

Cause No. 352-248169-10

**AMANDA LOLLAR, BAT WORLD
SANCTUARY**

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se



TARRANT COUNTY, TEXAS

**DEFENDANT’S REPLY TO PLAINTIFFS’ MOTION FOR BANK RECORDS
AUTHORIZATION, DEFENDANT’S REQUEST FOR SANCTIONS**

TO THE HONORABLE JUDGE OF 141st COURT:

Defendant Mary Cummins (“Cummins”) submits this Reply to Plaintiffs’ Motion for Bank Records Authorization and respectfully shows the Court as follows:

INTRODUCTION

This Court ordered Defendant on September 18, 2015 to give Defendant’s bank records to Plaintiffs by October 9, 2015. Defendant agreed and ordered the bank records immediately. Plaintiffs agreed to pay for the bank records as soon as the banks gave an estimate. September 28, 2015 Defendant emailed Daniel Sullivan the amount to pay for the records and to whom the request should be directed. The amount was \$235 for five years of bank records for four accounts. Daniel Sullivan stated the checks were sent to the banks. The checks were never sent to the bank as of today. Plaintiffs continue to commit perjury in this case.

October 8, 2015 this Court heard Defendant's Motion for Protective Order on the bank records. The motion was granted. During that hearing Judge John Chupp stated "'Y'all figure out how ya gonna do it. I don't know what to tell you with regard to how you pay for it, how you do it." The Judge never ordered Defendant to allow some man to follow Defendant to the banks to get the records. Plaintiffs have a five years long history of using men to harass and assault Defendant.

The first time was November 2010 when Plaintiffs stated they had Defendant served. Defendant was lured to a closed Motel 8 Hotel parking lot under the false pretense that a baby squirrel would die if Defendant didn't immediately drive over an hour each way in a heat wave. The process server took down the parking lot chain and pulled out a cage from the trunk of his car then handed Defendant a lawsuit instead. Proof of service was not legal and was never filed in this case. Defendant filed motion to dismiss as Defendant was never legally served and the proof of service was never filed.

The second time was February 2013 when Plaintiffs paid two men \$750 to trespass onto private property, secretly videotape Defendant with one hidden sunglass camera and another held by another man hidden in the back of the room. The man then hit Defendant with the papers in the stomach. Defendant filed a police report with the LAPD. The Judge in that case stated the service was not proper.

Plaintiff Lollar has posted many death threats against Cummins online. Lollar sent the same threats via email and the phone.

October 21, 2015 Defendant received a voice message from Plaintiffs' attorney's office asking if a bank records release was received. Defendant faxed back that a

1 release was not received and Defendant would not sign a blank bank release form
2 (Exhibit 1, 2).

3 Defendant made the following offer. Defendant needs a copy of the bank records.
4 Defendant told Plaintiffs if they pay the bank to make a copy and pay for postage,
5 Defendant will go to the banks, accept one copy and allow one copy to be mailed
6 directly from the bank. The bank stated "they" cannot mail the records to anyone but
7 Defendant can. Plaintiffs did not respond to this offer. They merely filed another
8 frivolous motion with this court.
9

10 Defendant needs a copy as Plaintiffs have a very long history of forging documents.
11 Plaintiff Amanda Lollar was caught forging a contract in the Talking Talons lawsuit.
12 Plaintiff had to pay for that lawsuit. Plaintiff Lollar forged a contract in this lawsuit. The
13 Appeals court ruled that there was no breach of the forged contract. Plaintiff Lollar
14 recently forged an email supposedly from the head of USDA Dr Gibbens. Defendant
15 filed an info act request and USDA stated no such document exists. This is criminal
16 forgery to forge an email from the head of a Federal agency.
17

18 If the Court will consider Plaintiffs' motion, the motion must be heard at a hearing as
19 the court ruled previously on another motion. If this motion is to be heard, please, also
20 schedule time for Defendant's Motion to Reconsider Motion to Strike Court Order and
21 Judgement and Motion to Seal Defendant's passport in this case. The final signed order
22 is void as Judge William Brigham did not sign/file an oath of office, did not reapply to be
23 a visiting judge every two years, did not take any required continuing education classes
24 and was well over the mandatory retirement age of 75 at the age of 84. Judge Bonnie
25 Sudderth also never requested Judge William Brigham to sit the May 4, 2011 hearing.

Defendant also witnessed Judge Brigham sign the May 4, 2011 court order without even reading it. It was six pages single spaced. Defendant didn't even write the alleged posts in that court. Defendant had not even seen the posts before the hearing and had no control over those websites. Judge William Brigham was also senile as per his own public written admission and written statement by his wife around the same time as Defendant's trial. Judge William Brigham had no legal jurisdiction over this case for all of those reasons. The order and judgment are void. The Second Court of Appeals of Texas also ruled that Judge Brigham abused his discretion and committed grave errors of law in three orders which he signed in this case including the final order and judgment which the Appeals court ruled was void.

Again, Plaintiffs and Judges Bonnie Sudderth and William Brigham committed fraud upon the court by using a specific, requested visiting Judge for a hearing and the trial. As Brigham was retired, he could rule any way he wanted as he didn't have to consider being re-elected or appointed. Defendant was never given any notice there would be a visiting judge until at the hearings. The Courts knew there would be a visiting judge weeks before the trial. Judge Bonnie Sudderth at a hearing before the trial even stated she will see me at the trial when she knew weeks prior she would not be there.

In this case attorney Randy Turner and his long time friends Judge William Brigham and Judge Bonnie Sudderth gamed the system. As per Houston investigative reporter George Flynn and Texas District Attorney Johnny Holmes ,

“Judge Reform

Eliminate Visiting Judges

Not elected—not accountable

1 In Texas the constitution requires judges to be elected. As well as in twenty-nine other
2 states. But visiting judges—or assigned judges as they are otherwise known—are not
3 elected. Yet they serve as judges—apparently because judges can themselves make
4 the law what they want it to be. At least where their own ease and convenience is the
5 subject.

6 Even those who have been defeated in the previous election may in Texas serve as
7 visiting judges. Often in districts where they have never appeared on the ballot.

8 It seems that when a judge is defeated yet comes back to hear cases it defeats the
9 philosophy of allowing the public to elect judges”. “In effect the judges are bulletproof.”

10 Long-time former Harris County (Houston) District Attorney Johnny Holmes

11 Despite this visiting judges have had a sweet deal in Texas—at least until budget cuts.

12 They make about \$400.00 per day in salary which is paid by the state. And they need
13 only work one day a month to receive retirement credit for the entire month. And their
14 per diems are substantial. One analysis is instructive:

15 [an] open-records request forced the county auditor to compile the expenses of visiting
16 judges over the past five years. . . According to a computer analysis ordered by courts
17 administrator Jack Thompson, Harris County [Houston] spent \$846,365 during that time
18 for transportation, hotel and meals and a per diem for the jurists. That doesn't include
19 their salaries, which are paid by the state.

20 The champion of expenses during that period is Mexia's Putnam K. Reiter, a more-or-
21 less non elected full-time judge of the special asset forfeiture court. He charged
22 \$112,727 from 1995 through this year.”

23 Mexia is 165 miles from Houston. And this judge no doubt drives past a lot of other
24 retired Harris County judges to get to Houston.

25 From the visiting judge's viewpoint his customers are the law firms and the lawyers with
whom he has a relationship—not the public who he is ostensibly serving. When one
considers this one is not surprised by their behavior—only surprised that their
employment which is unconstitutional in Texas is allowed in the first place.

Sitting judges use assigned judges as a gaming device.

A favorite use of visiting judges is when a sitting judge has a case before him where the
plaintiff and the defendant are each represented by large law firms who have in the past
each contributed substantially to his campaign. The sitting judge simply arranges his
docket so that he is handling another case when that case in question comes up. He
then allows a visiting judge to be used in his place so as to avoid alienating either side.
The money then continues to roll in—from both sides.

The sitting judge follows the same plan of using visiting judges to make rulings in controversial or politically sensitive cases, so the elected judges won't have to suffer the fallout from voters or influential sides in the litigation.

(George Flynn Houston Press 6-19-03 p.19)

Still another use is for a sitting judge up for election is to staff his court with visiting judges while he or she is on the campaign trail. While touting their own work in reducing dockets!

Large law firms use assigned judges as a gaming device.

Large law firms use their regular and continuing relationship with the small number of regular visiting judges to cause themselves to be favored in the process. The economics are understandable: the visiting judges are more popular and receive greater preference with these firms if they give them favorable results; less preference if they do not. They retain their popularity by giving preference on allowing hearings on a matter, less strict discovery rules, the timing of trials, etc. Or they can give more direct and less ethical preferences.

And make no mistake about it these law firms have other ways to get the judges they want in a case. By managing the subject matter they can influence the case scheduler—even if honest—in the name of efficiency to schedule the case with a visiting judge whose specialty is handling cases of that sort.”

Texas attorney Randy Turner and Judges Bonnie Sudderth and William Brigham committed fraud upon the system by using Judge Brigham who retired 13 years earlier to “game the system.” Defendant never defamed Plaintiffs. Plaintiffs did not show any elements of defamation in this court or the Appeals court. The Appeals court ruled that “defamation does not have to be proven.” They also ruled that Defendant never even had to be told what Plaintiffs thought was defamatory. Defendant did not get a list of the supposed statements until two months after the trial in the form of the court order. Defendant proved in the Appeals Court that none of those 47 items were defamatory. The Appeals Court ruled that the “jist” of everything Defendant stated was “defamatory” even though not one statement was defamatory and Plaintiffs never filed a “jist” claim.

1 This case has been a great miscarriage of justice. This motion is just one more frivolous
2 harassing motion by Plaintiffs. This Court has been notified of this injustice and request
3 the Court to report it to the proper authorities.

4 **ARGUMENT**

5 The banks are not a party in this lawsuit. They are a third party. Defendant has been
6 willing to comply with the court order and give the bank records to Plaintiffs. The fact
7 that Defendant didn't just go to the bank and pay the \$235 to get the records proves that
8 Defendant does not even have \$235.

9
10 Plaintiffs' requests for discovery, interrogatories are frivolous, oppressive, harassing
11 and will not, did not lead to anything discoverable. There is nothing discoverable in the
12 bank records Plaintiffs have requested as Defendant is penniless. This Court ruled that
13 Defendant is indigent, so did the Appeals and Supreme Court. Plaintiffs made this
14 discovery request for harassment purpose only. Plaintiffs' have publicly stated on the
15 Internet that Defendant has a net worth less than zero for the last five years. Plaintiffs
16 have gone so far as to state this in Plaintiffs' attorney's business website and over 400
17 blogs and websites devoted solely to harassing, defaming Defendant.

18
19 Texas Rules of Civil Procedure 215.3 "Abuse of Discovery Process in Seeking,
20 Making, or Resisting Discovery. If the court finds a party is abusing the discovery
21 process in seeking, making or resisting discovery or if the court finds that any
22 interrogatory or request for inspection or production is unreasonably frivolous,
23 oppressive, or harassing, or that a response or answer is unreasonably frivolous or
24 made for purposes of delay, then the court in which the action is pending may, after
25

notice and hearing, impose any appropriate sanction authorized by paragraphs (1), (2), (3), (4), (5), and (8) of Rule 215.2(b).”

Plaintiffs should be sanctioned for abusing discovery.

PRAYER

Defendant Cummins respectfully requests that this court denies Plaintiffs’ Motion for Signed Bank Authorization form. Defendant requests that Defendant’s SSN, any other personal, confidential information never be part of any court order or record. Defendant will be requesting a telephonic appearance for this motion. Defendant requests sanctions in the amount of \$500 against Plaintiffs for discovery and motion abuse.

Defendant will call the court to set a hearing

Mary Cummins, Defendant
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770



DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. This motion was written by me, Mary Cummins, a pro se who is not an attorney.
3. Every statement in the motion is the absolute truth to the best of my knowledge.

I, declare under penalty of perjury under the laws of the States of California and Texas that the foregoing is true and correct.

Executed on October 22, 2015 at Los Angeles, California.



By: _____
MARY CUMMINS

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **REPLY TO MOTION FOR BANK AUTHORIZATION** was served on the Plaintiffs' Attorney of record by FAX and by FIRST CLASS MAIL at

Randy Turner
Bailey & Galyen
1300 Summit Ave Suite 650
Fort Worth, Texas 76102
October 22, 2015



Mary Cummins, Defendant Pro se
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: mmmaryinla@aol.com

352-248169-10

Mary Cummins
645 W 9th St #110-140
Los Angeles, CA 90015
Direct: (310) 877-4770
Fax: (310) 494-9395
mmaryinla@aol.com

October 21, 2015

Telefax
Randy Turner
Bailey & Galyen

RE: Bank records

I just received your phone call about bank records. I did not receive a bank authorization form from you. I will not sign a bank authorization form. The court order states I just have to give you the bank records. The bank records are at the bank ready for me to pick them up. They've been there well over a week. You lied and did not send the bank the checks. I have been calling daily. As soon as you send the banks the checks, I'll give you the records. I need to make a copy of the records when I pick them up. I will send you the originals the day I get them.

I do not agree to sign a bank authorization form. Lord only knows what illegal, criminal things you and your client would do with it. You both have committed perjury, identity theft, attempted bank theft, paid to have me assaulted, committed motion abuse, chased me down the court hallway, intentionally bumped into me, threatened me in person besides filing frivolous lawsuits. You know I never defamed your client which is why you had to defraud the court by having your personal friend Judge William Brigham sit as a visiting judge for the trial and give a totally false and malicious ruling which had nothing to do with the evidence or law.

If you file motion to compel me to sign the authorization, it will be an unnecessary waste of court time. I will file motion for sanctions. If you want the records, just send them a check. You can even wire them the money. Below are the routing numbers for the two banks. You can even call them and pay by credit card. YOU are the reason you don't have the records in your hand.

XXXXXXX (310) 281 5600
XXXXXXX (310) 777 1900 Ask for Elizabeth

Sincerely,



Mary Cummins

352-248169-10

352-248169-10

Mary Cummins
645 W 9th St #110-140
Los Angeles, CA 90015
Direct: (310) 877-4770
Fax: (310) 494-9395
mmaryinla@aol.com

October 21, 2015

Telefax
Randy Turner
Bailey & Galyen

RE: Bank records

I just received your fax. Judge Chupp DID NOT suggest that a man follow me to the bank. That was YOUR suggestion. The Judge did not order me to allow a man to follow me to the bank. Judge Chupp did not order me to sign a bank release. Below is word for word what Judge Chupp said. You lied about what Judge Chupp stated in court.

"Y'all figure out how ya gonna do it. I don't know what to tell you with regard to how you pay for it, how you do it."

I will not sign a bank release. Lord only knows what evil, criminal things you and your client who commit criminal acts would do with that. Your client already pretended to be me to break into my account and the account of an unrelated party. The ONLY reason LAPD did not file charges and arrest your client is because she wasn't able to access the account. The ONLY reason she didn't get access and money is because I know how evil and criminal your client is. Because of your client I don't use my real information as security questions. All accounts have extra passwords. While Lollar gave the bank my SSN, driver's license, mother's maiden name, date of birth, place of birth, they did not match the non-numerical info I gave to the bank. I make up a fake reply to all those questions for every account.

I agreed to give you the bank records. The records are at the bank waiting for you to pay for them. They must be paid for no matter what. I have complied with the court order. You are the one who is not complying.

You are obviously delusional, paranoid and mentally ill to think I could or would edit the bank statements before mailing them to you. I have never forged any documents. Your client is the one who has forged multiple documents and lied about discovery repeatedly. In fact you just filed a forged email allegedly from the head of the USDA. Lollar forged an agreement in Talking

Talons case. She forged the agreement in this case. You both committed perjury and fraud multiple times.

Your client Lollar knew I had nothing before I went to the internship. I only took the internship because I couldn't afford to pay \$500 for Bat Boot Camp. Lollar only told you I was wealthy to sucker you into representing her for free. It's your own fault you got suckered by someone who has not gone past the 8th grade who commits animal cruelty. Your own client has been posting for last few years that I have a net worth less than zero.

I will offer one solution. Pay the banks to make an extra copy of all the bank records. After you pay the bank, I will go get the records. I will take one copy for myself. I will instruct the bank to mail one copy to you from the bank. You must pay for their time, copies and postage besides paying for the statements. I haven't asked the bank if they can or will do this. If you file a motion to compel me to sign a bank release, I will file reply and file a motion for sanctions. You are doing this for harassment purposes. You are wasting court time.

Sincerely,

A handwritten signature in cursive script that reads "Mary Cummins". The signature is written in black ink and is positioned below the word "Sincerely,".

Mary Cummins