

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY
AND AMANDA LOLLAR

Plaintiffs,

v.

MARY CUMMINS

Defendant.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

MOTION FOR PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARY CUMMINS, hereafter referred to as "Movant", and pursuant to Tex.R.Civ.Pr. 192.6 moves this Court for a Protective Order, and in support would show the following:

I.

BACKGROUND

On June 10, 2011, Movant was served with a Notice of Intent To Take Oral Deposition Of Defendant, Mary Cummins, which Notice requires Movant Mary Cummins to appear in the offices of Randall E. Turner on June 22, 2011 at 10:00 a.m. for oral deposition. Attached to the Notice is a Duces Tecum List requesting the production of voluminous documents. A true and correct copy of the Notice is attached hereto as Exhibit "A." Movant Mary Cummins resides in Los Angeles, California.

On June 21, 2011, Movant, who has been *pro se* in this matter, retained Neal S. Callaway ("Callaway") as her legal counsel in this matter. Callaway has not had time to

become familiar with the file and cannot effectively represent Movant at a deposition on June 22, 2011. Furthermore, Movant is financially unable to travel back and forth between California and Texas to defend herself in this lawsuit.

The Duces Tecum List requests documents evidencing Movant's net worth, home address, any criminal proceedings against Movant, California Fish and Wildlife inspection reports and USDA inspection reports. The Duces Tecum also requests documents evidencing Movant's compliance with a Temporary Injunction signed by Court on May 4, 2011. Any requests for documents related to Movant's net worth, criminal proceedings, California Fish and Wildlife and USDA inspection reports are not relevant nor likely to lead to the discovery of admissible evidence. Such requests are made for the purpose of undue burden, annoyance and harassment and are an invasion of personal rights.

With regard to documents related to her home address, Movant asserts a right of privacy as Movant contends that Plaintiffs have cyber stalked her and will use her home address to continue to stalk her and harass her. Movant asks that the Court allow her to withhold her home address from discovery in the interest of her personal security. Movant's home address is also not relevant nor likely to lead to the discovery of admissible evidence. Movant has provided Plaintiffs with an alternative address in this case which Plaintiffs have used regularly for mailings, etc.

Lastly, the Temporary Injunction is void because it does not set any bond as required by Tex.R.Civ.Pr. 684. Therefore, Plaintiff is not entitled to discovery related to Movant's "...effort to comply with the Temporary Injunction..."

II.

PROTECTION SOUGHT

Movant requests that the deposition be postponed until sometime after July 15, 2011 in order to allow Movant's counsel to adequately prepare for same and to become familiar with the case file.

Pursuant to Tex.R.Civ.Pr. 192.6 and 199.1(b), and in order to protect Movant from undue burden, unnecessary expense and in the interest of justice, Movant requests that this Court order that the deposition be taken by telephone and allow witness and Movant Mary Cummins to give her testimony in California and not be required to travel to Texas for the deposition.

Lastly, Movant asks that the Court protect her from having to produce the documents requested in Duces Tecum numbers 7, 8, 9, 10, 11, 12 and 13 for the reasons set out hereinabove.

WHEREFORE, Movant requests that on final hearing on this matter, the Court enter its protective order, and grant the protections from discovery sought herein and grant such other and further relief to which Movant may show herself entitled.

Respectfully submitted,



Neal S. Callaway
Texas Bar Card No. 03657020
LAW OFFICES OF NEAL S. CALLAWAY
1200 Summit Ave., Suite 720
Fort Worth TX 76102
817/332-2076; FAX 817/877-5661
ATTORNEY FOR MOVANT

CERTIFICATE OF CONFERENCE

I hereby certify that on this the 20th day of June, 2011, I conferred with counsel for Plaintiffs, Randall E. Turner, by telephone and email, and an agreement could not be reached on the merits of this Motion For Protective Order.



Neal S. Callaway

CERTIFICATE OF SERVICE

This is to certify that on the 21st day of June, 2011, a copy of the foregoing was served by facsimile, fax number 817-268-1563 to the following counsel of record:

Randall E. Turner
LAW OFFICE OF TURNER & MCKENZIE
1800 N. Norwood Drive, Suite 100
Hurst, Texas 76054



Neal S. Callaway

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

PLAINTIFF'S NOTICE OF INTENT TO TAKE ORAL DEPOSITION OF
DEFENDANT, MARY CUMMINS

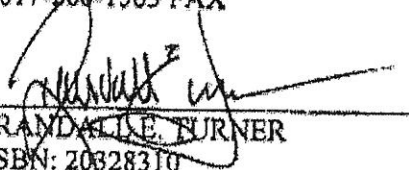
To: Pro Se Defendant, MARY CUMMINS, 645 W. 9th Street, #110-140a
Los Angeles, California 9005.

Please take notice that Plaintiffs, by and through their attorney of record, will take the oral deposition MARY CUMMINS on Wednesday, June 22, 2011 at 10:00 a.m. at the Law Office Turner & McKenzie, 1800 Norwood Drive, Suite 100, Hurst, Texas 76054.

Such deposition will continue until concluded to the satisfaction of all parties and may be used in evidence in the above styled and numbered cause. This deposition may be videotaped.

Respectfully submitted,

LAW OFFICE OF TURNER & MCKENZIE
1800 N. Norwood Drive, Suite 100
Hurst, TX 76054
817-282-3868 Phone
817-268-1563 FAX


RANDALCE TURNER
SBN: 20328310
ATTORNEY FOR PLAINTIFFS

'A''

DUCES TECUM LIST

1. Bring your valid driver's license.
2. All statements you have posted anywhere on the internet concerning Amanda Lollar or Bat World Sanctuary from January 1, 2010 through the present. This includes, but is not limited to, statements posted on list serves and any URL.
3. All photographs and videos of Amanda Lollar, Bat World Sanctuary, or any bat or other object at Bat World Sanctuary which you made, took, or created.
4. All photographs and videos of Amanda Lollar, Bat World Sanctuary, or any bat or other object at Bat World Sanctuary which you posted anywhere on the internet from January 1, 2010 through the present.
5. All of your Facebook pages that mention or refer to Amanda Lollar or Bat World Sanctuary. This includes, but is not limited to, Facebook pages that are not accessible by the public.
6. All emails and written statements you have sent to any person concerning Amanda Lollar or Bat World Sanctuary.
7. Any documents evidencing your "net worth".
8. Any documents used calculate your net worth.
9. All emails and other correspondence you have sent to any person or company in an effort to comply with the Temporary Injunction that was signed by the Court in this case on May 4, 2011.
10. Current billing statement from your internet provider.
11. Any documents relating to any convictions, arrests or criminal proceedings where you were the Defendant in the last 10 years.
12. Most recent California Fish and Wildlife inspection report pertaining to Mary Cummins or Animal Advocates.
13. Most recent USDA inspection report pertaining to Mary Cummins or Animal Advocates.

CERTIFICATE OF CONFERENCE

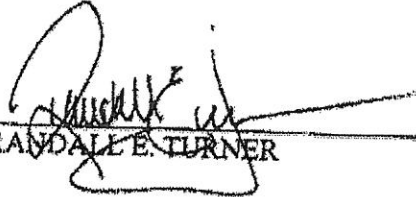
The above deposition was ordered by the court on 6/2/2011. Therefore this deposition shall being taken pursuant to this notice.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon the Attorney of record (or Pro Se Defendant) of all parties to the above-entitled and numbered cause in accordance with TEX. R. CIV. P. 21a, on this 02 day of June, 20 11, by the following method:

- personal delivery
- telephonic document transfer (fax)
- certified mail
- courier receipted delivery

Via CMrrr: 7009 2250 0003 7625 3908
and via Email.
Defendant, Mary Cummins
645 W. 9th St., #110-140a
Los Angeles, California 90015


RANDALL E. TURNER