

1 MARY CUMMINS
2 Defendant
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 In Pro Per
6 Telephone: (310) 877-4770
7 Email: mmmaryinla@aol.com

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 BAT WORLD SANCTUARY,
11 AMANDA LOLLAR
12 *Plaintiff*

13 v.

14 MARY CUMMINS
15 *Defendant*

) Case No. BS140207

)
) **MOTION TO QUASH, MODIFY**
) **SUBPOENA, PROTECTIVE**
) **ORDER CCP 1987.1**

) **Date:**
) **Time:**
) **Room:**
) **Judge:**

16)
17)
18)
19 **RELIEF REQUESTED**

20 Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court
21 for an order quashing subpoena made by Plaintiffs requesting all financial records of
22 Defendant "Mary Cummins" from OneWest bank. These records requested are not
23 reasonably calculated to obtain information pertinent to the matter at hand because
24 Defendant has no assets, bank accounts, job or money. Defendant believes this
25 subpoena would be used for ulterior motives such as harassment of Defendant,
26 Defendant's family, friends and clients. This subpoena is unreasonable and oppressive,
27 including unreasonable violations of the right of privacy of Defendant, her family,
28

1 friends and clients. Defendant will show the court the following based on documents
2 already filed with this court, attached declaration and exhibits.

3 INTRODUCTION

4 Defendant reported Plaintiffs to authorities for animal cruelty, animal neglect,
5 violations of the Animal Welfare Act, Texas Parks & Wildlife Department, Texas
6 Health Department, Texas Veterinary Board and Building and Safety (Defendant's
7 Declaration). Violations were found. The USDA veterinarian stated Plaintiff Lollar
8 who has not gone past the eighth grade and tries to perform surgery on conscious bats
9 without pain relief caused bats "pain," "suffering," and "death." The USDA stated she
10 violated the Animal Welfare Act. Plaintiffs lost their USDA permit.

11 Defendant was maliciously and frivolously sued for defamation and breach of
12 contract in retaliation for reporting Plaintiffs to authority. Plaintiffs did not show the
13 elements of defamation, breach of contract, admitted they had no damages and no
14 proof of any causation in trial. Defendant argued this but the retired visiting Judge
15 nevertheless ruled in their favor in Texas. This case is in appeal awaiting the Court's
16 opinion any day.

17 In retaliation for reporting Plaintiff to authorities, Plaintiff has been stalking,
18 harassing, defaming, threatening Defendant, her family, friends, clients for over the
19 past three years. Plaintiff's behavior has caused Defendant to be fired from two jobs.
20 Defendant cannot get work because of Plaintiff's defamation online which states
21 Defendant is a "convicted criminal," "embezzled money from her grandmother," "sued
22 the church" and many other totally untrue things. Plaintiff also harassed the lawyers
23 who wrote amicus briefs for Defendant's appeal.

24 In the previous legal case Plaintiff used items received in discovery to further
25 harass Defendant.
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27
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1 • Plaintiff made 100 movies of Defendant's videotaped deposition and posted
2 them on YouTube.¹ The movies were so highly edited that they are defamatory.

3 • Plaintiff paid a man to pretend to have a dying baby squirrel. The man lured
4 Defendant under false pretenses to drive over an hour to save the baby. That man
5 trespassed onto private property, served Plaintiff with papers and videotaped this
6 including her license plate. Plaintiff could have easily been served in the park where
7 Defendant does pet adoptions every Saturday. Plaintiff posted this on YouTube (see
8 above).

9 • Plaintiff accidentally received the social security number and bank name of
10 Defendant in discovery. Plaintiff used that and other information from discovery to
11 call Defendant's banks and illegally pretend to be Defendant to get financial
12 information of Defendant and unrelated non-profit Animal Advocates. Defendant
13 filed a police report March 2013 (previously filed in this case) and motion for
14 contempt as the records were covered by a protective order made by Judge Margaret
15 Nagle.

16 • Plaintiff illegally obtained Defendant's private home address and posted it on
17 the Internet. Plaintiff has sent people to Defendant's home to go through the trash,
18 bang on the doors/windows/gates, trespass and rummage through contents of garage.

19 • Plaintiff sent spam to Defendant's email address and home address addressed
20 to "Mary Cumbucket," Mary Cumstain," "Mary Scummins," "Scummins Dummins"
21 for plus sized clothing, cures for baldness and pornography. These are but a few
22 examples of the harassment by Plaintiff.

23 Defendant's financial records include the names of Defendant's friends, family,
24 clients including their bank account numbers, home addresses. Defendant is positive
25 Plaintiff would contact all of these people and defame Defendant or threaten to harm or
26 kill these people. Plaintiff has already threatened to kill Defendant in writing. Plaintiff
27

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¹ <http://www.youtube.com/bwsvmc>

1 has already threatened friends and family of Defendant. Plaintiff has already defamed
2 Defendant to many people.

3 Defendant has no job, home, assets or car. The financial documents would not
4 lead to anything which would be discoverable to find assets or money.

5 Plaintiff filed two motions for post trial discovery in Texas asking for this same
6 information. Those two identical motions were denied by the Judge in 2013.

7 This judgement is in the name of "Mary Cummins." That is not the name of the
8 bank accounts or financial documents. This judgment is only to "Mary Cummins." The
9 judgment is not in the name of a social security number. The social security number
10 was never in the name of Defendant. Plaintiff received the social security number after
11 the Texas case illegally.

12 **FACTUAL BACKGROUND**

13 February 4, 2014 Defendant received the attached copy of subpoena (Exhibit 1,
14 Social Security number redacted by Defendant)

15 February 4, 2014 Defendant contacted Plaintiff's attorney David Watts notifying
16 him that Defendant was filing motion to quash. Defendant also notified OneWest bank
17 not to release any information as Defendant will file motion to quash.

18 February 18, 2014 Defendant files this motion to quash or modify subpoena,
19 protective order pursuant to Code of Civil Procedure section 1987.1 and gives notice to
20 the witness OneWest bank and deposition officer Jeff McCallum at 216 N East Street,
21 Woodland, CA 95776 at least five days before the date set for production which is
22 March 10, 2014. Notice was also sent to Plaintiff's attorney David Watts and OneWest
23 bank.

24 **STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY** 25 **SUBPOENA, PROTECTIVE ORDER**

26 The subpoena should be quashed or modified for the following reasons:
27
28

1 1. California Code of Civil Procedure Section 1987.1 (a) “If a subpoena requires
2 the attendance of a witness or the production of books, documents, electronically
3 stored information, or other things before a court, or at the trial of an issue therein,
4 or at the taking of a deposition, the court, upon motion reasonably made by any
5 person described in subdivision (b), or upon the court's own motion after giving
6 counsel notice and an opportunity to be heard, may make an order quashing the
7 subpoena entirely, modifying it, or directing compliance with it upon those terms or
8 conditions as the court shall declare, including protective orders. In addition, the
9 court may make any other order as may be appropriate to protect the person from
10 unreasonable or oppressive demands, including unreasonable violations of the right
11 of privacy of the person.”

12 This subpoena is unreasonable, oppressive and includes unreasonable violation
13 of the right of privacy of Defendant, Defendant’s family, friends and clients.

14 "Financial files are within a constitutionally protected zone of privacy, set forth
15 under Article I, Section 1 of California’s Constitution and this protection applies both
16 such records. The standard applicable to general discovery, i.e. that items need only be
17 reasonably calculated to lead to the discovery of admissible evidence, is inapplicable to
18 the discovery of items protected by a right to privacy in which the threshold
19 requirement is that such items must be directly relevant. *Britt v. Superior Court* (1978)
20 20 Cal.3d 844; *Tylo v. Superior Court* (1997) 55 Cal.App.4th 1379.

21 2. Subpoena is not in the name of the closed bank account. The judgment is in
22 the name of “Mary Cummins.” The judgment is not in the name of a social security
23 number or any other name. One West has no bank records of any “Mary Cummins.”

24 3. The subpoena is overly broad requesting “Any and all statements for accounts
25 held on behalf of Debtor Mary Cummins SSN ***-**-****.” (SSN redacted). There
26 is no limit to type of records requested, time period requested or account number.
27
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1 4. The requested financial records requested are not reasonably calculated to
2 obtain information pertinent to the matter at hand. Defendant has no assets, car, job
3 or money. There is nothing left to take from Defendant. Plaintiff's already know the
4 last balance in the account. The account is closed and has no balance.

5 5. The requested records would actually release records of people not a party to
6 the case or judgment including Defendant's family, friends and clients.

7 6. The requested records would only be used for ulterior purposes i.e.
8 harassment, stalking purposes. They would serve no valid purpose.

9 7. The place to examine records is over 100 miles (405 miles) from non-party
10 witness.

11 **PRAYER**

12 Defendant respectfully requests that this Court quash this subpoena for bank
13 records. In the alternative Defendant requests that this Court redacts the names of all
14 people or companies other than Defendant in the records. In the alternative Defendant
15 requests a protective order over said financial documents stating the contents of the
16 records and the records themselves must never be shared with anyone other than
17 Plaintiff's attorney David Watts. They may never be given to anyone else especially
18 Plaintiff.

19 Such other relief as the Court may deem just and proper.

20 Respectfully submitted,

21 

22

Mary Cummins, Defendant

23 Dated: February 18, 2014

24 645 W. 9th St. #110-140

25 Los Angeles, CA 90015

26 In Pro Per

1 PROOF OF SERVICE BY MAIL

2 (FRCivP 5 (b)) or
3 (CCP 1013a, 2015.5) or
4 (FRAP 25 (d))

5 I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles,
6 California 90015-1640. I am over the age of eighteen years.

7 I further declare that on the date hereof I served a copy of:

8 **MOTION TO QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER**

9 on the following interested parties by placing a true copy thereof enclosed in a sealed
10 envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140,
11 Los Angeles, CA 90015-1640.

12 Plaintiffs' Attorney
13 Richard Evanns
14 515 S. Flower St. #3656
15 Los Angeles, CA 90071

16 Deposition Officer
17 Jeff McCallum
18 216 N East Street
19 Woodland, CA 95776

20 Witness
21 One West Bank
22 888 East Walnut Street
23 Pasadena, CA 91101

24 I declare under penalty of perjury, under the laws of the State of California, that the
25 foregoing is true and correct.

26 Executed this day, February 18, 2014, at Los Angeles, California.

27 Respectfully submitted,

28 

Mary Cummins, Plaintiff

Dated: February 18, 2014

645 W. 9th St. #110-140

Los Angeles, CA 90015

1 **DECLARATION OF DEFENDANT MARY CUMMINS**

2 I, MARY CUMMINS, declare as follows:

- 3 1. I am Mary Cummins Defendant in pro per. I make this declaration on my
4 personal knowledge of the facts set forth herein.
- 5 2. Attached to DEFENDANT’S MOTION TO QUASH SUBPOENA, MODIFY
6 SUBPOENA, PROTECTIVE ORDER as Exhibit 1 is a true and correct copy of
7 the subpoena which I received in the mail.
- 8 3. Everything in DEFENDANT’S MOTION TO QUASH SUBPOENA, MODIFY
9 SUBPOENA, PROTECTIVE ORDER was written by me and is the truth to the
10 best of my knowledge.
- 11 4. Plaintiff Amanda Lollar posted online that I am a “convicted criminal,”
12 “embezzled money from her grandmother,” “sued the church” and many other
13 totally untrue things.
- 14 5. Plaintiff Amanda Lollar phoned and harassed the lawyers who wrote amicus
15 briefs for my appeal.
- 16 6. Plaintiff sent spam to my email address and home address addressed to “Mary
17 Cumbucket,” Mary Cumstain,” “Mary Scummins,” “Scummins Dummins” for
18 plus sized clothing, cures for baldness, pornography besides other things.
- 19 7. Plaintiff has threatened to kill me on the phone and in writing.
- 20 8. I’m positive Plaintiff would use any data in any financial records to harass, stalk
21 or harm me, my family, friends and clients.

22 I, declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed on February 18, 2014 at Los Angeles, California.

25
26 By: Mary Cummins
27 MARY CUMMINS
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David C. Watts (SBN 215850) Law Office of David C. Watts 1260 Lake Blvd. #218 TELEPHONE NO.: (530) 400-1782 FAX NO.: E-MAIL ADDRESS: davidw@dwatts.net ATTORNEY FOR (Name): Amanda Lollar & Bat World Sanctuary	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/RESPONDENT: Mary Cummins	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	CASE NUMBER: BS140207

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
ONEWEST BANK FSB, 888 East Walnut Street, Pasadena, CA 91101

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Jeff McCallum On (date): March 10, 2014 Location (address): 216 N East Street, Woodland, CA 95776	At (time): 9:00 AM
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

Any and all statements for accounts held on behalf of Debtor **Mary Cummins SSN [REDACTED]**

Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: **January 29, 2014**

David C. Watts

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Plaintiffs

(Proof of service on reverse)

(TITLE)

Page 1 of 2

PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary	CASE NUMBER: BS140207
DEFENDANT/RESPONDENT: Mary Cummins	

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:
 - a. Person served (*name*):
 - b. Address where served:
 - c. Date of delivery:
 - d. Time of delivery:
 - e. (1) Witness fees were paid.
Amount: \$ _____
 - (2) Copying fees were paid.
Amount: \$ _____
 - f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:
 - a. Not a registered California process server.
 - b. California sheriff or marshal.
 - c. Registered California process server.
 - d. Employee or independent contractor of a registered California process server.
 - e. Exempt from registration under Business and Professions Code section 22350(b).
 - f. Registered professional photocopier.
 - g. Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David C. Watts (SBN 215850) Law Office of David C. Watts 1260 Lake Blvd. #218 Davis, CA 95616 TELEPHONE NO.: (530) 400-1782 FAX NO. (Optional): E-MAIL ADDRESS (Optional): davidw@dwatts.net ATTORNEY FOR (Name): Amanda Lollar & Bat World Sanctuary	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/ PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/ RESPONDENT: Mary Cummins	CASE NUMBER: <div style="text-align: center; font-size: 1.2em;">BS140207</div>
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): Mary Cummins

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** Amanda Lollar & Bat World Sanctuary **SEEKS YOUR RECORDS FOR EXAMINATION** by the parties to this action on *(specify date):* **March 10, 2014**
 The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought):** **ONEWEST BANK FSB, 888 East Walnut Street, Pasadena, CA 91101**
 A copy of the subpoena is attached.
2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
 - b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: January 29, 2014

David C. Watts _____
 (TYPE OR PRINT NAME)

 (SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1. I object to the production of all of my records specified in the subpoena.
2. I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/RESPONDENT: Mary Cummins	CASE NUMBER: BS140207
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PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served: Mary Cummins	(3) Date of mailing:
(2) Address: 858 N. Beverly Glen, Los Angeles, CA 90077	(4) Place of mailing (city and state):

(5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - c. My residence or business address is (specify): 1260 Lake Blvd. #218, Davis, CA 95616
 - d. My phone number is (specify): (530) 400-1782

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

Date: January 29, 2014

David C. Watts

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. ON THE REQUESTING PARTY
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. ON THE WITNESS
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify):
4. My phone number is (specify):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)