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MARY CUMMINS
Plaintiff
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per
Telephone: (310) 877-4770
Email: mmmaryinla@aol.com

2012 JUL -6 AM 11:41

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

an

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MARY CUMMINS	)	Case No. CV12-04902-GHK (MRWx)
<i>Plaintiff</i>)	
v.	)	PLAINTIFF'S OBJECTION TO
	)	DEFENDANTS' AMANDA LOLLAR,
	)	BAT WORLD SANCTUARY
	)	MOTION TO DISMISS FOR
AMANDA LOLLAR, BAT WORLD	)	IMPROPER VENUE, OR
SANCTUARY, an unknown business	)	ALTERNATIVE, TO TRANSFER
entity, JOHN DOES 1-10	)	VENUE; MEMORANDUM OF
<i>Defendants</i>	)	POINTS AND AUTHORITIES
)	
	)	[Federal Rule of Civil Procedure 12(b)
	)	(3); 28 U.S.C. §1332(a)(1), §1391(1)
	)	§1406(a)]

Plaintiff Mary Cummins, hereinafter ("Plaintiff") alleges as follows:

INTRODUCTION

For the reasons set forth below, this court is the proper venue for this case. This case is filed in the Central District of California due to diversity. Plaintiff is suing Amanda Lollar, Bat World Sanctuary (BWS) and John Does 1-10. Defendants Amanda Lollar and Bat World Sanctuary are located in Texas. Plaintiff intends to add the board members of BWS as Defendants besides unknown John Does. One board member is

PLAINTIFF'S OBJECTION TO DEFENDANTS' AMANDA LOLLAR, BAT WORLD SANCTUARY MOTION TO DISMISS FOR IMPROPER VENUE, OR ALTERNATIVE, TO TRANSFER VENUE; MEMORANDUM OF POINTS AND AUTHORITIES

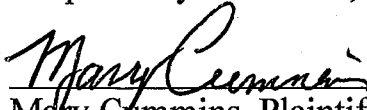
1 located in Florida (Exhibit 1). Plaintiff believes the John Does are located in other
2 states as well.

3 The Complaint alleges that this court has subject matter jurisdiction by virtue of
4 diversity of citizenship of the parties, 28 U.S.C. § 1332 (a)(1). The complaint further
5 alleges that this court is proper venue due to 28 U.S.C. § 1391(a) because a substantial
6 part of the events or omissions giving rise to the damages occurred in this district.

7 While Plaintiff suffered the initial injury in Texas, Plaintiff's witnesses and doctors
8 are located in California. Plaintiff's financial damages are in California. Plaintiff
9 suffered injury to her back and has been instructed by doctors not to stand or sit longer
10 than 20 minutes at a time. Plaintiff is representing herself and would have to travel to
11 appear in Texas court. That would be overly burdensome to Plaintiff in light of her
12 medical condition. Accordingly, Plaintiff respectfully requests that the Court deny
13 Defendant's Motion to Dismiss for Improper Venue or in the alternative, Motion to
14 Transfer Venue.

15 This objection is based on the attached memorandum of points and authorities, the
16 papers and pleadings on file in this action, affidavit of Plaintiff Mary Cummins, and
17 upon such further argument and evidence that may be presented at the hearing of this
18 motion.

19
20 Respectfully submitted,

21 
22 _____
Mary Cummins, Plaintiff

23 Dated: July 5, 2012

24 645 W. 9th St. #110-140

25 Los Angeles, CA 90015

26 In Pro Per

27 Telephone: (310) 877-4770

MEMORANDUM OF POINTS AND AUTHORITIES

1. Introduction

This is an action for negligence, interference with prospective economic advantage and negligent infliction of emotional distress. Plaintiff filed this action against Amanda Lollar, an individual, and Bat World Sanctuary, an unknown business entity, John Does 1-10, because Plaintiff was injured while at Bat World Sanctuary.

While Defendants Amanda Lollar and Bat World Sanctuary are residents of Texas, the Board of Directors of BWS are residents of other states, namely Florida. Besides this Plaintiff believes the John Doe Defendants are also residents of states other than California and Texas. Accordingly, Plaintiff respectfully requests that the Court deny Defendant's Motion to Dismiss for Improper Venue or in the alternative, Motion to Transfer Venue.

2. Statement of Facts

Plaintiff was injured June 2010 in Bat World Sanctuary. Plaintiff received and continues to receive medical treatment in California. Plaintiff's doctors, witnesses are in California. Plaintiff is a California licensed real estate appraiser. Plaintiff's damages have occurred in California.

Defendants Amanda Lollar and Bat World Sanctuary are residents of Texas. The members of the Board of Directors of Bat World Sanctuary are located in other states, namely Florida. Plaintiff intends to add them as a party to this action. Plaintiff is also suing John Does 1-10. Plaintiff believes the John Does are also located in states other than California and Texas.

Plaintiff injured her back. Her doctors have instructed her not to stand or sit longer than 20 minutes at a time. As she is representing herself in this case, travel to Texas would be overly burdensome.

In a separate case Plaintiff sued Defendants Amanda Lollar, aka Bat World Sanctuary an individual, Bat World Sanctuary an unknown business entity, and John

1 Does 1-10 in Federal court September 29, 2010 for libel, defamation Case # CV-11
2 08081. Defendants tried to dismiss or transfer venue in that case as well. Plaintiff
3 objected to their motion to dismiss or transfer for the same reasons Plaintiff is
4 objecting to this motion to dismiss or transfer. Judge Gee denied Defendants' motion to
5 dismiss or transfer.

6 **3. Legal Argument - Venue in this case is only proper in California**

7 a. This court has subject matter jurisdiction based on complete diversity of citizenship
8 pursuant to 28 U.S.C. § 1332.

9 b. Venue in this district is proper under 28 U.S.C. § 1391(a) because a substantial part
10 of the events or omissions giving rise to the damages occurred in this district and
11 Cummins is a resident of Los Angeles County, California.

12 c. Venue is proper in this Court because at least four of the witnesses are residents of
13 Los Angeles County, California.

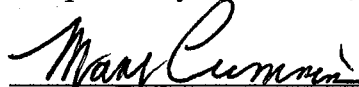
14 d. Cummins was approached by Amanda Lollar, Bat World Sanctuary via email sent to
15 her in Los Angeles County, California.

16 e. Cummins was first introduced to Bat World Sanctuary via their California location.

17 **4. Conclusion**

18 Accordingly, and based on the foregoing, Plaintiff respectfully requests that this
19 Court deny Defendants motion to either dismiss this action, or transfer this case to the
20 Northern District of Texas.

21
22 Respectfully submitted,

23 
24 _____
Mary Cummins, Plaintiff

25 Dated: July 5, 2012

26 645 W. 9th St. #110-140

27 Los Angeles, CA 90015

In Pro Per

28 Telephone: (310) 877-4770

PROOF OF SERVICE BY MAIL
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

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

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

PLAINTIFF'S OBJECTION TO DEFENDANTS AMANDA LOLLAR, BAT WORLD SANCTUARY MOTION TO DISMISS FOR IMPROPER VENUE, OR ALTERNATIVE, TO TRANSFER VENUE; MEMORANDUM OF POINTS AND AUTHORITIES

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.

DAVID E. BURKE
10982 Roebling Avenue #553
Los Angeles, CA 90024

Also sent by Fax: (818) 347-2148
Also sent by Email: davidedwardburke@gmail.com

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

Executed this day, July 5, 2012, at Los Angeles, California

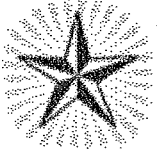
Respectfully submitted,



Mary Cummins, Plaintiff

Dated: July 5, 2012
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per
Telephone: (310) 877-4770

PLAINTIFF'S OBJECTION TO DEFENDANTS' AMANDA LOLLAR, BAT WORLD SANCTUARY MOTION TO DISMISS FOR IMPROPER VENUE, OR ALTERNATIVE, TO TRANSFER VENUE; MEMORANDUM OF POINTS AND AUTHORITIES



Taxable Entity Search Results

Officers and Directors

BAT WORLD SANCTUARY

[Return to: Taxable Entity Search Results](#)

Officer and director information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from open.records@cpa.state.tx.us or Comptroller of Public Accounts, Open Government Division, PO Box 13528, Austin, Texas 78711.

Title	Name and Address	Expiration/Resignation Date
PRESIDENT	AMANDA LOLLAR 217 N. OAK MINERAL WELLS , TX 76067	
TREASURER	DENISE TOMILISON 19112 TOLEDO BLADE PORT CHARLOTTE , FL 33948	
VICE PRESI	DOROTHY HYATT 1324 ROBIN COURT ROANOKE , TX 76262	
SECRETARY	MICHELLE MCEQUALLEY 217 N. OAK MINERAL WELLS , TX 76067	

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Exhibit 1

DECLARATION OF PLAINTIFF MARY CUMMINS

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. I injured my head and back at Bat World Sanctuary (BWS) in June 2010.
3. I received care from and continue to receive care from Doctors, Chiropractors and Physical Therapists located and licensed in California.
4. My orthopedic surgeon and physical therapists have instructed me not to stand or sit longer than 20 minutes at a time. Standing or sitting longer than this causes great pain. Having to travel to Texas would be overly burdensome besides expensive.
5. I am a resident of Los Angeles County, California.
6. I was first introduced to BWS through their California location in San Diego.
7. I was sent an email from BWS to me in California inviting me to Bat World.
8. I am a licensed real estate appraiser in California. This is my main source of income.
9. My financial and other damages in this case have occurred in California.
10. My Doctors, Chiropractors, Physical Therapists, witnesses are located in California.
11. Exhibit 1 is a copy of the board of directors of BWS which I downloaded from the State Attorney General website in Texas.

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

Executed on July 5, 2012 at Los Angeles, California.

By: 

MARY CUMMINS

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

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2012 JUL -6 AM 11:07
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 MARY CUMMINS
12 Plaintiff

13 v.

14 AMANDA LOLLAR, BAT WORLD
15 SANCTUARY, an unknown business
16 entity, JOHN DOES 1-10
17 Defendants

) Case No. CV12-04902-GHK (MRWx)

) PROPOSED ORDER:

) DEFENDANTS' AMANDA LOLLAR,
) BAT WORLD SANCTUARY
) MOTION TO DISMISS FOR
) IMPROPER VENUE, OR
) ALTERNATIVE, TO TRANSFER
) VENUE

) [Federal Rule of Civil Procedure 12(b)
) (3); 28 U.S.C. §1332(a)(1), §1391(1)
) §1406(a)]

) Date: August 13, 2012
) Time: 9:30 a.m.
) Courtroom: 650

22 The Motion to Dismiss for Improper Venue, or Alternatively, to Transfer Venue (the
23 "Motion") of Defendants Amanda Lollar and Bat World Sanctuary came on regularly
24 for hearing before Judge George H. King in Department 650 of the above-entitled
25 court on August 13, 2012, at 9:30 a.m.

26 David E. Burke, appeared for Defendants Amanda Lollar and Bat World Sanctuary.
27 Mary Cummins, in pro per, appeared for herself. After consideration of the moving and
28

PROPOSED ORDER- DEFENDANTS AMANDA LOLLAR, BAT WORLD SANCTUARY MOTION TO DISMISS
FOR IMPROPER VENUE, OR ALTERNATIVE, TO TRANSFER VENUE

1 opposition papers filed, arguments having been heard, and good cause appearing
2 therefore,

3 IT IS HEREBY ORDERED that: the Motion is denied.

4 DATED: August 13, 2012

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United States District Court Judge
Honorable Judge George H. King

