

DECLARATION OF MARY CUMMINS

I, MARY CUMMINS, declare under penalty of perjury under the laws of the States of California and Texas that the foregoing is true and correct, and that I could and would testify thereto as herein if called upon to do so, based upon my personal knowledge of the facts set forth herein.

1. Exhibit 2 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an email I received from attorney Randy Turner at 9:30 p.m. Texas time.
2. Exhibit 3 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of minutes from a court hearing May 2012.
3. Exhibit 4 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of a letter sent from ACLU-NC to Randy Turner which is posted on ACLU's website which I downloaded.
4. Exhibit 5 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an email I sent to the court coordinator stating that I will be videotaping in the hallway because of Turner's inappropriate behavior.
5. Exhibit 6 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an email which I sent to Randy Turner and his ex law partner Tom McKenzie about Turner's inappropriate behavior. The photos included in the email are true copies of the actual photos.
6. Exhibit 7 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an image taken from a still of the video of the November 2011 deposition of Amanda Lollar.

7. Exhibit 8 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an image taken from a still of the video of the November 2011 deposition of Amanda Lollar.
8. Exhibit 9 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an image taken from a still of the video of the November 2011 deposition of Amanda Lollar.
9. Exhibit 10 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of a page from Amanda Lollar's YouTube account BWSvMC which shows that she made over 70 movies from my deposition video.
10. Exhibit 11 attached to Plaintiff's Objection to Defendants' Substitution of Attorney is a true and correct copy of an email between me and Steve Sanderfer of law firm Bailey & Galyen.
11. I reported Amanda Lollar of Bat World Sanctuary to authorities for animal cruelty, neglect, violations of the health code besides other things.
12. I was sued for defamation in retaliation for reporting Lollar to authorities.
13. The case #352-248169-10 was frivolous and malicious.
14. I never defamed Lollar or breached a contract.
15. That case is currently in the Appeals Court in Fort Worth, Texas.
16. Randy Turner stated "isn't it ironic that Turner's wife is on the legal ethics committee when he is so unethical" in the June 2012 trial.
17. I never made the above statement.
18. Randy Turner did cry immediately after making the statement in item 16.
19. Turner stated in email that if I didn't sign an impossible and overly broad injunction against myself that he would crank the lawsuit into high gear and continue to file motion after motion, set hearing after hearing.

20. I did not write or post most of the items in the temporary injunction signed May 2011.
21. I do not control most of the websites in the temporary injunction.
22. There were over 200 court filings in case 352-248169-10.
23. Before a May 2011 hearing Turner came up behind me and said "I've known this Judge for years. He'll sign whatever I put in front of him."
24. I witnessed Judge William Brigham sign the six page temporary injunction without reading it.
25. I told this to Judge Bonnie Sudderth in court May 2012.
26. After the May 2011 hearing Turner stated "if you don't remove them, I will find you in contempt, sanction you and throw you in jail!"
27. I did ask the court coordinator to give me a two minute head start after hearings so I could get to the elevator and downstairs to the Sheriff's table before Turner could catch up to me.
28. Turner has harassed me in the court hallway before and after hearings.
29. Turner backed up into me pressing his entire body against mine in the court hallway.
30. Turner repeatedly stares at my breasts or crotch in court, before/after court and during deposition.
31. Turner did email or text during his client's deposition.
32. Turner did close his eyes and nod off during his client's deposition.
33. Lollar did load up over 70 highly edited videos of my deposition to YouTube without my permission.
34. These videos are edited to the point that they are defamatory.
35. I spoke with attorney Steve Sanderfer of Bailey & Galyen November 2011 about my case.

36.I emailed Steve Sanderfer about my case after Randy Turner went to work at Bailey & Galyen.


37.Turner has acted unethically and unprofessionally to me.

38.Turner has harassed and threatened me.

39.I will be filing a formal complaint against attorney Randy Turner with the State Bar of Texas.

40.I have filled out a restraining order against Randy Turner. I will be filing it with the court.

Executed on November 20, 2012 in Los Angeles, California

By: 
Mary Cummins

From: "Randy Turner" <randy@turnermckenzie.com>
Subject: RE: Bat World Sanctuary et al vs Mary Cummins
Date: December 7, 2011 7:29:18 PM PST
To: "Mary Cummins" <mmmaryinla@aol.com>, <kelly@turnermckenzie.com>

Yes, the negative content on the internet about me is included. You will have to remove everything that you are able to remove and you will have to cooperate in the removal of everything else.

Yes, if we sign the agreement I will agree not to schedule any hearings until next year.

If we sign an agreement it will obviously require both sides to act in good faith. We both know that it will be extremely easy for both sides to play games and *claim* they "did everything possible" but they "can't control what others post." And, of course, if that happens it will simply mean that we will continue this little internet war you started and the lawsuit will crank up into high gear again with endless hearings, depositions, motions and, eventually, a trial. I am fine doing that. I litigate for a living. Likewise, we also both know that the parties can accomplish the goals of this agreement *if they want to*. This agreement will be a good test. If it works then maybe we can resolve the lawsuit altogether at some point. If it doesn't work then we can go to trial.

Randy Turner
Turner & McKenzie, PC
Attorneys at Law
1800 N. Norwood Dr., Suite 100
Hurst, Texas 76054
Tel. (817) 282-3868
Fax (817) 268-1563
www.turnermckenzie.com

From: Mary Cummins [mailto:mmmaryinla@aol.com]
Sent: Wednesday, December 07, 2011 9:01 PM
To: randy@turnermckenzie.com; kelly@turnermckenzie.com
Subject: Re: Bat World Sanctuary et al vs Mary Cummins

I'll send an edit in the morning. It needs modifications. Does this pertain to things written about you, Mr. Turner? I don't control the internet or everyone else on the planet. The pitbull haters really hate you. You would also need to postpone any and all requested hearing dates otherwise there's no point. We can agree upon mediation and trial dates and go from there.

I can write an email to Indybay, Indymedia, RaiseTheFist ... but they won't do anything. I already tried getting the nasty things your client posted removed from Indybay/Indymedia to no avail. I'm not part of the collective. RaiseTheFist doesn't even have any true contact info. Their physical address doesn't even physically exist. There is no 91210 zip code in LA, no Ash St. address in Glendale. They have no real email. I'm sure you've realized this by now.

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

From: Randy Turner <randy@turnermckenzie.com>
To: 'Mary Cummins' <mmmaryinla@aol.com>; kelly <kelly@turnermckenzie.com>
Sent: Wed, Dec 7, 2011 1:38 pm
Subject: RE: Bat World Sanctuary et al vs Mary Cummins

If you will agree to sign a written agreement that contains the following terms I will recommend to Bat World that they do the

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EXCERPT OF REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
TRIAL COURT CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY) IN THE 352ND JUDICIAL
)
vs.) DISTRICT COURT OF TEXAS
)
MARY CUMMINS) IN AND FOR TARRANT COUNTY

EXCERPTS OF PROCEEDING

May 10, 2012

On the 10th day of May, 2012, the following
excerpt of 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 P R O C E E D I N G S

2 * * *

3 (Motion to Amend Injunction)

4 **CROSS-EXAMINATION**

5 **BY NARRATIVE:**

6 On May 4th, you weren't here and substitute
7 Judge William Brigham was here. And I want to make one
8 important note. Before the Judge came in here, there was no
9 one else in the courtroom, except me, I was sitting right
10 there. And Mr. Turner and his client was sitting over there.
11 They both came around and they sat directly behind me and they
12 said, "Good. We have a substitute judge. I've known this guy
13 for years "-- and basically paraphrased saying -- "he's going
14 to sign whatever I want to have signed."

15 And then they went back to the other side of the
16 -- of their courtroom. So he just did that intentionally, I
17 don't know, to frighten me or bother me, to let me know that
18 he has a special relationship with Judge Brigham. Anyway --

19 **THE COURT:** Ms. Cummins, I assure you, that if
20 that was said that would not be a true statement. Judge
21 Brigham is a distinguished jurist.

22 * * *

23 **MR. TURNER:** She posted all this stuff on the
24 Internet, so we're asking that it be --

25 **THE COURT:** I mean, I understand that. But I

1 STATE OF TEXAS

2 COUNTY OF TARRANT

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

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

15 I further certify that the total cost for the
16 preparation of this Reporter's Record is \$40.00 and was
17 paid/will be paid by DEFENDANT.

18 WITNESS MY OFFICIAL HAND, on this the 4th of
19 August, 2012.

20

21

22 Monica J. Willenburg, CSR, RPR
23 Texas CSR No. 3386, Exp: 12/31/12
24 Official Court Reporter
25 352nd District Court
401 W. Belknap, 8th Floor
Fort Worth, Texas 76196
Telephone: (817)884-2732
email: mwillenburg@tarrantcounty.com



May 19, 2011

Via Fax and US Mail

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

Re: *Bat World Sanctuary et al. v. Cummins*, No. 352-248169-10

Dear Mr. Turner:

I am writing on behalf of San Francisco Bay Area Indymedia (“Indybay”) and the American Civil Liberties Union of Northern California. It has come to our attention that you have sent a demand to Indybay that it remove a webpage¹ from its website – a webpage that includes texts, photos, and videos concerning Ms. Amanda Lollar and Bat World Sanctuary, as well as links to comments on that initial posting – and have threatened to add Indybay as a defendant in your lawsuit against Ms. Mary Cummins if it does not immediately comply.

Indybay will not remove these materials. Under § 230 of the Communications Decency Act, operators of websites such as Indybay cannot be forced to censor articles and other information that, like the materials here at issue, originate with a third party, even if those materials are defamatory or otherwise objectionable. *Fair Housing Council of San Fernando Valley v. Roommates.Com, LLC*, 521 F.3d 1157 (9th Cir. 2008) (en banc); *Milo v. Martin*, 311 S.W.3d 210 (Tex.App. 2010); *Doe II v. MySpace Inc.*, 175 Cal.App.4th 561 (2009). As the Texas Court of Appeal has specifically observed, “section 230 does not provide a right to request a website's owner to remove false and defamatory posts placed on a website by third parties, and does not provide the injured person with a remedy in the event the website's owner then fails to promptly remove defamatory posts from its site.” *Id.* at 218.

¹ Specifically, <http://www.indybay.org/newsitems/2011/05/01/18678593.php>.

Randall E. Turner

May 19, 2011

Page 2

Moreover, Indybay has a First Amendment right to display factually accurate materials, including videos and photographs, even if they were acquired unlawfully by a third party. *Bartnicki v. Vopper*, 532 U.S. 514 (2001). Your demand that Indybay remove the entire webpage, which includes not just the initial post but also links to material supporting and disputing the accuracy of that post as well as information relating to your clients' lawsuit against Ms. Cummins, is clearly overbroad; complying with it would result in the censorship of materials that are clearly protected by the First Amendment, including materials that support Ms. Lollar and Bat World Sanctuary.

In short, whatever the merits of your clients' dispute with Ms. Cummins, Indybay may properly maintain its webpage under § 230 and the First Amendment. Please let me know if you if you continue to believe that Indybay has any duty to remove these materials from its website or have any questions or concerns about this. My direct phone number is (415) 293-6373; my email is mrisher@aclunc.org.

Sincerely,

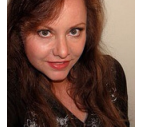


Michael T. Risher
Staff Attorney

cc: ACLU of Texas

EXHIBIT 4

From: Mary Cummins <mmaryinla@aol.com>
Subject: **Bat World Sanctuary vs Mary Cummins - 352-248169-10 - Next hearing, videotaping**
Date: January 18, 2012 10:58:46 AM PST
To: Kelly@TurnerMcKenzie.com, Randy@TurnerMcKenzie.com, tom@turnermckenzie.com, lblair@tarrantcounty.com



I have reviewed the video and audio taping rules of Texas. Videotaping is allowed in public areas if there is no expectation of privacy. I believe the hallway outside of the courtroom is a public area where there is no expectation of privacy. Correct me if I'm wrong, Ms. Blair. I will have the videocamera on my iPhone recording when I am outside of the court room in the public areas of the hallway or elevator.

Mr. Turner, please do not do or say anything that you don't want recorded. I don't want to have to communicate with you in person after the hearing. I don't want you to wave documents in my face while threatening me again. I don't want to have to rush out of the court room as fast as possible so you are not waiting for me outside. In my rush out the door last time I left items on the table. If you wish to communicate with me, please do it by phone, email, fax or by USPS. Thank you.

Mary Cummins
Defendant pro se

From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Your client's video of her deposition**
Date: November 28, 2011 2:40:13 PM PST
To: Randy@TurnerMcKenzie.com, Kelly@TurnerMcKenzie.com, Tom@TurnerMcKenzie.com

▶ 2 Attachments, 109 KB



I was just at my mailbox. I still have not received the video that your client took of her deposition. You told me on November 8 that you would send that video by the end of the week. I told you I'd send you my video the day that I received hers. We both agreed not to charge each other anything. Please, send her video so I can send you mine.

In the meantime here are a couple of stills. In the first one you are staring at my chest. In the second one you are staring at my crotch. I could clearly see you staring at me as you were directly in front of me. These are not the only times you have done this. You've also done this in the court house and at my deposition. In the future please do not stare at me inappropriately. It's rude and creepy. I was not even wearing a low cut top.

Mary Cummins



EXHIBIT 7





EXHIBIT 8



EXHIBIT 9



YouTube Q Browse | Movies | Upload  MaryCummins ▾

 **BWS v MC** + Subscribe 32 subscribers 14,308 video views

Featured Browse videos Q

Like Share More info

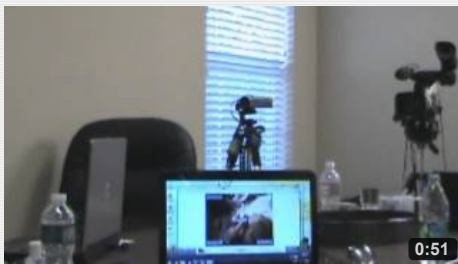


0:00 / 5:55

Prior Defamation Lawsuits 1,287 views 

by BWSvMC 10 months ago

1-10 of 70 ▶ Play all



0:51









bats escaping
 BWSvMC 221 views 8 months ago
 Legally videotaped with consent by all parties in attendance. This case is a matter of public interest and public record. We have sued this individual for the false and def...



1:19

AL being deposed by MC of Animal Advoca
 BWSvMC 173 views 9 months ago
 Legally videotaped deposition with consent by all parties in attendance. This case is a matter of public interest and public record. We have sued this individual for the fa...

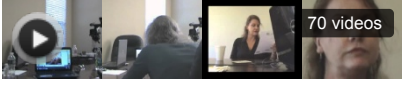
About BWS v MC
 Videos of defendant, President of AnimalAdvocates.us, in her court-ordered deposition before losing the lawsuit. Mary Cummins defamation was found to be "egregious, intentional and malicious." She was ordered to pay 6.1 million in damages to Aman... more ▾

-  Lawsuit Details
-  Amended Lawsuit (pdf)
-  Defendant's Attorney Withdraws (pdf)
-  Bizarre Accusations, Affidavit
-  Contempt of Court
-  Cummins Loses Lawsuit
-  6.1 Million Awarded
-  Article on Judgement

by BWSvMC ▾

Latest Activity	Mar 20, 2012
Date Joined	Aug 26, 2011

Featured Playlists

 70 videos

Uploaded videos
 by BWS v MC view all >

From: "Steve Sanderfer" <ssanderfer@modjarrad.com>
Subject: RE: My case
Date: February 20, 2012 2:23:50 PM PST
To: "Mary Cummins" <mmmaryinla@aol.com>

I no longer work for Bailey and Galyen.

From: Mary Cummins [mailto:mmmaryinla@aol.com]
Sent: Monday, February 20, 2012 4:14 PM
To: Steve Sanderfer
Subject: My case

I believe I contacted you when you were with Bailey & Galyen. I just found out that the person does indeed have insurance. I'd like to go ahead with the claim. I contacted you through an article you posted on LinkedIn last November, [At Bailey & Galyen, we can handle ANY of your legal referrals. From PI to Criminal, 18-Wheeler to Probate. We do it all.](#)

Started by Steve Sanderfer, Managing Attorney at Bailey & Galyen

I was injured in Texas. Thanks.

Mary Cummins
310 877 4770

EXHIBIT 11