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

MARY CUMMINS Plaintiff,) Civil Action No.: 4:12-CV-00560-Y
vs.	PLAINTIFF'S MOTION TO DISMISS
AMANDA LOLLAR, BAT WORLD)
SANCTUARY, JOHN DOES 1-10)
Defendants.	
)
)
)

PLAINTIFF'S UNOPPOSED MOTION TO DISMISS

Plaintiff Mary Cummins is forced to submit this Motion to Dismiss to stop harassment by Defendants and respectfully shows the Court as follows:

INTRODUCTION

Plaintiff has been writing and filing legal documents. Plaintiff was forced to file the legal documents because Defendants' attorney Randy Turner has been committing intentional motion abuse in another case and he filed a new frivolous lawsuit against Plaintiff. If Plaintiff did not reply, Plaintiff would have lost those cases, motions by default and could have ended up with a judgment against Plaintiff in the millions. Plaintiff could have even been in contempt of an order, sanctioned and sent to jail as Turner has been threatening for the past four years. Plaintiff was forced to reply. Plaintiff believes that Defendants filed those frivolous motions and new lawsuit for mere harassment purposes. Defendant knows how badly Plaintiff's back is injured and hoped Plaintiff would not be able to reply.

Plaintiff's back injury is the slightly dislocated vertebra and disc herniation, eruption. While Plaintiff has some slight normal degenerative disc disease the main issue is L5/S1 which is where the injury occurred. This is the most common injury from the type of backward fall which Plaintiff suffered. Plaintiff does not have any other back problem or pain except at the injury site. That is the only site which is being treated and is the issue of this lawsuit.

Plaintiff still cannot travel for a deposition because of her back injury as per her doctor's letter included in the motion to reconsider stay. There is no way Plaintiff can physically or financially fly to Texas to be deposed as Defendants stated is mandatory by this court. In case 352-248169-10 Defendants had audio depositions in two different states with their witnesses. Plaintiff could do a telephone deposition but cannot physically go to Texas which was the request for the stay.

During this entire case Defendant Amanda Lollar and Defendants' attorney Randy Turner have been abusing the judicial process for harassment purposes in hopes they will harass Plaintiff to the point the case will be voluntarily dismissed. Through their harassment, abuse of process, threats, they have succeeded. They have been harassing, threatening, defaming, humiliating, cyberstalking Plaintiff, abusing the discovery process, violating protective orders and abusing the judicial process in general.

For instance Turner demanded that Cummins who has a badly injured back fly from California to Texas to have a settlement conference in person. Cummins had already sent a written settlement offer which Defendants refused. Cummins stated to the court that any settlement conference can take place over the phone. There was no reason to fly to Texas.

The Court thankfully granted Plaintiff's request for telephone conference. Plaintiff made the same settlement offer and was refused. The offer was for very meager out of pocket and court

expenses. As expected the conference lasted two minutes. This is evidence that Turner wanted and still wants to abuse the judicial system to harass Plaintiff.

Defendant's attorney Turner also harassed and threatened Plaintiff's doctor on the phone demanding gynecological and breast records which this court stated he could not have and which the doctor does not even have. Plaintiff is forced to file this motion to dismiss merely to stop the harassment of Plaintiff and her doctors. Plaintiff has a very valid personal injury claim against Defendants.

PRAYER

WHEREFORE, PLAINTIFF MARY CUMMINS respectfully requests to dismiss this case.

Plaintiff further requests that all of Plaintiff's discovery items, interrogatories be destroyed and/or put under a protective order.

Respectfully submitted,

Mary Cummins, Plaintiff 645 W. 9th St. #110-140 Los Angeles, CA 90015-1640 September15, 2015 In Pro Per

CERTIFICATE OF CONFERENCE

I hereby certify that on September 15, 2015, I made a reasonable attempt to confer with Randall E. Turner, counsel for Respondents, about the merits of this motion. Mr. Turner indicated that he is not opposed to the Motion.

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a copy of **PLAINTIFF'S MOTION TO DISMISS** was served on the Defendants' Attorneys of record by CM/ECF, FAX and EMAIL at,

Randy Turner
Daniel Sullivan
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Mary Cummins September 15, 2015

Mary Cummins