

FILED

1 MARY CUMMINS
2 Plaintiff
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 In Pro Per
6 Direct: (310) 877-4770
7 Email: mmmaryinla@aol.com

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CLERK, U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 MARY CUMMINS) Case No. CV11 08081 DMG (MANx)
12 *Plaintiff*)
13 v.)
14 AMANDA LOLLAR aka BAT) **STATEMENT OF GENUINE**
15 WORLD SANCTUARY an individual) **ISSUES OF MATERIAL FACT IN**
16 person, BAT WORLD SANCTUARY) **OPPOSITION TO DEFENDANTS'**
17 an unknown business entity,) **MOTION FOR SUMMARY**
18 REBECCA DMYTRYK, ERIC) **JUDGMENT**
19 SHUPPS, TIFFANY KROG,)
ANNETTE STARK)
Defendants)

21 **STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION**
22 **TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

23 Plaintiff Mary Cummins ("Plaintiff") submits this statement of genuine issues of
24 material fact pursuant to Local Rule 56-2 in Opposition to Defendants' Motion for
25 Summary Judgment.

26 Facts 1 through 39 below correspond to the facts and supporting evidence
27 presented in the Statement of Uncontroverted Facts filed by the moving party. These
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1 facts are followed by additional material facts, Plaintiff’s Declaration and supporting
 2 evidence showing a genuine issue.

3 **A. Plaintiff’s First Claim for Relief For Defamation Succeeds As A Matter**
 4 **Of Law. The Statements Plaintiff Claims Are Defamatory Are Actionable And**
 5 **Plaintiff is Not A Limited Public Figure. Even if Plaintiff Were A Limited**
 6 **Public Figure, Defendants Posted the False Statements Of Fact With Malice.**

Defendants’ Alleged Uncontroverted Facts	Response of Plaintiff
1. On September 20, 2011, Plaintiff filed her Complaint in this action.	1. Disputed. Complaint was filed September 29, 2011. (Cummins’ Declaration)
2. On December 22, 2011, Plaintiff amended her Complaint to allege claims for defamation, defamation per se, intentional interference with business relations, intentional interference with prospective economic advantage and intentional infliction of emotional distress.	2. Disputed. Plaintiff amended her complaint but the claims did not change. (Cummins’ Declaration)
3. In her Complaint, Plaintiff alleges that Defendants published false statements on the Internet about Plaintiff that have the tendency to injure Plaintiff’s business, including that statements that (1) Plaintiff has a criminal record; (2) Plaintiff was	3. Undisputed.

<p>1 convicted of theft of property, forged 2 name on credit card; (3) Plaintiff is a 3 cyberstalker, cybersquatter; (4) 4 Plaintiff was picked up by police; (5) 5 Plaintiff hacked into (Defendants') 6 website and email list; (6) Plaintiff 7 was picked up by the LAPD anti- 8 terrorist task force; (7) Plaintiff 9 "posts pornography in children's chat 10 rooms;" (8) Plaintiff "commits 11 animal cruelty;" (9) Plaintiff "tortures 12 animals;" and (10) Plaintiff is a 13 "whore."</p>	
<p>14 4. When questioned about her 15 allegations during her deposition, 16 Plaintiff admitted that she did not 17 actually know who posted the 18 majority of the above statements.</p>	<p>4. Disputed. Plaintiff was suing then unknown John Does. Through the results of subpoena Plaintiff now knows the identity of the John Does, some of which are Defendant Amanda Lollar. (Cummins' Declaration)</p>
<p>21 5. Plaintiff contends that the 22 following statements were 23 defamatory: (1) Plaintiff is a 24 disgruntled ex-intern.</p>	<p>5. Undisputed.</p>
<p>25 6. (b) Plaintiff asked for \$2,500 for a 26 CAT scan.</p>	<p>6. Undisputed.</p>

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7. (c) Plaintiff bullies and attempts to ruin careers of professionals.	7. Undisputed.
8. (d) Defendants won an injunction against Plaintiff.	8. Undisputed.
9. Plaintiff is using the Internet to harass and defame Defendants.	9. Undisputed.
10. (f) Plaintiff made false complaints against Defendants to government organizations.	10. Undisputed.
11. (g) Government organizations have investigated and found Plaintiff's complaints to be false.	11. Undisputed.
12. (h) Plaintiff was charged with criminal contempt.	12. Undisputed.
13. (i) Plaintiff's deposition in the Texas action was court-ordered.	13. Undisputed.
14. (j) Plaintiff is a psycho, crackpot, nut-bag, and referring to Plaintiff in connection with discussion about symptoms of psychopaths.	14. Undisputed.
15. (k) Defendants posted portions of Texas deposition, edited, out of context.	15. Undisputed.

STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

<p>1 16. (l) Plaintiff posts personal 2 information about people, such as 3 their account numbers and Social 4 Security numbers.</p>	<p>16. Undisputed.</p>
<p>5 17. (m) Plaintiff abuses animals.</p>	<p>17. Undisputed.</p>
<p>6 18. (n) Plaintiff downloaded altered 7 videos onto the Internet.</p>	<p>18. Undisputed.</p>
<p>8 19. Importantly, Plaintiff admitted 9 that she did not have sufficient 10 information to prove that all of the 11 negative statements about her on the 12 Internet were made by Defendants.</p>	<p>19. Undisputed/Disputed. At that time Plaintiff did not know the identities of the Doe Defendants. Plaintiff now knows the identities. The items were posted by Defendants. (Cummins' Declaration)</p>
<p>13 20. However, with regard to the 14 majority of the above statements 15 that she attributes to Defendants, 16 Plaintiff provided testimony 17 showing that the statements were 18 in fact not false. For example, 19 Plaintiff admitted in her 20 deposition that an Order to Show 21 cause regarding contempt had 22 been issued against her. 23 24 Q. Anything else in Exhibit 4 that you 25 contend is defamatory? 26 A. Yes. It says "Cummins was 27 charged with criminal contempt of 28</p>	<p>20. Disputed. The statement was false. Plaintiff was never found in "criminal" contempt of court. (Cummins' Declaration)</p>

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<p>court.” I was not charged with criminal contempt of court.</p> <p>Q. Was an order to show cause re contempt issued in this case?</p> <p>A. Yes. Regular contempt but not criminal contempt.</p>	
<p>21. The Motion for Criminal Contempt of Court and Order thereon on file with the District Court of Tarrant County, Texas in the matter of <i>Bat World Sanctuary and Amanda</i></p>	<p>21. Undisputed.</p>
<p><i>Lollar v. Mary Cummins</i>, Case No. 352-248169-10 reveals that Plaintiff was held in contempt.</p>	
<p>22. Regarding her claim that the statement “Defendants won an injunction against” Plaintiff is defamatory, Plaintiff admitted:</p> <p>Q. And you said it was defamatory that she sought an injunction against you?</p> <p>A. She stated here that “We won an injunction against her.” The injunction was void because I never posted an bond and I believe they knew it at the time.</p>	<p>22. Disputed. Defendants never posted a bond. Defendants knew the injunction was void yet they stated it was in effect. The injunction was also unconstitutional because it contained prior restraint and was against third parties thereby making it void and unenforceable. Defendants knew this yet posted that the injunction was in effect. (Cummins’ Declaration)</p>

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Q. But the injunction had been granted. Just that you failed to post a bond?
A. The injunction was granted.
Q. And then it became void because the bond hadn't been posted?
A. It was instantly void because they never posted a bond.

23. Regarding her allegation that the statement "Plaintiff's deposition was court ordered" was false, Plaintiff testified:
Q. Now when your deposition was initially noticed by the Plaintiffs in the Texas action did you appear at the date noticed?
A. Not the first one because I didn't get the notice until an hour before the deposition.
Q. And what about the second time it was noticed? Did you appear at that time.
A. I asked to reschedule because I was getting an attorney and he refused.
Q. And did they move to compel the deposition?

23. Disputed. Defendants posted over 70 highly edited videos of Plaintiff's actual deposition on YouTube. Defendants added captions on the videos that stated that, that specific deposition was court ordered. They also posted on their YouTube Channel and on many web pages all over the Internet that the deposition in the videos was "court ordered." That deposition was not "court ordered" but by notice. (Cummins' Declaration)

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<p>A. Yes.</p> <p>Q. And the motion was granted?</p> <p>A. The motion was granted for a specific date and then that date was changed and then it was just mutually agreed upon after that. Q. So the court had ordered the deposition to occur. Subsequently the parties resolved the issue and it because upon a mutually agreeable date. Is that correct?</p>	
<p>A. The court ordered a deposition I believe on June 22nd - I could be wrong about that date - and then that was later changed and I was deposed - mutually agreed upon - on I believe August 25th.</p>	
<p>24. The Order Granting Plaintiff's Second Motion for Discovery Sanction on file with the District Court of Tarrant County, Texas in the matter of <i>Bat World Sanctuary and Amanda Lollar v Mary Cummins</i>, Case No. 352-248169-10 reveals that the deposition was "court ordered."</p>	<p>24. Disputed. Plaintiff's deposition on August 25, 2011 was not court ordered. (Cummins' Declaration)</p>

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<p>25. Additionally, Plaintiff admitted to submitting complaints, or attempting to submit complaints, about Defendants to the Texas Wildlife Department, Fish & Game Department, USDA, IRS, Texas Department of Health, Texas Veterinary Board, the Mineral Wells Police Department and the City of Mineral Wells.</p>	<p>25. Disputed. Plaintiff never submitted a complaint about Defendants to Fish & Game. Plaintiff did submit complaints about Defendants to the other agencies. (Cummins' Declaration)</p>
<p>26. Plaintiff claims that Defendants were violating numerous federal and state acts by allowing animals to breed, not properly handling rabid animals, not inspecting animals daily, performing surgery on bats without pain relief and allowing animals to die.</p>	<p>26. Undisputed.</p>
<p>27. Although Plaintiff claims that Defendants' statement that the above agencies found Plaintiff's complaints to be meritless is untrue, Plaintiff did not know about any action taken against Defendants as a result of her complaints.</p>	<p>27. Disputed. Texas Health Department gave Defendants a list of instructions to follow in regard to rabid animals. Texas Parks & Wildlife stated they found Defendant breeding bats which is against her permit. Mineral Wells Health Department contacted Defendants about one buildings which people had been reporting for over 18 years. (Cummins' Declaration)</p>

STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

<p>1 28. Regarding Plaintiff's claim that 2 the allegation that she bullies and 3 attempts to ruin the careers of 4 professionals, Plaintiff admitted that 5 she has been involved in at least two 6 other lawsuits involving claims 7 similar to the claims in the lawsuit. 8 9</p>	<p>28. Disputed. Plaintiff has never "bullied or attempted to ruin the careers of professionals." Plaintiff reports people who commit animal cruelty, neglect or securities fraud to authorities. Plaintiff was sued twice for defamation in retaliation for reporting people to the SEC for securities fraud. Plaintiff prevailed in those two suits. (Cummins' Declaration)</p>
<p>10 29. Although Plaintiff has alleged that 11 these "false" statements about her on 12 the Internet have had the tendency to 13 injure Plaintiff's business, Plaintiff 14 could identify no damages sustained 15 by her. 16</p>	<p>29. Disputed. Plaintiff stated that her income had decreased because of these false statements. Plaintiff has also suffered emotional distress. (Cummins' Declaration)</p>
<p>17 30. In making her damage claims, 18 Plaintiff has admitted that she has 19 achieved recognition in the fields of 20 wildlife rehabilitation and animal 21 abuse. For example, in her 22 Complaint, Plaintiff admits that she 23 published manuals on wildlife 24 rehabilitation approved by the 25 California Department of Fish & 26 Game. 27 28</p>	<p>30. Disputed. While Plaintiff may be an expert in real estate and wildlife rehabilitation, she is not a public figure or even a limited public figure. Plaintiff's wildlife rehabilitation manuals were approved for continuing education credit for wildlife rehabilitators. (Cummins' Declaration)</p>

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<p>31. Plaintiff further contends that she instructs CADFG accredited classes to wildlife rehabilitators, veterinarians and animal care professionals.</p>	<p>31. Disputed. Plaintiff's classes are approved for continuing education credit for wildlife rehabilitation. (Cummins' Declaration)</p>
<p>32. Plaintiff also alleges that she plays a prominent role in the prevention of animal abuse. Plaintiff admitted that she trained at the Rio Hondo Police Academy and the California State Humane Association</p>	<p>32. Disputed. While Plaintiff was trained at the police and humane academies she does not play a prominent role in the prevention of animal abuse. She is merely trained in recognizing animal abuse and neglect. (Cummins' Declaration)</p>
<p>Animal Law Enforcement Academy to investigate animal cruelty and neglect.</p>	
<p>33. Plaintiff further points out that she is on the Humane Society of the United States (HSUS) National Disaster Animal Response Team which handles animal cruelty and neglect cases.</p>	<p>33. Disputed. While Plaintiff is on the HSUS NDART she is merely a volunteer. Plaintiff's duties as a volunteer are to inventory and care for animals in raids and interventions. (Cummins' Declaration)</p>
<p>34. Plaintiff has appeared on or in excess of forty television shows, radio shows, newspaper articles, authored 16 articles, appeared at many local government hearings and press conferences related to wildlife rehabilitation.</p>	<p>34. Disputed. Plaintiff has appeared on shows, in articles, authored articles, appeared at hearings related to all animal issues. Very few relate to wildlife rehabilitation. (Cummins' Declaration)</p>

STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

B. Plaintiff's Second Claim For Relief For Defamation Per Se Succeed As A Matter Of Law. The Statements Plaintiff Claims are Defamatory are Actionable And Plaintiff is Not a Limited Public Figure. Plaintiff Can Prove That Defendants Posted The False Statements Of Fact With Malice.

Defendants' Alleged Uncontroverted Facts	Response of Plaintiff
35. Defendants incorporate by reference Fact Nos. 1 through 34 as though fully stated herein.	35. Irrelevant

C. Plaintiff's Third Claim For Relief For Intentional Interference With Business Relations Succeeds As A Matter Of Law Because It Is Based On Plaintiff's Defamation Claims. Because The Statements That Plaintiff Alleges Are Defamatory and Actionable, This Claim For Relief Must Also Succeed As A Matter Of Law.

Defendants' Alleged Uncontroverted Facts	Response of Plaintiff
36. Defendants incorporate by reference Fact Nos. 1 through 34 as though fully stated herein.	36. Irrelevant

D. Plaintiff's Fourth Claim For Relief For Intentional Interference With Prospective Economic Advantage Succeeds As A Matter Of Law Because It is Based On Plaintiff's Defamation Claims. Because The Statements That Plaintiff Alleges Are Defamatory and Are Actionable, This Claim For Relief Must Also Succeed As A Matter Of Law.

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Defendants' Alleged Uncontroverted Facts	Response of Plaintiff
37. Defendants incorporate by reference Fact Nos. 1 through 34 as though fully stated herein.	37. Irrelevant

E. Plaintiff's Fifth Claim For Relief For Intentional Infliction of Emotional Distress Succeeds As A Matter Of Law Because It Is Based On Plaintiff's Defamation Claims. Because The Statements That Plaintiff Alleges Are Defamatory And Are Actionable, This Claim For Relief Must Also Succeed As A Matter Of Law.

Defendants' Alleged Uncontroverted Facts	Response of Plaintiff
38. Defendants incorporate by reference Fact Nos. 1 through 34 as though fully stated herein.	38. Irrelevant

F. As A Matter Of Law, Plaintiff's Request For A Permanent Injunction Succeeds With Her Other Claims For Relief.

Defendants' Alleged Uncontroverted Facts	Response of Plaintiff
39. Defendants incorporate by reference Fact Nos. 1 through 34 as though fully stated herein.	39. Irrelevant

Plaintiff Cummins also contends that the following material facts are in dispute:

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Other Material Facts in Dispute	Evidence
1. Defendant Lollar aka Bat World Sanctuary is some of the John Does.	1. Results of WordPress and Google subpoenas. (Cummins' Declaration)
2. Defendant Lollar made many other defamatory, defamatory per se statements with malice.	2. Results of the WordPress and Google subpoenas. (Cummins' Declaration)
3. As a result of Defendants' actions Plaintiff's business relations and prospective economic advantage have been negatively affected.	3. (Cummins' Declaration)
4. As a result of Defendants' actions Plaintiff has suffered emotional distress.	4. (Cummins' Declaration)

CONCLUSIONS OF LAW

Plaintiff has alleged five claims for relief in her first amended complaint. Plaintiff's main complaint is defamation. Defendants posted actionable false statements of fact about Plaintiff on the Internet. Defendants posted them with negligence and actual malice. Plaintiff is not a limited public figure. Even if Plaintiff were a limited public figure, the claims of defamation i.e. credit card forgery, fraud, theft, Internet hacking, have nothing to do with Plaintiff's expertise with animals or real estate. Even if they did, Defendants made these false statements with malice.

A. Defendants committed defamation upon Plaintiff.

As Per Cal. Civ. Code §§ 44, 45a, and 46 the elements of a defamation claim are: (1) publication of a statement of fact (2) that is false, (3) unprivileged, (4) has a natural tendency to injure or which causes "special damage," and (5) the defendant's fault in publishing the statement amounted to at least negligence. In cases involving

1 matters of purely private concern, the burden of proving truth is on the defendant.
2 *Smith v. Maldonado*, 72 Cal.App.4th 637, 646 & n.5 (Cal. Ct. App. 1999).

3 Statements made about Plaintiff are actionable because they are false and are not
4 statements of opinion. Defendant admitted in her deposition that she posted that
5 Plaintiff was a “convicted criminal.” Plaintiff has never been charged with or convicted
6 of a crime in her entire life. Defendant posted that Plaintiff committed the Federal
7 crime of Internet hacking. Plaintiff has never hacked, never been charged with
8 hacking, never convicted of hacking. These were statements of fact. They were not
9 opinion.

10 **B. Defendants committed defamation per se upon Plaintiff**

11 A plaintiff need not show special damages (e.g., damages to the plaintiff's
12 property, business, trade, profession or occupation, including expenditures that resulted
13 from the defamation) if the statement is defamation per se. A statement is defamation
14 per se if it defames the plaintiff on its face, that is, without the need for extrinsic
15 evidence to explain the statement's defamatory nature. See Cal. Civ. Code § 45a; *Yow*
16 *v. National Enquirer, Inc.* 550 F.Supp.2d 1179, 1183 (E.D. Cal. 2008). For example, an
17 allegation that the plaintiff is guilty of a crime is defamatory on its face pursuant to
18 Cal. Civil Code § 45a.

19 Defendants stated that Plaintiff was guilty of the crimes of credit card fraud,
20 forgery, theft, hacking, animal cruelty among other things.

21 **C. Plaintiff is a private individual and not a limited-purpose public figure.**

22 Plaintiff is not a limited-purpose public figure. Even if Plaintiff were a limited-
23 purpose public figure, the defamatory statements have nothing to do with Plaintiff's
24 area of expertise. Plaintiff is a volunteer wildlife rehabilitator and real estate appraiser
25 by trade. Defendant has stated that Plaintiff was convicted of credit card fraud, forgery
26 and theft. Defendant further stated that Plaintiff committed the crime of hacking into
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1 Defendant's website and email account. The crimes of credit card fraud and hacking
2 have nothing to do with wildlife rehabilitation or real estate appraising.

3 "For limited-purpose public figures, the actual malice standard extends only as
4 far as defamatory statements involve matters related to the topics about which they are
5 considered public figures. For example, the actual malice standard would extend to
6 statements involving a basketball player's career; however, it would not extend to the
7 details of his marriage" (Citizen Media Law Project - Proving Fault: Actual Malice).
8 *Gertz v. Robert Welch Inc.*, 418 U.S. 323 (1972), *Time, Inc. v. Firestone*, 424 U.S. 448
9 (U.S. 1976), *Pring v. Penthouse Int'l Ltd.*, 695 F.2d 438 (1982). The actual malice
10 standard applies only to subject matter related to the controversy in question or to the
11 field in which the individual is prominent, not to the person's entire life.

12 **D. Defendant posted the false statements with negligence and actual malice.**

13 "Actual malice" in the defamation context as publishing a statement while either
14 (1) knowing that it is false; or (2) acting with reckless disregard for the statement's
15 truth or falsity.

16 In this situation Plaintiff sent two cease and desist emails to Defendant's Texas
17 attorney (Exhibits 1, 2). Defendant admitted in deposition that her attorney gave her
18 the cease and desist emails. April 6, 2012 deposition, page 91 lines 1 - 6 (Exhibit 3)

19 (Depo quote start) MS. CUMMINS: I'm now going to hand to you Exhibit 60
20 which is an e-mail from me to your attorney -- another cease and desist -- dated May
21 11th, 2011.

22 BY MS. CUMMINS:

23 Q Did your attorney ever forward that e-mail to you?

24 A Yes. (Depo quote end)

25 The emails stated that the items posted were completely false. Even though
26 Defendant knew that the items were false, Defendant did not remove them. In fact
27 Defendant continued to post and share the false statements. Defendant knowingly
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1 posted a false statement. Defendant acted with reckless disregard to the statement's
2 falsity which is malice.

3 In Defendant's November 8, 2011 deposition Defendant admitted that she made
4 the false statements in question. In Defendant's April 6, 2012 deposition Defendant
5 under oath denied making the false statements. Defendant stated that she said
6 "apparently" Plaintiff is a convicted criminal. Defendant has never shown proof that
7 she posted "apparently" because Defendant never posted that. Defendant perjured
8 herself under oath. The fact that Defendant lied about posting the false statement under
9 oath shows malice. The fact that Defendant continues to post the knowingly false
10 statement shows true malice.

11 **E. Plaintiff's third, fourth and fifth claims for relief are based on Plaintiff's**
12 **defamation claims and stand with the defamation claims.**

13 Defendants' defamation caused the third, fourth and fifth claims for relief.

14 **F. Plaintiff recently filed a motion for leave to file her second amended**
15 **complaint which includes claims of harassment and negligent infliction of**
16 **emotional distress.**

17 Defendants' defamation caused the harassment and negligent infliction of
18 emotional distress claims.

19 **CONCLUSION**

20 Based on the foregoing, Plaintiff can prevail on all of her causes of action.
21 Defendants' Motion for Summary Judgment should be denied in its entirety.

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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:

STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

on the following 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 Rocco
Jackson Lewis LLP
725 South Figueroa, Suite 2500
Los Angeles, CA 90017

I also emailed a copy to Dean Rocco at RoccoD@jacksonlewis.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, September 13, 2012, at Los Angeles, California

Respectfully submitted,


Mary Cummins, Plaintiff
Dated: September 13, 2012
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per

Cease and desist to Amanda Lollar

Page 1 of 1

From: Mary Cummins <mmmaryinla@aol.com>
To: randy <randy@turnermckenzie.com>; randall <randall@turnermckenzie.com>
Subject: Cease and desist to Amanda Lollar
Date: Mon, May 2, 2011 3:24 pm

Because Lollar is represented by you, I cannot contact her directly. I am therefore sending this cease and desist to you.

Your client is posting the following completely untrue things on the public internet about me. She is also sending it to my FB friends and having others post it on my accounts.

She posted that I hacked her email account, I have a criminal history, I stalk people, I helped her mutilate the pregnant bat, I left Bat World after only four days because the workload was too much, I asked her to pay for a \$2,500 cat scan when I hit my head, the police are now prosecuting me... All of these things are absolutely and completely untrue. I saved copies of all of them. This is libel and defamation per se.

I have no criminal history at all. I've had numerous DOJ background checks to work with abused kids, go to the police academy and have my professional licenses. I've been the victim of a stalker. I have never stalked anyone. I videotaped Lollar mutilating the bat. I did not participate. I never had a cat scan nor did I ask her to pay for one. I just spoke with Mineral Wells police. They are not prosecuting or investigating me. They are investigating Lollar and Bat World. The USDA and Texas Parks & Wildlife are also investigating her.

Please, tell your client to cease and desist from libeling and defaming me.

I will see you Wednesday at the hearing. I leave tomorrow at 10:00 a.m. If there is any change, please, let me know before that time or as soon as possible. (310) 877-4770. Thanks.

Mary Cummins
Animal Advocates
<http://www.AnimalAdvocates.us>
<http://www.Facebook.com/AnimalAdvocatesUSA>
<http://AnimalAdvocatesWildlifeRehabilitation.Blogspot.com>
CA DFG permitted Wildlife Rehabilitator
Rio Hondo Police Academy
State Humane Association of California
Animal Law Enforcement Academy
HSUS NDART, EARS
IWRC, NWRA, CCWR

Exhibit 7

Cease and desist to Amanda Lollar

Page 1 of 2

From: Mary Cummins <mmmaryinla@aol.com>
To: randy <randy@turnermckenzie.com>
Subject: Cease and desist to Amanda Lollar
Date: Wed, May 11, 2011 9:42 am
Attachments: worldbatline____Message__Re__Mary_Cummins-1.pdf (310K)

Your client is now falsely posting on the public internet that I have a criminal record. I do not. I've passed numerous DOJ background checks to work with abused children, go to the police academy, have my professional licenses and my gun permit. I've never been charged with a crime or found guilty of any crime. I am not the Mary Cummins below and she knows this. I've attached a pdf of the post as well.

"Re: Mary Cummins

Yes, she also has a criminal record:

Case Number LAW95W00B78-01
Count 1 484E(A) PC PTY THFT:ACQ CRED CRD W/O CONS
Count 2 484F(B) PC FORGE NAME ON CREDIT CARD
Count 3 484G(A) PC THEFT BY FORG/INVALID CRED CAR
Count 4 484(A) PC THEFT OF PROPERTY"

She posted that I was involved in cybersquatting and lost the case. I was not involved in cybersquatting. I saved their domain from a cybersquatter and gave it to them. The plaintiff ended up paying me for past work on their website which was over \$2,000. Only documents faxed end up digitized in this court. I didn't fax all of my documents.

"Other lawsuits involve cybersquatting which she lost via default judgment (BC329942, FAA BEVERLY HILLS INC VS MARY CUMMINGS ET AL),"

She posted that I had a neighbor dispute which I promptly settled. My neighbor destroyed my property and assaulted me. I got a restraining order on him and he had to pay me for the damage. There was no settlement. He then lost his home in foreclosure and was forced to move.

"neighbor dispute which she promptly settled (BC259366, Simas v. Cummins) and defamation which plaintiff abandoned because they were able to get rid of her defamation (LC049092).

I have no idea what the last case number is about at all.

Please, tell you client to cease and desist from libeling and defaming me. I would think by now you would have done some research on your client and realized she is not what she tells everyone. Remember, she told you she had the "largest bat sanctuary in the world" with 200-300

<http://mail.aol.com/36739-111/aol-6/en-us/mail/PrintMessage.aspx>

7/23/2012

Exhibit 2

Cease and desist to Amanda Lollar

Page 2 of 2

bats. All bat people including Lollar know the Guinness world record for largest bat sanctuary is 1.8 - 2.5 million. That is a huge difference.

Please, note that her complaint stated I posted my videos and photos AFTER I left. Look at the documents you submitted May 4, 2011. You can see the dates on the videos and photos. They were posted BEFORE I left except for the botched episiotomy video. She stated she gave me no permission to take or post them. She clearly did. Your client is not what she seems. She is lying to you. Do some research. You have another Steven Woods on your hands. I'm truly shocked that an animal lover like yourself would be representing someone who commits animal cruelty as evidenced by those videos.

**Mary Cummins
(310) 877-4770**

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARY CUMMINS,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	CV11 08081 DMG (MANx)
)	
AMANDA LOLLAR aka BAT WORLD)	
SANCTUARY, an individual)	
person, BAT WORLD SANCTUARY,)	
an unknown business entity,)	
JOHN DOES 1-10,)	
)	
Defendants.)	

Videotaped deposition of AMANDA LORRAINE
LOLLAR, taken on behalf of the Plaintiff, at
355 South Grand Avenue, Suite 2450, Los Angeles,
California beginning at 8:31 a.m. and ending at
2:23 p.m. on Friday, April 6, 2012 before
TERI E. LINGENFELTER, Certified Shorthand Reporter
No. 5369.

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CERTIFICATION

OF

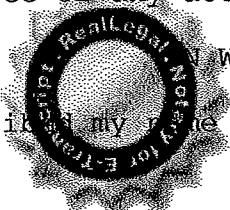
CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

WITNESS WHEREOF, I have this date subscribed my name



[Handwritten Signature]

Dated: _____

Certificate Number: 5369

[Handwritten mark]

→ 10:27:06

1 Exhibit 60 which is an e-mail from me to your attorney --
2 another cease and desist -- dated May 11th, 2011.

3 BY MS. CUMMINS:

4 Q Did your attorney ever forward that e-mail to
5 you?

→

6 A Yes. This is the one that I just --

7 MR. MACPHAIL: Objection. For the record are you
8 referring to her attorney in Texas?

9 MS. CUMMINS: Yes. I'm sorry.

10 THE WITNESS: This is a post that looks like it's
11 also been manipulated.

12 BY MS. CUMMINS:

13 Q Can you hand that back to me?

14 A (Witness complies.)

10:27:56

15 Q Is this not a post which was posted on the
16 Yahoo Group World Bat Line?

17 A That doesn't look like the post I actually made.
18 It looks like that post has been manipulated.

19 Q Have you ever posted "Re: Mary Cummins. Yes.
20 She also has a criminal record"?

21 A I posted "Yes. It appears she has a criminal
22 record."

23 Q Do you have a copy of that post?

24 A No, I do not.

25 Q Why not?