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Superior Court of California  
County of Los Angeles

APR 27 2016

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By Raul Sanchez, Deputy

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Attorneys for Plaintiff AMANDA LOLLAR, an individual

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**  
9 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 BAT WORLD SANCTUARY, and AMANDA  
12 LOLLAR, an individual

13 Plaintiff,

14 vs.

16 MARY CUMMINS, an individual,

17 Defendant.

Case No.: BS140207

*[Assigned for all purposes to the Honorable  
Robert Hess, Dept. "24"]*

**OPPOSITION OF PLAINTIFF AMANDA  
LOLLAR TO MOTION TO QUASH,  
MODIFY SUBPOENA, PROTECTIVE  
ORDER OF DEFENDANT MARY  
CUMMINS**

**Hearing Date: May 10, 2016**  
**Time: 8:30 a.m.**  
**Dept: "24"**

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. INTRODUCTION**

21 This action arises out of a Texas judgment for, *inter alia*, defamation against Defendant  
22 MARY CUMMINS, an individual ("Defendant CUMMINS,") and in favor of Plaintiff AMANDA  
23 LOLLAR, an individual ("Plaintiff LOLLAR,") in the principal sum of Six Million and No/100  
24 Dollars (\$6,000,000.00) which was entered in in the District Court of Tarrant County, Texas on  
25 August 27, 2012 (hereinafter referred to as the "Defamation Judgment.") Plaintiff LOLLAR recorded  
26 an abstract of judgment with respect to the Defamation Judgment in the State of California, County of  
27 Los Angeles, on April 23, 2013, for the purposes of seeking to enforce the Judgment against Defendant

1 CUMMINS' assets in this County. However, in a flagrant and transparent attempt to impede Plaintiff  
2 LOLLAR's collection efforts, Defendant CUMMINS has repeatedly and maliciously filed entirely  
3 frivolous motions, including motions to quash subpoenas issued as to her financial institutions or  
4 suspected financial institutions, filed motions to disqualify multiple judicial officers, motions for  
5 "contempt of court," motions for reconsideration, and motions to vacate judgment. The vast majority,  
6 if not all, such motions have been summarily denied by the court; with many judicial officers  
7 commenting that her motions were "groundless," "filed in bad faith" and made for the "purposes of  
8 harassment." (See, e.g., Declaration of Ashley M. Hunt, **Exhibit A,**" Transcript on Plaintiff  
9 LOLLAR's motion for sanctions concerning Defendant CUMMINS' motion to recuse, District court  
10 of Texas, Tarrant County, August 17, 2012.)

11 Despite the fact that Defendant has, already, been sanctioned by the court for her repeated filing  
12 of frivolous and improper motions, Defendant CUMMINS persists in such conduct, in an obvious  
13 attempt to prevent Plaintiff LOLLAR from executing upon the Defamation Judgment. In fact,  
14 Defendant CUMMINS filed a virtually identical motion to "Quash, Modify Subpoena, Protective  
15 Order" in this very court on February 18, 2014, which motion was denied on May 23, 2014. A true  
16 and correct copy of the order on Defendant CUMMINS' Motion to Quash, Modify Subpoena,  
17 Protective Order" is attached to the Declaration of Ashley M. Hunt (Hunt Dec.) as **Exhibit "B,"** and  
18 incorporated herein by this reference as though fully set forth. The only substantive difference  
19 between Defendant's previous motion to quash, and this current motion, is the specific banking  
20 institution subpoenaed: here, records from First Bank are being sought whereas Defendant's previous  
21 motion to quash concerned records subpoenaed from One West Bank. A true and correct copy of the  
22 subpoena in question is attached to the Declaration of Ashley M. Hunt as **Exhibit "J,"** and  
23 incorporated herein by this reference as though fully set forth. Defendant CUMMINS is well aware  
24 that this very issue has already been litigated, as evidenced by the fact that her "points and authorities"  
25 is, quite literally, "cut and pasted" in large portion from her previous motion to quash. This motion,  
26 like the previous, suffers from several egregious factual inaccuracies and material misstatements. As  
27 an initial matter, Defendant CUMMINS asserts, on page two (2) of her motion, that she has appealed  
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1 the Defamation Judgment and she is “awaiting the Court’s opinion any day.” This is untrue. The  
2 Court of Appeals rendered an opinion upholding the 6-million-dollar Defamation Judgment over a  
3 year ago, on April 9, 2015. Defendant CUMMINS is well aware of this fact, yet she persists in stating  
4 that the Judgment is still on appeal, in an effort to mislead this court into believing that the Judgment  
5 has the possibility of being overturned. A true and correct copy of relevant portions of the Court’s  
6 seventy-six page Appellate Ruling is attached to the Declaration of Ashley M. Hunt as **Exhibit “H,”**  
7 and incorporated herein by this reference as though fully set forth. Another example of Defendant  
8 CUMMINS’ blatant fabrications is her assertion that she has been “fired from two jobs” as a result of  
9 Plaintiff’s alleged harassment. However, Defendant CUMMINS has previously testified, under oath at  
10 deposition, that she is self-employed, and has been self-employed since 1986 as a real-estate appraiser.  
11 A true and correct copy of relevant excerpts of Defendant CUMMINS deposition transcript is attached  
12 to the Declaration of Ashley M. Hunt as **Exhibit “I,”** and incorporated herein by this reference as  
13 though fully set forth. She has also indicated in this court and in others, that she is unable to work due  
14 to her health and medical condition. Her assertions that Plaintiff has caused her to be “fired” from  
15 multiple jobs is, obviously, incongruent with the truth.

16 Defendant CUMMINS Motion to Quash is entirely frivolous and unmeritorious, and based on  
17 facts which Defendant CUMMINS knows to be false. It is brought for the sole purpose of harassment,  
18 to increase the costs of litigation for Plaintiff LOLLAR, and to impede Plaintiff’s collection efforts.  
19 Such conduct is sanctionable under both California Code of Civil Procedure § 2023.030, and  
20 California Code of Civil Procedure Section 128.5, and Plaintiff LOLLAR hereby requests sanctions  
21 against Defendant CUMMINS for her improper actions.

22 **II. DEFENDANT’S MOTION TO QUASH SHOULD BE DENIED**

23 Defendant CUMMINS makes three (3) arguments as to why the subpoena issued by Plaintiff  
24 LOLLAR to First Bank should be quashed – the subpoena seeks records which are irrelevant, the  
25 subpoena is over-broad, and the documents sought are protected from disclosure by privilege. Each of  
26 these arguments was previously raised, and rejected, in connection with Defendant CUMMINS’  
27 previous Motion to Quash filed in connection with Plaintiff’s subpoena for bank statements from One  
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1 West Bank, which motion to quash was denied by this court on May 23, 2016. (*See* Hunt Dec.,  
2 **Exhibit “B.”**) Such arguments are equally unavailing in this most recent iteration of Defendant  
3 CUMMINS’ motion to quash. The bank records Plaintiff seeks are highly relevant to Plaintiff’s  
4 collection efforts as to the Defamation Judgment, and are highly likely to provide information  
5 concerning Defendant CUMMINS assets, and are thus not “irrelevant” to this action. Neither is the  
6 subpoena overly broad, as the subpoena is limited to bank statements which relate to accounts held for  
7 Defendant CUMMINS, the judgment debtor here. Furthermore, Defendants bank statements are not  
8 protected from disclosure by any privilege. Accordingly, Defendant CUMMINS’ Motion to Quash  
9 should be denied, in its entirety.

10 **A. The Documents Sought By Way of This Subpoena Are Relevant to the Subject**  
11 **Matter of the Action**

12 For discovery purposes, information should be regarded as “relevant to the subject matter” if it  
13 might reasonably assist a party in *evaluating* the case, *preparing* for trial, or facilitating *settlement*  
14 thereof. (*Gonzalez v. Sup. Ct.* 33 CA4th 1539, 1546, 39 CR2D 896, 901 (1995); *Lipton v. Sup. Ct.* 48  
15 CA4TH 1599, 1611, 56 CR2d 341, 347 (1995); *Stewart v. Colonial W. Agency, Inc.*, 87 Cal. App. 4th  
16 1006, 105 Cal. Rptr. 2d 115 (2001).) The “relevant to the subject matter” standard must be broadly  
17 applied in accordance with the liberal policies underlying the discovery procedures. (*Pac. Tel. & Tel.*  
18 *Co. v. Superior Court*, 2 Cal. 3d 161, 173, 465 P.2d 854, 862-63 (1970). Accordingly, the question of  
19 relevance should generally be resolved in favor of permitting discovery. *Chapin v. Superior Court* 239  
20 Cal.App.2d 851, 855—859 (1966).)

21 Here, Plaintiff LOLLAR’s subpoena to First Bank seeks the statements of any accounts held on  
22 behalf of Defendant CUMMINS. Such records are likely to aid Plaintiff LOLLAR in executing upon  
23 the Defamation Judgment, in that they will assist Plaintiff LOLLAR in determining the location and  
24 amount of Defendant CUMMINS’ assets.

25 **B. Plaintiff’s Subpoena Is Not Overly Broad**

26 Plaintiff LOLLAR’s subpoena seeks records to establish Defendant CUMMINS’ assets, for the  
27 purpose of executing the Defamation Judgment. Contrary to Defendant CUMMINS’ assertions of  
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1 over-breadth, the subpoena at issue is narrowly tailored, and requests only “bank statements” for  
2 accounts held “on behalf of [Defendant CUMMINS.]” Accordingly, the subpoena is limited to seek  
3 only those documents which would establish Defendant CUMMINS’ assets at the bank. The records  
4 associated with those account(s), if any, are relevant and necessary to establish Defendant CUMMINS’  
5 current assets, and provide Plaintiff information in connection with her efforts to execute upon the  
6 Defamation Judgment.

7 Defendant CUMMINS’ self-serving, unsubstantiated assertions that she has “no assets” or that  
8 there are no relevant records at this particular bank, even if true, does not render the subpoena over-  
9 broad, or irrelevant to this action. Moreover, Plaintiff LOLLAR has reason to believe that such  
10 assertions are, in fact, false, as Plaintiff has already discovered bank accounts of Defendant at other  
11 banks, which she has attempted to conceal, and which Plaintiff has subsequently levied for the  
12 purposes of partially satisfying the Defamation Judgment. Accordingly, obtaining the bank statements  
13 relating to Defendants’ accounts from First Bank is critical to Plaintiff’s ability to discover Defendant  
14 CUMMINS’ true assets.

15 **C. The Financial Records Sought By Way of This Subpoena Are Not Protected By**  
16 **Privilege**

17 Privacy protections are qualified; even very private information is subject to disclosure where it  
18 is directly relevant to the action, and essential to a fair determination thereof. (*Alch v. Sup.Ct. (Time*  
19 *Warner Entertainment Co.)* (2008) 165 Cal.App.4th 1412, 1431–1432; *Schnabel v. Superior*  
20 *Court* (1993) 5 Cal.4th 704, 714; Cal. Prac. Guide Civ. Pro. Before Trial Ch. 8C-5.) Here,  
21 Defendants’ financial records at First Bank are directly relevant to Plaintiff’s enforcement efforts as to  
22 the Defamation Judgment, and the production of such records is essential to Plaintiff’s execution  
23 thereon. Such records also are directly relevant to the issue of whether Defendant CUMMINS is, as  
24 she asserts, without a job, without assets, and entirely “judgment proof.” Without obtaining  
25 Defendants’ financial records, Plaintiff will have no ability to enforce the Defamation Judgment, and  
26 will have no ability to determine whether Defendant CUMMINS has assets which may be used to  
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1 satisfy the same. Consequently, any applicable privacy objections are outweighed by the importance  
2 and relevancy of the information sought.

3 The cases cited by Defendant in support of her argument that her bank records are protected by  
4 privacy considerations are the same as previously cited by her in her unsuccessful February 18, 2014  
5 Motion to Quash Subpoena. As previously discussed in the context of Defendant's previously Motion  
6 to Quash, such cases, *Britt v. Superior Court* (1978) 20 Cal.3d 844, and *Tylo v. Superior Court* (1997)  
7 55 Cal.App.4<sup>th</sup> 1379, are inapposite, and are inapplicable in this case. *Britt v. Superior Court* involves  
8 the ability to obtain discovery as to membership in local private political organizations, and the  
9 physician-patient and psychologist-patient privileges. Neither topic is at issue here, and thus the  
10 holding of that case is not relevant to this action. *Tylo v. Superior Court* is likewise inapplicable. That  
11 case involved questions regarding the health of Plaintiff's marital relationship, and issues regarding her  
12 personal health. It has no bearing on the issue of the disclosure of banking records in a post-judgment,  
13 enforcement context. Accordingly, Defendant has not presented any applicable legal support for her  
14 assertion that the bank records sought by way of this subpoena are protected under any privilege.  
15 Moreover, and in the event such records *are* deemed protected information, Plaintiff LOLLAR has  
16 established that such records are directly relevant to the enforcement of the Defamation Judgment and  
17 essential to Plaintiff's ability to execute thereon, and thus, such privacy protections must yield in light  
18 of the critical importance of such information in the context of this action.

19 **D. Plaintiff Has No Ulterior Motives**

20 The majority of Defendant's Motion to Quash is comprised of wild accusations against  
21 Plaintiff LOLLAR, which are made without any support or corroborating evidence. Such claims are  
22 false, and the court should disregard such self-serving contentions based on the lack of credible  
23 evidence, and the fact that they are irrelevant to the matters at hand. The subpoena at issue here seeks  
24 account statements for accounts held on behalf of Defendant CUMMINS at First Bank for the purpose  
25 of enforcing the Defamation Judgment obtained against her. Such records are directly relevant to  
26 determine the location and sum of Defendant CUMMINS' assets, and relevant to her claims that she  
27 does not have any assets to satisfy such judgment. Accordingly, the subpoena at issue here is a proper  
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1 and valid discovery tool utilized for the purpose of obtaining such records, and is not being effectuated  
2 for any improper purpose.

3 **III. DEFENDANT CUMMINS SHOULD BE SANCTIONED FOR FILING THIS**  
4 **FRIVOLOUS MOTION TO QUASH, AND FOR PURPOSEFULLY ATTEMPTING TO**  
5 **INTERFERE WITH PLAINTIFF’S PROPER COLLECTION EFFORTS**

6 The court may impose a monetary sanction ordering that one engaging in the misuse of the  
7 discovery process, or any attorney advising that conduct, or both pay the reasonable expenses,  
8 including attorney's fees, incurred by anyone as a result of that conduct. The court shall impose that  
9 sanction unless it finds that the one subject to the sanction acted with substantial justification or that  
10 other circumstances make the imposition of the sanction unjust. (Cal. Civ. Proc. Code § 2023.030  
11 (West).) Misuses of the discovery process include making, without substantial justification, an  
12 unmeritorious objection to discovery.” (Cal. Civ. Proc. Code § 2023.010 (West).) The Court also has  
13 discretion to impose sanctions based on frivolous actions or delaying tactics. (Cal. Civ. Proc. Code §  
14 128.5 (West).) Frivolous actions or delay tactics may include the making or opposing of motions.  
15 (Cal. Civ. Proc. Code § 128.5 (West).) “Frivolous” actions are defined as those which are brought  
16 “completely without merit” or for the sole purpose of harassing another party.” (California Code of  
17 Civil Procedure Section 128.5(b)(2).) Whether a pleading or motion lacks merit such that sanctions  
18 are appropriate is measured by an objective standard; where a “reasonable” person would find the  
19 conduct to be without legal merit, or a position without factual support, then the conduct is  
20 sanctionable as frivolous and vexatious, regardless of whether the party has a *subjective* belief that his  
21 conduct is harassing. (*Finnie v. Town of Tiburon* (1988) 199 Cal.App.3d 1, 12; *Chitsazzadeh v.*  
22 *Kramer & Kaslow* (2011) 199 Cal.App.4th 676, 683-684; *see also Weisman v. Bower* (1987) 193  
23 Cal.App.3d 1231, 1236; *Winick Corp. v. County Sanitation Dist. No. 2* (1986) 185 Cal.App.3d 1170,  
24 1177; *Bach v. McNelis* (1989) 207 Cal.App.3d 852, 876.)

25 **A. Defendant CUMMINS’ Motion To Quash Is Frivolous and Without Merit**

26 In this action, Defendant CUMMINS began by unsuccessfully attempting to re-litigate the  
27 issues adjudicated by the Defamation Judgment through a failed motion to vacate the judgment filed  
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1 on or about May 20, 2013. Subsequently, she filed a motion to quash a subpoena issued by Plaintiff to  
2 One West Bank, and, when that motion was denied, brought and *ex parte* application seeking  
3 reconsideration of that ruling, which was also denied. (See Hunt Dec., **Exhibit “B.”**) In blatant  
4 disregard for the court’s prior rulings, and despite the fact that this subpoena, as to First Bank, is  
5 virtually identical to that served on One West Bank which was the basis of Defendant CUMMINS’  
6 initial motion to quash, Defendant filed this instant motion to quash, which re-argues the exact same  
7 issues already addressed in Defendant CUMMINS’ first motion to quash, as to One West Bank, and  
8 already decided against her. In fact, Defendants’ “legal argument” is largely “cut and pasted” from her  
9 previous papers, despite the fact that such arguments were already denied by the court not once, but  
10 twice before. Given the fact that Defendant CUMMINS’ motion to quash raises no new arguments,  
11 and presents the exact same legal argument as to a virtually identical subpoena, no reasonable person  
12 would find the motion to have legal merit, and is thus sanctionable as frivolous and vexatious under  
13 Section 128.5 of the California Code of Civil Procedure.

14 **B. Defendant CUMMINS Has a Long History of Filing Frivolous Motions For the**  
15 **Purpose of Interfering with Plaintiff LOLLAR’s Enforcement of the Defamation**  
16 **Judgment**

17 In addition to the frivolous actions taken by Defendant CUMMINS in this case, Defendant  
18 CUMMINS has a lengthy history of filing unmeritorious motions, improper motions, and untimely  
19 motions for the purpose of improperly attempting to re-litigate issues determined against her, and  
20 interfering with Plaintiff’s right to collect on the Defamation Judgment. This most recent Motion to  
21 Quash, which is virtually identical to the previously filed unsuccessful motion to quash filed on  
22 Defendant on February 18, 2014, is the latest example in a long line of duplicative, unmeritorious  
23 motions filed by her in an attempt to delay enforcement, unnecessarily increase litigation costs for  
24 Plaintiff LOLLAR, and prevent Plaintiff from executing upon the Defamation Judgment. The  
25 following is a representative, but in no way exhaustive, list of Defendant CUMMINS’ improper  
26 filings, which have all been decided against her.



1 In the underlying action Batworld Sanctuary et al. v. Cummins, Tarrant County (Texas)  
2 District Court (352<sup>nd</sup> Jud. Dist) Cause No. 352-248169-10. After the Defamation Judgment was  
3 obtained by Plaintiff LOLLAR in this action, Defendant Cummins filed at least two motions for new  
4 trial. She filed three motions to recuse the judge as well as a motion to recuse the appellate judge, all  
5 of which were denied. When that motion was denied, she filed a motion for reconsideration which  
6 was, also, denied. The Orders on Defendant CUMMINS' motions for recusal, and her motion for  
7 reconsideration of the denial thereof, are collectively attached to the Declaration of Ashley M. Hunt at  
8 **Exhibit "C,"** and incorporated hereby this reference as though fully set forth. In that action,  
9 Defendant CUMMINS also unsuccessfully sought a protective order against Plaintiff LOLLAR, which  
10 was also denied by the court. A true and correct copy of the July 21, 2011 order of the court denying  
11 Defendant CUMMINS' motion for a protective order is attached to the Declaration of Ashley M. Hunt  
12 as **Exhibit "D,"** and incorporated herein by this reference as though fully set forth. and incorporated  
13 herein by this reference as though fully set forth.

14 Defendant CUMMINS also repeatedly failed to comply with her discovery obligations, and  
15 Defendant LOLLAR was subsequently sanctioned on multiple occasions. True and correct  
16 representative examples of two (2) occasions in which Defendant CUMMINS was sanctioned for  
17 failing to comply with her discovery obligations, or with court orders, are collectively attached to the  
18 Declaration of Ashley M. Hunt as **Exhibit "E,"** and incorporated herein by this reference as though  
19 fully set forth.

20 In the action Cummins v. Amanda Lollar, Los Angeles County Superior Court Case No.  
21 BS143169, Defendant CUMMINS sought a temporary restraining order against Plaintiff LOLLAR.  
22 Such application was denied on July 1, 2013, and the Court sanctioned Cummins \$6,350 for  
23 prosecuting a baseless application. A true and correct copy of the minute order on Defendant  
24 CUMMINS' Application for a Temporary Restraining Order is attached to the Declaration of Ashley  
25 M. Hunt as **Exhibit "F,"** and incorporated herein by this reference as though fully set forth. Cummins  
26 thereafter filed a groundless Motion for Reconsideration and "Amended Motion for Reconsideration"  
27 in connection with such order, which was also denied on the basis that Defendant CUMMINS failed to  
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1 present any new or additional facts. A true and correct copy of the docket of that action is attached to  
2 the Declaration of Ashley M. Hunt as **Exhibit “G,”** and incorporated herein by this reference as  
3 though fully set forth. Defendant CUMMINS later filed an affidavit of prejudice against Judge  
4 Goodson, who denied Defendant’s Application for a Temporary Restraining Order, which was struck  
5 on the grounds of untimeliness. Unperturbed, Defendant CUMMINS filed a statement of  
6 disqualification, alleging the “extreme prejudice and bias” of Judge Goodson. On September 27,  
7 2013, the court also struck the statement of disqualification. Defendant CUMMINS then filed an  
8 appeal of the order denying her application for a temporary restraining order, which appeal was  
9 ultimately denied. (*See* Hunt Dec., **Exhibit “G.”**)

10         Such conduct represents a fraction of the repeated actions of Defendant CUMMINS in filing  
11 unmeritorious and improper motions for the purpose of harassing Plaintiff LOLLAR, increasing the  
12 costs of litigation, and preventing the enforcement of the Defamation Judgment. Such motions,  
13 collectively and individually, were objectively completely without merit, especially given the fact that  
14 Defendant CUMMINS repeatedly brought the same or similar motions on a repeated basis, despite the  
15 fact that no new facts were presented which would support reconsideration of the motion.  
16 Accordingly, Plaintiff LOLLAR respectfully requests that Defendant CUMMINS be sanctioned for  
17 bringing this frivolous motion, without any legal basis, and despite the fact that the Court has already  
18 considered, and denied, the arguments raised herein. (*See* California Code of Civil Procedure Section  
19 128.5)

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1 **IV. CONCLUSION**

2 For the foregoing reasons, Plaintiff LOLLAR respectfully requests that Defendant CUMMINS'  
3 motion to quash be denied, and further requests that Defendant CUMMINS be sanctioned for filing  
4 this frivolous motion, for the apparent purpose of forcing Plaintiff to incur unnecessary attorneys' fees  
5 and costs, and to interfere with Plaintiff LOLLAR's collection of the Defamation Judgment.

6 Dated: April 27, 2016

**Christian S. Molnar Law Corporation**

7  
8 

Ashley M. Hunt, Esq. attorneys for  
9 Plaintiff AMANDA LOLLAR, an  
10 individual

1 **DECLARATION OF ASHLEY M. HUNT, ESQ.**

2 I, Ashley M. Hunt, declare:

3 1. I am an associate attorney employed by the Christian S. Molnar Law Corporation,  
4 counsel for Plaintiff AMANDA LOLLAR, an individual (“Plaintiff LOLLAR.”) I have personal  
5 knowledge of the matters set forth in this Declaration and, if called as a witness, I could and would  
6 testify competently as to the matters stated below.

7 2. I am making this Declaration in support of Plaintiff LOLLAR’s Opposition to  
8 Defendant CUMMINS’ Motion to Quash, MODIFY SUBPOENA, PROTECTIVE ORDER.

9 3. Attached hereto as **Exhibit “A”** is a true and correct excerpt of the transcript on  
10 Plaintiff LOLLAR’s motion for sanctions concerning Defendant CUMMINS’ motion to recuse, filed  
11 in the District court of Texas, Tarrant County, August 17, 2012.

12 4. A true and correct copy of the order on Defendant CUMMINS’ Motion to Quash,  
13 Modify Subpoena, Protective Order” is attached hereto as **Exhibit “B.”**

14 5. The Orders on Defendant CUMMINS’ motions for recusal, and her motion for  
15 reconsideration of the denial thereof, are collectively attached hereto as **Exhibit “C.”**

16 6. A true and correct copy of the July 21, 2011 order of the court denying Defendant  
17 CUMMINS’ motion for a protective order is attached hereto as **Exhibit “D.”**

18 7. Collectively attached hereto as **Exhibit “E,”** are true and correct representative  
19 examples of two (2) occasions in which Defendant CUMMINS was sanctioned for failing to comply  
20 with her discovery obligations, or with court orders.

21 8. A true and correct copy of the minute order on Defendant CUMMINS’ Application for  
22 a Temporary Restraining Order is attached hereto as **Exhibit “F,”** and incorporated herein by this  
23 reference as though fully set forth.

24 ///

25 ///

26 ///

27 ///

1           9.       A true and correct copy of the Court’s docket in Cummins v. Amanda Lollar, Los  
2 Angeles County Superior Court Case No. BSI43169, is attached hereto as **Exhibit “G.”**

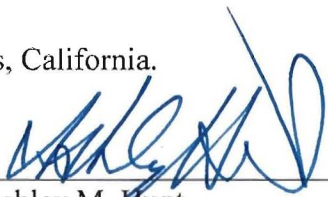
3           10.       The Court of Appeals rendered an opinion upholding the 6-million-dollar Defamation  
4 Judgment over a year ago, on April 9, 2015. Defendant CUMMINS is well aware of this fact, yet she  
5 persists in stating that the Judgment is still on appeal, in an effort to mislead this court into believing  
6 that the Judgment has the possibility of being overturned. A true and correct copy of relevant portions  
7 of the Court’s Appellate Ruling is attached hereto as **Exhibit “H,”** and incorporated herein by this  
8 reference as though fully set forth.

9           11.       Defendant CUMMINS has previously testified, under oath at deposition, that she is  
10 self-employed, and has been self-employed since 1986 as a real-estate appraiser. A true and correct  
11 copy of relevant excerpts of Defendant CUMMINS deposition transcript is attached hereto as **Exhibit**  
12 **“I,”** and incorporated herein by this reference as though fully set forth.

13           12.       A true and correct copy of the subpoena in question, issued to First Bank, is attached  
14 hereto as **Exhibit “J,”** and incorporated herein by this reference as though fully set forth.

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

17           Executed on this 4th day of April, 2016, at Los Angeles, California.

18   
19 \_\_\_\_\_  
20 Ashley M. Hunt

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and  
4 not a party to the within action.

5 On April 27, 2016, I served the foregoing documents described as:

6 **OPPOSITION OF PLAINTIFF AMANDA LOLLAR TO MOTION TO QUASH, MODIFY  
7 SUBPOENA, PROTECTIVE ORDER OF DEFENDANT MARY CUMMINS**

8 on the following interested party in this action:

9 **Defendant MARY CUMMINS, an individual**

10 X by placing X a true copy \_\_ the original in a sealed envelope addressed as follows:

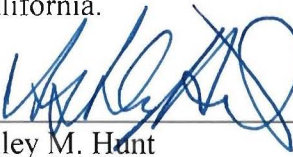
11 *Mary Cummins*  
12 *645 W. 9<sup>th</sup> Street, #110-140*  
*Los Angeles, California 90015*

13 X **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing  
14 correspondence for mailing. Under that practice it would be deposited with U.S. postal service  
15 on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary  
16 course of business. I am aware that on motion of the party served, service is presumed invalid  
17 if postal cancellation date or postage meter date is more than one day after date of deposit for  
18 mailing in affidavit.

19 — **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the  
20 addressees as listed above.

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

23 Executed on April 27, 2016, at Los Angeles, California.

24   
25 \_\_\_\_\_  
26 Ashley M. Hant