

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 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

BY _____
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
2013 JUN 21 PM 2:39

FILED

11 MARY CUMMINS) Case No. CV11 08081 BRO (MAN) X
12 Plaintiff)
13 v.)
14 ERIC SHUPPS) REPLY TO DEFENDANT SHUPPS'
15 Defendants) MOTION TO DISMISS PLAINTIFF'S
16) FOURTH AMENDED COMPLAINT
17) Date: July 29, 2013
18) Time: 1:30 pm
19) Dept: 14

20 **I. INTRODUCTION**

21 The Court ordered Plaintiff to serve Defendant Shupps by June 7, 2013. Shupps was
22 served May 23, 2013 through his attorneys Dean Rocco and Sandra McMullen of
23 Jackson & Lewis. Notice of service of Defendant was filed May 31, 2013. Previously
24 Plaintiff tried to serve Defendant Shupps via certified mail but Shupps refused delivery
25 several times. Plaintiff also tried to serve Shupps in person but again Shupps refused
26 service. Plaintiff also emailed and Tweeted the complaint to Shupps. Shupps legally
27 accepted service via his attorneys who responded. Shupps voluntarily appeared.

1 Plaintiff's Fourth Amended Complaint clearly states a claim upon which relief can
2 be granted. Plaintiff submitted evidence which proves that Defendant Shupps did
3 indeed commit intentional interference with business relations and intentional
4 interference with prospective economic advantage. The evidence was authenticated by
5 Plaintiff and the results of Google subpoenas. There are time/date stamps on printouts
6 besides headers and footers which show the exact url of the comments. The author is
7 clearly visible in the printouts. Defendant Shupps is the author of these blogs, posts,
8 comments and tweets.

9 **II. FACTUAL BACKGROUND**

10 **A. PLAINTIFF'S INTERACTION WITH SHUPPS STEMS FROM SHUPPS'
11 PERSONAL BEHAVIOR AFTER LITIGATION IN TEXAS**

12 Defendant Shupps testified as an "expert" witness during a trial in a case in Texas.
13 That case is currently in Appeals in the Second Court of Appeals in Texas Case
14 #02-12-00285-CV. Shupps has never been and is not a legal expert in authorship
15 analysis. As per Shupps' resume he has not even graduated from high school, did not
16 attend college and has no degree. Shupps testified that he used a free beta software for
17 the first time ever to try to state that Plaintiff wrote certain articles on the Internet. The
18 software stated it cannot determine authorship and should never be used in a legal case
19 (Exhibit 1, pg 2 ¶ 5, pg 3, ¶ 1-3). Shupps took articles written by unknown people and
20 compared them to articles written by other unknown people. He did not use writing
21 samples of Plaintiff Cummins in his analysis. Shupps then stated he believes Cummins
22 wrote the articles based on his "analysis" but admitted he had absolutely no proof
23 whatsoever. His samples were never authenticated. The author of the software even
24 stated that the software will give you any result you like (Exhibit 1).

25 Shupps testified about articles in Exhibit 18 in the Texas case. Because the Court
26 realized that Shupps is not an expert and his testimony was extremely lacking, none of
27 the articles in Exhibit 18 ended up in the final court order. Shupps' testimony had
28

1 absolutely no affect in the lawsuit (full transcript of Shupps' testimony¹). If anything, it
2 hurt the Texas Plaintiffs' case.

3 After the trial Plaintiff Cummins posted her pre-trial brief (Exhibit 1, pg 2, ¶ 3, pg
4 3, ¶ 1-4) which states Shupps is not an expert and his "analysis" was extremely flawed.
5 The brief included a motion to strike "expert" Shupps' report and testimony.

6 After Cummins posted this Shupps tweeted about the case in his personal Twitter
7 account @eshupps. Shupps admits this is his Twitter account in his website. Shupps
8 then tweeted directly to Cummins (Exhibit 2). Defendant Shupps is not being honest
9 when he states he never communicated with Cummins after testifying in court. Shupps
10 continued to tweet to and about Cummins. Shupps and his client kept posting that
11 Shupps is a successful, expert witness who "proved" that Cummins wrote certain
12 articles which Cummins never wrote.

13 Cummins searched Pacer to see if Shupps had ever been an expert witness in any
14 other legal case (See Decl "Cummins"). Instead she found Shupps' recent public
15 bankruptcy documents². She posted them online to show that Shupps does not list
16 "expert witness" or "authorship analysis" as his job. He also was not "successful" as he
17 stated his business was worth "nothing" and he barely had any income. Cummins
18 never posted false information about Shupps. She posted her pre-trial brief³ and his
19 bankruptcy documents.

20 In retaliation Shupps started a blog "truthaboutmary.wordpress.com⁴." Shupps' blog
21 contained false and defamatory items about Cummins which are included in the third
22 amended complaint. Shupps also made sure to include Cummins' name many times in
23 the blog name, title and content. Shupps did this intentionally to cause anyone
24

25 _____
26 ¹ http://www.animaladvocates.us/batWorldLawsuit/eric_shupps_binarywave_sharepoint_not_expert.pdf

27 ² http://www.animaladvocates.us/eric%5Fshupps%5Fbinarywave%5Fsharepoint/eric_shupps_bankruptcy.pdf

28 ³ http://www.animaladvocates.us/batWorldLawsuit/defendant_trial_brief.pdf

⁴ <http://truthaboutmary.wordpress.com>

1 searching for “Mary Cummins” to end up at his website as one of the top ten searches
2 which it has. Shupps also included the name of her business “Cummins Real Estate,”
3 her profession “real estate appraiser” and city/state of business “Los Angeles,
4 California.” Anyone searching for a real estate appraiser in Los Angeles, California
5 would end up at Cummins’ actual business website marycummins.com and
6 truthaboutmary.blogspot.com. After reading truthaboutmary, no client would want to
7 hire Plaintiff Cummins when there are so many other appraisers in Los Angeles.

8 Because Plaintiff could no longer get work as a real estate appraiser because of
9 Defendant’s actions, Plaintiff applied for a job as the Wildlife Director of In Defense of
10 Animals. IDA sent Plaintiff mainly positive emails praising Plaintiff’s
11 accomplishments stating what a perfect match it would be. Cummins was hired by In
12 Defense of Animals October 2012. A colleague of the CEO searched the name “Mary
13 Cummins” on Google and saw the “truthaboutmary” blog. The colleague Dr. Allen
14 Rutberg then sent an email to Barbara Stagno on Octoer 15, 2012 (Exhibit 3) who
15 forwarded it to the CEO. Plaintiff was fired the next day. The CEO stated it was
16 because of the email which included a link to the blog truthaboutmary. Plaintiff asked
17 the CEO for a copy of the email he received which caused him to fire her. He agreed if
18 she would sign a waive of liability for being fired. Cummins signed the confidential
19 agreement, waiver of liability and received a copy of the email. Plaintiff can submit
20 these documents under seal if the Court desires.

21 **B. PLAINTIFF SOUGHT LEAVE TO ADD ADDITIONAL DEFENDANTS AND**
22 **EXTEND DISCOVERY**

23 Plaintiff original sued Amanda Lollar, Bat World Sanctuary and John Does 1-10. In
24 discovery Plaintiff subpoena’d Google, Twitter, YouTube and WordPress for the
25 identity of the unknown John Doe Defendants.

26 Defendants dragged their feet in discovery and then filed motions to quash all
27 subpoenas for all defendants including Shupps. Plaintiff had to file motion for leave to
28

1 extend time for discovery and add new parties which was granted. Plaintiff had to file
2 motions to compel which Plaintiff won. The results of the subpoena showed that one of
3 the John Does was Defendant Eric Shupps. Plaintiff added Shupps as a Defendant.
4 There has been not yet been discovery on Defendant Shupps. It has not even begun.

5 The Court instructed Plaintiff and Defendant to file a scheduling order by February
6 2013. Plaintiff wrote and gave Defendant a scheduling order January 2013 (Exhibit 4).
7 Defendant never replied and there is still no scheduling order. Discovery has not
8 started and there is no discovery schedule.

9 **C. DEFENDANT SHUPPS HAS FILED MOTIONS TO DISMISS THIS CASE**

10 Shupps has filed at least three motions to dismiss this case. His motions have all
11 been denied. April 30, 2013 the Court granted Plaintiff 21 days leave to file a fourth
12 amended complaint on the remaining claims and to serve Shupps by June 7, 2013.
13 Shupps was served via his attorneys May 23, 2013. Shupps has refused service via
14 certified mail or in person as previously noted. Shupps legally appeared in this case.

15 **D. PLAINTIFF'S FOURTH AMENDED COMPLAINT STATES CLAIMS AND**
16 **INCLUDES AUTHENTICATED, REFERENCED EVIDENCE AND FACTS**

17 Plaintiff's Fourth Amended Complaint clearly states claims for intentional
18 interference with business relations and intentional interference with prospective
19 economic advantage. Plaintiff attached authenticated, dated and referenced printouts as
20 evidence. The evidence was authenticated by Plaintiff in her declaration. These are
21 only a few of the many posts, comments, tweets made by Defendant.

22 **III. LEGAL ARGUMENT**

23 **A. DEFENDANT WAS SERVED**

24 Plaintiff tried to serve Defendant Shupps via certified mail but he refused service.
25 Plaintiff then tried to serve Shupps in person but again he refused to be served.
26 Plaintiff then served Shupps via personal service to his attorneys at the law firm of
27 Jackson & Lewis May 23, 2013. Plaintiff who is indigent has spent over \$400 trying to
28

1 serve Shupps. Plaintiff believes Defendant intentionally has refused service in the
2 hopes Plaintiff would run out of funds to serve Defendant. Defendant also received the
3 complaint via email and Twitter. Defendant replied to the complaint and has
4 acknowledged that he has been sued. Plaintiff would be willing to file a waiver of
5 service or motion to accept previous service. Where a party appears voluntarily in an
6 action, service of process is generally no longer required.

7 **B. PLAINTIFF STATED A CLAIM UPON WHICH RELIEF CAN BE**
8 **GRANTED**

9 **1. Plaintiff requested and requests damages, injunctive relief and restitution.**

10 Plaintiff has requested damages, injunctive relief, restitution and any thing else that
11 the court may deem proper.

12 **2. Plaintiff's allegations state claims for intentional interference with business**
13 **relations and intentional interference with prospective economic advantage**
14 **against Shupps.**

15 This is Defendant Shupps' third motion to dismiss. The previous motions have been
16 denied. Plaintiff has actual claims against Defendant Shupps. Plaintiff has made
17 positive identification of Shupps as the author of blog truthaboutmary.wordpress.com
18 and Twitter account @eshuppps via subpoenas. Discovery has not started yet with
19 Defendant Shupps. Judge Gee ordered defendant Shupps to file a scheduling order
20 which included proposed time for discovery. Plaintiff gave a proposed scheduling
21 order to defendant's attorneys in January but they refused to respond, edit or sign it.
22 After discovery Plaintiff knows Shupps will also be found to be the author or other
23 blogs, tweets, comments and posts.

24 Plaintiff never stated that she positively ID'd Shupps as the author of the one
25 anonymous email which is why Plaintiff stated it was "anonymous." The author cannot
26 be positively ID'd without discovery. Plaintiff believes that Shupps is most likely the
27 author of that email because he tweeted similar things to Plaintiff directly. Shupps also
28 replied to Plaintiff's response to the email.

1 Defendant Shupps stated in his sworn declaration that he had no contact with
2 Plaintiff after the Texas case. That is absolutely and completely untrue as evidenced by
3 his communications to/from Plaintiff (Exhibit 2)(See "Cummins" Declaration).

4 Plaintiff emailed Shupps a few times. Each time Shupps responded via Twitter.

5 Plaintiff's original and third amended complaints included only a few instances of
6 false, defamatory tweets, comments, blogs made by Shupps that have caused harm to
7 Plaintiff. To have included all of the items would have made the complaint hundreds of
8 pages.

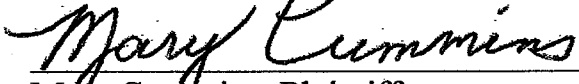
9 Plaintiff showed the elements of intentional interference with contractual relations
10 and tortious interference with prospective economic advantage in her complaint.
11 Defendant Shupps knew that Plaintiff Cummins is a real estate appraiser and expert.
12 He intentionally added the name of her real estate business to his posts and comments
13 which proves he knew of her business. Shupps states he's an Internet and SEO expert.
14 Shupps knew that his actions would cause harm to Plaintiff's business and it has.

15 Defendant Shupps has filed three motions to dismiss or strike complaint. All have
16 been denied. Defendant needs to answer the complaint, agree to a scheduling order and
17 begin discovery.

18 **IV. CONCLUSION**

19 For the reasons stated above, Defendant's motion to dismiss should be denied.
20 Plaintiff has stated a claim as per Federal Rules of Civil Procedure, Rule 12(b)(5) and
21 (6).

22 Respectfully submitted,

23 

24 Mary Cummins, Plaintiff
25 Dated: June 20, 2013
26 645 W. 9th St. #110-140
27 Los Angeles, CA 90015
28 In Pro Per
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:

**REPLY TO DEFENDANT SHUPPS' MOTION TO DISMISS PLAINTIFF'S
FOURTH AMENDED COMPLAINT**

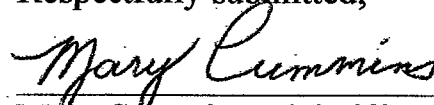
on the following interested parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640.

Dean A. Rocco
Jackson Lewis LLP
725 S. Figueroa, # 2500
Los Angeles, CA 90017

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

Executed this day, June 20, 2013, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: June 20, 2013

645 W. 9th St. #110-140

Los Angeles, CA 90015

DECLARATION OF PLAINTIFF MARY CUMMINS

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I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Plaintiff in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Attached to PLAINTIFF’S REPLY TO DEFENDANT SHUPPS’ MOTION TO DISMISS as Exhibit 1 is a true and correct copy of a blog post I made which includes my pre-trial brief to strike “expert” witness Shupps, part of the trial transcript and information about the flawed beta authorship analysis software JGAAP.
3. Attached to PLAINTIFF’S REPLY TO DEFENDANT SHUPPS’ MOTION TO DISMISS as Exhibit 2 is a true and correct copy of direct tweets to and from Defendant Shupps with time/date stamps. I am user @mmmaryinla. Shupps is user @eshupps.
4. Attached to PLAINTIFF’S REPLY TO DEFENDANT SHUPPS’ MOTION TO DISMISS as Exhibit 3 is a true and correct copy of an email I received from In Defense of Animals. The email is from Dr. Allen Rutberg of the Cummings School of Veterinary Medicine to Barbara Stagno an employee of IDA.
5. Attached to PLAINTIFF’S REPLY TO DEFENDANT SHUPPS’ MOTION TO DISMISS as Exhibit 4 is a true and correct copy of an email I sent to Shupps’ attorneys Dean Rocco and Sandra McMullen January 7, 2013 and again on June 20, 2013. I sent them a proposed scheduling order and they never replied.
6. I hired a process server to try to serve Shupps via certified mail but Shupps refused the mail.
7. I emailed, tweeted a copy of the complaint to Shupps.
8. Shupps replied to the complaint and has legally appeared.
9. I posted and filed my pre-trial brief before the June 14, 2013 trial in Texas.

- 1 10. Texas case 352-248169-10 is in appeal in Texas 02-12-00285-CV. I filed my
2 appeal brief.
- 3 11. I sent subpoenas to Twitter and WordPress. The results proved that Shupps is the
4 author of truthaboutmary.wordpress.com and his twitter account @eshupps
5 besides others.
- 6 12. If you search my name in Google, you will see my website marycummins.com
7 and truthaboutmary.wordpress.com in the top ten results.
- 8 13. I sent many cease and desists to Shupps asking him to remove his defamatory
9 blog and tweets.
- 10 14. Shupps has refused to remove his blog or tweets.
- 11 15. I have lost other jobs and work because of Shupps' defamatory blogs.
- 12 16. I have been harmed financially. I have lost income.
- 13 17. All of these blogs with these links and posts are still online to this day.

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

16 Executed on June 20, 2013 at Los Angeles, California.

17
18 By: Mary Cummins
19 MARY CUMMINS
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Share

2

More

Next Blog»

mmarycummins@gmail.com

New Post

Design

Sign

Mary Cummins Animal Advocates Wildlife Rehabilitation Los Angeles, California

Mary Cummins of Animal Advocates rescues ill, injured and orphaned wildlife for release back to the wild. Mary Cummins is licensed by the California Department of Fish and Game and the USDA. <http://www.AnimalAdvocates.us> Cummins is also a licensed real estate appraiser at Cummins Real Estate Services <http://www.marycummins.com>



Animal Advocates

Non-profit animal rescue & education

www.AnimalAdvocates.us

www.Facebook.com/AnimalAdvocatesUSA

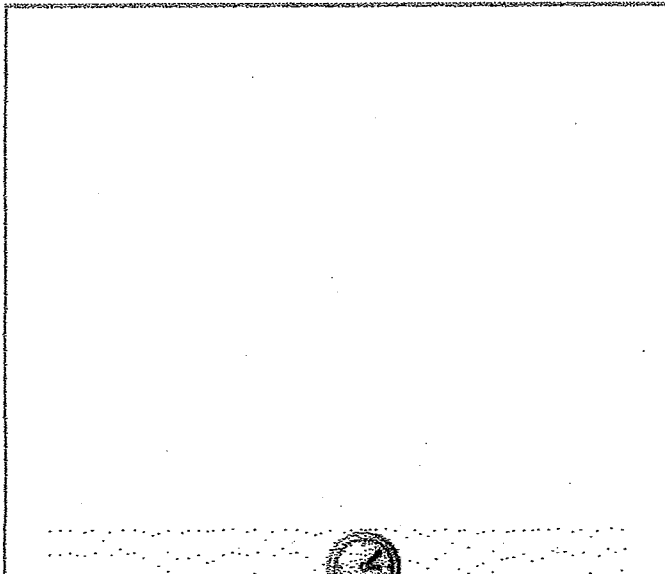
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Google+

WEDNESDAY, JULY 4, 2012

Eric Shupps, BinaryWave, Sharepoint, eshupps

Eric Shupps, BinaryWave, Sharepoint Cowboy, eshupps, not an expert



Please, make a donation to Animal Advocates. Thanks!

Donate



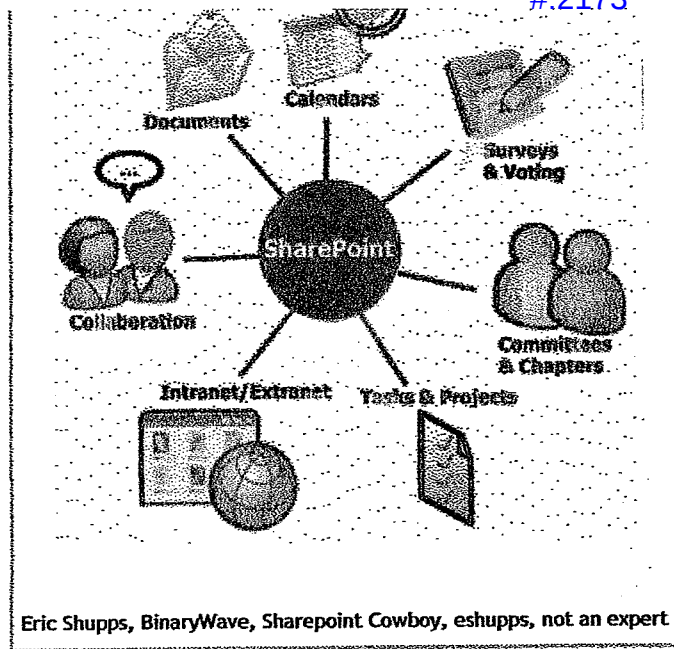
Mary Cummins - about



Mary Cummins

Mary Cummins of Cummins Real Estate Services has been in real estate since 1984, over 25 years. She is licensed by the California Office of Real Estate Appraisers. Mary Cummins was an agent and broker licensed with the California Department of Real Estate selling residential income, commercial buildings, raw land and homes for Merrill Lynch

#2173



September 27, 2012: Update: I just sued Eric Shupps for defamation and libel. More information here. <http://www.animaladvocates.us/mary%5Fcummins%5Fsu es%5Famanda%5Flollar%5Fbat%5Fworld%5Fsanctuary/>

UPDATE: Eric Shupps is now attacking me on Twitter. Eric Shupps is behind two other Twitter accounts attacking me. Eric Shupps also made a blog devoted to me. I may be adding Eric Shupps to my lawsuit. He's already mentioned in it. I added more defendants few days ago. I asked him to remove his defamation but he refused.

"Expert" Eric Shupps. Move to strike from my trial brief. I don't believe the substitute Judge William Brigham read my trial brief. Eric Shupps should not have been an expert in this case. Eric Shupps' testimony did not help the Plaintiffs at all so it doesn't really matter.

"Move to strike writing expert. Eric Schupps is not an expert witness in writing analysis. It is not listed on his resume. He does not even mention writing analysis. He instead lists expertise in SharePoint software, beer and whiskey.

The software Schupps used to analyze the writings is seriously flawed. JGAAP is a free beta program which only does closed class attribution. As per the author "you could give it a copy of Moby Dick and ask it which Marx Brother wrote it, and it would have to pick one of the Marx Brothers." The creators of the program stated "there are many key problems

Realty in Beverly Hills and Westside Properties in Los Angeles before concentrating on appraisals.

Mary Cummins currently provides real estate appraisals, expert witness testimony, historical research, legal real estate research for mortgage brokers, banks, lawyers, factors, insurance companies, financial consultants and private individuals.

Mary Cummins was born and raised in Southern California. Mary Cummins attended Beverly Hills Good Shepherd Catholic School and Beverly Hills High School.

Besides being a member of Junior Mensa and on the Dean's list, Mary Cummins was a top ten national swimmer and competed on the mens water polo team. Mary Cummins began college at the age of 15 attending the University of Southern California on scholarship, majoring in Psychology/Sociology.

Mary Cummins started a non-profit organization in 2002 by the name of Animal Advocates. Animal Advocates rescues ill, injured and orphaned wildlife for release back to the wild. Mary Cummins is licensed with the California Department of Fish & Game and the USDA to rescue and rehabilitate wildlife. Mary Cummins speaks to local community groups and students about respecting wildlife and humane wildlife control. Mary Cummins is also a Nuisance Wildlife Control Operator. Mary

such as the open class problem, the adversarial problem, and the co-authorship problem. It is emerging technology. It's not proven." It does not meet Texas Rules of Evidence.

Their expert Schupps took supposed samples of Defendant's writings which were not authenticated. He does not know who wrote them. He assumed Defendant wrote them when Defendant did not write all parts of all articles. There were multiple co-authors. The software cannot be used with co-authors. This is clearly a case of garbage in, garbage out. He does not meet Texas Rules of Evidence as an expert.

More from the author of the software in communication to the Defendant stated, "I would like to tell you that your assumptions are correct in that JGAAP is not intended as a final product to be used in court cases. JGAAP is built as a test bed for different authorship attribution techniques and meant to be used to compare their effectiveness at solving different problems. There are many different methods in JGAAP which work to varying degrees and I assume if you try enough of them you could find a handful that tell you whatever result you have preconceived. Now the design of the experiment you put forward negates any results since it is not even testing your writing."

The expert and software program used do not meet the standards for Texas rules of evidence for experts and analysis. This analysis should be thrown out completely. This testimony is beyond the witnesses expertise and is inadmissible. He does not have the proper education, experience and training to have acquired competence to assist the fact finder as required by the Texas Rules of Evidence 702."

Just read through Eric Shupps of BinaryWave trial transcript. Here is my cross examination of Eric Shupps of BinaryWave, Sharepoint. The minutes make Eric Shupps look really bad. He comes across as totally crazy. I'm amazed he'd allow Amanda Lollar to post them. It is extremely clear he does not know what he is talking about. Eric Shupps admits he's not an expert. Eric Shupps admits he's never used the software before for a client. Eric Shupps also comes across as a want-to-appear-to-be-a-know-it-all. Eric Shupps uses basic words incorrectly. I think he's trying to appear "learned" by using bigger words but he doesn't know the meaning, such as "Google bomb." I think Eric Shupps has a chip on his shoulder because he didn't go to college, just like Amanda Lollar.

I googled for five minutes today. I saw that he just got a

Cummins has written manuals on small mammal rehabilitation besides numerous other articles on wildlife.

In 2005 Mary Cummins went to the police academy at Rio Hondo College. She also took the police gun and taser classes for certification. She went to the State Humane Association of California and took their Animal Law Enforcement Training Academy to become a humane officer. She is currently on the Humane Society of the United States National Disaster Animal Response team.

For more information, go here. Full curriculum vitae in the websites.

Animal Advocates

Cummins Real Estate Services

"Yes, there is a reason why I keep repeating my name in my about page.

[View my complete profile](#) ✖

Facebook

Find us on Facebook



Animal Advocates

Like

13,863 people like Animal Advocates.



Facebook social plugin

#2175

business loan for BinaryWave from Lighter Capital. Don't they realize that Eric Shupps went bankrupt? Eric Shupps declared BinaryWave to be worth nothing. Eric Shupps defaulted on a previous business loan. Why would anyone loan him money?

When I first looked at Eric Shupps @eshupps #sharepoint of BinaryWave's resume and website I felt something fishy. It seemed really fake. When I met him in court my feelings were confirmed. Eric Shupps basically just bullshitted about "Google bombs" when he didn't even know the basic definition. Eric Shupps also bullshitted about the authorship software. Eric Shupps' presentation was laughable yet he kept insisting. My gut feeling was correct. I ran one records check and found a recent bankruptcy filing. Here it is, a public document. His SS# is not listed. Eric Shupps ran up a bunch of credit cards, bought two trucks with loans, took money out of his house, has an ex-wife, owes her child support, has a current wife, has three kids and is only 40. Eric Shupps admits in his filing that his company BinaryWave is worthless. Eric Shupps admits he barely makes any money, definitely not enough to support his "lifestyle" of fine beer and whiskey and traveling abroad. That explains his behavior in court. Eric Shupps acted like he knew that I knew he was a fraud. So many frauds. Bat experts, IT experts...

Eric Shupps stated that he had to take care of his dad who was dying of cancer. That doesn't jive with the bankruptcy docs or his Facebook page. He filed for BK October 2010. His dad died January 2012. Plus, you don't vacation around the world when your dad is dying. I didn't leave town at all when I took care of my grandmother. I only see a small medical bill for a child in the docs. Story teller just like his clients. How do these people live with themselves with all the stories they tell?

Amanda Lollar of Bat World Sanctuary and now Eric Shupps of Binarywave are libeling and defaming me. They are stating that I created a "Google Bomb" about Amanda Lollar, Bat World Sanctuary. Here is the true definition of a Google Bomb. "The terms Google bomb and Googlewashing refer to practices, such as creating large numbers of links, that cause a web page to have a high ranking for searches on unrelated or off topic keyword phrases, often for comical or satirical purposes. In contrast, search engine optimization is the practice of improving the search engine listings of web pages for relevant search terms."

Big difference between Google Bombs which are now impossible due to algorithm changes and proper search engine

The screenshot shows a Blogger profile for 'intentionalblogs'. At the top, it says 'intentionalblogs' with a profile picture. Below that, it says 'Followers (18)' and displays a grid of 18 small profile pictures of various users. At the bottom of the grid, there is a button that says 'Follow this blog'.

Blog Archive

- ▶ 2013 (82)
- ▼ 2012 (48)
 - ▶ December (2)
 - ▶ November (3)
 - ▶ October (8)
 - ▶ September (4)
 - ▶ August (2)
 - ▼ July (4)
 - Mary Cummins, Animal Advocates, awards, dean's lls...
 - Glendale bear darted, relocated - Mary Cummins, An...
 - Eric Shupps, BinaryWave, Sharepoint, eshupps
 - Mary Cummins - CA bans use of dogs in bear, bobcat...
- ▶ June (10)
- ▶ May (4)
- ▶ April (2)
- ▶ March (3)

#2176

optimization. Eric Shupps would know that if he were a true SEO expert. Obviously he is not. Amanda Lollar on the other hand is trying to spam the search engines. Fortunately she doesn't know what she's doing.

Eric Shupps of Binary Wave is not an expert on authorship. Eric Shupps never testified as an expert in a trial or deposition. This was the first time he used this free beta software JGAAP for a client. The author of the software stated it has limitations and should not be used in a court of law. The author stated it is a closed system. You must give it the names of possible authors then it chooses the most likely. It does not identify the true author. It cannot be used with multiple authors for a document. The samples which they stated were samples of my writing were not 100% my writing. Some were other people's articles, some included huge passages of quotes from others. A few people edited my articles. Garbage in, garbage out.

From the transcript:

Eric Shupps: I'm sorry, Your Honor. I don't know if I'm allowed to ask questions.

Judge William Brigham: You're not. You're to respond to the questions Ms. Cummins asks you.

(BY MS. CUMMINS) Have you ever been an expert witness in deposition for authorship?

Eric Shupps: No.

Q. Have you ever been an expert witness for authorship before?

Eric Shupps: No.

Q. So this is your first time?

Eric Shupps: Yes.

Q. Well, then let me ask you a question: If you were to give this software program the possible authors of Groucho, Chico, and Harpo Marx and then you gave it a copy of Moby Dick, and asked them which Marx Brothers wrote of the Marx Brothers wrote it, would it have to pick one of the Marx brothers?

Eric Shupps: Yes, it would. That's what closed class attribution is all about.

- ▶ February (1)
- ▶ January (5)
- ▶ 2011 (78)
- ▶ 2010 (14)
- ▶ 2009 (9)
- ▶ 2007 (3)
- ▶ 2006 (6)
- ▶ 2005 (6)
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- ▶ 2003 (8)
- ▶ 2002 (5)



Animal Advocates Mary Cummins Links

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Q. So you just stated that you're not an expert?

Eric Shupps: I believe I have maintained that all along. Yes.

Q. Do you realize that this software is a beta software?

Eric Shupps: Of course, yes.

Q. Again, do you have some physical proof or evidence that can prove beyond a shadow of a doubt that I absolutely wrote and posted those articles on Indybay?

Eric Shupps: There is no evidence that would exist to that.

Q. A few last questions. You stated earlier that this is the first time you've been an expert witness in of law, correct?

Eric Shupps: Correct.

Q. How many other times have you done authorship analysis of online content? How many other reports have you done for clients for pay?

Eric Shupps: For clients for pay. None.

Q. So this is the first time you've done one of these for a client, and it's the first time you've been an expert witness in court, correct?

Eric Shupps: That is correct.

Q. And just so we're clear, are you 100 percent certain that I wrote all of the blogs in Animal Advocates that you used that you attributed to me?

Eric Shupps: No.

Q. Okay. So you -- have you ever heard of the term garbage in, garbage out?

Eric Shupps: I'm very familiar with that term.

Eric Shupps admitted in court he had no proof that I wrote the articles in question in Exhibit 18. None of the items in Exhibit 18 are included in the court order.

Proof that Eric Shupps has no idea what he's doing. From the

Mary Cummins on YouTube.com videos

Mary Cummins of Animal Advocates on Classmates

Labels

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author of the software. First my email to them, May 27, 2012:

Can this program legally be used by expert writing witnesses for trial purposes? A supposed expert writing witness took some articles from my blog which I did not write. He attributed them to me. He then compared them to other articles on anonymous websites that I also did not write. He claimed your program showed with 71 to 95% certainty that I wrote the anonymous articles. I didn't even write the comparison ones! Garbage in, garbage out.

I just read in the evllabs FAQ page that stated the program will pick one known author. I was listed as a known author along with three professional male writers. I'm not a professional writer and didn't even write the samples. Is this software program sophisticated enough for trial purposes? This seems to be a major flaw for legal purposes, i.e. "JGAAP only does so-called "closed class" attribution, which is to say, it picks the most likely author from among the set of authors you tell it about." Thanks.

JGAAP's response, June 6, 2012:

I would like to tell you that your assumptions are correct in that JGAAP is not intended as a final product to be used in court cases. JGAAP is built as a test bed for different authorship attribution techniques and meant to be used to compare their effectiveness at solving different problems. There are many different methods in JGAAP which work to varying degrees and I assume if you try enough of them you could find a handful that tell you whatever result you have preconceived. Now the design of the experiment you put forward negates any results since it is not even testing your writing.

From: Research Scientist Evaluating Variation in Language (EVL) Lab

Eric Shupps is now defaming and libeling me on the Internet along with Amanda Lollar of Bat World Sanctuary. I'll be going downtown tomorrow morning.

Mary Cummins of Animal Advocates is a wildlife rehabilitator licensed by the California Department of Fish and Game and the USDA. Mary Cummins is also a licensed real estate appraiser in Los Angeles, California.

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- rehabilitator (12)
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Posted by Mary Cummins at 1:40 PM  


 +2 including You


Labels: [702](#), [amanda lollar](#), [animal advocates](#), [bankrupt](#), [bankruptcy](#), [bat world sanctuary](#), [binarywave](#), [eric shupps](#), [eshupps](#), [expert](#), [igaap](#), [lighter capital](#), [mary cummins](#), [sharepoint cowboy](#), [texas](#), [texas rules of evidence](#), [uk](#)

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catherine rich (3)
cats (3)
ceo (3)
daily news (3)
discovery (3)
dr. (3)

Sign In


 **Eric Shupps** @eshupps 7 Jul
 RT @ilovescotch: @truthaboutmary @MMMARYinLA how to commit defamation without getting caught.
laanimalpals.blogspot.com/2006/11/mary-cummins. "ME: unfucking believable"
 Details


 **Mary Cummins** @MMMARYinLA 11 Jul
 @eshupps @ilovescotch @truthaboutmary This is untrue. There is no post by me to that effect.
 Details

 **Eric Shupps** @eshupps Follow
 @MMMARYinLA @truthaboutmary Are you denying posting this yesterday? You changed the site but I have the evidence.
yfrog.com/es4i9cp
 Reply Retweet Favorite More

1 RETWEET 

5:03 PM - 11 Jul 12

 **Mary Cummins** @MMMARYinLA 11 Jul
 @eshupps I responded to you here as you requested. Your move. Subpoena to Twitter, Google tomorrow.
 Details

 **Mary Cummins** @MMMARYinLA 11 Jul
 @eshupps is it true you didn't finish high school?
 Details

Don't miss any updates from Eric Shupps

2

Sign in



Eric Shupps
@eshupps

Follow

@MMMARYInLA I will not respond to u in private, Mary. U started this fight against me in public so have ur say where everyone can see it.

Reply Retweet Favorite More

1
RETWEET



11:46 AM - 11 Jul 12



Karla Homolka @KarlaHomolka

11 Jul

@eshupps let's see her crazy DM's she should know that they are never really private

Details



Eric Shupps @eshupps

11 Jul

@KarlaHomolka No DM's she's emailing me. I'm happy 2 have dialog but it's going to b here, in public, for all to see.

Details



Mary Cummins @MMMARYInLA

11 Jul

@eshupps Can't fit my cease & desist order in tweet format. You tweeted crap first. I see you removed one libel post. I posted truth only

Details



Mary Cummins @MMMARYInLA

11 Jul

@eshupps your bankruptcy filing animaladvocates.us/batWorldLawsuit.

Details



Mary Cummins @MMMARYInLA

11 Jul

@eshupps You admitted you weren't an expert. Didn't you read my trial brief before you got on the stand & bullshitted?

#2182

eswildliferehabilitation.blogspot.com/2012/07/eric-sh

Details



Mary Cummins @MMMARYinLA

11 Jul

@eshupps @KarlaHomolka Here is the email I sent to him.
animaladvocates.us/batWorldLawsui

Details



Mary Cummins @MMMARYinLA

11 Jul

@eshupps why not respond via email? Do you think I will
hack you, give you a virus, cowboy? ;-)

Details

Don't miss any updates from Eric Shupps

Join Twitter today and follow what interests you!

Full name	Email	Password
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Text follow eshupps to 40404 in the United States

Sign up

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— Original Message —

From: Rutberg, Allen

To: Barbara Stagno <<mailto:bstagno@optonline.net>>

Sent: Monday, October 15, 2012 11:40 AM

Subject: Mary Cummins stuff

<http://www.marycumminsbatworld.com/>

<http://www.indybay.org/newsitems/2012/06/15/18715506.php> (response from Mary)

<http://victimsofmisscummins.blogspot.com/>

<http://laanimalwatch.blogspot.com/2007/08/about-mary-cummins.html> (more in her defense)

<http://truthaboutmary.wordpress.com/>



From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Re: Cummins v Eric Shupps - Proposed joint scheduling order, worksheet**
Date: June 20, 2013 5:20:22 PM PDT
To: Mary Cummins <mmmaryinla@aol.com>
Cc: Dean Rocco <roccod@jacksonlewis.com>, Sandra McMullen <Sandra.McMullan@jacksonlewis.com>
1 Attachment, 5.4 KB

Neither of you replied to this. I'd like to meet and confer about a scheduling order inre Shupps case. If you don't submit one to me or edit mine, I will file my own and state that you refused. I already mentioned this in my reply to your motion to dismiss.

Rocco,

Your client has been contacting me directly. I have absolute proof. I will file another violation of restraining order police report before our next hearing. Your client has admitted that she's filing false reports to the IRS about me. She also filed false reports to Fish & Wildlife. You need to control your client.

On Jan 7, 2013, at 1:08 PM, Mary Cummins wrote:

Attached please find as per the Judge's orders a proposed joint scheduling order and worksheet. It's almost identical to the one with Bat World, Lollar.

Mary Cummins
MMMARYinLA@AOL.COM

<mesmallsm.jpg>

<joint_scheduling_order_shupps.doc>
<joint_scheduling_order_shupps.pages>
<scheduling_order_worksheet.pdf>

Mary Cummins
MMMARYinLA@AOL.COM



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