

1 **Law Office of David C. Watts**
1260 Lake Blvd. #218
2 Davis, CA 95616
3 TEL (530) 400-1782

FILED
Superior Court of California
County of Los Angeles

JUN 19 2014

4 David C. Watts (SBN 215850)
5 Attorney for Plaintiffs

Sherri R. Carter, Executive Officer/Clerk
By Geoffrey Charles Deputy
Geoffrey Charles

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES

8 **BAT WORLD SANCTUARY &**
9 **AMANDA LOLLAR,**

Case No: BS140207

10 **Plaintiffs/Judgment**
11 **Creditor**

[PROPOSED] ORDER
MOTION TO QUASH, MODIFY
SUBPOENA, PROTECTIVE ORDER
CCP 1987.1

12 v.

Date: May 23, 2014
Time: 8:30 AM
Dept.: 24
Judge: Robert Hess

13 **MARY CUMMINS**

14 **Defendant/Judgment**
15 **Debtor**

JUDGMENT ENTERED IN
CALIFORNIA November 9, 2012

16
17 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD;**

18 PLEASE TAKE NOTICE that on May 23, 2014, in Department 24 of the
19 Superior Court of California for the County of Los Angeles, before the Honorable
20 Judge Robert Hess, DEFENDANT'S MOTION TO QUASH, MODIFY
21 SUBPOENA, PROTECTIVE ORDER CCP 1987.1 was heard.

22 Bat World Sanctuary and Amanda Lollar appeared by and through their
23 attorney of record David C. Watts via CourtCall. Moving party Mary Cummins
24 appeared in court on her own behalf.

25 After considering, inter alia, the moving papers and opposing papers
26 submitted in connection with this motion and the oral argument presented, this Court
27 finds that DEFENDANT'S MOTION TO QUASH, MODIFY SUBPOENA,
28 PROTECTIVE ORDER CCP 1987.1 is DENIED.

07/23/2014

1 PLEASE TAKE FURTHER NOTICE that on May 30, 2014 in Department 24
2 of the Superior Court of California for the County of Los Angeles, before the
3 Honorable Judge Robert Hess, Defendant's motion titled, DEFENDANT'S
4 EMERGENCY EX PARTE MOTION TO RECONSIDER DEFENDANT'S
5 MOTION TO QUASH SUBPOENA; PROTECTIVE ORDER; OBJECTION TO
6 COURT ORDER was heard.

7 Bat World Sanctuary and Amanda Lollar again appeared by and through their
8 attorney of record David C. Watts via CourtCall. Moving party Mary Cummins
9 again appeared in court on her own behalf.

10 After considering, inter alia, the moving papers and opposing papers
11 submitted in connection with this motion and the oral argument presented, this Court
12 finds that DEFENDANT'S EMERGENCY EX PARTE MOTION TO
13 RECONSIDER DEFENDANT'S MOTION TO QUASH SUBPOENA;
14 PROTECTIVE ORDER; OBJECTION TO COURT ORDER is also **DENIED**.

15 Accordingly, this Court hereby orders as follows:

- 16 (1) Onewest bank is hereby ordered to deliver the requested documents as set
17 forth in the Deposition Subpoena for Production of Business Records
18 dated January 29, 2014, within two (2) weeks of the delivery of this Order
19 to Onewest Bank. Said Subpoena is attached hereto as Exhibit "1".
20 (2) This Order shall be effective immediately upon actual or constructive
21 notice thereof to all parties.

22 So Ordered

23
24 DATED: June 18, 2014

25
26 By: 

27 Robert Hess

28 JUDGE OF THE SUPERIOR COURT

07/23/2014

07 / 23 / 2014

EXHIBIT "1"

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@cwatts.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** At (time): **9:00 AM**
 Location (address): **216 N East Street, Woodland, CA 95773**

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 1583(c).
 - 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 1583(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1581.
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

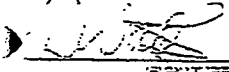
Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1282.5 OR 1282.8 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)

(ATT-5)

Page 1 of 2

07/023/2014

07 / 23 / 2014

Exhibit B

<p>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</p> <p>TELEPHONE NO: 530-400-1782 FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional): davidw@dwatts.net</p> <p>ATTORNEY FOR (Name): Amanda Lollar & Bat World Sanctuary</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</p> <p>STREET ADDRESS: Stanley Mosk Courthouse</p> <p>MAILING ADDRESS: 111 N. Hill St.</p> <p>CITY AND ZIP CODE: Los Angeles, CA</p> <p>BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary</p> <p>DEFENDANT/RESPONDENT: Mary Cummins</p>	<p>CASE NUMBER: BS140207</p> <p>JUDICIAL OFFICER: Judge Robert L. Hess</p>
<p>PROOF OF ELECTRONIC SERVICE</p>	<p>DEPT.: 24</p>

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (specify):
1260 Lake Blvd. #218, Davis, CA 95616

b. My electronic service address is (specify):
davidw@dwatts.net

2. I electronically served the following documents (exact titles):
[PROPOSED] ORDER

The documents served are listed in an attachment (Form POS-050 (D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: **Mary Cummins**
 On behalf of (name or names of parties represented, if person served is an attorney):

b. Electronic service address of person served:

mymarvinla@aol.com

c. On (date): **5/30/14**

d. At (time): **5:05 PM**


The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **5/30/14**

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

David C. Watts

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

07/23/2014

Exhibit C

1 of law on expiration of that period.” September 4, 2013 Plaintiffs sent a letter to the
2 court asking them to set the matter for hearing. The Court did not reply.

3 Also attached as Exhibit 2 is absolute proof that Plaintiffs posted Defendant’s ex-
4 attorney’s financial records on the Internet and they are still there to this very day¹. The
5 URL is now included in the printout of the check. The order as it stands would release
6 private confidential financial records of others. Plaintiffs is positive that Plaintiffs will
7 post these confidential records on the Internet just as Plaintiffs previously did which
8 would open up third parties to theft. Defendant believes this subpoena would be used
9 for ulterior motives such as harassment of Defendant, Defendant’s family, friends and
10 clients. This subpoena is unreasonable and oppressive, including unreasonable
11 violations of the right of privacy of Defendant, her family, friends and unrelated third
12 parties.

13 The order as written is overly broad in that there is no date range for the records.
14 This could be 20 years of bank statements which would not lead to anything
15 discoverable as it would be irrelevant based on time.

16 Plaintiffs stated they were only interested in money going in to the account.
17 Therefore they should only receive the records for deposits and not expenditures. If
18 Plaintiffs receive the statements in the order as it is currently written irreparable harm
19 will come to Defendant and unrelated third parties.

20 PRAYER

21 Defendant respectfully requests that this Court deny Plaintiffs’ court order as
22 these records were previously requested and denied. In the alternative Defendant
23 requests that the order be modified to not include records of people, entities other than
24 Defendant, the date range of records be limited to the past 12 months, the records only
25 include money deposited into the account and not expenditures and the records,
26 contents thereof may not be shared publicly or posted on the Internet.

27
28 ¹ <http://www.batworld.org/wp-content/uploads/2011/09/Bat-World-chk-2625-09-09-11.pdf>

07 / 23 / 2014

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

2 Respectfully submitted,

3 *Mary Cummins*

4

Mary Cummins, Defendant

5 Dated: June 2, 2014

6 645 W. 9th St. #110-140

7 Los Angeles, CA 90015

8 In Pro Per

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07/23/2014

Cause Number: 352-240169-10 Date Filed: 09/15/2010			
RAT WORLD SANCTUARY, ET AL		MARY CUMMINS	
APPEALED Cause of Action: CONTRACT, OTHER CONTRACT			
Case Status: FINAL JUDGMENT AFTER NON-JURY TRIAL			
Filemark	Description		Fee Total
10/26/2012	LETTER FROM THE CT RE: RECUSAL MOTION	I	0.00
10/26/2012	*COPY OF LETTER W/PLEADINGS FILED IN COA	I	0.00
10/26/2012	FIAT NOT/HRC 10/31 1:30PM CONTESTS AFFDT INABILITY	I	0.00
10/26/2012	LTR/CUMMINS RE: PAYMENT	I	0.00
10/29/2012	MOTION FOR NEW TRIAL	N	40.00
10/29/2012	COURT COST (PAID) trans #259	YI	40.00
10/29/2012	OVERPAYMENT-MONEY ORDER #19419892920 (MARY CUMMINS	Y	40.00
10/29/2012	Overpayment Reimbursement Request- Granted on 10/29/	NY	0.00
10/29/2012	FIAT NOT/HRC 11/2 11:30AM APPELLANT'S MOT/RECUSE,	I	0.00
10/31/2012	***ORD/CONTESTS TO AFFDT INABILITY TO PAY COSTS***	IM	0.00
11/01/2012	APPELLANT'S BANK STATEMENT FOR MARY CUMMINS	I	0.00
11/01/2012	APPLICANT'S RESP/APPELLEE'S MOT/RECONSIDERATION &	I	0.00
11/06/2012	***ORD/DENY MOT/RECUSE***	IM	0.00
11/07/2012	*1ST SUPP CLERK REC(CONTEST HRC) (\$14.00 NOT PD	I	0.00
11/12/2012	*LETTER FROM COA (REC DUE 12/12/12)	I	0.00
11/15/2012	DEFNS AKD MOT/NEW TRIAL & VACATE JUDGMENT W/FIAT	I	0.00
11/15/2012	DEFNS MOTION FOR TELEPHONIC HRC	I	0.00
11/20/2012	REFUND OVERPAYMENT Check # 41687	Y	-40.00
12/06/2012	*CLERKS RECORD E-FILED (\$221.00)	I	0.00
X 01/02/2013	PLTFS' MOT/COMPEL POST JDC DISC RESP W/FIAT	I	0.00
01/07/2013	DEFNS RESP TO PLTFS MOT/COMPEL POST TRIAL DISC	I	0.00
01/07/2013	DEFNS MOT/TELEPHONIC HRC RE: DEFNS RESP TO PLTFS	I	0.00
01/10/2013	PLTFS MOT/TRANSFER ORIG EXHIBITS TO 2ND COURT OF	I	0.00
01/29/2013	LETTER-VACATION RANDALL TURNER	I	0.00
02/11/2013	***ORD/GRANT MOT/TRANSFER ORIG EXHIBITS TO 2ND	IM	0.00
04/09/2013	***ORD RETURNING BOND MONEY HELD TRG TO PLTFS***	IM	0.00
04/10/2013	Trust notification from #293		0.00
05/09/2013	Redeposit Trust Investment	Y	510.52
05/10/2013	Trust Withdrawal	Y	-509.47
05/10/2013	Trust Withdrawal	Y	-1.00
09/04/2013	POST-JDC MOT/CONTEMPT	NI	40.00
09/04/2013	COURT COST (PAID) trans #290	Y	40.00
X 09/04/2013	LTR/TURNER SET HRC PLTFS' MOT/COMPEL	I	0.00
09/19/2013	DEFN'S RESP TO PLTF'S MOT/COMPEL POST TRIAL DISC	I	0.00
09/19/2013	DEFN'S OBJ TO PLTFS' POST JDC MOT/CONTEMPT W/FIAT	I	0.00
09/19/2013	DEFN'S MOT/TELEPHONIC HRC W/FIAT	I	0.00
12/16/2013	DEFNS MOT/STAY FINAL JUDG PENDING APPEAL W/FIAT	I	0.00
12/16/2013	DEFNS MOT/TELEPHONIC HRC RE: MOT/STAY W/FIAT	I	0.00

Total Number Of Records Printed: 296

2014

07 / 23 / 2014

Exhibit D

LAW OFFICE OF
DAVID C. WATTS

1260 Lake Blvd. #218
Davis, CA 95616
Ph: (916) 444-3452
EMAIL: davidw@dwatts.net

Mary Cummins
Mmmaryinla@aol.com

June 4, 2014

Re: [Proposed] Order

Ms. Cummins:

Regarding the 10 Day issue, I believe you are citing the wrong law. It appears that you are looking at Title 5 of the CRC, Section 5.125, under the Family and Juvenile rules which do not apply to this case. If that is not the case, please let me know what section you have quoted. Under the family law rules there is a 10 day period to work out the proposed order between the parties. The proposed order in this case is covered by Title 3, Section 3.1312 under the Civil Rules, Noticed Motion section which establishes a 5 day time frame. Nonetheless, under either provision the issue is to make sure the proposed order conforms to the court's actual ruling.

The issue we are facing here is that the court denied your motion. Adding restrictions to the production that the court did not grant is not appropriate and we will not voluntarily add them to the order. Your request to limit the discovery to a particular time frame, to limit it to only deposits (which I incidentally did not tell the court was all that I wanted to see) and to have names redacted was denied by the court and therefore will not be included in the order. The court denied your motion to quash and your motion for reconsideration. That is all the order should reflect, which it does.

As to the argument in your Objection, regarding my client's motion to compel documents in Texas, it appears that you are, once again citing the wrong law. You claim the Motion to Compel Documents was denied by operation of law according to Texas Rules of Civil Procedure 329. However, that section applies to an original or amended motion for new trial, to modify, correct or reform a judgment. As such, it does not apply to the Motion to Compel.

If you attempt to reargue these issues for a third time, I will be asking, once again, for sanctions. Your motion was denied. That is what the [Proposed] Order reflects.

I am not sure what you mean when you say in your email that I know that my client and I are wrong on this issue. Are you referring to the 10 day issue or something else? Please clarify. Additionally, your Motion pursuant to C.C.P. 170.6 is untimely and should be denied by the court.

07/23/2014

I will be submitting the [Proposed] Order as it was served on you along with your Objection and this response tomorrow, Thursday June 5, 2014. If there is anything else you wish me to include, please let me know.

Sincerely,

LAW OFFICE OF DAVID C. WATTS

By: 

David C. Watts

07/23/2014

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 Sancturay	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: Stanley Mosk Courthouse MAILING ADDRESS: 111 N. Hill St. CITY AND ZIP CODE: Los Angeles, CA BRANCH NAME:	
PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/RESPONDENT: Mary Cummins	CASE NUMBER: BS140207 JUDICIAL OFFICER: Judge Robert L. Hess
<p style="text-align: center;">PROOF OF ELECTRONIC SERVICE</p>	DEPT.: 24

1. I am at least 18 years old and not a party to this action.

a. My residence or business address is (specify):
 1260 Lake Blvd. #218, Davis, CA 95616

b. My electronic service address is (specify):
 davidw@dwatts.net

2. I electronically served the following documents (exact titles):
DECLARATION OF DAVID C. WATTS RE: [PROPOSED] ORDER

The documents served are listed in an attachment (Form POS-050 (D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: **Mary Cummins**
 On behalf of (name or names of parties represented, if person served is an attorney):

b. Electronic service address of person served:
mmaryinla@aol.com

c. On (date): **6/6/14**

d. At (time): **1:37 PM**

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment, (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **6/6/14**

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

David C. Watts

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

07/23/2014

1 **Law Office of David C. Watts**
1260 Lake Blvd. #218
2 Davis, CA 95618
3 TEL (530) 400-1782

4 David C. Watts (SBN 215850)
5 Attorney for Plaintiffs

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES

8 **BAT WORLD SANCTUARY &**
9 **AMANDA LOLLAR,**

10 **Plaintiffs/Judgment**
11 **Creditor**

12 v.

13 **MARY CUMMINS**

14 **Debtor**
15 **Defendant/Judgment**

Case No: BS140207

DECLARATION OF DAVID C. WATTS
RE: [PROPOSED] ORDER

Date: May 30, 2014
Time: 8:30 AM
Dept.: 24
Judge: Robert Hess

JUDGMENT ENTERED IN
CALIFORNIA November 9, 2012

16
17 I, David C. Watts, declare as follows:

18 1. I am the attorney for Judgment Creditors BAT WORLD
19 SANCTUARY & AMANDA LOLLAR in this action. Each of the facts set forth
20 herein is within my personal knowledge and I would so testify if called as a witness
21 at hearing.

22 2. Attached hereto as Exhibit A is a true and correct copy of the
23 [PROPOSED] ORDER prepared by me regarding the hearing on May 23, 2014
24 titled; DEFENDANT'S MOTION TO QUASH, MODIFY SUBPOENA,
25 PROTECTIVE ORDER CCP 1987.1, and the re-hearing of the same matter on May
26 30, 2014 titled; DEFENDANT'S EMERGENCY EX PARTE MOTION TO
27 RECONSIDER DEFENDANT'S MOTION TO QUASH SUBPOENA;
28

07/23/2014

1 PROTECTIVE ORDER; OBJECTION TO COURT ORDER. Both motions were
2 denied by this Court.

3 3. The [PROPOSED] ORDER was served on Defendant/Judgment Debtor
4 Mary Cummins on May 30, 2014, via electronic service. Attached hereto as Exhibit
5 B is a true and correct copy of the Proof of Electronic Service for the [PROPOSED]
6 ORDER.

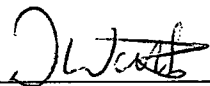
7 4. I received a document titled DEFENDANT'S OBJECTION TO
8 COURT ORDER from Defendant/Judgment Debtor Mary Cummins on June 2, 2014
9 via email. Attached hereto as Exhibit C is a true and correct copy of
10 DEFENDANT'S OBJECTION TO COURT ORDER.

11 5. On June 4, 2014 I responded to Defendant/Judgment Debtor Mary
12 Cummins via email. Attached hereto as Exhibit D is a true and correct copy of my
13 letter response sent via email to Defendant/Judgment Debtor Mary Cummins.

14 6. Pursuant to California Rules of Court, Rule 3.1312 the five (5) day
15 period to object to the [PROPOSED] ORDER expired at the end of the day on June
16 4, 2014. As of the date of the preparation of this declaration I have not received any
17 additional response from Defendant/Judgment Debtor Mary Cummins.

18 7. Plaintiffs/Judgment Creditors respectfully request this Court execute
19 the [PROPOSED] ORDER as prepared by this office, or in the alternative, draft an
20 Order reflecting the fact that both motions were denied and further directing
21 OneWest Bank to comply with the Subpoena which is attached to the [PROPOSED]
22 ORDER.

23 I declare under penalty of perjury under the laws of the State of California that
24 the foregoing is true and correct and that this declaration was executed on June 5,
25 2014 at Davis, California.

26
27 

28

David C. Watts

07/03/2014

07 / 23 / 2014

Exhibit A

1 **Law Office of David C. Watts**
1260 Lake Blvd. #218
2 Davis, CA 95616
3 TEL (530) 400-1782

4 David C. Watts (SBN 215850)
5 Attorney for Plaintiffs

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES

8 **BAT WORLD SANCTUARY &**
9 **AMANDA LOLLAR,**

10 **Plaintiffs/Judgment**
11 **Creditor**

12 v.

13 **MARY CUMMINS**

14 **Debtor**
15 **Defendant/Judgment**

Case No: BS140207

[PROPOSED] ORDER
MOTION TO QUASH, MODIFY
SUBPOENA, PROTECTIVE ORDER
CCP 1987.1

Date: May 23, 2014

Time: 8:30 AM

Dept.: 24

Judge: Robert Hess

JUDGMENT ENTERED IN
CALIFORNIA November 9, 2012

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17 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD;**

18 PLEASE TAKE NOTICE that on May 23, 2014, in Department 24 of the
19 Superior Court of California for the County of Los Angeles, before the Honorable
20 Judge Robert Hess, DEFENDANT'S MOTION TO QUASH, MODIFY
21 SUBPOENA, PROTECTIVE ORDER CCP 1987.1 was heard.

22 Bat World Sanctuary and Amanda Lollar appeared by and through their
23 attorney of record David C. Watts via CourtCall. Moving party Mary Cummins
24 appeared in court on her own behalf.

25 After considering, inter alia, the moving papers and opposing papers
26 submitted in connection with this motion and the oral argument presented, this Court
27 finds that DEFENDANT'S MOTION TO QUASH, MODIFY SUBPOENA,
28 PROTECTIVE ORDER CCP 1987.1 is **DENIED**.

07/23/2014

1 PLEASE TAKE FURTHER NOTICE that on May 30, 2014 in Department 24
2 of the Superior Court of California for the County of Los Angeles, before the
3 Honorable Judge Robert Hess, Defendant's motion titled, DEFENDANT'S
4 EMERGENCY EX PARTE MOTION TO RECONSIDER DEFENDANT'S
5 MOTION TO QUASH SUBPOENA; PROTECTIVE ORDER; OBJECTION TO
6 COURT ORDER was heard.

7 Bat World Sanctuary and Amanda Lollar again appeared by and through their
8 attorney of record David C. Watts via CourtCall. Moving party Mary Cummins
9 again appeared in court on her own behalf.

10 After considering, inter alia, the moving papers and opposing papers
11 submitted in connection with this motion and the oral argument presented, this Court
12 finds that DEFENDANT'S EMERGENCY EX PARTE MOTION TO
13 RECONSIDER DEFENDANT'S MOTION TO QUASH SUBPOENA;
14 PROTECTIVE ORDER; OBJECTION TO COURT ORDER is also **DENIED**.

15 Accordingly, this Court hereby orders as follows:

- 16 (1) Onewest bank is hereby ordered to deliver the requested documents as set
17 forth in the Deposition Subpoena for Production of Business Records
18 dated January 29, 2014, within two (2) weeks of the delivery of this Order
19 to Onewest Bank. Said Subpoena is attached hereto as Exhibit "1".
20 (2) This Order shall be effective immediately upon actual or constructive
21 notice thereof to all parties.

22 So Ordered

23
24 DATED: June _____, 2014

25
26 By: _____

27 Robert Hess

28 JUDGE OF THE SUPERIOR COURT

07/03/2014

07/23/2014

EXHIBIT "1"

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: davidcw@dwatts.net ATTORNEY FOR (Name): Amenda 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: Amenda 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:

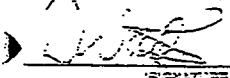
To (name of deposition officer): Jeff McCallum On (date): March 10, 2014 At (time): 9:00 AM Location (address): 216 N East Street, Woodland, CA 95776	
Do not release the requested records to the deposition officer prior to the date and time stated above.	

- 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(i).
 - 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
- 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 198A.5 OR 198B.5 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


 (SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Plaintiffs

07/23/2014

07/23/2014

Exhibit B

<p>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 Sancturay</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: Stanley Mosk Courthouse MAILING ADDRESS: 111 N. Hill St. CITY AND ZIP CODE: Los Angeles, CA BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/RESPONDENT: Mary Cummins</p>	<p>CASE NUMBER: BS140207 JUDICIAL OFFICER: Judge Robert L. Hess</p>
<p>PROOF OF ELECTRONIC SERVICE</p>	<p>DEPT.: 24</p>

1. I am at least 18 years old and not a party to this action.

- a. My residence or business address is (specify):
 1260 Lake Blvd. #218, Davis, CA 95616
- b. My electronic service address is (specify):
 davidw@dwatts.net

2. I electronically served the following documents (exact titles):
[PROPOSED] ORDER

The documents served are listed in an attachment (Form POS-050 (D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

- a. Name of person served: **Mary Cummins**
 On behalf of (name or names of parties represented, if person served is an attorney):
- b. Electronic service address of person served:
mmmarvinla@aol.com
- c. On (date): **5/30/14**
- d. At (time): **5:05 PM**

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment, (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **5/30/14**

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

David C. Watts

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

07/23/2014

07/23/2014

Exhibit C

1 of law on expiration of that period.” September 4, 2013 Plaintiffs sent a letter to the
2 court asking them to set the matter for hearing. The Court did not reply.

3 Also attached as Exhibit 2 is absolute proof that Plaintiffs posted Defendant’s ex-
4 attorney’s financial records on the Internet and they are still there to this very day¹. The
5 URL is now included in the printout of the check. The order as it stands would release
6 private confidential financial records of others. Plaintiffs is positive that Plaintiffs will
7 post these confidential records on the Internet just as Plaintiffs previously did which
8 would open up third parties to theft. Defendant believes this subpoena would be used
9 for ulterior motives such as harassment of Defendant, Defendant’s family, friends and
10 clients. This subpoena is unreasonable and oppressive, including unreasonable
11 violations of the right of privacy of Defendant, her family, friends and unrelated third
12 parties.

13 The order as written is overly broad in that there is no date range for the records.
14 This could be 20 years of bank statements which would not lead to anything
15 discoverable as it would be irrelevant based on time.

16 Plaintiffs stated they were only interested in money going in to the account.
17 Therefore they should only receive the records for deposits and not expenditures. If
18 Plaintiffs receive the statements in the order as it is currently written irreparable harm
19 will come to Defendant and unrelated third parties.

20 **PRAYER**

21 Defendant respectfully requests that this Court deny Plaintiffs’ court order as
22 these records were previously requested and denied. In the alternative Defendant
23 requests that the order be modified to not include records of people, entities other than
24 Defendant, the date range of records be limited to the past 12 months, the records only
25 include money deposited into the account and not expenditures and the records,
26 contents thereof may not be shared publicly or posted on the Internet.

27
28

¹ <http://www.batworld.org/wp-content/uploads/2011/09/Bat-World-chk-2625-09-09-11.pdf>

07/23/2014

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

2 Respectfully submitted,

3 *Mary Cummins*

4 Mary Cummins, Defendant

5 Dated: June 2, 2014

6 645 W. 9th St. #110-140

7 Los Angeles, CA 90015

8 In Pro Per

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07/23/2014

Cause Number: 352-248169-10 Date Filed: 09/15/2010
 HAT WORLD SANCTUARY, ET AL. v MARY CURSINS
 APPEALED Cause of Action: CONTRACT, OTHER CONTRACT
 Case Status: FINAL JUDGMENT AFTER NON-JURY TRIAL

Filemark	Description	Fee Total
10/26/2012	LETTER FROM THE CT RE: RECUSAL MOTION	I 0.00
10/26/2012	*COPY OF LETTER W/ PLEADINGS FILED IN COA	I 0.00
10/26/2012	FIAT MOT/HRC 10/31 1:30PM CONTESTS AFFDT INABILITY	I 0.00
10/26/2012	LTR/CURSINS RE: PAYMENT	I 0.00
10/29/2012	MOTION FOR NEW TRIAL	M 40.00
10/29/2012	COURT COST (PAID) Trans #259	VI 40.00
10/29/2012	OVERPAYMENT-MONEY ORDER #19419892920 (MARY CURSINS)	Y 40.00
10/29/2012	Overpayment Reimbursement Request Created on 10/29/12	0.00
10/29/2012	FIAT MOT/HRC 11/2 11:30AM APPELLANT'S MOT/RECUSE,	I 0.00
10/31/2012	***ORD/CONTESTS TO AFFDT INABILITY TO PAY COSTS***	IM 0.00
11/01/2012	APPELLANT'S BANK STATEMENT FOR MARY CURSINS	I 0.00
11/01/2012	APPLICANT'S RESP/APPELLES' MOT/RECONSIDERATION &	I 0.00
11/06/2012	***ORD/DENY MOT/RECUSE***	IM 0.00
11/07/2012	*1ST SUPP CLERK REC(CONTEST HRC) (314.00 NOT FD)	I 0.00
11/12/2012	*LETTER FROM COA (REC DUE 12/12/12)	I 0.00
11/15/2012	DEFNS AND MOT/NEW TRIAL & VACATE JUDGMENT W/PIAT	I 0.00
11/15/2012	DEFNS MOTION FOR TELEPHONIC HRC	I 0.00
11/20/2012	REFUND OVERPAYMENT Check # 41687	Y -40.00
12/06/2012	*CLERKS RECORD E-FILED (\$221.00)	I 0.00
X 01/02/2013	PLTFS' MOT/COMPEL POST JDC DISC RESP W/PIAT	I 0.00
01/07/2013	DEFNS RESP TO PLTFS MOT/COMPEL POST TRIAL DISC	I 0.00
01/07/2013	DEFNS MOT/TELEPHONIC HRC RE: DEFNS RESP TO PLTFS	I 0.00
01/18/2013	PLTFS MOT/TRANSFER ORIG EXHIBITS TO 2ND COURT OF	I 0.00
01/29/2013	LETTER-VACATION RANDALL TURNER	I 0.00
02/11/2013	***ORD/GRANT MOT/TRANSFER ORIG EXHIBITS TO 2ND	IM 0.00
04/09/2013	***ORD RETURNING BOND MONEY HELD TRO TO PLTFS***	IM 0.00
04/10/2013	Trust notification from #285	0.00
05/09/2013	Redeposit Trust Investment	Y \$10.52
05/10/2013	Trust Withdrawal	Y -509.47
05/10/2013	Trust Withdrawal	Y -1.09
09/04/2013	POST-JDC MOT/CONTEMPT	MI 40.00
09/04/2013	COURT COST (PAID) Trans #290	Y 40.00
X 09/04/2013	LTR/TURNER SET HRC PLTFS' MOT/COMPEL	I 0.00
09/19/2013	DEFN'S RESP TO PLTFS' MOT/COMPEL POST TRIAL DISC	I 0.00
09/19/2013	DEFN'S OBJ TO PLTFS' POST JDC MOT/CONTEMPT W/PIAT	I 0.00
09/19/2013	DEFN'S MOT/TELEPHONIC HRC W/PIAT	I 0.00
12/16/2013	DEFNS MOT/STAY FINAL JDC PENDING APPEAL W/PIAT	I 0.00
12/16/2013	DEFNS MOT/TELEPHONIC HRC RE: MOT/STAY W/PIAT	I 0.00

Total Number Of Records Printed: 296

2014



NEAL S. KALLAWAY
1102224VAVL200

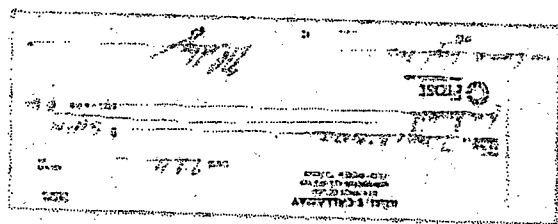
MAIL ROOM
72 DAN LINS
2001 AIRSIDE LN
MADISON, WI 53704
Phone: 608.263.8001
Fax: 608.263.8001

UNITED STATES
LAW OFFICE OF HONORABLE JUDGE
100 N. DePaul Hwy, 1st Fl.
New York, NY 10017

RE: The State of Wisconsin and James J. Kelly vs. Hon. James J. Kelly, JR.
US-CR-2006-1104 and US-CR-2006-1105 (Hon. James J. Kelly, JR.)

FILED IN: 1102224
Enclosed please find one check in the sum of \$15,000.00 for the amount of the
fine for the above captioned case.

NEAL S. KALLAWAY
1102224VAVL200



07 / 23 / 2014

Exhibit D

LAW OFFICE OF
DAVID C. WATTS
1260 Lake Blvd. #218
Davis, CA 95616
Ph: (916) 444-3452
EMAIL: davidw@dwatts.net

Mary Cummins
Mmmaryinla@aol.com

June 4, 2014

Re: [Proposed] Order

Ms. Cummins:

Regarding the 10 Day issue, I believe you are citing the wrong law. It appears that you are looking at Title 5 of the CRC, Section 5.125, under the Family and Juvenile rules which do not apply to this case. If that is not the case, please let me know what section you have quoted. Under the family law rules there is a 10 day period to work out the proposed order between the parties. The proposed order in this case is covered by Title 3, Section 3.1312 under the Civil Rules, Noticed Motion section which establishes a 5 day time frame. Nonetheless, under either provision the issue is to make sure the proposed order conforms to the court's actual ruling.

The issue we are facing here is that the court denied your motion. Adding restrictions to the production that the court did not grant is not appropriate and we will not voluntarily add them to the order. Your request to limit the discovery to a particular time frame, to limit it to only deposits (which I incidentally did not tell the court was all that I wanted to see) and to have names redacted was denied by the court and therefore will not be included in the order. The court denied your motion to quash and your motion for reconsideration. That is all the order should reflect, which it does.

As to the argument in your Objection, regarding my client's motion to compel documents in Texas, it appears that you are, once again citing the wrong law. You claim the Motion to Compel Documents was denied by operation of law according to Texas Rules of Civil Procedure 329. However, that section applies to an original or amended motion for new trial, to modify, correct or reform a judgment. As such, it does not apply to the Motion to Compel.

If you attempt to reargue these issues for a third time, I will be asking, once again, for sanctions. Your motion was denied. That is what the [Proposed] Order reflects.

I am not sure what you mean when you say in your email that I know that my client and I are wrong on this issue. Are you referring to the 10 day issue or something else? Please clarify. Additionally, your Motion pursuant to C.C.P. 170.6 is untimely and should be denied by the court.

I will be submitting the [Proposed] Order as it was served on you along with your Objection and this response tomorrow, Thursday June 5, 2014. If there is anything else you wish me to include, please let me know.

Sincerely,

LAW OFFICE OF DAVID C. WATTS

By: 

David C. Watts

07 / 23 / 2014

<p>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 Sancturay</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: Stanley Mosk Courthouse MAILING ADDRESS: 111 N. Hill St. CITY AND ZIP CODE: Los Angeles, CA BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: Amanda Lollar & Bat World Sanctuary DEFENDANT/RESPONDENT: Mary Cummins</p>	<p>CASE NUMBER: BS140207 JUDICIAL OFFICER: Judge Robert L. Hess</p>
<p>PROOF OF ELECTRONIC SERVICE</p>	<p>DEPT.: 24</p>

1. I am at least 18 years old and not a party to this action.

a. My residence or business address is (specify):
 1260 Lake Blvd. #218, Davis, CA 95616

b. My electronic service address is (specify):
 davidw@dwatts.net

2. I electronically served the following documents (exact titles):
DECLARATION OF DAVID C. WATTS RE: [PROPOSED] ORDER

The documents served are listed in an attachment (Form POS-050 (D)/EFS-050(D) may be used for this purpose.)

3. I electronically served the documents listed in 2 as follows:

a. Name of person served: **Mary Cummins**
 On behalf of (name or names of parties represented, if person served is an attorney):

b. Electronic service address of person served:
mmaryinla@aol.com

c. On (date): **6/6/14**

d. At (time): **1:37 PM**

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment, (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: **6/6/14**

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

David C. Watts

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)