

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MARY CUMMINS
Plaintiff,

vs.

**AMANDA LOLLAR, DENISE
TOMLINSON, DOROTHY HYATT,
MICHELLE MCCAULLEY, KATE
RUGRODEN, LESLIE STURGES, BAT
WORLD SANCTUARY, JOHN DOES 1-10**

Defendants.

) **CIVIL ACTION**

) **Civil Action No.: 4:12-CV-00560-Y**

) **JURY**

**PLAINTIFF'S CERTIFICATE OF INABILITY TO CONFER FOR MOTION TO TAKE
LEAVE TO FILE AMENDED COMPLAINT**

Pursuant to LR 7.1 Plaintiff tried to meet and confer with Defendants' known attorneys of record and Defendants. Neither Defendants' known attorneys of record nor Defendants replied to Plaintiff's request to meet and confer on Plaintiff's Motion to Take Leave to File Amended Complaint (Declaration of Plaintiff pro se Mary Cummins).

DATED: September 10, 2012

Respectfully submitted,



Mary Cummins, Plaintiff
645 W. 9th St. #110-140
Los Angeles, CA 90015-1640
In Pro Per
Direct: (310) 877-4770
Direct Fax: (310) 494-9395
Email: mmmaryinla@aol.com

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a copy of **PLAINTIFF'S CERTIFICATE OF INABILITY TO CONFER FOR MOTION TO TAKE LEAVE TO FILE AMENDED COMPLAINT** was served on the Plaintiffs' Attorneys of record and Defendants by FAX and by EMAIL at,

Past attorney of record

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

Possible past or current attorney

SANDRA MCMULLAN

Jackson Lewis LLP
725 South Figueroa St., Suite 2500
Los Angeles, California 90017-5408

Also sent by Fax: (213) 689-0430

Also sent by Email: Sandra.McMullan@jacksonlewis.com


Defendants

AMANDA LOLLAR

BAT WORLD SANCTUARY

217 N. Oak Ave.
Mineral Wells, Texas 76067

Also sent by Email: sanctuary@batworld.org


By: /ss/ Mary Cummins
Mary Cummins, Plaintiff Pro Se

**PLAINTIFF'S CERTIFICATE OF INABILITY TO CONFER FOR MOTION TO TAKE LEAVE TO FILE
AMENDED COMPLAINT**

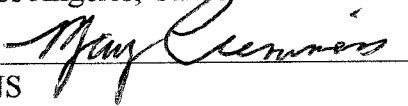
DECLARATION OF PLAINTIFF MARY CUMMINS

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. September 10, 2012 I received Judge Terry Means' Notice of Deficiency stating my motion for leave to file second amended complaint was deficient. The notice stated that a certificate of conference or inability to confer was be included.
3. I tried to meet and confer with Defendants' previous attorney David Burke, possibly currently attorney Sandra McMullen and Defendants Amanda Lollar and Bat World Sanctuary. No one replied to me.
4. Attorneys Sandra McMullen, Dean Rocco, Stephan MacPhail and David Burke are not licensed to practice in Texas. They are licensed to practice in California.
5. I wrote and signed the Certificate of Inability to Confer.
6. Attached as Exhibit 1 is a true and correct copy of the email I sent to Defendants trying to meet and confer.
7. I have sent a certificate of service to the attorney(s) of record with every filing I have made.
8. I have sent at least seven emails to the attorney(s) of record since this case was transferred to Texas, Exhibit 2.
9. August 31, 2012 I sent an email to David Burke with a copy of my motion for leave. He replied stating he has nothing to do with this legal action, Exhibit 3.
10. I sent the notice of interested parties to Defendants' California attorneys Stephen MacPhail, Dean Rocco, Sandra McMullen and David Burke, Exhibit 4.

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

Executed on September 10, 2012 at Los Angeles, California.

By: 
MARY CUMMINS

From: Mary Cummins <Mary@AnimalAdvocates.us>
Subject: **Cummins v Lollar - 4:12-CV-00560-Y - Another request to meet and confer**
Date: September 10, 2012 2:38:48 PM PDT
To: Sandra McMullen <Sandra.McMullan@jacksonlewis.com>, davidewardburke@gmail.com, sanctuary@batworld.org



I have emailed Sandra McMullen and David Burke about this case quite a few times. I have sent them copies of my filings and proposed filings. They have received copies of the filings via CM/ECF and regular mail. Sandra McMullen has never replied to me about this case. David Burke emailed and told me he no longer has anything to do with this case and client and to stop emailing him about it. Neither Sandra McMullen nor David Burke are licensed to practice law in Texas. I will be filing a certificate of inability to confer at 5:00 p.m. tonight. I am also cc'ing the main Defendant Amanda Lollar who is President of the Board of Directors of Bat World Sanctuary. I am suing Amanda Lollar, Bat World Sanctuary and all of the board members of Bat World Sanctuary. I have tried to meet and confer but have been unable to do so as no one is responding.

Mary Cummins
Plaintiff pro se

Begin forwarded message:

From: ecf_txnd@txnd.uscourts.gov
Date: September 10, 2012 2:09:07 PM PDT
To: Courtmail@txnd.uscourts.gov
Subject: Activity in Case 4:12-cv-00560-Y Cummins v. Lollar et al Order Unfiling Pleading

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. [Forms and Instructions](#) found at www.txnd.uscourts.gov.

U.S. District Court
Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 9/10/2012 at 4:09 PM CDT and filed on 9/10/2012

Case Name: Cummins v. Lollar et al
Case Number: [4:12-cv-00560-Y](#)
Filer:
Document Number: [32](#)

Docket Text:

Order Unfiling [30] MOTION for Leave to File second amended complaint filed by Mary Cummins due to the following deficiency: The motion must include a certificate of conference or inability to confer. (Ordered by Judge Terry R Means on 9/10/2012) (dnw)

4:12-cv-00560-Y Notice has been electronically mailed to:

David Edward Burke (Terminated) davidewardburke@gmail.com

Mary Cummins mary@animaladvocates.us, mmmarvinia@aol.com

Exhibit 1

4:12-cv-00560-Y Notice required by federal rule will be delivered by other means (as detailed in the Clerk's records for orders/judgments) to:

Sandra J McMullan
Jackson Lewis LLP
725 S. Figueroa Street
Suite 2500
Los Angeles, CA 90017

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=9/10/2012] [FileNumber=6462905-0
] [40fd0b38a024c7c64115ee97fdc29f36846b270fbef777963284261aeb962b284
d03ffd03c07605355fb4fc6614fd4ecaa1a0cee5a086f0c084d66efd11e14]]

From: Mary Cummins <Mary@AnimalAdvocates.us>
Subject: Fwd: Activity in Case 4:12-cv-00560-Y Mary Cummins v. Amanda Lollar et al Notice (Other)
Date: August 27, 2012 5:38:26 PM PDT
To: "McMullan, Sandra J. (LA)" <Sandra.McMullan@jacksonlewis.com>



I see you are listed in the docket so I'm sending this to you as I don't see your email address in there. Who is representing Defendants in this case? You? Thanks.

Mary Cummins

Begin forwarded message:

From: ecf_txnd@txnd.uscourts.gov
Date: August 27, 2012 5:35:28 PM PDT
To: Courtmail@txnd.uscourts.gov
Subject: Activity in Case 4:12-cv-00560-Y Mary Cummins v. Amanda Lollar et al Notice (Other)

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 8/27/2012 at 7:35 PM CDT and filed on 8/27/2012

Case Name: Mary Cummins v. Amanda Lollar et al
Case Number: [4:12-cv-00560-Y](#)
Filer: Mary Cummins
Document Number: [27](#)

Docket Text:

NOTICE of Interested Parties filed by Mary Cummins (Cummins, Mary)

4:12-cv-00560-Y Notice has been electronically mailed to:

David Edward Burke davidedwardburke@gmail.com

Mary Cummins mary@animaladvocates.us

4:12-cv-00560-Y Notice required by federal rule will be delivered by other means (as detailed in the Clerk's records for orders/judgments) to:

Sandra J McMullan
Jackson Lewis LLP
725 S. Figueroa Street
Suite 2500
Los Angeles, CA 90017

Exhibit 2

From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Fwd: Activity in Case 4:12-cv-00560-Y Mary Cummins v. Amanda Lollar et al Notice (Other)**
Date: August 31, 2012 4:06:47 PM PDT
To: Sandra McMullen <Sandra.McMullan@jacksonlewis.com>
▶ 1 Attachment, 5.4 KB



I have been cc'ing David Burke on my filings in Texas. He told me he no longer has anything to do with the case. He is still listed in the TX docket. You were not substituted in before the case transferred to Texas. Are you the attorney of record in Texas? You aren't licensed in Texas, are you? Should I send a copy of my filings to Amanda Lollar, Bat World Sanctuary and the rest?

Mary Cummins

Begin forwarded message:

From: Mary Cummins <Mary@AnimalAdvocates.us>
Date: August 27, 2012 5:38:26 PM PDT
To: "McMullan, Sandra J. (LA)" <Sandra.McMullan@jacksonlewis.com>
Subject: **Fwd: Activity in Case 4:12-cv-00560-Y Mary Cummins v. Amanda Lollar et al Notice (Other)**

I see you are listed in the docket so I'm sending this to you as I don't see your email address in there. Who is representing Defendants in this case? You? Thanks.

Mary Cummins

Begin forwarded message:

From: ecf_txnd@txnd.uscourts.gov
Date: August 27, 2012 5:35:28 PM PDT
To: Courtmail@txnd.uscourts.gov
Subject: **Activity in Case 4:12-cv-00560-Y Mary Cummins v. Amanda Lollar et al Notice (Other)**

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court
Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 8/27/2012 at 7:35 PM CDT and filed on 8/27/2012

Case Name: Mary Cummins v. Amanda Lollar et al
Case Number: [4:12-cv-00560-Y](#)
Filer: Mary Cummins
Document Number: [27](#)

Docket Text:

NOTICE of Interested Parties filed by Mary Cummins (Cummins, Mary)

4:12-cv-00560-Y Notice has been electronically mailed to:

David Edward Burke davidedwardburke@gmail.com

Mary Cummins mary@animaladvocates.us

4:12-cv-00560-Y Notice required by federal rule will be delivered by other means (as detailed in the Clerk's records for orders/judgments) to:

Sandra J McMullan
Jackson Lewis LLP
725 S. Figueroa Street
Suite 2500
Los Angeles, CA 90017

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1004035775 [Date=8/27/2012] [FileNumber=6438548-0
] [a850b4c9bf1378a93da9dc2f77f40cf30a97f522d66672a87cd014f6f1b6491eed
0fc0778f52f9d40eb26a17452b5ae5afa24d5b4dbefd084d93d95f5144379]]

Mary Cummins
MMMARYinLA@AOL.COM



From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Cummins v Lollar - Notice of Compliance filed**
Date: September 5, 2012 1:24:24 PM PDT
To: Sandra McMullen <Sandra.McMullan@jacksonlewis.com>
2 Attachments, 335 KB



Attached please find the notice of compliance filed in the Texas personal injury case. The docket states you are the attorney of record so I'm sending it to you.


[noticecompli...pdf \(329 KB\)](#)

Mary Cummins
MMMARYinLA@AOL.COM



From: David Burke <davidwardburke@gmail.com>
Subject: **Re: Cummins v Lollar et al - Motion for leave to file amended complaint**
Date: August 31, 2012 10:16:41 AM PDT
To: Mary Cummins <mmmaryinla@aol.com>

Ms. Cummins,

I no longer have any involvement with any legal actions in which you are a party. Please stop emailing me.

David

On Fri, Aug 31, 2012 at 9:21 AM, Mary Cummins <mmmaryinla@aol.com> wrote:
Attached please find the motion for leave to file second amended complaint.

Mary Cummins
MMMARYinLA@AOL.COM

Exhibit 3

From: Mary Cummins <Mmmaryinla@aol.com>
Subject: **Mary Cummins v Amanda Lollar et al - Texas Case 4:12-cv-00560-Y - Notice of interested parties**
Date: August 27, 2012 5:21:27 PM PDT
To: davidedwardburke@gmail.com, Dean Rocco <roccod@jacksonlewis.com>, Stephen MacPhail <smacphail@braggkuluva.com>, sanctuary@batworld.org
* 2 Attachments, 81.9 KB



I will be filing this digitally along with an amended complaint. Jackson Lewis was going to substitute in for David Burke but it didn't happen before it was transferred. Will the Texas offices of Jackson Lewis be representing Defendants in this case? Thanks.



[notice inter...ies \(76.5 KB\)](#)

Mary Cummins
MMMARYinLA@AOL.COM



Exhibit 4