

FILED

1 MARY CUMMINS
2 Plaintiff
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

2012 APR 19 PM 1:52

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

BY _____

8 UNITED STATES DISTRICT COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA

11 MARY CUMMINS) Case No. CV11 08081 DMG (MANx)
12 Plaintiff)
13 v.)
14)
15) PLAINTIFF'S MOTION TO COMPEL
16) DISCOVERY FROM DEFENDANTS
17) AMANDA LOLLAR AKA BAT
18) WORLD SANCTUARY AN
19) INDIVIDUAL, BAT WORLD
20) SANCTUARY AN UNKNOWN
21) BUSINESS ENTITY
22)
23) *May 29, 2012*
24) *10:00 a.m. Room 580*

25 PLAINTIFF'S MOTION TO COMPEL DISCOVERY

26 Plaintiff Mary Cummins moves this court pursuant to Federal Rules of Civil
27 Procedure 37 for an order compelling Defendant Amanda Lollar aka Bat World
28 Sanctuary and Bat World Sanctuary an unknown business entity hereinafter referred to
as Defendants, to produce documents requested in Plaintiff's First Request for
Production (Exhibit 1). Plaintiff also requests the right to re-depose Defendant after
discovery is received.

NATURE OF THE ACTION

This action arises as a defamation and libel complaint. This action was instituted by
Plaintiff on September 29, 2011. On February 14, 2012 Plaintiff emailed, faxed and
mailed Plaintiff's First Request for Production of Documents, Admissions and
PLAINTIFF'S MOTION TO COMPEL DISCOVERY FROM DEFENDANTS AMANDA LOLLAR AKA BAT WORLD
SANCTUARY AN INDIVIDUAL PERSON, BAT WORLD SANCTUARY AN UNKNOWN BUSINESS ENTITY

1 Interrogatories to Defendants' attorney Stephen MacPhail. Defendants belated
2 response to Plaintiff's First Request for Documents was received by Plaintiff on March
3 22, 2012 (Exhibit 2).

4 Defendant did not turn over all of the requested documents. Plaintiff sent a "meet
5 and confer" letter to Defendant's attorney Stephen MacPhail on March 29, 2012
6 (Exhibit 3). A "meet and confer" telephone conference was held March 29, 2012 at
7 1:30 pm. At that time Defendants' attorney promised to immediately give Discovery
8 items one through seven, i.e. all posts, comments made by Defendants which mention
9 or refer to Plaintiff posted on the internet; all emails, faxes, letters sent from
10 Defendants to anyone about Plaintiff; and item 12, i.e. copy of proof of insurance.
11 Defendants' attorney also promised a line by line response to the meet and confer
12 letter. Defendant on April 5 and April 6, 2012 turned over a few more documents but
13 not all documents requested. A response to the "meet and confer" letter, conference
14 was never received.

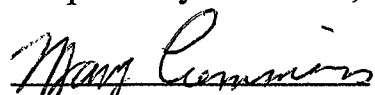
15 During Defendant Amanda Lollar's deposition on April 6, 2012 Plaintiff again
16 asked for a copy of Defendants' insurance policy and specifically an email Defendant
17 admitted to sending to Nicole Carion of the California Department of Fish & Game
18 about Plaintiff. Defendant stated Defendant no longer had the email she sent to Carion.
19 Defendant stated she now only had "some text from the email." Defendant's attorney
20 again promised to immediately give to Plaintiff the text from the email and the
21 insurance policy.

22 During Defendant Amanda Lollar's deposition on April 6, 2012 Plaintiff showed
23 some items which Defendant gave to Plaintiff in discovery. Defendant denied ever
24 seeing the items before, stated they were not part of discovery and she never admitted
25 to posting said items. In her sworn response to discovery she admitted to posting the
26 items. There seems to be a major problem with discovery documents in this case.
27
28

1 Plaintiff emailed and phoned Defendant's attorney five more times between April
2 13, 2012 and April 19, 2012. MacPhail's secretary promised he would call April 16,
3 2012 which he did. He stated he was sick, out of state and I believe in a trial. He again
4 promised to give the documents within two days but he hasn't. Plaintiff emailed twice
5 more and no response. Plaintiff contacted Magistrate Judge Margaret Nagle April 19,
6 2012. The court coordinator instructed Plaintiff to file this motion to compel.

7 CONCLUSION AND REQUEST FOR RELIEF

8 Plaintiff prays that this court will order Defendant Amanda Lollar to give discovery
9 items to Plaintiff. Plaintiff requests that this court order Defendant not to destroy or
10 delete any more evidence. Plaintiff requests the right to re-depose Defendant after
11 these discovery items have been received. Plaintiff requests sanctions.

12
13 Respectfully submitted,
14 
15 Mary Cummins, Plaintiff
16 Dated: April 13, 2012
17 645 W. 9th St. #110-140
18 Los Angeles, CA 90015
19 In Pro Per
20 Telephone: (310) 877-4770
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PROOF OF SERVICE BY MAIL
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

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

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

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY FROM DEFENDANTS
AMANDA LOLLAR AKA BAT WORLD SANCTUARY AN INDIVIDUAL
PERSON, BAT WORLD SANCTUARY AN UNKNOWN BUSINESS ENTITY**

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

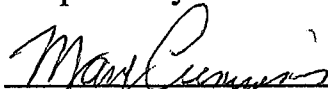
Stephen M. MacPhail
Bragg & Kuluva
555 S. Flower St., #600
Los Angeles, CA 90071

I also faxed a copy to Stephen M. MacPhail at (213) 612-5712.

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

Executed this day, April 19, 2012, at Los Angeles, California

Respectfully submitted,



Mary Cummins, Plaintiff

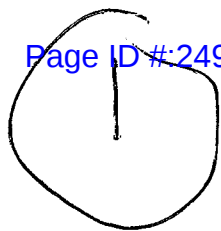
Dated: April 19, 2012

645 W. 9th St. #110-140

Los Angeles, CA 90015

In Pro Per

Telephone: (310) 877-4770



1 MARY CUMMINS
2 Plaintiff
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 UNITED STATES DISTRICT COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA

11 MARY CUMMINS) Case No. CV11 08081 DMG (MANx)
12 *Plaintiff*)
13 v.)
14 AMANDA LOLLAR aka BAT) PLAINTIFF'S REQUEST FOR
15 WORLD SANCTUARY an individual) PRODUCTION OF DOCUMENTS TO
16 person, BAT WORLD SANCTUARY) DEFENDANTS AMANDA LOLLAR
17 an unknown business entity, JOHN) aka BAT WORLD SANCTUARY an
18 DOES 1-10) individual person, SET ONE
19 *Defendants*)

20 PROPOUNDING PARTY: Plaintiff MARY CUMMINS
21 RESPONDING PARTY: Defendant AMANDA LOLLAR aka BAT WORLD
22 SANCTUARY an individual person
23 SET NUMBER: One

24 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff requests that
25 Defendant Amanda Lollar, produce the documents and other tangible things specified
26 below for inspection and copying on March 15, 2012 at 9:30 a.m. at 645 W. 9th St.
27 #110-140, Los Angeles, CA 90015.

28 ///

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT AMANDA LOLLAR aka BAT
WORLD SANCTUARY an individual person, SET ONE

Exhibit 1

DEFINITIONS

- a. Document or Documents shall include all materials within the scope of rule 1001 of the Federal Rules of Evidence and/or Rule 34 of the Federal Rules of Civil Procedure and shall include the original, any duplicate, and any non-identical duplicates. DOCUMENTS to be produced include electronic mail, DOCUMENTS and files stores in electronic form in or on computers or on computer networks or storage devices, and data compilations from which information can be obtained by YOU through detective devices into reasonable usable form..
- b. The term “YOU” or “YOUR” shall mean and refer to AMANDA LOLLAR aka BAT WORLD SANCTUARY an individual person.
- c. The term “CUMMINS” shall mean and refer to Plaintiff Mary Cummins.
- d. THE TERMS “COMMUNICATE” or “COMMUNICATION” or “COMMUNICATIONS” shall mean and refer to any communication, whether written, oral or otherwise, and includes (but is not limited to) documents, meetings, discussions, conferences, telephone conversations, email, facsimile, and telegraphic COMMUNICATIONS.
- e. The term “COMPLAINT” shall mean and refer to the First Amended Complaint in this action filed on December 22, 2011.
- f. The terms “IDENTIFY” or “IDENTITY” shall mean and refer to the person’s or entity’s name, business address and telephone number, home address and telephone number, and (if applicable) employer name and position, address and telephone number.
- g. The terms “USDA” shall mean and refer to the United States Department of Agriculture.
- h. The term “TPWD” shall mean and refer to the Texas Parks & Wildlife Department.
- i. The term “BWS” shall mean and refer to Bat World Sanctuary.
- j. The term “CADFG” shall mean and refer to California Department of Fish & Game

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INSTRUCTIONS

- a. In response to these Requests, YOU shall produce the originals of any and all DOCUMENTS and other tangible things, wherever located, described herein, that are in YOUR possession, custody or control, or in the possession, custody or control of YOUR agents, employees, attorneys, accountants, representatives or other persons acting or purporting to act on YOUR behalf.
- b. Any copy of the DOCUMENTS or other tangible things requested that varies in any way from the original or from any other copy of the DOCUMENTS or other tangible thing, whether by reason of handwritten or other notation or because of any omission, shall constitute a separate DOCUMENT and must also be produced.
- c. Each DOCUMENT or other tangible thing so requested must be produced in its original file folder, file jacket or cover.
- d. All DOCUMENTS or other tangible things shall be produced in the same manner as it or they are maintained in the ordinary course of business and identified according to the numbered item of the Request to which the DOCUMENTS related.
- e. If the location of any DOCUMENTS or other tangible things covered by these requests unknown, so state and include the names(s) and address(es) of any person (s) or organization(s) who have such information.
- f. If YOU claim a privilege not to produce any DOCUMENT or other tangible thing encompassed by the Requests herein, YOU shall supply the following information with respect to each such DOCUMENT or other tangible thing: (1) the identify, nature of and subject matter of the DOCUMENT or other tangible thing, so that the Court may properly determine the propriety of the claim of privilege; (2) the date of the complete DOCUMENT or other tangible thing or the particular portion of the DOCUMENT or other tangible thing to which the claimed privilege is said to apply;

- 1 (3) the basis for asserting the claim of privilege, and the precise ground on which the
2 DOCUMENT or other tangible thing is withheld; (4) the full name, job title, job
3 description, responsibility and membership in any bar (including jurisdiction) of
4 each author, addressee, and recipient (including each person copied) of the
5 DOCUMENT or other tangible thing; (5) the source of the DOCUMENT or other
6 tangible thing; (6) attachments to the DOCUMENT or other tangible thing; (7) the
7 number of pages comprising the DOCUMENT or other tangible thing; and (8)
8 whether the DOCUMENT or other tangible thing is typewritten or handwritten.
- 9 g. Unless otherwise stated, these Requests seek DOCUMENTS dated or created during
10 or which relate to any part of the period from January 1, 2006 through the date of
11 YOUR response to these Requests.

12
13 **DOCUMENT REQUESTS**

- 14 1. All posts in Yahoo Group WorldBatLine ([http://pets.dir.groups.yahoo.com/group/
15 worldbatline](http://pets.dir.groups.yahoo.com/group/worldbatline)) which mention the name Mary Cummins or refer to Mary Cummins
16 in any way including by any “nicknames” such as “Typhoid Mary,” “MC,”
17 “Batvocates,” or any reference such as this “individual,” a “woman,” “she,” “her...”
18 made by YOU or approved by YOU.
- 19 2. All comments, posts in website AmandaLollar.com and BatWorld.org which
20 mention the name Mary Cummins or refer to Mary Cummins in any way including
21 by any “nicknames” such as “Typhoid Mary,” “MC,” “Batvocates,” or any reference
22 such as this “individual,” a “woman,” “she,” “her...” made by YOU.
- 23 3. All comments, posts made in YouTube channels [http://www.youtube.com/
24 batworldsanctuary](http://www.youtube.com/batworldsanctuary) and <http://www.youtube.com/bwsvmc> which mention the name
25 Mary Cummins or refer to Mary Cummins in any way including by any
26 “nicknames” such as “Typhoid Mary,” “MC,” “Batvocates,” or any reference such
27 as this “individual,” a “woman,” “she,” “her...” made by YOU.

- 1 4. All tweets made on Twitter that mention the name Mary Cummins or refer to Mary
2 Cummins in any way including by any “nicknames” such as “Typhoid Mary,”
3 “MC,” “Batvocates,” or any reference such as this “individual,” a “woman,” “she,”
4 “her...” made by YOU.
- 5 5. All posts, comments made on any Facebook page by AMANDA LOLLAR aka
6 BAT WORLD SANCTUARY an individual person which mention the name Mary
7 Cummins or refer to Mary Cummins in any way including by any “nicknames” such
8 as “Typhoid Mary,” “MC,” “Batvocates,” or any reference such as this “individual,”
9 a “woman,” “she,” “her...” made by YOU.
- 10 6. All emails, faxes, letters, private messages, chat messages sent to anyone, any
11 organization or government agency such as but not limited to CADFG, USDA,
12 TPWD, City of Mineral Wells, Mineral Wells Police Department, Texas Department
13 of Health, Bat Conservation International, Fish & Wildlife, which mention the name
14 Mary Cummins or refer to Mary Cummins in any way including by any
15 “nicknames” such as “Typhoid Mary,” “MC,” “Batvocates,” or any reference such
16 as this “individual,” a “woman,” “she,” “her...” made by AMANDA LOLLAR aka
17 BAT WORLD SANCTUARY an individual person
- 18 7. All comments, posts, reviews, ratings made any where on the Internet by
19 AMANDA LOLLAR aka BAT WORLD SANCTUARY an individual person,
20 which mention the name Mary Cummins or refer to Mary Cummins in any way
21 including by any “nicknames” such as “Typhoid Mary,” “MC,” “Batvocates,” or any
22 reference such as this “individual,” a “woman,” “she,” “her...” including but not
23 limited to posts, comments, articles on care2.com,
24 victimsofmisscummins.blogspot.com, laanimalwatch.blogspot.com,
25 workingtohelpanimalstodaytomorrow.blogspot.com, Raisethefist.com,
26 Indymedia.org, Indybay.org, or any sub-domain such as houston.indymedia.org
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- 1 8. The full user profiles including contact information, real names for all users who
2 posted in message boards in batworld.org including but not limited to this message
3 board <http://www.batworld.org/friends-and-supporters> .
- 4 9. Digital or paper membership applications for all members of Bat World.
- 5 10. Current membership list of all members of Bat World including name, address,
6 phone, email address.
- 7 11. Current list of all volunteers, interns, employees of Bat World including all Bat
8 World centers including name, address, phone, email address.
- 9 12. Copy of proof of liability, umbrella, property and any other insurance policies for
10 properties located at 217 N. Oak and 115 N.E. 1st St. in Mineral Wells, Texas
- 11 13. All DOCUMENTS identified in, referred to or described in YOUR responses to
12 CUMMINS' First Set of Interrogatories.
- 13 14. All DOCUMENTS whose identification or description is requested in CUMMINS'
14 First Set of Interrogatories.
- 15 15. All DOCUMENTS identified in, referred to, or described in YOUR responses to
16 CUMMINS' First Set of Requests for Admission.
- 17 16. All DOCUMENTS whose identification or description is requested in CUMMINS'
18 First Set of Request for Admission.
- 19 17. All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding or
20 relating to any and all COMMUNICATIONS between YOU and CUMMINS
21 between January 1, 2006 and the present.
- 22 18. All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding
23 or relating to any and al COMMUNICATIONS between YOU and CUMMINS or
24 anyone acting on her behalf, regarding any of the allegations made in the complaint
25 filed in this action.

1 19.All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding
2 or relating to any and al COMMUNICATIONS between YOU and any third person
3 regarding any of the allegations made in the complaint filed in this action.
4

5
6 Respectfully submitted,
7

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Mary Cummins, Plaintiff
9 Dated: February 14, 2012
10 645 W. 9th St. #110-140
11 Los Angeles, CA 90015
12 In Pro Per
13 Telephone: (310) 877-4770
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PROOF OF SERVICE BY MAIL
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

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

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

REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS
AMANDA LOLLAR AKA BAT WORLD SANCTUARY AN INDIVIDUAL
PERSON, SET ONE

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

Stephen M. MacPhail
Bragg & Kuluva
555 S. Flower St., #600
Los Angeles, CA 90071

I also faxed a copy to Stephen M. MacPhail at (213) 612-5712.

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

Executed this day, February 14, 2012, at Los Angeles, California

Respectfully submitted,

Mary Cummins, Plaintiff
Dated: February 14, 2012
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per
Telephone: (310) 877-4770

2

1 STEPHEN M. MacPHAIL, Bar No. 106522
BRAGG & KULUVA
2 555 S. Flower Street, Suite 600
Los Angeles, California 90071
3 Office No.: (213) 612-5335
Fax No.: (213) 612-5712
4

5 Attorneys for Defendants
BAT WORLD SANCTUARY and
6 AMANDA LOLLAR

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 MARY CUMMINS,
12 Plaintiff,
13 vs.

CASE NO. CV11 - 8081 DMG (MANX)

**DEFENDANT AMANDA LOLLAR'S
RESPONSE TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION**

14 AMANDA LOLLAR AKA BAT WORLD
15 SANCTUARY AN INDIVIDUAL PERSON,
16 BAT WORLD SANCTUARY AN UNKNOWN
BUSINESS ENTITY, JOHN DOES 1-10,
17 Defendants.

18
19 PROPOUNDING PARTY: Plaintiff in Pro Per, MARY CUMMINS
20 RESPONDING PARTY: Defendants, AMANDA LOLLAR
21 SET NUMBER: ONE

22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 This responding party has not fully completed its investigation of the facts surrounding the
24 incident alleged, has not completed discovery in this action and has not completed trial preparation.
25 All of the responses herein are based upon only such information and documents as are presently
26 available to and particularly known to this responding party. It is to be anticipated that further
27 investigation and discovery will yield additional facts and documentary evidence, and add meaning to
28

1
Exhibit 2

1 previously known facts, and provide factual bases for new conclusions and legal contentions; all of
2 which, if known at the time of these responses, might have significantly altered their form and/or
3 contents. These responses are given without prejudice to responding party's right to develop new and
4 additional facts and documentation, without thereby creating any obligation to supplement these
5 responses. The responses contained herein are made in a good faith effort to supply such factual
6 material and documentation as are available at the time of these responses, except where lawful
7 objections and privileges protect information and documentation from disclosure.

8 Responding party's response herein is subject to the overall objection to any special
9 instructions, definitions, or preamble, none of which are permitted under the provisions of *Code of*
10 *Civil Procedure* sections 2031.210-2031.320. In particular, any instruction or request that the
11 response identify or identify the source of documents produced is explicitly objected to, as exceeding
12 the scope of the statutory requirements for response. Only the ordinary meaning of English words
13 and phrases are recognized or responded to herein.

14 A diligent search and comprehensive inquiry has been conducted with respect to each of the
15 categories of this request. Where a response indicates that responding party is not in possession of, or
16 does not have custody or control over, a category of documents or things, the following statement is
17 deemed to be included: "Responding party is unable to comply with this request. A diligent search
18 and comprehensive inquiry has been conducted with respect to this request in an attempt to comply
19 therewith. The reason for the inability to comply is that no such document (or thing) exists in the
20 custody or control of responding party, and responding party does not know, unless indicated
21 otherwise, who might have custody of such documents (or things), if any exist."

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

2 Defendant has no responsive documents in her possession, custody or control.

3 **REQUEST FOR PRODUCTION NO. 5:**

4 All posts, comments made on any Facebook page by AMANDA LOLLAR aka BAT
5 WORLD SANCTUARY an individual person which mention the name Mary Cummins or refer to
6 Mary Cummins in any way including by any "nicknames" such as "Typhoid Mary," "MC,"
7 "Batvocates," or any reference such as this "individual," a "woman," "she," "her..." made by YOU.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

9 Defendant has no responsive documents in her possession, custody or control.

10 **REQUEST FOR PRODUCTION NO. 6:**

11 All emails, faxes, letters, private messages, chat messages sent to anyone, any organization or
12 government agency such as but not limited to CADFG, USDA, TPWD, City of Mineral Wells,
13 Mineral Wells Police Department, Texas Department of Health, Bat Conservation International, Fish
14 & Wildlife, which mention the name Mary Cummins or refer to Mary Cummins in any way including
15 by any "nicknames" such as "Typhoid Mary," "MC," "Batvocates," or any reference such as this
16 "individual," a "woman," "she," "her..." made by AMANDA LOLLAR aka BAT WORLD
17 SANCTUARY an individual person.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

19 Responsive documents will be produced shortly.

20 **REQUEST FOR PRODUCTION NO. 7:**

21 All comments, posts, reviews, ratings made any where on the Internet by AMANDA
22 LOLLAR aka BAT WORLD SANCTUARY an individual person, which mention the name Mary
23 Cummins or refer to Mary Cummins in any way including by any "nicknames" such as "Typhoid
24 Mary," "MC," "Batvocates," or any reference such as this "individual," a "woman," "she," "her..."
25 including but not limited to posts, comments, articles on care2.com,
26 victimsmisscummins.blogspot.com, laanimalwatch.blogspot.com,
27 workingtohelpanimalstodaytomorrow.blogspot.com, Raisethefist.com, Indymedia.org, Indybay.org,
28 or any sub-domain such as Houston.indymedia.org.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Responsive documents will be produced shortly.

REQUEST FOR PRODUCTION NO. 8:

The full user profiles including contact information, real names for all users who posted in message boards in batworld.org including but not limited to this message board <http://www.batworld.org/friends-and-supporters>.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Defendant objects to said request on the following grounds:

- (1) The documents sought are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;
- (2) The scope of the documents sought is overbroad as to time and subject matter, thereby requesting documents which are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;
- (3) The overly broad scope of the documents sought constitutes an unwarranted annoyance and undue burden on Defendant;
- (4) The documents sought constitute an unwarranted annoyance and the burden and intrusiveness of the request outweighs the likelihood that the documents sought will lead to the discovery of admissible evidence; and
- (5) The documents sought violate the right of privacy of third parties.

REQUEST FOR PRODUCTION NO. 9:

Digital or paper membership applications for all members of Bat World.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant objects to said request on the following grounds:

- (1) The documents sought are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;
- (2) The scope of the documents sought is overbroad as to time and subject matter, thereby requesting documents which are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;

1 (3) The overly broad scope of the documents sought constitutes an unwarranted
2 annoyance and undue burden on Defendant;

3 (4) The documents sought constitute an unwarranted annoyance and the burden and
4 intrusiveness of the request outweighs the likelihood that the documents sought will
5 lead to the discovery of admissible evidence; and

6 (5) The documents sought violate the right of privacy of third parties.

7 **REQUEST FOR PRODUCTION NO. 10:**

8 Current membership list of all members of Bat World including name, address, phone, email
9 address.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 Defendant objects to said request on the following grounds:

12 (1) The documents sought are not admissible, nor reasonably calculated to lead to the
13 discovery of admissible evidence;

14 (2) The scope of the documents sought is overbroad as to time and subject matter, thereby
15 requesting documents which are not admissible, nor reasonably calculated to lead to
16 the discovery of admissible evidence;

17 (3) The overly broad scope of the documents sought constitutes an unwarranted
18 annoyance and undue burden on Defendant;

19 (4) The documents sought constitute an unwarranted annoyance and the burden and
20 intrusiveness of the request outweighs the likelihood that the documents sought will
21 lead to the discovery of admissible evidence; and

22 (5) The documents sought violate the right of privacy of third parties.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Current list of all volunteers, interns, employees of Bat World including all Bat World centers
25 including name, address, phone, email address.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

27 Defendant objects to said request on the following grounds:

28 (1) The documents sought are not admissible, nor reasonably calculated to lead to the

1 discovery of admissible evidence;

2 (2) The scope of the documents sought is overbroad as to time and subject matter, thereby
3 requesting documents which are not admissible, nor reasonably calculated to lead to
4 the discovery of admissible evidence;

5 (3) The overly broad scope of the documents sought constitutes an unwarranted
6 annoyance and undue burden on Defendant;

7 (4) The documents sought constitute an unwarranted annoyance and the burden and
8 intrusiveness of the request outweighs the likelihood that the documents sought will
9 lead to the discovery of admissible evidence; and

10 (5) The documents sought violate the right of privacy of third parties.

11 **REQUEST FOR PRODUCTION NO. 12:**

12 Copy of proof of liability, umbrella, property and any other insurance policies for properties
13 located at 217 N. Oak and 115 N.E. 1st St. in Mineral Wells, Texas.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

15 Defendant objects to said request on the following grounds:

16 (1) The documents sought are not admissible, nor reasonably calculated to lead to the
17 discovery of admissible evidence;

18 (2) The scope of the documents sought is overbroad as to time and subject matter, thereby
19 requesting documents which are not admissible, nor reasonably calculated to lead to
20 the discovery of admissible evidence;

21 (3) The overly broad scope of the documents sought constitutes an unwarranted
22 annoyance and undue burden on Defendant; and

23 (4) The documents sought constitute an unwarranted annoyance and the burden and
24 intrusiveness of the request outweighs the likelihood that the documents sought will
25 lead to the discovery of admissible evidence.

26 **REQUEST FOR PRODUCTION NO. 13:**

27 All DOCUMENTS identified in, referred to or described in YOUR responses to CUMMINS'
28 First Set of Interrogatories.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

2 No documents were identified in, referred to, or described in Defendant's responses to Plaintiff's
3 First Set of Interrogatories.

4 **REQUEST FOR PRODUCTION NO. 14:**

5 All DOCUMENTS whose identification or description is requested in CUMMINS' First Set
6 of Interrogatories.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

8 Plaintiff's First Set of Interrogatories did not request the identification or description of any
9 documents.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 All DOCUMENTS identified in, referred to, or described in YOUR responses to CUMMINS'
12 First Set of Requests for Admission.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

14 No documents were identified in, referred to, or described in Defendant's responses to
15 Plaintiff's First Set of Request for Admission.

16 **REQUEST FOR PRODUCTION NO. 16:**

17 All DOCUMENTS whose identification or description is requested in CUMMINS' First Set
18 of Request for Admission.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

20 Plaintiff's First Set of Request for Admission did not request the identification or description
21 of any documents.

22 **REQUEST FOR PRODUCTION NO. 17:**

23 All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding or relating to
24 any and all COMMUNICATIONS between YOU and CUMMINS between January 1, 2006 and the
25 present.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

27 Defendant objects to said request on the following grounds:

28 (1) The documents sought are not admissible, nor reasonably calculated to lead to the

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discovery of admissible evidence;

(2) The scope of the documents sought is overbroad as to time and subject matter, thereby requesting documents which are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;

(3) The overly broad scope of the documents sought constitutes an unwarranted annoyance and undue burden on Defendant; and

(4) The documents sought constitute an unwarranted annoyance and the burden and intrusiveness of the request outweighs the likelihood that the documents sought will lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding or relating to any and al COMMUNICATIONS between YOU and CUMMINS or anyone acting on her behalf, regarding any of the allegations made in the complaint filed in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Defendant objects to said request on the following grounds:

(1) The documents sought are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;

(2) The scope of the documents sought is overbroad as to time and subject matter, thereby requesting documents which are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;

(3) The overly broad scope of the documents sought constitutes an unwarranted annoyance and undue burden on Defendant; and

(4) The documents sought constitute an unwarranted annoyance and the burden and intrusiveness of the request outweighs the likelihood that the documents sought will lead to the discovery of admissible evidence.

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REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS evidencing, memorializing, concerning, discussing, regarding or relating to any and al COMMUNICATIONS between YOU and any third person regarding any of the allegations made in the complaint filed in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Defendant objects to said request on the following grounds:

- (1) The documents sought are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;
- (2) The scope of the documents sought is overbroad as to time and subject matter, thereby requesting documents which are not admissible, nor reasonably calculated to lead to the discovery of admissible evidence;
- (3) The overly broad scope of the documents sought constitutes an unwarranted annoyance and undue burden on Defendant; and
- (4) The documents sought constitute an unwarranted annoyance and the burden and intrusiveness of the request outweighs the likelihood that the documents sought will lead to the discovery of admissible evidence; and
- (5) The request seeks documents protected from disclosure by the attorney-client privilege and attorney work product doctrine

DATED: February March 22, 2012

BRAGG & KULUVA

By: 
STEPHEN M. MacPHAIL

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CUMMINS v. LOLLAR
UNITED STATES DISTRICT COURT, Case No.: CV11 - 8081 DMG (MANx)

VERIFICATION

I, AMANDA LOLLAR, declare:

I am an authorized agent for Defendants BAT WORLD SANCTUARY, a party to the above-entitled action.

I have read the foregoing **RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION** and know the contents thereof and certify that the same are true of my own knowledge.

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

Executed on 3/22, 2012 at Waxahatche Hills, Texas.

By: *A. Lollar*
AMANDA LOLLAR

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Mary Cummins
645 W. 9th St. #110-140
Los Angeles, CA 90015-1640
(310) 877-4770
mmmaryinla@aol.com

March 29, 2012

VIA EMAIL: smacphail@kuluva.com
VIA FAX: (213) 612-5712

Stephen MacPhail
Bragg & Kuluva
555 S. Flower #600
Los Angeles, CA 90071

RE: Mary Cummins vs. Amanda Lollar, Bat World Sanctuary et al Case # CV-08081
Meet and Confer Letter Defendants' Production of Documents, Interrogatories and Admissions

Stephen MacPhail:

This letter will serve as Plaintiff's attempt to meet and confer regarding Defendants Amanda Lollar, Bat World Sanctuary responses and document production to Cummins' First Set of Document Demands, Interrogatories and Admissions. I will address both Defendants in this "meet and confer" letter.

The following is the sequence of correspondence between us on this matter:

February 14, 2012 - Plaintiff Cummins served Defendants Amanda Lollar, Bat World Sanctuary with the First Set of Document Demands, Interrogatories, Admissions.

March 14, 2012 - Defendants' attorney Stephen MacPhail requested another week to respond to discovery requests. Plaintiff agreed.

March 22, 2012 - (after 5:00 pm) Defendant emailed the documents to Plaintiff.

Exhibit 3

March 22, 2012 - Plaintiff emailed Defendants' attorney Stephen MacPhail that Defendants' responses to discovery, admissions, interrogatories were not satisfactory.

March 23, 2012 - Defendants' attorney Stephen MacPhail set up a "meet and confer" telephone conference for March 29, 2012 at 1:30 pm.

GENERAL COMMENTS

Defendants have failed to provide the documents requested. These comments relate to each numbered request for production.

1. Defendants control, moderate the Yahoo group "WorldBatLine." It is a members only group. The archives are now blocked by regular members. Plaintiff Cummins is not a member of this group and has no way to access the current or archived posts. Defendants have these digital files in their possession, custody and control.
2. Defendants state they will produce these documents shortly but have not.
3. Defendants control the YouTube account "batworldsanctuary" and "BWSvMC." They must approve all comments. They have these documents in digital format in their account which only they can access.
4. Defendants control Twitter account "Bat World Sanctuary." They have these documents in digital format.
5. Defendants control Facebook account "batworldsanctuary." They have these documents in digital format. Amanda Lollar has a private account on Facebook. Lollar has these documents in digital format. Members of Bat World Sanctuary have accounts on Facebook. They have these documents in digital format.
6. Defendants state they will produce these documents shortly but have not.
7. Defendants state they will produce these documents shortly but have not.
8. Defendants object to producing user information for people who posted on batworld.org. Plaintiff has been defamed on batworld.org and needs the identities of the individuals who defamed Plaintiff so they may be added as defendants.
9. Defendants object to producing membership applications for members of Bat World. Plaintiff is suing Bat World and must know the identities of the people who make up Bat World.
10. Defendants object to producing contact information for members of Bat World. Plaintiff is suing Bat World and must know the identities of the people who make up Bat World including their contact information so they may be added to the lawsuit and served.
11. Defendants object to producing contact information for members, volunteers, employees, Bat World centers that make up Bat World. Plaintiff is suing Bat World and must know the identities of the people who make up Bat World including their contact information so they may be added to the lawsuit and served.
12. Defendants object to producing proof of insurance for the properties used and owned by Bat World Sanctuary and Amanda Lollar. Plaintiff believes that Defendants are being represented by attorney Stephen MacPhail of Bragg & Kuluva who is being paid by insurance company Chubb. Plaintiff needs to see the policy limits for the insurance policy which could cover damages to Plaintiff.

13. Defendants state that no documents were identified in Plaintiff's first response to interrogatories. Plaintiff believes there are indeed documents available which must be produced.
14. Defendants state that Plaintiff did not request identification of documents in first response to interrogatories. Plaintiff did request identification of documents.
15. Defendants state that Plaintiff did not request identification of documents in first set of request for admissions. Plaintiff did request identification of documents.
16. Defendants state that Plaintiff did not request identification of documents in first set of request for admissions. Plaintiff did request identification of documents.
17. Defendants object to providing documents which mention, concern Plaintiff stating it is overbroad and would not lead to admissible evidence. Request is not overbroad. Defendants can easily "search" or "find" the documents on their computer with one click and forward those documents. Defendants asked for similar documents from Plaintiff and they were produced.
18. Defendants object to providing documents related to allegations made in Plaintiff's complaint stating it is overbroad and would not lead to admissible evidence. Request is not overbroad. Defendants can easily "search" or "find" the documents on their computer with one click and forward those documents. Defendants asked for similar documents from Plaintiff and they were produced.
19. Defendants object to providing documents related to communications with third parties about Plaintiff stating it is overbroad and would not lead to admissible evidence. Request is not overbroad. Defendants can easily "search" or "find" the documents on their computer with one click and forward those documents. Defendants asked for similar documents from Plaintiff and they were produced.

Defendants have failed to properly respond to interrogatories

6. Plaintiff asked the identity of all persons having knowledge of the subject matter of THIS lawsuit. Defendant responded with "Mary Cummins, Dottie Hyatt, Amanda Lollar have knowledge of the falsity of the allegations asserted against Defendants." THIS lawsuit is about the falsity of allegations asserted against PLAINTIFF, not DEFENDANTS.

Defendants have failed to properly respond to admissions

20. Defendants did not bother to finish their sentence. It cuts off at "Except as admitted herein Defendant denies the..."
25. Defendant Amanda Lollar denied that she posted that Plaintiff "has as criminal record" on the Internet. Defendant previously admitted this.
26. Defendant Amanda Lollar denied that she posted that Plaintiff was "convicted" of "theft of property, forged name on credit card" on the Internet. Defendant previously admitted this.
27. Defendant Amanda Lollar denied that she posted that Plaintiff is a "cyberstalker," "cybersquatter" on the Internet. Defendant previously admitted this.
28. Defendant Amanda Lollar denied that she posted that Plaintiff "hacked into our website" and "email list" on the Internet. Defendant previously admitted this.

