause, on motion of the petitioner or on its own motion, shorten  
2 the time for service on the respondent. (emphasis added).

3 See also Texas Rules of Civil Procedure, Rule 106:

4 (a) Unless the citation or an order of the court otherwise directs, the  
5 citation shall be served by any person authorized by Rule 103 by:

6 (1) delivering to the defendant, in person, a true copy of the citation with  
7 the date of delivery endorsed thereon with a copy of the petition attached  
8 thereto, or

9 (2) mailing to the defendant by registered or certified mail, return receipt  
10 requested, a true copy of the citation with a copy of the petition attached  
11 thereto.

12 (b) Upon motion supported by affidavit stating the location of the  
13 defendants usual place of business or usual place of abode or other place  
14 where the defendant can probably be found and stating specifically the  
15 facts showing that service has been attempted under either (a)(1) or (a)(2)  
16 at the location named in such affidavit but has not been successful, the  
17 court may authorize service

18 (1) by leaving a true copy of the citation, with a copy of the petition  
19 attached, with anyone over sixteen years of age at the location specified in  
20 such affidavit, or

21 (2) in any other manner that the affidavit or other evidence before the  
22 court shows will be reasonably effective to give the defendant notice of  
23 the suit.

24 Here, Lollar still has not been personally served with the required Request for Civil Harassment  
25 Restraining Order (Form CH-100) or the Notice of Hearing (Form CH-109) or through any other  
26 authorized means of service. [Lollar Decl. at ¶ 2]. Because Respondent was not properly served, the  
27 Court does not have jurisdiction to grant and/or enforce a restraining order against her and the request  
28 for restraining order should be denied on these grounds alone.

29 **B. CUMMINS STILL HAS NOT MET HER BURDEN UNDER CAL. CODE OF  
30 CIVIL PROCEDURE § 527.6(B) FOR THE ISSUANCE OF A CIVIL  
31 HARASSMENT RESTRAINING ORDER.**

32 **1. As Stated in Respondent's Initial Response to Cummins' Request for  
33 Restraining Order, Even Assuming the Truth of Cummins' Allegations, They Do  
34 Not Meet the Requirements Set Forth in CCP § 527.6(b).**

35 Cal. Code of Civ. Proc. § 527.6(b) sets forth the criteria for a Civil Harassment Restraining

1 Order as follows:

2 (1) "Course of conduct" is a pattern of conduct composed of a series of  
3 acts over a period of time, however short, evidencing a continuity of  
4 purpose, including following or stalking an individual, making harassing  
5 telephone calls to an individual, or sending harassing correspondence to an  
6 individual by any means, including, but not limited to, the use of public or  
7 private mails, interoffice mail, facsimile, or computer email.  
8 Constitutionally protected activity is not included within the meaning of  
9 "course of conduct."

10 (2) "Credible threat of violence" is a knowing and willful statement or  
11 course of conduct that would place a reasonable person in fear for his or  
12 her safety, or the safety of his or her immediate family, and that serves no  
13 legitimate purpose.

14 (3) "Harassment" is unlawful violence, a credible threat of violence, or a  
15 knowing and willful course of conduct directed at a specific person that  
16 seriously alarms, annoys, or harasses the person, and that serves no  
17 legitimate purpose. The course of conduct must be such as would cause a  
18 reasonable person to suffer substantial emotional distress.

19 As illustrated in Respondent's initial response to Cummins' restraining order request, Cummins  
20 has offered no proof whatsoever that Lollar has engaged in any course of conduct that would constitute  
21 stalking, has made any credible threat of violence, or has engaged in any type of harassment as defined  
22 by § 527.6(b). In fact, the record clearly reflects that it is Cummins who has stalked, harassed,  
23 threatened and defamed Lollar.

24 However, even assuming the conduct alleged by Lollar was true, it does not satisfy the  
25 requirements of § 527.6(b) as Cummins' accusations amount to either legally protected activities (e.g.  
26 valid service of legal process and protected First Amendment activity) or criminal conduct (e.g., the  
27 planting of incendiary devices and identity theft) for which proper criminal complaints and charges  
28 should be filed and pursued. In other words, neither category of conduct is the proper subject of a civil  
harassment restraining order.

29 **2. Lollar Has Not Engaged in any of the Conduct Enumerated in CCP § 527.6(b)**  
30 **Since the Issuance of the Temporary Restraining Order.**

31 As stated above, Lollar has not made **any** attempt to contact Cummins since the issuance of the  
32 temporary restraining order, much less made any credible threat of violence or engaged in any course of  
33 harassing conduct. [Lollar Decl. at ¶ 2]. Thus, there is no new evidence to support Cummins'  
34 unsupported request for restraining order and the request remains wholly deficient.

1 In sum, Cummins' offers no reasonable proof that Lollar engaged in any of the conduct for  
2 which she is accused either before or since the filing of her request for restraining order. However, even  
3 if Lollar did engage in all of the conduct alleged, a civil harassment restraining order would not be an  
4 appropriate remedy.

5 **IV. CONCLUSION**

6 For all of the foregoing reasons it is apparent that Cummins is in fact the true threat and the  
7 Court should deny Cummins' request for a restraining order against Lollar.

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12 4846-6648-5268, v. 2  
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1 SUPPLEMENTAL DECLARATION OF AMANDA LOLLAR IN SUPPORT OF RESPONSE  
2 TO CIVIL HARASSMENT RESTRAINING ORDERS

3 I, Amanda Lollar, hereby declare:

4 1. I am the founder and president of Bat World Sanctuary ("Bat World"), a non-profit bat  
5 sanctuary located in Mineral Wells, Texas. I reside in Texas and am primarily responsible for the day to  
6 day operations at Bat World.

7 2. To date, I have not been personally served with Petitioner Mary Katherine Cummins  
8 Cobb's ("Cummins") Request for Restraining Order or Notice of Hearing.

9 3. I have made no attempt whatsoever to contact Cummins since the issuance of the  
10 temporary restraining order.

11 4. I fear for my own safety and have attempted to avoid Cummins at all costs for quite some  
12 time. This fear has escalated as a result of Cummins' recent threats of violence against me.

13 5. I am so fearful of Cummins and what she might do to me that I feel I cannot safely  
14 attend the July 1, 2013 hearing in this matter.

15  
16 Dated this 27th day of June 2013 at Mineral Wells, Texas.

17  
18   
19 \_\_\_\_\_  
20 Amanda Lollar



1 **SUPPLEMENTAL DECLARATION OF DEAN A. ROCCO IN SUPPORT OF RESPONSE TO**  
2 **CIVIL HARASSMENT RESTRAINING ORDERS**

3 I, Dean A. Rocco, hereby declare:

4 1. I am an attorney admitted to practice before all courts of the State of California. I am a  
5 partner with the law firm of Jackson Lewis LLP, counsel of record for Respondent Amanda Lollar. The  
6 following is based on my personal knowledge. If called as a witness, I could and would competently  
7 testify to the facts contained herein.

8 2. Attached hereto as Exhibit "A" is a true and correct copy of an email correspondence I  
9 received from Petitioner Mary Katherine Cummins' Cobb ("Cummins") on June 13, 2013.

10 3. Attached hereto as Exhibit "B" is a true and correct copy of content posted online by  
11 Cummins on her Facebook account on June 14, 2013.

12 4. Attached hereto as Exhibit "C" is a true and correct copy of additional content posted  
13 online by Cummins on her Facebook account on June 14, 2013.

14 5. Attached hereto as Exhibit "D" is a true and correct copy of content posted online by  
15 Cummins on her Facebook account on June 26, 2013.

16 Dated this 28<sup>th</sup> day of June 2013 at Los Angeles, California.

17 

18 Dean A. Rocco

Exhibit A

## McSweeney, Katherine (LA)

---

**From:** Mary Cummins <mmmaryinla@aol.com>  
**Sent:** Thursday, June 13, 2013 4:43 PM  
**To:** Rocco, Dean A. (LA); McMullan, Sandra J. (LA)  
**Subject:** Cummins v Lollar - tell your client to stay away from me

If your client is in town, I know she will be tempted to come to my house, work and where my animals are located. Please, tell her to stay away. My neighbors have been alerted and have photos, description of Lollar. I told them to instantly call the cops and I gave them the restraining order. If your client was dumb enough to make all those blogs, comments and posts after she was served with the TRO, she is dumb enough to come to my house, work or animals. I have a gun, gun permit, ammo and went through the weapons class at the police academy. If she shows up here, I will assume she is here to harm me. Your client has never been anonymous. You will see tomorrow She can use another ISP but she's still not anonymous. I don't even need a subpoena to see who it is when she emails me directly. Then she made all of those blogs, posts, comments in that exact same user name and email address.

Mary Cummins  
[MMMARYinLA@AOL.COM](mailto:MMMARYinLA@AOL.COM)  
Mary Cummins  
[MMMARYinLA@AOL.COM](mailto:MMMARYinLA@AOL.COM)



Exhibit B



**Mary Cummins**

35 minutes ago near Los Angeles, CA

It's official. LAPD told me Amanda Lollar is "extremely mentally ill." Officers said sane people obey TROs. Crazyes get even crazier just like Lollar has done. They said no restraining order can protect me from her craziness. I should get a gun. I told them I had a couple. They told me to have it loaded at all times and within easy reach. Done.

[Like](#) · [Share](#)

- [10 people like this.](#)



[Terry Lynn Fisher Bloomer](#) Wow. : (

33 minutes ago via [mobile](#) · [Like](#)



[Capri Adirim](#) Wow? Is this women stalking you or threatening you?

31 minutes ago · [Like](#)



[Steven B Tesser](#) When they say that, isn't it automatic that they try to get her into a 48-hour mental health assessment (or whatever is local procedure?)

29 minutes ago · [Like](#)



[Paula Newman](#) WOW.. Be careful..



[Steven B Tesser](#) This is when you want to have multiple dogs that bark really loud.

[28 minutes ago](#) · [Like](#) · [1](#)



[Kim Lores Bodaglio](#) Wow...you be careful girl. You've outed this woman and she's going to blame you for the crazy now.

[26 minutes ago](#) · [Like](#)



[Bob Pond](#) @Steven: In the police code 72-hr lockup for mental observation is "51-50". 10-4!

[17 minutes ago](#) · [Edited](#) · [Like](#)



[Mary Cummins](#) They said the problem is she's in Texas. They may be able to do something when she comes back for the next hearing which is July 1. The restraining order is still in effect, like it means anything.

[18 minutes ago](#) · [Like](#) · [2](#)



[Raven Sky](#) healing thoughts.. and Violence does not solve anything...Gun's kill.. she just needs to be committed.... hope you do not need to use it....

[18 minutes ago](#) · [Like](#) · [1](#)



[Mary Cummins](#) The police said if she shows up at my home, work, where I keep the animals, I should shoot her. I just want her to leave me alone. I've sent cease and desist to her lawyers telling her to leave me alone and that I have a gun. Cops said common sense does not deter crazy people. I showed them the childish, petty, disgusting things she sent to me when she thought she was anonymous.

[16 minutes ago](#) · [Like](#) · [1](#)



[Lori Mastrianni Austin](#) Stay Safe...your critters need you!!!

[13 minutes ago](#) · [Like](#) · [1](#)



Roberta L. Lott Oh man, I was so hoping there would be better results! You have to do what you have to do, Mary, just hope it does not come to that.

13 minutes ago · Like



Bob Pond Sure made a difference in SoCal a couple nights ago:

<http://www.gunsandammo.com/2013/06/12/elderly-woman-opens-fire-on-would-be-burglar/>

11 minutes ago · Like · 2



Mary Cummins She got the hearing continued. She said she has to run her nonprofit and can't leave with such short notice which was two weeks. So, Judge continued the hearing for ... two weeks. Doesn't even make any sense. Oh well.

11 minutes ago · Like · 1



Eric Swisher The police told you to shoot her? I'd say that is yet another clear symptom of a society falling to ruin. They are crazier than your friend Amanda. Maybe we all are. That's America!

10 minutes ago · Like · 1



Lezle Stein I'm so sorry Mary. There is no stopping a mad person. That being said, I don't think you could shoot her. Would you?

9 minutes ago · Like



Jane Clopton Charneco Good advice, too bad you have to have this terrible person causing you all kinds of grief!!!!

7 minutes ago · Like



Hazy Cerements I have been given similar advice by police, "You'll have to take care of it yourself."

4 minutes ago · Like



Mary Cummins Every single officer told me I should shoot her. I went through the police academy, took the gun class. I've been going to the range. I took a tazer class at Pasadena PD few years back which was very helpful. They told me to shoot the person after he disobeys my orders once. First few times I waited until the

practice crim disobeyed me three times. I finally got the hang of it. Yes, I'm prepared to legally defend myself against this crazy person.

[about a minute ago](#) · [Like](#)



Exhibit C

- **Mary Cummins** Every single officer told me I should shoot her. I went through the police academy, took the gun class. I've been going to the range. I took a tazer class at Pasadena PD few years back which was very helpful. They told me to shoot the person after he disobeys my orders once. First few times I waited until the practice crim disobeyed me three times. I finally got the hang of it. Yes, I'm prepared to legally defend myself against this crazy person.

[8 hours ago](#) · [Like](#) · [5](#)

- **Leon Seidman** Remember the revolver has no springs in the clip to go soft. Happy hunting.

[5 hours ago](#) · [Like](#)



- **Mary Cummins** Revolver also less likely to jam.

[5 hours ago](#) · [Like](#) · [1](#)



- **Leon Seidman** YUP. I keep a snub nose S&W 38 special that my father gave me by the bed. Not so accurate past 25-30 feet ( no head shots) but in the house, he's mine.

[4 hours ago](#) · [Like](#) · [2](#)

- **Sienna Sangria** What's the point of a restraining order if you can't enforce it? Why can't the person breaking the order get thrown into jail?

[4 hours ago](#) · [Like](#) · [2](#)



- **Kim Lores Bodaglo** Wow this is a crazy thread. Mary, good luck girl. Do what you have to do. Hopefully the cops will put her away and you won't have to do anything. If you do, take care of business.

[2 hours ago](#) · [Like](#)

**Mary Cummins** I learned a lot today talking to cops, detectives and a criminal lawyer for LAPD. You can hit someone if you like as long as you don't send them to the ER. You can also threaten

people all you like. You can commit as many misdemeanors as you like. Cops won't do anything. They would only do something if someone commits a felony in front of a cop. Basically you can do anything you like short or rape, robbery, murder. In fact you can also do those things as long as there are no witnesses or evidence.

2 hours ago · Like

Exhibit D



**Mary Cummins**

4 hours ago near Los Angeles, CA 🌐

6/26/13

Alive and well in Los Angeles, California. Amanda Lollar continues to violate the restraining order. The sky is blue. What else is new.



**Parrot Michaëlle** not trying to be ugly, but if she is violating the order, why the heck haven't the cops arrested her yet ?? In our state if you violate a court order you get 45 days in lock down. Sounds to me like some police people are NOT doing the job they are paid to do !

4 hours ago · Like · 👍 2



**Mary Cummins** She has now violated the restraining order over 150 times which I can prove. I have now filed three police reports for violation of restraining order. I will file one more right before our next hearing. Police said they would only arrest her if she physically assaults me in their presence and she injures me so badly that I go to the emergency room. All the laws we have for misdemeanors, feel free to break them because police will do nothing. They told me that to my face.

4 hours ago · Like · 👍 1



**Kathie Wheeler** Send a drone .... fill in the blanks

4 hours ago · Like · 👍 2



**Mary Cummins** The police actually told me to shoot her dead.

4 hours ago · Like · 👍 2



**Kathie Wheeler** too messy

4 hours ago · Like · 👍 1



**Mary Cummins** What's worse is now that she has been violating the restraining order and getting away with it she attacks me even more every day. I'm sure it will get even worse.

4 hours ago · Like · 👍 1



**Mary Cummins** I spoke to the detectives boss. That was the only way I could talk to the detective. Otherwise they kept saying "he's in the field. Try back tomorrow." I also refused to leave the police station. They said they sent it to the city attorney. I will try internal affairs. Thanks.

4 hours ago · Like · 👍 1



**Mary Cummins** It's the beginning of baby bat season. She should be feeding baby bats all day and night. That's what I did when I was there. Instead I'm sure she has volunteers doing that. I found out month ago that her internships were actually illegal. She must be in the same room with volunteers unless she puts them on her permit. There is no one on her permit.

4 hours ago · Like · 👍 1

1  
2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 **CASE NAME: MARY CUMMINS v. AMANDA LOLLAR, ET AL.**

5 **CASE NUMBER: BS143169**

6 I am employed in the County of LOS ANGELES, State of California. I am over the age of 18  
7 and not a party to the within action; my business address is: 725 South Figueroa Street, Suite 2500, Los  
8 Angeles, California 90017-5408.

9 On June 28, 2013, I served the foregoing document described as:

10 **FORM CH-120 SUPPLEMENTAL RESPONSE TO REQUEST FOR CIVIL HARASSMENT  
11 RESTRAINING ORDER**


12 in this action by placing a true copy thereof in a sealed envelope addressed as follows:

13 Mary Cummins  
14 645 W. 9<sup>th</sup> Street, #110-140  
15 Los Angeles, CA 90015  
16 Phone: 310-877-4770  
17 *In Pro-Per*  
18 [mmmaryinla@aol.com](mailto:mmmaryinla@aol.com)

19 **[XX] BY NORCO OVERNITE** I am "readily familiar" with the firm's practice of collection and  
20 processing correspondence for deposit with Norco Overnight. Under that practice it would be deposited  
21 with Norco Overnight on that same day with fees thereon fully prepaid at Los Angeles, California in the  
22 ordinary course of business. I am aware that on motion of the party served, service is presumed invalid  
23 if date of receipt of the document by Norco Overnight is more than one day after date of deposit for  
24 mailing in affidavit.

25 **[XX] STATE** I declare under penalty of perjury under the laws of the State of California that the  
26 above is true and correct.

27 Executed on June 28, 2013, at Los Angeles, California.

28  
  
Marjorie Sasseen

PROOF OF SERVICE