

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 MARY CUMMINS

VOLUME II (Pages 15-215)

Los Angeles, California

Thursday, April 5, 2012

Reported By:
Teri E. Lingenfelter
CSR No. 5369

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Videotaped deposition of MARY CUMMINS,
Volume II, taken on behalf of the Defendants, at
555 South Flower Street, Suite 600, Los Angeles,
California beginning at 9:32 a.m. and ending at
4:50 p.m. on Thursday, April 5, 2012 before
TERI E. LINGENFELTER, Certified Shorthand Reporter
No. 5369.

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APPEARANCES:

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Also Present:

Miles Heggi
Videographer

Amanda Lollar

Dottie Hyatt

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Los Angeles, California, Thursday, April 5, 2012

9:32 a.m. - 4:50 p.m.

THE VIDEOGRAPHER: Here begins the videotaped deposition of Mary Cummins, tape one, volume two, in the matter of Cummins versus Lollar.

Today's date is April 5th, 2012 and the time on the monitor is 9:32.

The video operator is Miles Heggi representing Hahn & Bowersock Court Reporters. The court reporter is Teri Lingenfelter reporting on behalf of Hahn & Bowersock.

Today's deposition is taking place in Los Angeles, California.

Would all present please introduce themselves beginning with the witness.

09:30:49

THE WITNESS: Mary Cummins, plaintiff pro se.

MR. MACPHAIL: Stephen M. MacPhail, attorney for defendants.

MS. LOLLAR: Amanda Lollar, founder and president of Bat World Sanctuary.

MS. HYATT: Dottie Hyatt, vice-president of Bat World Sanctuary.

THE VIDEOGRAPHER: Would the court reporter swear in the witness.

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MARY CUMMINS,

having been first duly sworn, was examined and testified further as follows:

EXAMINATION (Continued)

BY MR. MACPHAIL:

Q Good morning, Ms. Cummins. As you know my name is Steve MacPhail and I represent the defendants in this action.

Have you been deposed before?

A Yes.

Q How many times?

A Over 20.

THE WITNESS: I'd like to first start off with one short statement.

I've consented to have this deposition videotaped. I will allow this video to only be used for legal purposes in this lawsuit.

I do not consent to this video being posted on the Internet on YouTube, Vimeo, Flickr, Facebook, batworld.org, amandalollar.com or any other website.

I do not consent to this video being shared with the public in any way. I have not signed a release on this video for any use other than in this lawsuit. This video is for the eyes of the court, lawyers and parties

09:31:47

1 only. It is not a public video.

2 BY MR. MACPHAIL:

3 Q When was the last time you were deposed?

4 A I believe it was August 25th of 2011.

5 Q And what litigation was that involving?

6 A Amanda Lollar, Bat World Sanctuary vs.

7 Mary Cummins.

8 Q Just a few preliminary questions. I'm sure
9 you've probably heard many of these before.

10 Do you speak English fluently?

11 A Yes.

12 Q Read English fluently?

13 A Yes.

14 Q Do you understand that even though we're not in a
15 courtroom -- we're in a conference room -- the oath that's
16 been administered to you is the same oath given in a court
17 of law and has the same force and effect?

18 A Yes.

19 Q Do you understand that I'm entitled to your best
20 testimony today? If you have a recollection or have an
21 answer to a question I'm entitled to that answer.

22 A Yes.

23 Q You understand that I don't want you to guess at
24 an answer. If I ask you if a certain event occurred on a
25 particular day if you can't remember the day just tell me

09:32:57

1 so.

2 Now in that regard I am entitled to an estimate.
3 So if I ask, for example, you know, how many times you've
4 been deposed you can say "It's over 20." You may not
5 remember the exact particulars but you can give me your
6 best estimate.

7 A Yes. I understand.

8 Q Okay. If I ask you a question that you do not
9 understand just simply tell me so and I'll rephrase the
10 question.

11 However, I will say that if I ask a question and
12 you answer it then I will assume you understood my
13 question and move on.

14 Okay?

09:33:33

15 A Okay. I understand.

16 Q Now the reporter on your left is going to take
17 down everything that's said here word for word and it's
18 very difficult for her to take down two people at a time
19 and also -- and I'm guilty of this -- going too fast.

20 So let me finish my question before you answer,
21 I'll let you answer fully before I start my next question
22 and let's speak loud enough and clearly enough for her to
23 get the record straight.

24 A Okay.

25 Q And you understand that sometime after today's

09:34:04

1 proceeding there will be a transcript much like Volume I
2 was and that you'll have a chance to read it and make any
3 corrections that you deem appropriate.

4 Do you understand that?

5 A Yes.

6 Q Now I also must caution you that if you make
7 changes to your transcript anybody in this action or
8 anyone else reviewing the transcript could use that
9 testimony against you. It could affect your credibility
10 at trial.

11 Do you understand that?

12 A Yes.

13 Q For that reason again I urge you to just give me
14 the best answer you can.

09:34:37

15 Now, for example, if let's say an hour from now
16 you remember that the number of depositions you had was
17 27 feel free to tell me that and we can correct the record
18 that way.

19 A Okay.

20 Q Have you taken any medication that would in any
21 way impair your ability to give your best testimony
22 today?

23 A No.

24 Q Any reason we can't go forward?

25 A No.

09:34:58

1 Q Did you review any documents in preparation for
2 this deposition?

3 A Yes. I went online to see what are my available
4 objections.

5 Q Any other documents?

6 A No.

7 Q What is your date of birth?

8 A December 17th, 1965.

9 Q And your current address?

10 A I signed a confidentiality agreement with the
11 person who owns the home so I can't give that address.
12 You have my mailing address.

13 Q That's a P.O. Box.

14 Correct?

09:35:37

15 A Yes.

16 Q Are you refusing to give me your address?

17 A Yes.

18 Q And the telephone number on the pleadings -- is
19 that a home phone or a cell phone?

20 A It's my only phone.

21 Q Have you gone by any other name other than
22 Mary Cummins?

23 A My full legal name is Mary Katherine Cummins-Cobb
24 and sometimes people break it off at Cummins, sometimes
25 they break it off at Cobb. Sometimes they spell my last

09:35:59

1 name with a "g."

2 Q How do you prefer to go by? By Ms. Cummins or
3 Ms. Cummins-Cobb?

4 A Cummins is fine.

5 Q Have you ever been convicted of a felony or any
6 crime involving dishonesty?

7 A No.

8 Q Now during this deposition -- Bat World Sanctuary
9 LLC is a defendant in this action.

10 A LLC?

11 MS. LOLLAR: It's just incorporated.

12 MR. MACPHAIL: It's just incorporated. I'm
13 sorry.

14 THE WITNESS: Is this for me?

09:36:42

15 MR. MACPHAIL: That is for you. Yes.

16 BY MR. MACPHAIL:

17 Q During the deposition I'm going to refer to them
18 as Bat World generally so we don't have to go through the
19 full legal name.

20 Is that how you refer to the entity?

21 A Yes.

22 Q Have you ever filed any other lawsuits other than
23 this one?

24 A Yes.

25 Q How many?

09:37:07

1 A I don't know for sure. I would have to look it
2 up.

3 Q Do you have an estimate?

4 A I'd say over 10.

5 Q Just going through your memory what are the
6 lawsuits that you do remember?

7 The parties, where they were filed, et cetera.

8 A Okay. Kathy Knight Mc Connell vs. Mary Cummins
9 filed in New York.

10 Q State court in New York or federal court?

11 A I think it was federal. I'm not positive.

12 Q Do you recall whether it was -- they have an
13 Eastern, Western or was it New York City where the court
14 was?

09:37:44

15 A I think it was Southern District for some
16 reason.

17 Q What year was that filed?

18 A I believe it was the mid 2000s. Maybe 2003. I'm
19 not positive.

20 It's online. It's public.

21 Q And what was the nature of that lawsuit?

22 A I was sued for I believe securities fraud,
23 defamation, trademark violation.

24 Q What was the result of that lawsuit?

25 A It was dismissed.

09:38:22

1 Q I assume you don't know the case number.

2 A Not offhand.

3 Q It was Susan Knight Mc Connell was it?

4 A Kathy with a K Knight -- K-n-i-g-h-t dash
5 M-c C-o-n-n-e-l-l.

6 Q The next lawsuit that you recall?

7 A There was one before that and that was
8 Fredrick Riterizer (phonetic) and Ashton Technology vs.
9 Mary Cummins filed in Philadelphia.

10 Q Federal court or state court?

11 A I think it was federal.

12 Q And what was the nature of that lawsuit?

13 A Tortious interference with business relations,
14 defamation and maybe something else.

09:39:16

15 Q What was the result of that lawsuit?

16 A It was dismissed.

17 Q Any other lawsuits you recall?

18 A Yes. I went to get a restraining order on my
19 neighbor, Jason Simas -- S-i-m-a-s -- and then he
20 countersued.

21 Q Was that here in Los Angeles?

22 A Yes.

23 Q State court?

24 A I was just trying to get a restraining order so
25 that would be I guess district?

09:39:47

1 Q Well you can get a restraining order in either
2 state court or federal court.

3 A I think it was state.

4 Q Do you recall was it downtown L.A.?

5 A Yes.

6 Q 111 North Hill Street?

7 A Yes.

8 Q What year was that?

9 A 2004.

10 Q What was the result of that lawsuit?

11 A I got a court order against him.

12 Q Did he get a court order against you?

13 A No. I don't think so.

14 Q It wasn't a mutual restraining order?

09:40:24

15 A I believe the court order which is available
16 online states that he has to obey all the laws and he has
17 to stay away from me.

18 Q Any other lawsuits you recall?

19 A Yes. Mary Cummins vs. Ed Boks and the City of
20 Los Angeles filed in Los Angeles.

21 Q That is L.A. Central?

22 111 North Hill Street?

23 A Yes.

24 Q What year was that filed?

25 A 2007.

09:40:51

1 Q What was the nature of that lawsuit?

2 A I sued for unlawful termination and sexual
3 harassment and harassment.

4 Q What was the result of that lawsuit?

5 A We settled and they gave me 130,000.

6 Q Do you recall what year that settled?

7 A 2008 or 9. I'm not sure. It's public.

8 Q Any other lawsuits you recall?

9 A I have sued some clients in small claims. I
10 don't remember their names offhand.

11 Q About how many small claims actions do you think
12 you've filed?

13 A Maybe five. I'm not positive. It would all be
14 public if you go to lasuperiorcourt.org.

09:41:41

15 Q Now in connection with those small claims actions
16 you say in regard to your clients what type of business
17 are you talking about?

18 A Real estate appraisal.

19 Q So all five had to do with real estate appraisal?

20 A Yes. One had to do with my motorcycle.

21 Q How did it have to do with your motorcycle?

22 A They damaged my pipe and then they were supposed
23 to give me a new one. They installed it incorrectly and
24 tore the threads of my engine mount.

25 Q That was not related to your suing a client or

09:42:25

1 was it?

2 A No. That wasn't. That had to do with someone
3 who damaged my motorcycle.

4 Q So the five or so small claims actions had to do
5 with claims against clients and then you had another one
6 that had to do with damage to your motorcycle?

7 A Yes.

8 Q Any other lawsuits you recall?

9 A Not that I recall at the moment.

10 Q Do you maintain any kind of diary or calendar of
11 events that relate to this lawsuit?

12 For example, do you have any diary or journal
13 that you keep that has to do with events that occurred in
14 this case?

09:43:06

15 A No.

16 Q Where did you go to high school?

17 A Beverly Hills High School.

18 Q What year did you graduate?

19 A '83.

20 I did my first year of college and last year of
21 high school together with the seniors honors program so
22 legally '83.

23 Q Did you attend college then I assume?

24 A Yes.

25 Q Where did you go to school?

09:43:40

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A USC.

Q What did you study at USC?

A Psychology.

Q Did you get a degree?

A No.

Q What year did you leave USC?

A '84.

Q Did you attend another university at that time?

A No.

Q Any particular reason you didn't complete your degree program there?

A I started in real estate sales and was making more money than I would if I had continued to get a graduate degree.

Q Any other education beyond USC?

A I have taken some classes at Santa Monica City College.

Q What type of classes?

A I think calculus.

Q Now in 1983/'84 you were in real estate sales?

A Yes.

Q At some point in time you started doing real estate appraisal?

A I have always done real estate appraisals.

Q So back to '83/'84 you did real estate appraisal?

09:44:42

1 A And sales.

2 Q Are you still doing real estate sales?

3 A No.

4 Q When did you cease doing real estate sales?

5 A It's been quite a few years. I haven't renewed
6 my license.

7 Q Do you recall the last year your license was in
8 effect?

9 A I don't remember. I would have to look it up.

10 Q Do you have an estimate?

11 A 2003.

12 Q Now other than real estate appraisal do you have
13 any other job, occupation, business?

14 A I do search engine optimization for some clients
15 and some websites.

09:45:25

16 Q How many clients do you have in the search engine
17 optimization business?

18 A It's off and on so generally I'll do it once. So
19 I don't retain the client.

20 Q So it's not a repeat business once you do it?

21 A With some clients it was.

22 Q Approximately how many clients did you have total
23 in your search engine optimization business since you
24 started?

25 A A hundred.

09:46:11

1 Q Other than search engine optimization and real
2 estate appraisal any other business or independent
3 contractor employment relationship that you derive any
4 income from?

5 A I do expert witness testimony in real estate.

6 Q Having to do with real estate appraisal?

7 A Real estate appraisals, sales.

8 Q On how many occasions have you been retained as a
9 real estate expert?

10 A At least 50.

11 Q Have you testified at trial in your capacity as
12 an expert witness?

13 A Yes.

14 Q How many times have you testified as an expert?

09:46:49

15 A At trial?

16 Q Yes.

17 A Twice.

18 Q Do you recall the cases that you testified in?

19 A One was Don Carsons vs. I believe JP Morgan.

20 It's on my curriculum vitae.

21 Q Which you produced?

22 A Yes. I think so. If not it's public.

23 Q What was the other lawsuit?

24 A Jimmy Nassar or Nasreli -- it was the City of
25 Los Angeles vs. Jimmy -- I don't -- he has a

09:47:18

1 Middle Eastern last name. I forget how to spell it.

2 Q Is that also on your CV?

3 A Yes.

4 Q Now in this lawsuit you allege that defendants
5 defamed you.

6 Correct?

7 A Yes.

8 Q When is the first occasion that you allege that
9 defendants defamed you in some way, shape or form?

10 A I believe the first time is when she posted --
11 when Amanda Lollar posted on World Bat Line, a Yahoo Group
12 that I was a disgruntled ex-intern.

13 Q Do you recall what date that was?

14 A No but it's on a document which I gave to you.

09:48:25

15 Q That was in folder No. 1?

16 A Yes.

17 Q And you don't recall the date?

18 A No.

19 Q And it was on the World Bat Line Yahoo --

20 A Yahoo Group.

21 In the Yahoo post she also stated that I wanted
22 \$2500 for a CAT scan and I claimed I bumped my head.

23 Q Did you bump your head?

24 A Yes. I hit my head.

25 Q Did you ask to have a CAT scan performed?

09:49:55

1 A No.

2 Q Did you make any mention -- let's step back.

3 You were at Bat World for what period of time?

4 A From June 19th, 2010 to -- I think I left
5 June 28th.

6 Q What was your capacity with Bat World at that
7 time?

8 A I was told I was an intern.

9 Q Was that a paid internship?

10 A I was allowed to stay there for free if that is
11 considered payment.

12 Q No other compensation?

13 A No. Well I was supposed to receive training.

14 Q And how long was the internship supposed to
15 last?

16 A Fourteen days.

17 Q And you stayed nine days or ten days?

18 A Ten.

19 Q And why did you leave?

20 MS. CUMMINS: I would like the record to reflect
21 that Ms. Lollar just told her attorney that she stayed six
22 days.

23 MR. MACPHAIL: Move to strike as nonresponsive.

24 MS. CUMMINS: If your client says something
25 that's audible and ends up on the tape then it's going to

09:51:14

1 be admissible.

2 MR. MACPHAIL: I've made my motion. You've made
3 your comment.

4 MS. CUMMINS: Okay.

5 BY MR. MACPHAIL:

6 Q Now why did it end after 10 days?

7 A I decided to leave early because I didn't receive
8 any training and I wasn't feeling well.

9 Q And when did you bump your head?

10 A June 26th I think.

11 Q Describe how that happened.

12 A Ms. Lollar instructed me to go up a step stool
13 and to go out a window to go onto the roof to look for any
14 bats outside.

09:51:52

15 I went. I was -- it's a very dark room and the
16 building doesn't have an occupancy permit because it's not
17 up to code and she instructed me to wear a hairnet type of
18 hat and a headlamp and when you have that on your head you
19 can't see above your head. It's like wearing a baseball
20 hat.

21 So I went to pull myself through the window and I
22 hit my head on a wood beam above where I was and then I
23 fell backwards onto the floor.

24 Q And how would you describe the injury to your
25 head?

09:52:24

1 A I got a concussion, I got a bloody gash on the
2 top of my head.

3 Q Now was the concussion ever confirmed by a
4 physician?

5 A No.

6 Q That's your diagnosis of it?

7 A I was an EMT.

8 Q What years were you an EMT?

9 A 1982.

10 Q Any other injury other than the concussion and
11 the gash?

12 A I herniated a disk in my back.

13 Q Has that been confirmed by a physician?

14 A Yes.

09:53:01

15 Q What physician?

16 A I forget how to -- I believe her name is Oshiro.
17 I could be wrong.

18 Q Oshiro?

19 A Yes.

20 Q Japanese name?

21 A Yes.

22 Q O-s-h-i-r-o?

23 A I'm not sure. I have it written down.

24 Q Do you know where she's located?

25 A Beverly Hills.

09:53:38

1 Q Any other injury?

2 A No.

3 Q Have you had any surgery due to the herniated
4 disk?

5 A No.

6 Q Therapy?

7 A Yes.

8 Q What kind of therapy?

9 MS. CUMMINS: I'm going to object to this line of
10 questioning because it's not relevant to this suit.

11 BY MR. MACPHAIL:

12 Q I just want to make it clear. You're not
13 asserting in this lawsuit in any way, shape or form any
14 physical injury?

09:53:57

15 A Not in this lawsuit. I will be suing them in
16 Texas where it happened.

17 MR. MACPHAIL: As long as we have that
18 stipulation that you're not going to assert it as any
19 damage in this lawsuit I'll forego the questioning then.

20 MS. CUMMINS: Okay.

21 BY MR. MACPHAIL:

22 Q Now you talked about the e-mail describing you as
23 a disgruntled ex-intern and you had asked for a CAT scan.

24 That was in the same post?

25 By the same post I'm referring to the same

09:54:31

1 e-mail.

2 A It was a post on the then public Yahoo Group
3 World Bat Line.

4 Q And was that shortly after you left your
5 internship?

6 A It was at least a few weeks after I left the
7 internship. I would have to look at the date.

8 Q Do you recall it occurred in 2010 sometime?

9 A No. I believe it was 2011.

10 Q Are there any other defamatory comments that you
11 attribute to my clients?

12 A All the ones I gave you in discovery and I have
13 more. I need to give you a supplemental response.

14 Q Okay. Request No. 1 asked for all documents
15 which in any way support your claim of defamation.

09:55:56

16 So you sent a zip file of folders 1 through 96
17 with a couple that were missing because you didn't have
18 responsive documents.

19 The folders relate to the category requested?

20 A Yes.

21 Q Okay. I just want to make sure of that. That
22 was an assumption but you know what they say about
23 assuming things.

24 A Okay.

25 Q Now folder No. 1 contained all these documents.

09:56:22

1 Let me have you take a look at this and just
2 confirm that those are the documents.

3 A I haven't printed them out. I didn't want to
4 waste paper.

5 This looks like it. I haven't looked at all of
6 them but --

7 MR. MACPHAIL: Right. I understand. I just want
8 to make sure that I'm reading it right.

9 Let's have this document marked as Exhibit No. 1.
10 Off the record for a second.

11 THE VIDEOGRAPHER: The time is 9:58 and we're off
12 the record.

13 (Discussion.)

14 THE VIDEOGRAPHER: The time is 9:58 and we're
15 back on the record.

09:57:30

16 BY MR. MACPHAIL:

17 Q Exhibit No. 1. What within Exhibit No. 1 do you
18 allege was defamatory about you?

19 A Well I don't believe this was the entire file I
20 gave you but on page 4 of 5 where it says "Dear Friends
21 and Supporters" she's accusing me of defaming her and she
22 states I have a decade-long history of bullying and
23 attempting to ruin the careers of professionals across the
24 United States.

25 That's just the beginning of the post. If you

09:58:19

1 click "more" it went to the rest of it which isn't here.

2 Q Okay. Well I printed out everything that was
3 provided.

4 A Okay.

5 Q Let me hand you this document here.

6 Is this part of the same document?

7 A Yes. This is the rest of it.

8 Q Okay. So that should all be one document?

9 A I printed it out how it looked on the main page
10 of her website and then when you clicked "click more" you
11 go to this.

12 MR. MACPHAIL: Okay. So we'll make the second
13 document **Exhibit 2** just to be clear.

14 BY MR. MACPHAIL:

09:58:50

15 Q The language here -- and I'll check to confirm
16 it -- is "We have been harassed and defamed by an
17 individual who has a decade-long history of bullying and
18 attempting to ruin careers of professionals across the
19 U.S."

20 And then it says "this" and it says click on
21 "more"?

22 A Yeah. Then it continues.

23 Q And word for word what does it say?

24 A "This individual attacked one of our strongest
25 commitments -- the one thing we fight the hardest for --

09:59:35

1 the humane treatment of bats."

2 Q Now you took that to be related to you?

3 A Yes.

4 Q Does your name appear in the document -- in
5 Exhibit 1 or 2 -- in any place?

6 A No but she mentions the lawsuit and she goes to
7 another link and my name is mentioned in the "Comments."

8 Q In Exhibit 2?

9 So a comment by Annie refers to you by name.
10 Correct?

11 A Yes.

12 Q Amanda Lollar didn't refer to you by name in the
13 document, did she?

10:00:39

14 A She most certainly referred to me in the
15 description and she linked to the lawsuit information and
16 she mentioned her Texas attorney that is representing her
17 in that case.

18 Q Now how would you describe this site?

19 Is this an open website or is this a closed --

20 A That's a public website.

21 Q Public website.

22 It's been public the whole time?

23 A I believe it's been public the whole time.

24 Q And when is the last time you went on that
25 website?

10:01:11

1 A Yesterday.

2 Q And do you know any of the people who have posted
3 on that website?

4 A Yes.

5 Q Who is that you know?

6 A I know one person who posted. Her name is
7 Cynthia Myers.

8 Q Is that the name she used to post?

9 A I think so.

10 Q And what discussion, if any, have you had with
11 Cynthia Myers?

12 A I haven't spoken to her in a long time.

13 Q When you say a long time what do you mean?

14 A A year.

10:01:46

15 Q Did you talk with her at all about your
16 litigation with Bat World?

17 A Yes.

18 Q And what was that discussion?

19 A I just told her that Amanda Lollar was suing me
20 in Texas.

21 Q And what did she say?

22 A "That's a shame."

23 Q Did Ms. Myers indicate to you that she felt in
24 any way your reputation had been sullied in her mind?

25 A We didn't talk about Amanda Lollara defaming

10:02:14

1 me.

2 Q Okay. You just talked about the lawsuit?

3 A Yes.

4 Q Just generally "There's a lawsuit against me in
5 Texas" and she said "That's a shame"?

6 A Yes.

7 Q Has she told you at any point in time that your
8 reputation as far as Cynthia Myers views it has been
9 damaged in any way?

10 A No.

11 Q Have you discussed with anybody who has posted on
12 the Bat World Line Yahoo Group about whether your
13 reputation has been damaged in any way?

14 A I have spoken with some people who tried to post
15 on the board but the posts are moderated.

10:02:54

16 Q And who did you speak to?

17 A Some Facebook friends.

18 Q Have they told you that in their view your
19 reputation has been damaged in any way, shape or form?

20 A Yes.

21 Q And who has told you that?

22 A I would have to look at the Facebook user names
23 but they're some of my Facebook friends who are saying
24 "Look at the horrible things she's posting about you."

25 Q Okay. But did they say that they believed those

10:03:21

1 comments?

2 A Some of them asked me about the comments.
3 Whether they were true or not.

4 Q And what did you tell them?

5 A I said it was true that she suing me but it was
6 not true that I had defamed her.

7 Q Did they respond to you in kind such as "I
8 believe her, not you" or "In light of this I don't want to
9 speak with you" or "You've gone down in my estimation as
10 a friend"?

11 A No. Those people just unfriended me.

12 Q How many people unfriended you?

13 A I can't say for certain but I had a whole bunch
14 of nasty comments on my Facebook wall.

10:03:59

15 Q From people who are friends?

16 A From people who must have been friends with
17 Ms. Lollar.

18 Q How do you know they must have been friends with
19 Ms. Lollar?

20 A Because they were posting similar negative things
21 that she posts.

22 Q Well were these people friends with you on
23 Facebook?

24 A They were I guess technically a friend otherwise
25 they wouldn't have been able to post.

10:04:16

1 Q Okay. They had sought to be added as a friend on
2 your website and you added them?

3 A Some of them I believe requested or added
4 themselves to the Animal Advocates Facebook page just so
5 they could write negative things about me.

6 Q Were these people that you considered friends
7 beforehand or --

8 A A couple of them. Yes.

9 Q How many of these people that you said unfriended
10 you or posted negative comments did you actually know?

11 A I knew them through Facebook.

12 Q Well when you say you knew them through Facebook
13 just they had applied for either Animal Advocates Facebook
14 page --

10:05:00

15 Is that one where you're automatically accepted?
16 Anybody can join?

17 A Anyone can join Animal Advocates.

18 Q On the Facebook page?

19 A Yes.

20 Q And from there some of them became also Facebook
21 friends on your private Facebook page?

22 A Yes.

23 Q And they applied for that and you accepted
24 them?

25 A Yes.

10:05:19

1 Q Did you know them other than through the
2 connection possibly with the Facebook page for
3 Animal Advocates?

4 A I knew some of them.

5 Q How many of them did you know?

6 A I have 5,000 Facebook friends. I probably know
7 500.

8 Q How many of the 500 that you know basically
9 unfriended you in light of anything that you attribute to
10 what was done by defendants?

11 A At least five because they made it a point to say
12 that they were unfriending.

13 Q And who are those five?

10:06:06

14 A I would have to go into my Facebook history to
15 find it.

16 Q I take it they weren't close friends of yours.

17 A No.

18 Q Are these people that you had even met in
19 person?

20 A Supposedly I had met them at animal events.

21 Q But you don't recall any of these people -- who
22 they are -- at this point?

23 A I would have to look it up.

24 Q How many people unfriended you after the posting
25 about you being a quote disgruntled intern?

10:06:40

1 A I don't know.

2 Q And all but five of them were people who had
3 posted negative comments about you on your Facebook page
4 or the Animal Advocates Facebook page?

5 A Can you rephrase that?

6 Q Sure. The people who unfriended you other than
7 the five who you said you don't necessarily know them
8 personally but were the others who unfriended you those
9 who had posted negative comments on your Facebook page or
10 the Animal Advocates Facebook page?

11 A Some of the people asked to be a friend or join
12 the Animal Advocates page just so they could post negative
13 things.

10:07:30

14 Q And did you unfriend them after they posted
15 negative comments?

16 A I unfriended and blocked them.

17 Q How many such people did you unfriend and block
18 because they posted negative comments on your Facebook
19 page?

20 A Thirty.

21 Q Do you have any reason to believe that defendants
22 in any way sought to be a friend of yours on Facebook?

23 A Yes.

24 Q And did they use the name Amanda Lollar?

25 A No. Many different names.

10:08:00

1 Q Which names do you contend that Amanda or someone
2 at Bat World used to join your Facebook page?

3 A I saved the posts so I can get the names from the
4 posts before I deleted them.

5 Q Did you produce those?

6 A Not yet. I have a lot more to produce.

7 Q How many names do you believe that were used by
8 Bat World or Amanda Lollar to post on either your
9 Animal Advocates Facebook page or your private Facebook
10 page?

11 A I don't know exactly who is the real person
12 behind the user names. A lot of them sounded fake.

13 Q So there's some names you believe are fake.

10:08:43

14 Do you have any evidence -- fact, conversation,
15 document -- that would indicate that it was Amanda Lollar
16 or someone at Bat World?

17 A I'm getting ready to send out subpoenas on Monday
18 to Facebook to get the true identities of the posters.

19 Q That's the 30 posters that you unfriended?

20 A Yes.

21 MR. MACPHAIL: Let's have this document marked as
22 Exhibit 3.

23 By the way, if at any time you need a break just
24 let me know.

25 THE WITNESS: Okay.

10:09:36

1 MR. MACPHAIL: I'm handing you Exhibit 3. That
2 is a document that you produced in response to category
3 No. 1 which is all documents related to your claim of
4 defamation.

5 BY MR. MACPHAIL:

6 Q Now the title at the top says "Victims of
7 Miss Cummins."

8 Do you have any evidence that this document,
9 comments, statement -- that Amanda Lollar at Bat World
10 somehow is connected with that webpage?

11 A This is the most recent copy of that blog. I
12 have earlier copies and I believe Ms. Lollar posted on
13 this blog in her user name a period l-o-l-l-a-r.

14 Q And what did she post, if anything, on that?

10:10:24

15 A I don't remember at the moment but it's another
16 document I have to give to you.

17 Q Okay. So there's nothing in Exhibit 3 though
18 that you contend is written by Ms. Lollar?

19 A No. I don't think so but I believe she provided
20 some of this information to Rebecca Dimetrick who wrote
21 this blog.

22 Q And what information and facts do you have that
23 indicate that she provided some information to Rebecca?

24 A Because the video of me getting served was not
25 a -- the video of me getting served ended up on this blog

10:11:05

1 within a day of it being on the Internet and I don't
2 believe Rebecca Dimetrick would have been able to find it
3 that fast.

4 Q Any other reason that you believe that Amanda
5 Lollar gave --

6 So you believe that Ms. Lollar gave Ms. Dimetrick
7 the video of you being served with the Texas complaint?

8 A Yes.

9 Q And that's based on the fact that Ms. Dimetrick
10 posted on the Victims of Miss Cummins within a day of that
11 video being posted on the Internet?

12 A Yes plus I know that Ms. Lollar communicates with
13 Ms. Dimetrick.

14 Q And how do you know that Ms. Lollar communicates
15 with Ms. Dimetrick?

16 A I asked her in her deposition and she said yes.

17 MR. MACPHAIL: Let's have this marked Exhibit 4.

18 And Exhibit 4 is another document that you
19 produced in connection with the document production.

20 BY MR. MACPHAIL:

21 Q What, if anything, on Exhibit 4 do you contend
22 was defamatory?

23 A Well here she posted she won an injunction
24 against me and the injunction was void because I didn't
25 post a bond and I'm pretty sure she knew it and here she's

10:12:44

1 stating that I have defamed her when I've only spoken the
2 absolute truth about her.

3 And she states I made false complaints to
4 numerous organizations and my complaints were a hundred
5 percent the truth.

6 And she states here that every official who
7 investigated my complaints found them to be without merit.
8 That's also not true.

9 Q Do you have any documentation that any agency --
10 state, federal or otherwise -- found allegations made by
11 you to be true?

12 A Yes. The Texas Department of Health and --

13 Q What did the Texas Department of Health find?

10:13:33

14 A That they ended up having I believe a telephone
15 conference with her and telling her that she needed to
16 change her protocols in regards to rabies and bats.

17 Q And what protocols needed to be changed to your
18 understanding?

19 A They instructed her that she and her members must
20 wear appropriate gloves when handling bats.

21 Q And where did you get this information from?

22 A I did a State Information Act request and
23 received a copy of the letter confirming the telephone
24 conference.

25 Q Did the Texas Department of -- is it Public

10:14:16

1 Health? -- find any violation of law or just indicate
2 that they felt that a different protocol should be
3 implemented?

4 A They basically went over the law with her and
5 told her to change some things on her website and to make
6 sure people used gloves and to make sure people are
7 pre-vaccinated.

8 Q Now do you have any report in writing from the
9 Texas Department of Public Health?

10 A Yes.

11 Q Was that produced with the documents?

12 A You didn't ask for it.

13 Q Well I asked for so many things.

14 A Okay.

10:14:48

15 Q I think I asked for communications with any state
16 agency.

17 A I also posted it online.

18 Q Okay. But anyway you do have that
19 documentation?

20 A Yes.

21 Q I believe I've got that request here.

22 A I posted it online and I believe I gave it in
23 discovery in the Texas lawsuit.

24 Q Well unfortunately I'm not representing anybody
25 in the Texas lawsuit so I don't have that.

10:15:38

1 Well rather than spend time in the deposition --

2 A -- you can just ask me for it.

3 Q Right.

4 Anything else in Exhibit 4 that you contend is
5 defamatory?

6 A Yes. It says "Cummins was charged with criminal
7 contempt of court."

8 I was not charged with criminal contempt of
9 court.

10 Q Was an order to show cause re contempt issued in
11 that case?

12 A Yes. Regular contempt but not criminal
13 contempt.

14 Q And you said it was defamatory that she sought an
15 injunction against you?

10:16:09

16 A She stated here that "We won an injunction
17 against her." The injunction was void because I never
18 posted a bond and I believe they knew it at the time.

19 Q But the injunction had been granted. Just that
20 you failed to post a bond?

21 A The injunction was granted.

22 Q And then it became void because the bond hadn't
23 been posted?

24 A It was instantly void because they never posted a
25 bond.

10:17:14

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MR. MACPHAIL: Exhibit 5.

Exhibit 5 for the record is a document you produced in response to request No. 1 which is all documents related to your claim of defamation against defendants.

BY MR. MACPHAIL:

Q You've had an opportunity to look at Exhibit 5?

A Yes.

Q And what within Exhibit 5 do you contend, if anything, is defamatory?

A She stated that my deposition was court ordered. It wasn't court ordered. It was mutually agreed upon. And I don't believe my video is a -- the video of the deposition in Texas is a matter of public record.

Q I'm sorry. I'm not sure --

A And then it says -- let's see. It again says I was charged with criminal contempt of court and then it has a link to her website which has more information.

Q And as to the contempt you say it was not criminal contempt but civil contempt?

A Yes.

Q Okay.

A And also she is alluding to me when talking about symptoms of psychopaths.

Q When you say alluding to you what is the

10:18:25

1 statement verbatim?

2 A It says "The symptoms of psychopathy include lack
3 of a conscience or sense of guilt, lack of empathy,
4 egocentricity, pathological lying, repeated violations of
5 social norms, disregard for the law, shallow emotions and
6 a history of victimizing others" and then it goes on.

7 Q And you're saying she --

8 A -- she's alluding to me. Referring to me.

9 This YouTube channel is devoted to me only. The
10 profile photo is a photo of me. The name of the channel
11 is BWSvMC which stands for Bat World Sanctuary vs. Mary
12 Cummins.

13 This entire channel is devoted to me.

14 Q Now you said something about the video of the
15 deposition was not your deposition in Texas?

10:19:05

16 A This -- she uploaded -- I gave permission for
17 them to videotape the deposition. I never gave permission
18 for her to one, post it on the Internet, and two, to post
19 ads on it and make money off of it. I never signed any
20 release for that.

21 Q Now how do you contend that is defamatory?

22 A The way she edited it. The way she edited the
23 bits together.

24 Q But what was edited was your actual deposition.

25 Is that correct?

10:19:42

1 A This is video of my actual deposition but also on
2 the title of the videos it says "court ordered deposition"
3 and it's not a court ordered deposition and it says
4 something else on there too.

5 Q Now when your deposition was initially noticed by
6 the plaintiffs in the Texas action did you appear at the
7 date noticed?

8 A Not the first one because I didn't get the notice
9 until an hour before the deposition.

10 Q And what about the second time it was noticed?
11 Did you appear at that time?

12 A I asked to reschedule because I was getting an
13 attorney and he refused.

14 Q And did they move to compel the deposition?

10:20:25

15 A Yes.

16 Q And the motion was granted?

17 A The motion was granted for a specific date and
18 then that date was changed and then it was just mutually
19 agreed upon after that.

20 Q So the court had ordered the deposition to occur.
21 Subsequently the parties resolved the issue and it became
22 upon a mutually agreeable date.

23 Is that correct?

24 A The court ordered a deposition I believe on
25 June 22nd -- I could be wrong about that date -- and then

10:20:52

1 that was later changed and I was deposed -- mutually
2 agreed upon -- on I believe August 25th.

3 Q It would be true that the August 25th deposition
4 arose out of the fact the court had ordered the deposition
5 for June 22nd as you recall?

6 A Actually as I remember now I had an attorney at
7 the time and I hired him June 21st. He then made a motion
8 on my deposition stating he didn't have enough time to
9 research the case in order to represent me in a deposition
10 so the court allowed us to set a deposition mutually
11 agreed upon.

12 Q Okay. Again that was all in furtherance of the
13 court ordered deposition.

14 Correct?

10:21:44

15 A Yes.

16 MR. MACPHAIL: May I see Exhibit 5 for a second?

17 THE WITNESS: Not only that but she used to have
18 videos of -- there's also video of me deposing her. That
19 also wasn't a court ordered deposition.

20 BY MR. MACPHAIL:

21 Q Okay. But the court ordered deposition that's
22 referred to in the documents is a court ordered deposition
23 of you.

24 Correct?

25 A Yes. But she also has video of me deposing her.

10:22:30

1 Q Was there anything defamatory about that?

2 A Me deposing her is not a court ordered
3 deposition.

4 Q Okay. Well her statement if I recall reading it
5 was that she refers in the video to your deposition being
6 court ordered.

7 Correct?

8 A Yes but the August 25th deposition was not court
9 ordered.

10 Q Okay. And we've already discussed that.

11 A Yes.

12 Q Does she make any comment about the fact -- is
13 there any statement in Exhibit 5 that says that her
14 deposition was court ordered?

10:23:01

15 A The profile for this channel says it's a court
16 ordered deposition and there are over 70 videos here and
17 some of them are video of me deposing her.

18 Q Let me ask this question.

19 Do you feel it damaged your reputation in any
20 way, shape or form whether Ms. Lollar's deposition was
21 court ordered or not court ordered?

22 A Just the fact that she's stating that my
23 deposition was court ordered -- I find it to be defamatory
24 because my August 25th deposition was not court ordered.

25 Q Okay. I'm talking about you said it was also

10:23:42

1 defamatory that -- you took it to mean that somehow this
2 implies or states that Amanda Lollar's deposition was
3 court ordered.

4 Are you contending that's in any way defamatory?

5 A Her statement that the depositions were court
6 ordered I believe is defamatory.

7 Q I thought you said the deposition of you, not
8 depositions generally.

9 Even assuming hypothetically that it somehow
10 could even be implied to infer that her deposition was
11 court ordered how would that in any way harm your
12 reputation?

13 A That wouldn't. It's just the main statement on
14 the main channel page that I believe harms my reputation.

10:24:54

15 Q Because it refers to your deposition or at least
16 either implies or infers your deposition was court
17 ordered?

18 A Yes.

19 MR. MACPHAIL: Exhibit 6.

20 Exhibit 6 was produced by you in connection with
21 your claim of defamation.

22 BY MR. MACPHAIL:

23 Q And what, if anything, within Exhibit 6 do you
24 consider defamatory?

25 A She states that I have harassed and defamed her

10:25:37

1 and that she states that I posted on the Internet false
2 statements of fact.

3 Everything I have posted about the woman and her
4 organization is the absolute truth.

5 And she states I've made wild accusations
6 containing false and defamatory statements about her and
7 Bat World to numerous government agencies.

8 Again that's completely false. Everything that I
9 have complained about her was the absolute truth.

10 And she states here I use robots to ensure that
11 her defamatory statements will appear high in Google and
12 other search engine results when her victims' names are
13 searched.

14 That's completely untrue. It's impossible to use
15 robots to affect the Google search engine.

10:26:04

16 And she posts that I post personal information
17 about people such as their account numbers and social
18 security numbers. I've never done that.

19 And then she links to her YouTube channel which
20 is devoted to me.

21 Q And that's Exhibit 5.

22 Correct?

23 A Yes.

24 Q Now forgive me. I am not a computer expert.

25 Robot. What is a robot?

10:27:02

1 A A robot is a computer program that one sets up to
2 do things automatically for them.

3 Q Now the lawsuit in Texas is an action against you
4 for defamation.

5 Correct?

6 A Yes.

7 Q When is the trial in that matter?

8 A Supposedly sometime in June.

9 Q Now you said that all agencies that you
10 complained to that everything you said is absolutely true.

11 To what agencies have you made complaints about
12 Amanda Lollar or Bat World?

13 A Texas Parks & Wildlife Department, the USDA --

14 Q That's the United States Department of
15 Agriculture?

10:27:50

16 A United States Department of Agriculture.

17 -- the IRS, the Texas Veterinary Board, the Texas
18 Department of Health, the Mineral Wells Police Department,
19 the City of Mineral Wells.

20 I believe that's it.

21 Q Okay. Texas Parks & Wildlife. When did you make
22 a complaint to them?

23 Let me start from the beginning.

24 How many complaints have you made to Texas Parks
25 & Wildlife?

10:28:32

1 A I made one basic complaint but I forwarded new
2 information a couple a times.

3 Q Was the first contact you had with -- is that the
4 Texas Department of Parks & Wildlife?

5 A TPWD. Texas Parks & Wildlife Department.

6 Q Okay. When was the first time you had made any
7 complaint to them?

8 A I believe it was July 2010 is when I first made
9 my complaints.

10 Q And what was your complaint?

11 A Your client has a copy of it, but basically
12 she was violating the regulations for wildlife
13 rehabilitators.

14 Q And what specifically was she violating?

10:29:27

15 A Number one, she was allowing them to breed.
16 You're not allowed to allow the animals to breed.

17 Q Anything else?

18 A I told them I didn't believe she was following
19 proper protocols for handling possibly rabid animals.

20 Q That's the rabies and gloves issue?

21 A Yes. And proper disposal. Sending them to the
22 state lab, reporting them.

23 Q Anything else?

24 A I would have to look at the report.

25 Q Did you ever receive a response from the

10:30:04

1 Texas Parks & Wildlife Department?

2 A Yes.

3 Q Has it been produced?

4 A I think so. I can go through it again.

5 Q I'll look as well.

6 A If you can write a wrote to ask me.

7 Q And you said you had some follow-up complaints or
8 follow-up information with the Texas Parks & Wildlife
9 Department?

10 A I made one complaint and then I sent photos and
11 videos.

12 Q And when did you send photos and videos?

13 A March of 2011.

14 Q All right. The U.S. Department of Agriculture.
15 When did you first make a complaint to them?

10:30:58

16 A I think March 2011 or April.

17 Q What was the nature of your complaints to the
18 USDA?

19 A That she was violating the Animal Welfare Act.

20 Q And how was she violating the Uniform Animal
21 Welfare Act?

22 A We have to inspect our animals daily and she
23 wasn't doing that. Every animal.

24 Q I'm sorry. That was the Uniform -- what was the
25 name of --

10:31:36

1 A Animal Welfare Act.

2 Q The IRS.

3 Internal Revenue Service?

4 A Yeah.

5 Q And what did you complain about to the IRS?

6 A She has Bat World pay her money to rent one of
7 her buildings.

8 Q She has Bat World pay her some money --

9 A -- to rent one of her buildings.

10 Q Which building does she rent?

11 A 217 North Oaks Street, Mineral Wells, Texas.

12 Q And who rents the building?

13 A Bath World Sanctuary pays her money to use part
14 of the building.

10:32:42

15 Q And what is the building used for?

16 A Well she lives in it with her husband and she has
17 an unreleasable bat colony downstairs and she rehabs bats
18 downstairs.

19 Q How many bats?

20 A She states she has 300 permanent bats there that
21 she rehabs.

22 Q And what is the location of 217 North Oaks Street
23 in connection with Bat World Sanctuary?

24 A That would be where the headquarters is. She has
25 another building I believe at 115 Southeast First Street

10:33:24

1 in Mineral Wells, Texas where she has a wild sanctuary of
2 bats. It's basically a vacant building that she has
3 allowed bats to live in.

4 Q And you reported this to the IRS because --

5 A -- she has no job. She has no other source of
6 income. I believe -- I personally feel that she's
7 probably living off of Bat World.

8 Q And your belief is based on --

9 A She told me in 2010 that her husband didn't pay
10 for any of the bills -- that she had to pay for
11 everything -- and that she had no job and that she wasn't
12 receiving an income from Bat World.

13 Q Did the IRS respond to you?

14 A No.

10:34:35

15 Q Next the Texas Veterinary Board.

16 A Yes.

17 Q When did you complain to them?

18 A I called that she was performing veterinary
19 medicine without a license. She hasn't gone past the
20 tenth grade, is not a licensed veterinarian -- not even a
21 vet tech -- yet she's performing surgery on bats without
22 pain relief and some of them die.

23 Q You visibly saw this? You were present?

24 A Yes.

25 Q How many times did you see a bat die while

10:35:01

1 surgery was being performed on it?

2 A I saw one bat die after surgery.

3 Q What kind of surgery?

4 A She performed an episiotomy on one bat. She
5 tried to suture another bat's chest muscle and skin.

6 Q Did that bat die?

7 A Pardon me?

8 Q The one with the suture -- did it die?

9 A I didn't see it die.

10 Q And when did you make a complaint to the
11 Texas Veterinary Board?

12 A It was probably March 2011. I would have to look
13 at the date on the report that I sent in.

14 Q Did you get a response back?

10:35:47

15 A Yes. They called and they told me if she is
16 performing veterinary medicine without a license that I
17 should report her for -- that is animal cruelty and I
18 should report her to the local police.

19 Q Did you have any further contact with the
20 Texas Veterinary Board?

21 A No. They said because she is not a licensed
22 veterinarian there's nothing that they can do about it.

23 Q And when did you make your complaint to the IRS?

24 A I made my first set of complaints in July of 2010
25 and then I believe I made more in April -- March and April

10:36:34

1 of 2011.

2 Q Are you referring to the IRS or all these
3 agencies?

4 A All these.

5 Q Did you make a complaint back in July 2010 to all
6 these agencies?

7 A Not all of them but I made my first complaint to
8 Fish & Wildlife.

9 Q Now Fish & Wildlife isn't one that you mentioned
10 before.

11 What's the name of that department?

12 A Fish & Wildlife.

13 Q Is that in Texas or --

14 A That's federal. That's for the entire

10:37:09

15 United States

16 Q Okay. And you made the first complaint in say --

17 A July 2nd, 2010.

18 Q And when did you first make a complaint to the
19 Texas Parks & Wildlife?

20 A I don't know the exact date. It was sometime
21 between then and I believe March or April of 2011.

22 Q Okay.

23 A I would have to look at my actual e-mail
24 complaint.

25 Q And Department of Agriculture?

10:37:33

1 A I decided to --- I think it was March or April --
2 to make one complaint to all of them at once.

3 Q What prompted you to make a complaint in March or
4 April of 2011?

5 A Because nothing happened with the complaints I
6 made in July of the previous year. I also didn't know
7 where to complain to.

8 Q Now when was the lawsuit in Texas filed?

9 A I believe it was filed September of 2010.

10 Q When were you served?

11 A November 3rd, 2010.

12 Q Now what was your complaints to the Fish &
13 Wildlife?

10:38:27

14 A At the time I didn't know what department
15 controlled bats and I didn't know which bats were
16 protected or endangered so I complained to Fish &
17 Wildlife.

18 Q And that was in 2010?

19 A Yes.

20 Q July of 2010?

21 A Yes.

22 Q And what response, if any, did they give you?

23 A They told me that I have to contact other
24 departments.

25 Q Which departments did they suggest, if any?

10:38:56

1 A What would be the local Fish & Game for Texas
2 which is Texas Parks & Wildlife Department.

3 Q Did you have any further communication with the
4 Fish & Wildlife?

5 A Yes. I called them on the phone and asked if she
6 had a Fish & Wildlife permit.

7 Q And did you get a response?

8 A They said no.

9 Q Do you have an understanding that Ms. Lollar at
10 Bat World Sanctuary required a Fish & Wildlife Department
11 permit?

12 A I don't know if she required one then but she
13 does need one now.

14 Q The Texas Department of Health.

10:39:46

15 When did you complain to them?

16 A I complained July 2011. 2010.

17 Q What was the nature of your complaint?

18 A She didn't check my pre-rabies vaccination card.
19 She didn't know if I had the exposure shots or not. She
20 told me to handle the bats with my bare hand. She handed
21 me a bat and she told me "Try to feed it. I think it's
22 rabid."

23 And when the possibly rabid bats -- when she
24 would euthanize them she would just throw them into the
25 regular trash.

10:40:20

1 And she wasn't quarantining the bats that she
2 thought were possibly rabid away from the other bats and
3 she wasn't reporting the possibly rabid bats to
4 authorities or sending them to the lab.

5 Q Now was this complaint to the Texas Department of
6 Health in writing or over the phone?

7 A I contacted them in writing.

8 Q And did you get a response?

9 A Yes. They told me to file a police report
10 against her.

11 Q That was the same thing the Texas Veterinary
12 Board told you.

13 Right?

14 A Yes.

10:41:11

15 Q Did you file a police report with the
16 Mineral Wells Police Department?

17 A I e-mailed a report and I spoke to the chief of
18 police and I sent him all my evidence and everything he
19 requested.

20 Q Did you get a response from the Mineral Wells
21 Police Department?

22 A He said if I want to make a report I have to go
23 to Mineral Wells and meet with him in person and show him
24 my i.d. and then make the report.

25 Q Did you do that?

10:41:40

1 A No.
2 Q Why not?
3 A I haven't been back to Mineral Wells.
4 Q When your deposition was taken in the Texas case
5 what city was that taken in?
6 A Ft. Worth.
7 Q How far is that from Mineral Wells?
8 A Hour and a half drive or so.
9 Q Do you intend to go to the Mineral Wells Police
10 Department?
11 A I think it's probably too late. Statute of
12 limitations.
13 Q Have you told me essentially everything about
14 your complaint to the Mineral Wells Police Department?
15 10:42:27 You went there and they told you -- you called
16 them and they said you had to come here and do it in
17 person.
18 Right?
19 A Yes.
20 Q The City of Mineral Wells. What complaint did
21 you make to them?
22 A I made complaints about the building -- the wild
23 sanctuary building -- at 115 Southeast First Street I
24 think.
25 Q What was the nature of that complaint?

10:42:49

1 A The building is in major disrepair. She put up
2 some scaffolding which she told us to climb which is
3 really dangerous and the little step stool to get out the
4 window was also dangerous.

5 In fact even though I forewarned the next intern
6 about the beam she also hit her head.

7 Q What was that intern's name?

8 A Kay Singleton. K-a-y.

9 Q When was the last time you spoke with
10 Ms. Singleton?

11 A A couple months ago.

12 Q Where is Ms. Singleton now?

13 A She's in Ft. Worth, Texas.

14 Q Does she still do any work in association with
15 Bat World?

10:43:32

16 A She's no longer with Bat World. She left when I
17 left.

18 Q Was her internship up?

19 A No. She left early.

20 Q Did you get any response from the City of
21 Mineral Wells?

22 A I believe they said they met or they talked to
23 her about my concerns.

24 MR. MACPHAIL: Let's have this marked as
25 Exhibit 7.

10:44:55

1 BY MR. MACPHAIL:

2 Q Are you okay?

3 A I'm fine.

4 Q Do you need a break?

5 A Huh-uh.

6 Q Now Exhibit 7 is something you produced. It's a
7 copy from a website called -- is it Raise The Fist?

8 A Yes.

9 Q Now is there anything in there that you
10 attribute -- are there any statements by Amanda Lollar
11 contained in Exhibit 7?

12 A You sent me on Monday evening late a copy of the
13 documents that she stated that she posted. I have to
14 compare that to this because there were so many that were
15 posted but I believe this is one of the ones she admitted
16 to posting. I would need to check it against the
17 discovery documents.

10:45:24

18 Q Okay. And what within Exhibit 7 assuming
19 hypothetically it was by Bat World or Amanda Lollar do you
20 contend is defamatory?

21 A It says here I'm using the Internet to harass and
22 defame her and I filed false complaints. Those things are
23 completely untrue.

24 And it says in my court ordered deposition --
25 again it wasn't court ordered -- it says I admit to being

10:45:53

1 involved in over 20 lawsuits to date. I don't believe I
2 said that. I would need to check the minutes.

3 Q Well you have been involved in more than
4 20 lawsuits.

5 Correct?

6 A I don't know. I would have to I guess search
7 lasuperiorcourt.org and see how many.

8 Q How many depositions have you been involved with?

9 A Oh. You mean lawsuits against me? Where I'm a
10 party?

11 Q Well lawsuits against you or where you were a
12 plaintiff or defendant

13 A Okay then. Yeah. Not over 20. As an expert
14 witness or a witness.

10:46:46

15 Q I'm talking about how many lawsuits -- you
16 testified -- let me just look at my notes -- that you've
17 been deposed in excess of 20 occasions.

18 A Most of that is as an expert witness. This is
19 only my second deposition for a lawsuit in which I was a
20 party.

21 Q You've been involved in more than 10 lawsuits and
22 been deposed 20 or more times.

23 Right?

24 A Yes.

25 Q And you're saying the bulk of the depositions

10:47:25

1 were as an expert witness?

2 A Yes.

3 Q So as you sit here at the moment you're not sure
4 whether Amanda Lollar wrote that post or someone else
5 did?

6 A I think she wrote this but I went through -- I
7 haven't memorized all the discovery items you gave me. I
8 would have to compare this to what's in here.

9 Q Okay. But you're not aware that that's actually
10 a post by her. Somebody could have cut and pasted a post
11 that Amanda Lollar had made previously.

12 Correct?

13 A I would have to check the date.

14 Q What is the date of Exhibit 7?

10:48:06

15 A Thursday, December 8th, 2011 at 7:48 pst.

16 Q But do you have any information that
17 Amanda Lollar has ever posted on Raise The Fist beyond
18 your speculation that that language is similar to
19 something she has posted before?

20 A She admitted to posting on Raise The Fist in the
21 admissions and in the discovery documents.

22 MR. MACPHAIL: Let's move on to Exhibit 8.

23 Exhibit 8 is a document that you've produced in
24 response to a request for all documents related to your
25 claim of defamation.

10:49:09

1 BY MR. MACPHAIL:

2 Q What is Exhibit 8?

3 A It is an article someone posted on Houston
4 Independent Media Center.

5 Q And what in Exhibit 8 do you believe was posted
6 by Ms. Lollar, if anything?

7 A She said I was disgruntled over my duties and I
8 left the internship within a few days.

9 I wasn't disgruntled over my duties and I left --
10 I was there 10 days.

11 And then she says I maliciously posted
12 copyrighted and defamatory information about her and her
13 group. That's not true.

10:50:01

14 And she states that I illegally downloaded and
15 altered videos from her book in an attempt to display
16 cruelty. And I didn't download them illegally, they
17 weren't in her book and they weren't altered.

18 Q But did you download them?

19 A It was on her public website.

20 Q Just so I'm clear you did download the videos?

21 A Yes.

22 Q Okay.

23 A And then she says I've made false complaints.
24 I've never made false complaints about her.

25 And then she stated that they had a court

10:50:44

1 injunction against me. The injunction was void. They
2 never had an injunction.

3 And then it said that I deliberately violated the
4 court order by ignoring the injunction. When I complied
5 with the injunction she got an injunction against me to
6 force me to remove websites that I don't control, that I
7 didn't post, that I had never even seen before so
8 obviously I could never do that.

9 She says I have a long history of stalking and
10 defaming others and then she posts links to blogs.

11 Q Do those blogs indicate or state that you had
12 stalked people or harassed people?

13 A Yes.

10:51:41

14 Well I have never been charged with stalking,
15 I've never been convicted of stalking. I've never been
16 charged with harassment, I've never been convicted of
17 harassment or found guilty of.

18 Q Have you ever harassed anybody?

19 A What do you mean by harassment?

20 Q Well intend -- take some conduct, take some
21 action to cause somebody some emotional distress.

22 A I've never done something with the sole intent to
23 cause anyone emotional distress.

24 Q Well have you ever done that whether with sole
25 intent or part intent?

10:52:15

1 A I have reported people for criminal acts. I'm
2 sure that they have felt harassed by that but --

3 Q Have you ever stalked anybody?

4 A No.

5 MR. MACPHAIL: Can I see Exhibit 7?

6 BY MR. MACPHAIL:

7 Q Now maybe I'm missing it. Where does it indicate
8 who the author of that article is?

9 A It doesn't indicate the author here. I would
10 need to see if this is one of the ones that she admitted
11 to posting in the discovery documents.

12 Q Okay. Other than whether it was admitted to in
13 discovery you don't know whether that was actually posted
14 by Ms. Lollar or not?

10:54:05

15 A I can't tell and this site doesn't keep logs so
16 no one will ever know.

17 MR. MACPHAIL: Let's have this marked Exhibit 9.

18 Actually that big yellow Post-It should be --

19 THE WITNESS: -- be hanging out?

20 MR. MACPHAIL: It should be off. That was kind
21 of a cover.

22 We'll remove that later.

23 Exhibit 9 is a document you produced in response
24 to discovery about documents where you allege defamation.

25 ////

10:54:35

1 BY MR. MACPHAIL:

2 Q What, if anything, do you contend within
3 Exhibit 9 was posted by Ms. Lollar that was defamatory?

4 A I don't know who posted this because I haven't
5 gotten the subpoena back yet.

6 Q So you don't know whether Ms. Lollar -- other
7 than you're waiting for a subpoena you have no other
8 information that would point to that Ms. Lollar made the
9 post that's contained in Exhibit 9?

10 A At the moment only John Doe has posted this. I
11 don't have the identify yet.

12 MR. MACPHAIL: Let's have this marked as
13 Exhibit --

14 THE WITNESS: That's 9.

10:55:26

15 BY MR. MACPHAIL:

16 Q No. 9. What, if anything, is posted in Exhibit 9
17 that you contend is false?

18 A They say I'm a cyberstalker and I have never been
19 charged with or found guilty of cyberstalking. Of course
20 they call me a crackpot. I'm psycho.

21 Q You say you've never been charged with or
22 convicted of cyberstalking.

23 Have you ever cyberstalked?

24 A No.

25 They say that I have posted violent death threats

10:56:00

1 on Mayor Sam's sister city. I have never threatened to
2 kill anyone in my life.

3 They state I threatened to kill Daniel Guss,
4 Tiffany Krog, Annette Stark and others.

5 Q In fact those statements were actually published
6 in about what? 2007?

7 A Actually there's no way to know exactly when the
8 article or blog was posted because you can change the
9 date. I've changed some of my blog posts to 1976.
10 Google, Blogger -- the Internet didn't exist as it is
11 today at that time.

12 I won't know when it was actually posted until I
13 get the subpoena back.

10:56:47

14 Q Well back in 2007, 2008 did you ever find any
15 posts about that you had made death threats to
16 Tiffany Krog and others?

17 A Yes but the posts keep changing. The dates
18 change, the actual body of the posts change so --

19 Q But the message of the post -- sort of the meat
20 and bones of the post -- have been around since about
21 what? 2007?

22 A Yes.

23 Q All right. Anything else within **Exhibit 9** that
24 you contend is defamatory?

25 A They state I'm a nutbag and I had a meritless

10:57:24

1 lawsuit against the city. They state I'm friends with
2 Anthony Elgindy who had foreknowledge of September 11th.

3 Q Do you know that individual?

4 A I know him. He had nothing to do with 911.
5 The court ordered all mention of 911 and him having
6 foreknowledge to be stricken.

7 They call me the terrorist girlfriend.

8 Q Is that in connection with your work with the
9 City of Los Angeles?

10 A Yes.

11 Q I'm sorry. It's Ed Bok --

12 A -- Boks --

13 Q -- and Tiffany Krog were also connected with your
14 work with the City of Los Angeles or the lawsuit arising?

10:59:00

15 A Ed Boks was my boss and he was the one I sued.
16 Tiffany Krog was just some attorney who got involved in
17 the mix and just started attacking me.

18 They said I taped Mr. Bickhart from the mayor's
19 office. I've never taped him. I'm a maniac.

20 Q And those were both related to your work with the
21 City of Los Angeles?

22 A It really had nothing to do with my work. They
23 were just attacking me personally.

24 Q But it occurred at the time you were working for
25 the City of Los Angeles.

10:59:50

1 Is that correct?

2 A Yes.

3 And there's lots in here that is --

4 Q Are the comments related to the time when you
5 were working at the City of Los Angeles?

6 A I was fired June 21st of 2007 legally. These
7 things are afterwards.

8 Q But I'm saying are the issues that are raised in
9 the rest of that document related to things occurring when
10 you were with the City of Los Angeles or arising out of
11 the lawsuit thereafter?

12 A Some of them are.

13 Q Is there anything that --

14 You're on what page?

11:00:39

15 A I'm looking at 7 of 17.

16 Q Okay. Anything from beyond pages 7 through 17
17 that relate to Bat World at all or Amanda Lollar?

18 A I don't think but I'm just going to make sure.

19 Q Please do. Take your time.

20 A No.

21 Q When you say no nothing refers to Bat World or
22 Amanda Lollar?

23 A No. Nothing refers.

24 Q So the production of that document is only if
25 Amanda Lollar or someone at Bat World posted that you

11:01:43

1 claim it's defamatory?

2 A Yes. Whoever the John Doe is.

3 Q Okay. But you have no facts at this point in
4 time that lead you to conclude that Amanda Lollar or
5 someone at Bat World posted that?

6 A Correct.

7 Q Did you ever get a response from the
8 U.S. Department of Agriculture to your complaint?

9 A Yes.

10 Q And what was that response?

11 A They first responded that they received my
12 complaint. Then they responded that they were opening an
13 investigation and then I did a State Information Act
14 request. They said they couldn't respond because they
15 were still investigating.

11:02:22

16 I did another State Information Act request and I
17 need to follow up on that.

18 Q And the Department of Texas Parks & Wildlife --
19 did you ever receive a response from them?

20 A Yes.

21 Q What was that response?

22 A I received one response through the State
23 Information Act request and it was e-mail communications
24 between the wardens stating that they were concerned that
25 she was allowing her bats to breed when she's not allowed

11:02:49

1 to let them breed and --

2 Q Do you have those e-mails in your possession?

3 A Yes. Some of them are online.

4 Q Now prior to your work at Bat World did you have
5 any suspicion or reason to believe that Bat World had
6 posted anything defamatory about you?

7 A I don't believe they'd posted anything defamatory
8 about me before I went to Bat World.

9 I'm not -- yeah. I don't think so.

10 Q Now in your complaint you make allegations -- in
11 fact we had one of the documents out -- that you had been
12 convicted of theft of property, forged name on a credit
13 card and I think there were two other allegations.

14 A Yes.

11:03:56

15 Q Now as it turned out I guess there was a woman by
16 the name of Mary Cummins who had been convicted.

17 A Yes.

18 Q But that was not you?

19 A No.

20 MR. MACPHAIL: Make that 10 and hand it to the
21 witness.

22 BY MR. MACPHAIL:

23 Q Do you assert that Exhibit 10 contains any
24 defamatory comments made by Bat World or Amanda Lollar?

25 A The defamatory items are when they say that I'm

11:05:18

1 basically trying to blackmail or even extort people and
2 that I threatened the assistant general manager candidates
3 and I threatened to post dirty deeds and that I stated I
4 would cease to harass or libel people if they would do
5 what I wanted them to do.

6 Q Now do you have any reason to believe that
7 Amanda Lollar or anybody at Bat World posted that
8 information?

9 A It is shared by Typhoid Mary and that is a
10 nickname that she uses when she refers to me and she
11 tagged it Mary Cummins, Animal Advocates, Amanda Lollar.

12 Q The author of that article tagged it that way?

13 A Yes. And on the bottom right it lists other
14 documents which were posted by Typhoid Mary such as
15 Mary Cummins Dark History, Mary Cummins Contempt of Court,
16 Special Series Indy-Bay Mary Cummins.

11:06:24

17 Q May I see Exhibit 10?

18 A Amanda Lollar refers to me as Typhoid Mary in
19 her -- I believe it's the Yahoo Group World Bat Line.

20 Q Does anyone else refer to you as Typhoid Mary?

21 A I think some of her friends.

22 Q Now I'm sorry. I may have missed this.

23 Where does it refer to Amanda Lollar on
24 Exhibit 10?

25 A Bottom left on the front page if you look at

11:07:09

1 tags. Mary Cummins, Animal Advocates, Amanda Lollar.

2 Do you want me to point it out to you?

3 Q No. I see it. I see it. Thank you.

4 In fact this is not the complete article.

5 Correct?

6 A Correct. It's a pdf. There are more pages. You
7 have to pay to download it.

8 Q So the fact that it's tagged Mary Cummins, Animal
9 Advocates, and your name appears in here --

10 A Uh-huh.

11 Q -- the tag doesn't indicate the author.

12 A It means that the author wants people to find the
13 article when searching for Amanda Lollar or my name or my
14 group name.

11:07:58

15 Q But again other than the fact that she's tagged
16 I'm assuming that somewhere within this article her name
17 is mentioned.

18 A I don't know. I would have to go home and pay to
19 download the article.

20 Q Okay. Other than the fact that she's indicated
21 as being tagged you have no other reason to believe that
22 she actually wrote that article?

23 A Only because the author's name is Typhoid Mary
24 and she's used that before.

25 Q But the information that's up there predominantly

11:08:31

1 deals with while you were at the City of Los Angeles.

2 Right?

3 A Yes.

4 MR. MACPHAIL: Let's have this marked Exhibit 11.

5 BY MR. MACPHAIL:

6 Q Exhibit 11. What do you contend within that
7 exhibit is defamatory?

8 A They state I made false report to government
9 officials when I didn't and they state -- let's see. They
10 state they won an injunction against me and it was void.
11 They state my deposition was court ordered.

12 Q Essentially the same allegations as some of the
13 prior?

14 A Yes.

11:09:55

15 MR. MACPHAIL: Let's go to Exhibit 12.

16 BY MR. MACPHAIL:

17 Q Have you had a chance to review Exhibit 12?

18 A Yes.

19 Q Do you have any reason to believe that that was
20 authored by Amanda Lollar or Bat World?

21 A It was shared by meaning uploaded by
22 Typhoid Mary. It's the same author as the other one that
23 you showed me a few moments ago.

24 Q Again anybody could get on a site and use the
25 name Typhoid Mary.

11:10:57

1 Right?

2 A Yes. I won't know until I get the subpoena
3 back.

4 Q Okay. And what within Exhibit 12 do you contend
5 is defamatory?

6 A This is a copy of a post that was in here
7 earlier.

8 She calls me a cyberstalker. Some of it's
9 difficult to read. She says I'm psycho. She says I have
10 no credibility and I can't read the rest of the article.

11 MR. MACPHAIL: Exhibit 13.

12 BY MR. MACPHAIL:

13 Q Do you have any reason to believe that
14 Amanda Lollar or Bat World authored Exhibit 13?

11:12:03

15 A I believe this may be one of the articles that
16 she admitted to writing in her discovery requests. I
17 would have to compare it with those documents.

18 Q My next question would be --

19 I'm sorry. I don't want to cut you off.

20 A Go ahead.

21 Q -- any other reason other than you think it may
22 have been something that was admitted to?

23 A She links to her YouTube channel which is devoted
24 to me in the lawsuit in Texas.

25 Q That's the YouTube channel that I think was part

11:12:48

1 of Exhibit 5.

2 A An earlier.

3 Q Yes.

4 A And she's posted pdfs of court documents.

5 Q Now what within Exhibit 13 do you contend is
6 defamatory?

7 A Again they're stating it's a court ordered
8 deposition when it was mutually agreed upon and I
9 supposedly made false and malicious allegations about
10 Amanda Lollar and her organization when I never have.

11 I use the Internet to harass and defame Amanda
12 Lollar and Bat World Sanctuary. That's untrue. I made
13 false complaints to numerous agencies.

14 They state they won an injunction against me.
15 The injunction was void. I'm sure they knew that.

11:13:42

16 That's it.

17 MR. MACPHAIL: Okay. Let's have this marked
18 Exhibit 14.

19 BY MR. MACPHAIL:

20 Q My first question is have you had an opportunity
21 to review Exhibit 14?

22 A Yes.

23 Q Is there any reason to believe that Exhibit 14
24 was authored by Amanda Lollar?

25 A It was posted by the same author which is

11:14:38

1 Typhoid Mary. I won't know who posted it until I get the
2 results of the subpoena.

3 Q Any other fact that leads you to conclude that
4 Amanda Lollar or Bat World authored Exhibit 14?

5 A No.

6 Q And in terms of what within Exhibit 14 is
7 defamatory?

8 A They posted that I harass people unmercifully.
9 and my lawsuit again Ed Boks was frivolous. I was trying
10 to get him fired.

11 And it says here I abuse animals and I supposedly
12 put a young opossum in a bathtub while she repeatedly
13 flicks its tail to get it to screech and cry. I have
14 never done that.

11:15:44

15 And she stated I -- someone stated that I posted
16 a video of a skunk that many rescuers believe showed signs
17 of severe physical abuse.

18 And I've posted photos of squirrel genitals and
19 that's it.

20 Q Can I see Exhibit 14 for a second?

21 Now that was posted back on September 16th, 2007.

22 A No. This was posted -- someone made a pdf of a
23 blog and then posted that pdf to .docstoc and they posted
24 that more recently.

25 Q Well the pdf document has a date of

11:16:47

1 September 16th, 2007.

2 Correct?

3 A That's not the date of the pdf document. That's
4 the date that was on the blog that they printed to pdf.

5 Q The original document of the text of whatever
6 statements were written was September 16th, 2007?

7 A We'll never know because they can change the
8 dates. I can change any blog to any date I like.

9 Q Do you have any reason to believe that that date
10 is somehow false?

11 A Yes.

12 Q What's that?

13 A The blog Victims Of Ms. Cummins -- I believe
14 Rebecca Dimetrick -- she admitted to controlling that
15 blog. I believe she was worried about statute of
16 limitations so she started predating her posts to make
17 them look older.

11:17:17

18 Q Okay. So did you conclude that Rebecca Dimetrick
19 authored Exhibit 14?

20 A I don't know exactly who authored this because I
21 don't have the ISP of the post or user.

22 Q Okay. And the only information you have to
23 believe that date of September 16th, 2007 is incorrect is
24 that Rebecca Dimetrick predates her posts?

25 A I'm just saying anyone can change the date of a

11:18:02

1 post if they control the blog. So whoever controlled it
2 if that did come from laanimalpals.blogspot they could
3 control the date and change it.

4 Q As a matter of fact I guess you could have
5 changed the dates on the documents that you produced.

6 Right?

7 A Only the blogs that I control.

8 Q Okay.

9 A I can only change the dates of posts in blogs
10 which I control with the user name and password --

11 Q Right.

12 A -- which are none of these.

13 Q Now the statements that were in there -- those
14 were all things that had been posted at some point in
15 about 2007?

11:18:41

16 A Yes. Some of them.

17 MR. MACPHAIL: All right. You can put that one
18 down.

19 Exhibit 15.

20 THE WITNESS: This looks like a repeat of a
21 previous exhibit.

22 I've looked at it.

23 BY MR. MACPHAIL:

24 Q Now Exhibit 15 is a posting from laanimalfriends?

25 A From mary-cummins-animal-advocates-crackpo.

11:19:52

1 blogspot.com.

2 Q Do you have any information as to who controls
3 that website?

4 A I think -- I'm not sure -- Annette Stark controls
5 this blog.

6 Q Now do you have any reason to believe that the
7 statements contained within Exhibit 15 were posted or
8 prepared by Amanda Lollar?

9 A No.

10 Q Now you said it's a repeat of earlier types or
11 the same issues that you contend are --

12 A Yes.

13 Q -- false and defamatory?

14 A Yes.

11:20:47

15 MR. MACPHAIL: Exhibit 16.

16 BY MR. MACPHAIL:

17 Q Exhibit 16 is the text of the reference to the
18 four crimes that you were allegedly convicted of?

19 A Yes.

20 Q And when did you first see such a post?

21 A I first saw it years ago.

22 Q How many years ago?

23 A 2007.

24 Q Has that been posted on various websites
25 throughout the years?

11:21:41

1 A I've gotten it deleted from most blogs and
2 websites but it's still on a couple.

3 Q Have you ever been denied employment because
4 somebody had concluded you'd been convicted of a crime?

5 A I had quite a few people e-mail me this saying
6 "Look what people are saying of you. Is it true? I don't
7 care if you're a convicted criminal. I'll still be your
8 friend."

9 Just crazy e-mails. So people were forwarding
10 this to me.

11 Q These are people who are friends of yours?

12 A Yes.

13 Q Okay. Did anybody state that they no longer want
14 to be a friend of yours because of that post?

11:22:21

15 A No but I lost a lot friends and with no
16 explanation and other animal groups didn't want to work
17 with me.

18 Q That was back in 2007?

19 A Yes. And also if you Google me on the Internet
20 Top 10 this comes up.

21 So 75 percent of all people Google friends or
22 potential clients or employees before they hire them so
23 I'm sure I've lost a lot of work because of this.

24 Q But can you point to any specific potential
25 client or job that you didn't receive because of that

11:23:04

1 post?

2 A I applied for some jobs that I felt I was very
3 well qualified for and I didn't get the jobs and I'm
4 pretty sure it's because they Googled my name and saw some
5 of this.

6 Q Now what jobs are you talking about?

7 A I applied for salaried positions as an appraiser.

8 Q And when was that?

9 A Last year.

10 Q When last year?

11 A Throughout the year I made a few applications.
12 Probably one a month.

13 Q To whom did you make them?

14 A It was through Careerbuilder and a couple other
15 sites.

11:23:44

16 Q Well what led you to conclude you didn't get that
17 position because of the fact that that post was out
18 there?

19 A Well research has shown that 75 percent of all
20 employers will Google someone's name before they hire them
21 and if you Google my name you will see this.

22 Q Okay. Did any prospective employer tell you
23 that they weren't hiring you because you had a criminal
24 conviction?

25 A No. They didn't say that.

11:24:15

1 Q Okay. Now all these positions -- were these for
2 full time employment or was this like independent
3 contractor appraisal work?

4 A Full time. Some full time.

5 Q Which employers did you submit an application to
6 for full time employment?

7 A I would have to look that up.

8 Q Do you recall any of them?

9 A A couple were in downtown L.A. I don't remember
10 the names at the moment.

11 Q Now you left the City of Los Angeles.
12 You were an employee of the City of Los Angeles?

13 A It's kind of complex. I legally was not an
14 employee.

11:25:04

15 Q Now have you been employed by anybody -- I'm not
16 talking about real estate appraisal work on a sort of a
17 one-shot basis for somebody but have you been employed by
18 anybody since 2007?

19 A No.

20 Q So your income since 2007 has been real estate
21 appraisal work and the search engine optimization?

22 A Yes.

23 MR. MACPHAIL: Let's go off the record for a
24 second. He needs to change the tape.

25 THE VIDEOGRAPHER: The time is 11:27 and we're

11:25:48

1 off the record.

2 (Recess.)

3 THE VIDEOGRAPHER: The time is 11:57 and we're
4 back on the record.

5 BY MR. MACPHAIL:

6 Q Ms. Cummins, before we went off the record I just
7 want to confirm.

8 So your sources of income since 2007 have been
9 the search engine optimization work you've done and your
10 real estate appraisal work and I guess any expert
11 testimony you have provided.

12 Is that correct?

13 A Yes.

14 Q Now you're asserting that you've lost some income
15 due to alleged defamatory statements.

11:36:36

16 Is that correct?

17 A Yes.

18 Q And when did you view or allege that your income
19 was affected?

20 What year was there harm to your income due to
21 alleged defamatory statements?

22 A I believe my income was harmed by defendants
23 after Ms. Lollar started posting the articles on
24 Raise The First, IndyBay and her own website.

25 Q Now do you contend that your income was harmed

11:37:18

1 at all starting in 2007 when there were posts about
2 criminal convictions and other comments about things
3 occurring in connection with your work and the lawsuit
4 against the City of Los Angeles?

5 A My income was harmed then but I was able to get
6 many of the websites' blogs removed and I buried the rest.

7 Q What was your income in 2007?

8 A I don't know. I'd have to look.

9 Q 2008?

10 A I'd have to look. I haven't even done my taxes
11 for this year yet.

12 Q 2009?

13 A I would have to look.

14 Q Okay. So you have no estimate of what your
15 income has been from 2007 forward?

11:38:01

16 A Not off the top of my head. I can get the
17 figures.

18 Q Well do you have any information as to any
19 economic harm that you've suffered as a result of the
20 alleged defamatory statements by defendants?

21 A My new appraisal orders dropped significantly
22 when all these articles started being posted.

23 Q When you say all these articles which articles
24 are you talking about?

25 A I'm talking about the recent ones from 2011.

11:38:41

1 Q How many real estate appraisals did you perform
2 approximately in 2010?

3 A I would have to look at my books.

4 Q Do you have any estimate of how many real estate
5 appraisals you've performed in 2011?

6 A I would have to look at my books.

7 Q No estimate?

8 A No estimate.

9 Q How many appraisals have you performed in 2012 to
10 date?

11 A I did two last week. Otherwise I don't know.

12 Q Have you been relatively busy with real estate
13 appraisal work?

14 A Not recently.

11:39:22

15 Q Have you posted at all anything on any of your
16 blogs that you've been very busy with real estate
17 appraisal work?

18 A No.

19 Q Have you told the court in Texas that you would
20 have difficulty appearing because of the work you have?

21 A No.

22 Q Now has the falling real estate market affected
23 the number of appraisals being performed?

24 A It's affected the type of appraisals performed.

25 Q How would you differentiate between harm

11:40:16

1 allegedly caused by my clients and the other blogs and
2 posts out there that posted similar information such as
3 like L.A. Animal Pals?

4 A Those blogs are buried. You can't -- they don't
5 come up Top 20 even. Most people just look at -- when
6 they Google search someone they look at the first page
7 which is 1 to 10 and those blogs are buried.

8 Q For example, L.A. Animal Pals -- you said that's
9 one that comes up in the Top 10.

10 Right?

11 A Not anymore.

12 Q But that particular post has been out there since
13 about 2007.

14 Right?

11:41:04

15 A I can't tell if it's been there in that exact
16 state and form because they change.

17 Q Well you say that you feel that there's been some
18 economic harm you have suffered as a result of defamatory
19 comments.

20 How would you attribute that you've suffered any
21 economic harm?

22 A These blogs came out in 2007 and websites. I was
23 able to get most of them removed if not buried so they
24 didn't show up Top 10 and my income started to come
25 back up and then Ms. Lollar started posting her articles

11:41:47

1 and websites and she reposted the information.

2 Q Okay. And your income went down?

3 A Yes.

4 Q I guess I'm trying to figure out how -- you can't
5 give me any estimate of what it was, how it went up or how
6 it went down.

7 Is that correct?

8 A I'd have to refer to my books in order to be
9 specific.

10 Q I'm not asking for specifics. I'm asking for
11 estimates.

12 A I had finally buried the blogs from 2007 or
13 gotten them deleted and my income started to go back up
14 and then after Ms. Lollar started posting the articles
11:42:25 15 which she actually did admit to here then they started
16 going back down.

17 Q But again you have no estimate whatsoever as you
18 sit here today how your income went up or down?

19 A No. I haven't done my taxes. I was getting
20 ready to go and compare my last tax returns.

21 Q Right. But I mean for the years prior to that
22 you don't have any estimate of what your income was or how
23 it went down or up?

24 A No.

25 Q Okay. Other than the fact that there were

11:43:02

1 postings by Ms. Lollar how do you conclude that that was a
2 cause of any reduction in your income?

3 A There wasn't a change in the economy at the time.
4 I saw no other reason to explain it. And I know that
5 people Google people when they're going to hire them and
6 if they were to see that I mean with all the other real
7 estate appraisers in L.A. they would definitely pick
8 someone who doesn't have all that trash written about
9 them.

10 I'm going into people's homes with their wives
11 and their kids. You don't want to send someone in who
12 might possibly have some sort of criminal record.

13 Q But can you point to any incident where you lost
14 business?

11:43:51

15 A I can't -- no one ever called me up and said
16 "Hey, I was thinking of hiring you but I saw the crap on
17 the Internet so I decided not to. Bye." Generally they
18 just wouldn't hire me.

19 Q Do you work independently as a real estate
20 appraiser?

21 A Yes.

22 Q Now your search engine optimization business --
23 do you contend that was harmed in any way by any alleged
24 defamatory comments by defendants?

25 A I'm just doing work for people that I've known

11:44:17

1 for a while now so I don't think that was harmed.

2 Q What about expert witness work? Has that been
3 harmed at all due to alleged defamatory statements by
4 defendants?

5 A Again they wouldn't call me up and say "Hey, I
6 was going to hire you but then I Googled you, I saw this
7 crap, I decided not to." People just wouldn't contact me.

8 Q As an expert witness -- how many times did you
9 say you've been retained as an expert witness?

10 A Many times. I have been to trial twice and I
11 have been deposed over 20 times for that.

12 Q Now there's also been a number of incidents where
13 you've been selected or identified as an expert but the
14 case settled or resolved where you did not do any work.

11:45:15

15 A I would -- yeah. Many were settled before
16 trial.

17 Q So I mean do you have any estimate of how many
18 times you've actually performed work for compensation as
19 an expert?

20 A Definitely over 60 times. I would have to look
21 because I generally would do an appraisal or an assessment
22 and that has a number and a date and then it would state
23 "purpose." Then I would know if it was for expert witness
24 testimony or for refinance, probate, lawsuit.

25 I'm also suing for libel and defamation pro se.

11:46:10

1 I don't have to show financial damages.

2 MR. MACPHAIL: Move to strike as nonresponsive.

3 BY MR. MACPHAIL:

4 Q What documents do you possess, if any, that would
5 demonstrate the fact that your income has gone down?

6 A I have my financial documents at home.

7 Q Okay. Those were requested earlier in the
8 request for production.

9 A Were they?

10 Q Yes.

11 A Which request was it?

12 Q Actually several requests.

13 For example, No. 95. All documents evidencing,
14 memorializing or in any way relating to any and all
15 financial damage suffered by plaintiff as a result of any
16 allegedly defamatory or libelous statements you contend
17 were made by Lollar.

11:46:58

18 A And what was my response?

19 I haven't finished producing all documents yet.
20 You asked for quite a few.

21 Q Right.

22 A I gave you over 500.

23 Q I guess I'm just trying to identify that for
24 followup.

25 What documents would show the -- that was 95.

11:47:53

1 Your response there was refer to No. 1 which is the
2 statements -- the alleged statements themselves.

3 A Perhaps I answered that incorrectly.

4 Q That's fine. We can deal with that later.

5 I guess what I'm trying to determine is what
6 documents do you have in your possession, custody or
7 control that would indicate or support your contention
8 that you have been harmed financially by the alleged
9 defamatory comments?

10 A My appraisal orders and invoices. Actual
11 appraisals done. I would have to look at them.

12 Q Do you maintain like any Excel spreadsheets or
13 keep documents in preparation for your taxes?

14 A Yes.

11:48:52

15 Q We can talk about that at a break, but as you sit
16 here today you can't give me any estimate of what your
17 income was from 2007 forward or increases thereof or
18 reductions thereof?

19 A No. Not today.

20 Q And the only information you have that Ms. Lollar
21 and/or Bat World caused any reduction in compensation is
22 that there were posts made in 2011 by Bat World and
23 Amanda Lollar.

24 Is that correct?

25 A Yes.

11:49:31

1 Q And you've never heard from anybody that they
2 refuse to do business with you because of any post that
3 has been on the Internet?

4 A No one has told me that to my face.

5 Q Do you have any information -- whether they've
6 told you to your face or otherwise do you have any
7 information that somebody has refused to do business with
8 you because of the posts?

9 A Yes. Someone had I believe one of the blogs
10 posted that I am taking money from Animal Advocates to pay
11 my legal fees in Texas and because of that people have not
12 been donating as much because they believe I'm using that
13 money so that's affected Animal Advocates.

11:50:25

14 Q Well that's a conclusion you have as far as
15 donations.

16 Who posted the statement that they believe you
17 were taking money from Animal Advocates?

18 A I believe it was Rebecca Dimetrick.

19 Q So you don't attribute that to Amanda Lollar or
20 Bat World, do you?

21 A Not directly though Ms. Lollar communicates with
22 Ms. Dimetrick.

23 Q Beyond that do you have any other information
24 that would indicate that Ms. Lollar or Bat World are
25 somehow responsible for any shortcoming or reduction in

11:51:09

1 funds or donations to Animal Advocates?

2 A Could you repeat that?

3 Q Yeah. I probably should.

4 Other than the fact that you believe that
5 Ms. Lollar and Ms. Dimetrick communicate with each other
6 do you have any reason to believe that Ms. Lollar or
7 Bat World are connected with this comment that you are
8 taking money from Animal Advocates and that has had a
9 resulting reduction on donations to Animal Advocates?

10 A I believe it's possible that Ms. Lollar told
11 Ms. Dimetrick that I am probably taking funds from
12 Animal Advocates to pay for my legal bill in Texas.

13 Q But that's just speculation?

14 A Speculation.

11:52:06

15 Q What kind of donations has Animal Advocates
16 received since 2007?

17 A Generally our donations are around 2,000 a
18 year.

19 Q Has that been pretty much the same since 2007?

20 A Except for 2010. I donated 6,000 cash and I gave
21 all the revenue from my blogs -- ads on blogs and ads on
22 video to Animal Advocates which was an additional 1400.

23 Q Okay. So in 2010 there was -- now the \$2,000
24 from 2007 forward through basically 2008 and 9 -- that was
25 money from you?

11:52:48

1 A No. That was money from other people.

2 Q But the 6,000 and the 1400 in 2010 was money from
3 you.

4 Is that correct?

5 A Yes.

6 My 990s are public. I would need to look at them
7 to make sure I have these amounts exact.

8 Q Okay. Well in 2010 what kind of money did you
9 receive from outside sources?

10 A About 2,000.

11 Q In 2011 what kind of donations did Animal
12 Advocates receive?

13 A Probably about 700 and 500 of it was from a
14 friend.

11:53:42

15 I would need to look at my exact -- I haven't
16 done my taxes yet. I have to look at my PayPal and bank
17 statements.

18 Q Now Animal Advocates -- is it a corporation or is
19 it a dba or what is it?

20 A It's a corporation. A 5013(c).

21 MR. MACPHAIL: It's 11:55 and I'm kind of at a
22 breaking point in subject matter.

23 Would this be an appropriate time to take a lunch
24 break?

25 THE WITNESS: That's fine with me.

11:54:28

1 MR. MACPHAIL: How much time would you like to
2 take?

3 THE WITNESS: You tell me.

4 What's normal?

5 MR. MACPHAIL: Anywhere from 30 minutes to an
6 hour.

7 THE WITNESS: I'm pretty open. I'm just going to
8 go downstairs.

9 MR. MACPHAIL: Why don't we say 30 minutes?
10 That's doing it on the quick side.

11 Okay. Off the record.

12 THE VIDEOGRAPHER: The time is 11:55 and we're
13 off the record.

14 (A lunch recess was taken at 11:55 a.m.)

12:42:13

15 *****

16 (The proceedings resumed at 12:43 p.m.)

17 THE VIDEOGRAPHER: The time is 12:43 and we're
18 back on the record.

19 BY MR. MACPHAIL:

20 Q Ms. Cummins, in your lawsuit you also assert that
21 you suffered some emotional distress from the alleged
22 defamatory comments.

23 How would you describe that emotional distress?

24 A Difficulty getting to sleep, difficulty staying
25 asleep, nightmares, my pulse rate is elevated, I've been

12:42:56

1 grinding my teeth and now I need four crowns.

2 Q Have you seen any physician about any of the
3 symptoms?

4 A I saw my dentist about my teeth.

5 Q Did the dentist give you any conclusion as to the
6 cause of the teeth grinding?

7 A He said stress can lead to teeth grinding because
8 I do it when I sleep.

9 Q Now you say you have difficulty sleeping?

10 A Getting to sleep, staying asleep.

11 Q When did that start?

12 A Probably the middle of last year.

13 Q So approximately June of 2011?

14 A Approximately.

12:43:54

15 Q And how would you describe -- in an average week
16 how many days a week do you have trouble getting to sleep?

17 A Every night.

18 Q And when you describe having trouble getting to
19 sleep what do you mean?

20 A I have to take two Excedrin PM and then I will
21 wake up around 3:00 or 4:00 in the morning for an hour and
22 then go back to sleep.

23 Q What time do you go to bed?

24 A 11:00.

25 Q And since June of 2011 has this difficulty

12:44:35

1 getting to sleep improved, gotten worse, stayed the
2 same?

3 A It's stayed the same.

4 Q Now you also described you have trouble sleeping.

5 A Staying asleep.

6 Q Staying asleep. Okay.

7 A Getting to sleep.

8 Q Is that the waking up at 3:00 in the morning?

9 A Yes.

10 Q Now is this like every night you wake up between
11 3:00 and 4:00?

12 A I'd say 75 percent of the time.

13 Q But if you take two Excedrin PM you'll sleep
14 through the night except for that one hour period around
15 3:00 or 4:00?

12:45:25

16 A Yeah.

17 Q What time do you wake up in the morning
18 ultimately?

19 A 7:00.

20 Q I'm sorry. I didn't catch it.
21 You've had falling asleep problems, staying
22 asleep. You said elevated was it --

23 A -- heart rate.

24 Q -- heart rate. Okay.

25 Now have you had your heart rate measured by a

12:45:37

1 physician?

2 A I've measured it but I intend to see my regular
3 physician in the next couple weeks.

4 Q Now when did you first note that your heart rate
5 appeared to be elevated?

6 A Probably the middle of last year when --
7 basically after Ms. Lollar was posting that I was a
8 convicted criminal.

9 Q That's a posting that you had seen before from
10 2007 forward.

11 Right?

12 A No. It's a different post.

13 Q It lists the same four crimes.

14 Right?

12:46:31

15 A Yes.

16 Q And basically it appears to be a printout of the
17 criminal rap sheet of the other Mary Cummins?

18 A Yes although when Ms. Lollar posted it she added
19 other things calling me a cyberstalker and a
20 cybersquatter.

21 Q Now the post that Ms. Lollar apparently put up --
22 was it a cut and paste of the earlier post?

23 A Slightly different I think. I would have to look
24 at them side by side.

25 Q Okay. Now what is your heart rate at the

12:47:20

1 moment?

2 A I don't know. It's probably 90.

3 Q Have you seen any physician about your elevated
4 heart rate?

5 A No because I was changing health insurance
6 because I couldn't afford my health insurance and I needed
7 to find out how much my doctor would charge me because
8 generally he doesn't even take insurance.

9 Q Okay. So you've had trouble falling asleep,
10 trouble sleeping, elevated heart rate.

11 I didn't get all the other ones.

12 A Grinding my teeth at night.

13 Q We've covered that.

14 A Uh-huh.

12:47:54

15 Q Anything else?

16 A Because I'm not sleeping well I'm sleepwalking
17 more.

18 Q Were you sleepwalking before?

19 A Maybe once a year before.

20 Q How often are you sleepwalking now?

21 A Probably one out of every three days.

22 Q And in terms of sleepwalking what has occurred or
23 is there a pattern to it?

24 A If I'm not sleeping well then I'm more likely to
25 sleepwalk.

12:48:28

1 Q Okay. I mean has anything happened to you while
2 you're sleepwalking?

3 A Have you injured yourself or --

4 A Once. I fell and landed on my tailbone.

5 Q When did that occur?

6 A That was about seven weeks ago.

7 Q Any other symptoms of emotional distress?

8 A No. Just general elevated stress levels.

9 Q Did the termination of your position with
10 L.A. city cause you any emotional distress?

11 A I guess it did at the time. Then later I was
12 relieved.

13 Q The sex harassment that you sued for -- did that
14 cause you any emotional distress?

12:49:35

15 A No.

16 Q Not at all?

17 A The lawsuit? Are you asking me if the lawsuit?

18 Q No. I'm asking you the sexual harassment that
19 you allege occurred that formed the basis for the
20 lawsuit -- did that cause you any emotional distress?

21 A At the time but not afterwards.

22 Q How would you describe the emotional distress you
23 endured during the period of time you were sexually
24 harassed?

25 A Could you rephrase that or ask me again?

12:50:09

1 Q How would you describe the emotional distress
2 that you suffered during the period of time you were
3 sexually harassed?

4 A I probably had problems sleeping then and -- I
5 guess just it was generally stressful at the time but when
6 it was over with it wasn't.

7 Q How quick? Did it just immediately disappear?

8 A Yeah. As soon as I was terminated I didn't have
9 to worry about that anymore.

10 Q Did going through the lawsuit against the City of
11 L.A. cause you any stress?

12 A The only stress was probably caused by some of
13 the people posting that my lawsuit was frivolous.

12:51:18

14 Q Now you have a restraining order against one of
15 your neighbors?

16 A Yes.

17 Q Okay. What was the activity that occurred that
18 led you to seek a restraining order?

19 A He took a sledge hammer to my house and started
20 to tear my house down saying that the city ordered him to
21 do that.

22 He would follow my husband around and put his
23 hands in the shape of a gun and pretend to shoot him. He
24 would sing my name over and over again in a high-pitched
25 operatic voice on his front lawn.

12:51:50

1 He was was a manic/depressive/schizophrenic off
2 of his meds.

3 He torn down my fence. He tore down my gazebo.
4 He tried to stab me with a machete through the fence. He
5 tried to stab my ex-husband with a machete through the
6 fence.

7 That's probably most of it.

8 Q Did that cause you any emotional distress?

9 A At the time yes.

10 Q When you say at the time what time period?

11 A When he actually was trying to stab my ex-husband
12 with a machete that was very stressful.

13 Q But no lingering emotional distress afterwards
14 or --

12:52:37

15 A He lost his house in foreclosure and moved and I
16 was fine.

17 Q That was back in about 2004?

18 A 2004 I believe. Yes.

19 Q And the emotional distress that you suffered at
20 that time -- how did that manifest itself?

21 A Difficulty sleeping. Just being a little bit
22 worried all the time that the neighbor would come on to my
23 property.

24 Q Was the difficulty sleeping worse than, better
25 than or the same as what you say you are going through

12:53:29

1 now?

2 A Well actually my ex-husband was there at the time
3 so I wasn't as frightened at night so it probably wasn't
4 as bad.

5 Q Now you said you were going to see a physician
6 about your emotional distress.

7 What physician do you plan on seeing?

8 A Dr. Samuel Berkman.

9 Q How do you spell his last name?

10 A B-e-r-k-m-a-n.

11 Q Where is Dr. Berkman located?

12 A Beverly Hills.

13 Q Do you have an address?

14 A He's on Brighton Way near Canon.

12:54:14

15 Q What type of physician is Dr. Berkman?

16 A General practitioner.

17 Q How long have you seen Dr. Berkman?

18 A Twenty years.

19 Q Have you seen any other medical care provider in
20 the last five years?

21 A Yes.

22 Q And who are those medical providers?

23 A I don't remember his name -- he's a gynecologist
24 at UCLA -- and Dr. Oshiro, the orthopedic surgeon.

25 Q That was about the back issue?

12:54:58

1 A Yes.

2 Q Did you have surgery?

3 A No.

4 Q How much therapy did you go through?

5 A I went to three therapy sessions but it just hurt
6 too much so I refused to go back.

7 Q And specifically what part of your back was
8 injured?

9 A The disk in between -- I think L5 and S1 or is it
10 L6?

11 The last lumbar above the sacriatic.

12 Q Were you told that you would require surgery for
13 that?

14 A Yes.

12:55:39

15 Q By Dr. Oshiro?

16 A Yes.

17 Q Any reason you decided not to go through with the
18 surgery?

19 A I was told surgery could leave you in even worse
20 condition and I'm trying to do absolutely everything I can
21 to prevent having to have surgery.

22 Q Now are you currently married?

23 A No.

24 Q When did your divorce occur?

25 A 2005.

12:56:02

1 Q Did that cause you any emotional distress?

2 A No.

3 Q Did you file for divorce or did he?

4 A I was going to file for the moment. Then I found
5 out he was married three times before and never divorced
6 so I don't believe I was legally married.

7 Q How long were you together?

8 A Six years.

9 Q Now the sleepwalking -- when did that first start
10 for you?

11 When did you first start sleepwalking ever?

12 A As a kid.

13 Q And at that time that was about once a week or
14 so?

12:56:52

15 A I don't remember as a little kid. I will only
16 sleepwalk if I'm not sleeping well. If I'm upset
17 physically or mentally.

18 MR. MACPHAIL: Was 16 our last number?

19 THE WITNESS: Yes.

20 MR. MACPHAIL: Let's have this marked as 17.

21 No. 17 I'll represent to you was produced by you
22 in response to our request for production of documents.

23 BY MR. MACPHAIL:

24 Q I guess my first question is do you contend that
25 Exhibit 17 was written by Amanda Lollar or someone else

12:57:43

1 from Bat World?

2 A I believe that it was. I just quickly went
3 through your discovery items which you handed to me and I
4 believe I saw this in there as one that she admitted to
5 writing and posting.

6 Q Okay. Now what in Exhibit 17 do you contend is
7 defamatory?

8 A Well she claims that I defamed her when I've only
9 spoken the truth about her and she claims that I was
10 disgruntled over my duties which was not true and she said
11 I left within a few days which was not true and she says I
12 maliciously post copyrighted and defamatory information on
13 the Internet regarding Bat World and Ms. Lollar and I
14 haven't done that and I suppose she states that I've
15 altered videos in an attempt to display cruelty. I
16 haven't done that. And that she states I've altered
17 photographs to make them appear as they are cruelty. I
18 haven't altered any of the photographs.

12:58:32

19 She stated I made false complaints to the
20 authorities about her. She states they have a court
21 injunction againsty me when it was void and I'm sure they
22 knew it from the beginning.

23 She states that I violated the court order by
24 ignoring the injunction when I absolutely complied with
25 the injunction even though I knew it was void.

12:59:07

1 And she states I have a long history of stalking
2 and defaming others and she posts links to a couple of
3 blogs.

4 Q You have referred to all these allegations in
5 some of the other exhibits as well.

6 Right?

7 A Yes.

8 MR. MACPHAIL: I think this was an exhibit.
9 Something fairly similar to it.

10 THE WITNESS: Yeah. It looks similar.

11 MR. MACPHAIL: Let's have this marked Exhibit 18.

12 For the record I'm also going to hand you 13. I
13 think they're fairly similar.

14 THE WITNESS: Similar but not identical.

13:00:49

15 BY MR. MACPHAIL:

16 Q Well are there any allegations or any alleged
17 defamatory comments within Exhibit 18 that you haven't
18 referred to?

19 A In 18 she states "Defendant has made it her
20 mission to destroy the good name and reputation of
21 Amanda Lollar and Bat World." That is not true.

22 Otherwise it's pretty similar.

23 MR. MACPHAIL: Let's have this marked No. 19.

24 BY MR. MACPHAIL:

25 Q On Exhibit 19 do you have any evidence that leads

13:02:02

1 you to conclude that the text of Exhibit 19 was written by
2 Amanda Lollar or someone else at Bat World?

3 A No. At the moment it's still John Doe.

4 Q When you say John Doe just for the record do you
5 mean you don't know who the author is?

6 A I don't know who the author of this blog is.

7 Q And again to be completely clear do you know who
8 controls or moderates that blog?

9 A I won't know until I get the subpoena back.

10 Q Do you have any indication or information that
11 leads you to believe it's one particular person or
12 persons?

13 A Yes.

14 Q Who do you believe it is?

13:02:50

15 A Tiffany Krog.

16 Q Tiffany Krog was a city attorney?

17 A No. She's an attorney who works in Glendale.

18 Q Okay. But she represented the city --

19 A No.

20 Q Now how did you work with her?

21 A She was a member of the Directors of Animal
22 Welfare Yahoo Group and I met her in that group and one
23 day she just started attacking me.

24 Q For no apparent reason?

25 A She was embarrassed.

13:03:34

1 Q About what?

2 A She was posting in a fake mail user name to
3 attack all the women in the group and she must have gotten
4 drunk one night, mixed them up and I pointed it out to
5 everyone.

6 Q When you say she was attacking women in the group
7 what was she doing?

8 A Verbally calling them hags and ugly and that
9 everyone should be nice to Tiffany because she's smart and
10 pretty.

11 Q Now do you have any information other than your
12 speculation that people can change dates on a blog that
13 Exhibit 19 -- the initial article at the top -- was
14 written on a date other than on November 2nd, 2006?

13:04:40

15 A Are you --

16 Q Do you have any information that leads you to
17 believe that the first couple of paragraphs there up to
18 the point where it -- I guess the header there is dated
19 September or November 2nd, 2006.

20 Do you have any reason to believe that that is
21 false?

22 A That could be when that post was originally
23 posted but Ms. Krog would continually continue to edit the
24 blog posts and change the dates.

25 Q In fact the posts related to this date back to

13:06:06

1 2001 and go up to 2007.

2 A No. 2001 is someone's e-mail.

3 Actually this 2001 is a copy of a blog from
4 siliconinvestor.com.

5 Q So somebody copied a 2001 e-mail in 2006?

6 A It's possible. This looks like a blog post from
7 Silicon Investor which someone copied -- I don't know if
8 they edited it -- and posted it here and it could have
9 been posted November 2nd, 2006.

10 Q Right. Looking at the e-mails -- kind of
11 following that it's all 2006, 2007.

12 Correct?

13 A Do you mean blog posts?

14 Q Yes.

13:07:09

15 A Because I see e-mails in here from 2007.

16 Q It looks like somebody initially posted something
17 and then there's comments that follow that date up to
18 2007.

19 A I think so. It doesn't always have the date
20 here. It just has the time sometimes.

21 Q Which doesn't that generally indicate it's
22 written the same day as the prior post?

23 A It's possible this isn't a good printout and the
24 year didn't show up on the --

25 Q Again the way it's printed out the last page

13:07:59

1 would probably have the most recent e-mail or post.

2 Right?

3 A I would think so.

4 Q And that's 2007?

5 A It only has a time.

6 Q Look at the pages before.

7 A It could be the same day.

8 Q Do you have any reason to believe that the dates
9 of the entries there are more recent than what is
10 indicated?

11 That is 2006, 2007.

12 A I don't know if it's possible to change the date
13 on comments. I just know it's possible to change the
14 dates on the main post.

13:09:01

15 Q You have no information that leads you to
16 conclude that the dates reflected in Exhibit 19 are
17 incorrect?

18 A I don't know. I don't have any evidence at the
19 moment but I do know that Ms. Krog would continue to
20 change the blog posts even a year or two later.

21 MR. MACPHAIL: Let's have this marked
22 Exhibit 20.

23 I'll represent to you Exhibit 20 is another
24 document that you produced in discovery in response to a
25 request for documents concerning defamation. Your claim

13:10:01

1 of defamation.

2 BY MR. MACPHAIL:

3 Q Is there anything within Exhibit 20 that you
4 contend was drafted by Ms. Lollar or Bat World?

5 A I have no evidence at the moment to prove that
6 she wrote any of this. That Ms. Lollar wrote any of
7 this.

8 MR. MACPHAIL: Excuse me. I need to go off the
9 record for just one minute.

10 THE VIDEOGRAPHER: The time is 1:11 and we're off
11 the record.

12 (Recess.)

13 THE VIDEOGRAPHER: The time is 1:25 and we're
14 back on the record.

13:24:36

15 MR. MACPHAIL: No. 20.

16 What was the last question and answer?

17 THE REPORTER: Question: "Is there anything
18 within Exhibit 20 that you contend was drafted by
19 Ms. Lollar or Bat World?" Answer: "I have no evidence at
20 the moment to prove that she wrote any of this. That
21 Ms. Lollar wrote any of this."

22 BY MR. MACPHAIL:

23 Q Now is there anything within Exhibit 20 that you
24 consider defamatory?

25 A Yes. Part of it's missing. I don't know if it

13:25:14

1 didn't get printed out or I didn't print all of the pdf
2 but the last page is 9 of 13 and the part about me starts
3 on the bottom, item C, and they say I'm a quote/unquote
4 morbid cyberstalker who should be in jail for her crimes.

5 Obviously I'm not a cyberstalker. I shouldn't be
6 in jail. I haven't comitted any crimes.

7 Q Does it indicate who authored that comment?

8 A No. No, it does not.

9 MR. MACPHAIL: Okay. Exhibit 21.

10 BY MR. MACPHAIL:

11 Q And my first question -- I'll represent to you
12 that Exhibit 21 was produced by you in response to request
13 No. 1 asking for all documents related to your claim of
14 defamation.

13:26:36

15 Do you contend that Exhibit 21 was authored by
16 Amanda Lollar or someone else at Bat World?

17 A I contend it was written by an unknown entity
18 which I don't know yet. One of the John Does.

19 Q Do you have any reason to believe or should I say
20 facts that lead you to conclude that Amanda Lollar or
21 anyone at Bat World drafted it?

22 A No.

23 Q Is there anything within Exhibit 21 that's
24 defamatory about you?

25 A They called me a cyberstalker. I've never been

13:27:12

1 charged with or convicted of cyberstalking. They state I
2 filed a frivolous lawsuit against Ed Boks and the city
3 when it was not. They called me a nut case.

4 They said I was foreclosed upon. I was not
5 foreclosed upon. I sold my house. They say that I have
6 harassed, libeled, threatened and scammed and defamed
7 people. I have never done that.

8 They say that I have attacked, harassed and
9 threatened all naysayers. I'm psycho. That's untrue. I
10 have unleashed a campaign of terror and harassment by
11 sending an horrific e-mail to Tiffany Krog in the middle
12 of the night. I most certainly never did that.

13 And it states here I posted death threats against
14 attorney Tiffany Krog, Annette Stark and Daniel Guss. I
15 have never threatened to kill anyone in my life.

13:28:04

16 They're calling me a terrorist and the number one
17 stalker.

18 Q Now did you sue Tiffany Krog?

19 A No.

20 Q Now were you bothered by the fact that she
21 apparently posted something that you threatened to kill
22 her?

23 A Yes.

24 Q Why didn't you sue her?

25 A She's an attorney and she has a very long

13:29:01

1 criminal rap sheet for DUIs, resisting arrests, vandalism,
2 trespassing and she's been arrested at least three times.
3 I believe she's crazy.

4 After she was done attacking me she started
5 attacking her husband who begged me for help to be a
6 witness in his case and he told me all the horrible things
7 that she did to him and he told me that she is an
8 alcoholic who also takes drugs.

9 So I don't want to piss her off because she's an
10 attorney and she has a criminal past and she's crazy.

11 And I was told by the head of the cyberstalking
12 division of L.A. County that I shouldn't piss off someone
13 like that by trying to get a restraining order or suing
14 them.

13:30:37

15 MR. MACPHAIL: Exhibit 22.

16 BY MR. MACPHAIL:

17 Q Exhibit 22. Do you contend that it was drafted
18 by Amanda Lollar or someone at Bat World?

19 A I don't have any evidence to show that she posted
20 it.

21 Q Do you have any evidence that there's anything in
22 there that is defamatory by Amanda Lollar or Bat World?

23 A I don't know. I don't have the identity of the
24 person who posted this.

25 Q Okay. And what is defamatory within Exhibit 22?

13:31:12

1 A They call me a cyberstalker, they call me a
2 terrorist. They state I filed a frivolous lawsuit against
3 the city.

4 They say I have a long and serious history of
5 harassing individuals. They state I'm threatening
6 witnesses and victims in the lawsuit. They stated I
7 launched a bogus FBI investigation into these people. I
8 never did. They stated I'm guilty of witness tampering.

9 They stated I harassed potential witnesses and
10 threatened them with arrest. That's untrue.

11 They stated that I said that women want to rape
12 and kill me. I never said that. And they stated that a
13 video I took of a skunk which was having a neurological
14 problem -- that it was screaming and biting himself in a
15 pain response. "It looks like she put some tight

13:33:22

16 rubberband around his penis."

17 It was a female. It didn't have a penis. There
18 was no rubberband on the baby skunk. It was neurological
19 and had to be euthanized so that's untrue.

20 Q As we've gone through all these blogs and
21 websites -- various authors, various blogs -- have you
22 drawn any conclusion as to why all these people are making
23 these comments you?

24 A It was basically two people who were working
25 together. They both felt -- I believe they're both

13:34:11

1 mentally ill. I believe one is dead now. I believed they
2 both had problems with alcohol and drugs and they both
3 felt slighted and had problems in their own life and
4 resorted to cyberbullying. So together they attacked me
5 because they felt slighted.

6 Q Who are these two people?

7 A Annette Stark and Tiffany Krog.

8 Q Why haven't you sued Annette Stark?

9 A The head of the cyberstalking division for
10 L.A. County told me that the woman sounds mentally ill and
11 unhinged and could possibly be dangerous and the best
12 thing to do would be to leave them alone until they find
13 their next target and then they should leave me alone.

14 Q Who did you talk to at the cyberstalking unit?

13:35:01

15 A It's a woman who is in L.A. County. I think she
16 works in the district attorney's office. She wrote a book
17 on cyberstalking and cyberbullying. I don't remember her
18 name.

19 Q When did you last talk to her?

20 A 2007 I think.

21 Tiffany Krog is an attorney. She said if I sued
22 her she'd have me in court for years going around in
23 circles wasting all my money.

24 MR. MACPHAIL: Let's mark this Exhibit 23.

25 ////

13:36:43

1 BY MR. MACPHAIL:

2 Q Do you contend that Exhibit 23 was drafted by
3 Amanda Lollar or somebody at Bat World?

4 A I have no evidence to know who posted this at
5 this time.

6 Q What within Exhibit 23 is defamatory?

7 A They state I owe 1.4 million on my home when
8 that's actually the estimated value. They state I've gone
9 into foreclosure four times. I was never foreclosed upon.
10 I sold my house.

11 They call me a quote/unquote notorious crackpot
12 stalker. I've never been charged with or convicted of
13 stalking. And they post that I am stalking people I've
14 never even heard of such as Mexican author Tony Rafael
15 and some wrestler by the name of Rick Flair. I don't even
16 know who he is.

17 Q Do you know Richie Ramone?

18 A That is Richard Reinhart, the wife of
19 Annette Stark. The husband of Annette Stark.

20 Q He's a drummer with the Ramones?

21 A Yes.

22 Q And his last name is not Ramone? It's Reinhart?

23 A Yes. They all changed their last names to
24 Ramones.

25 MR. MACPHAIL: Exhibit 24.

13:38:29

1 BY MR. MACPHAIL:

2 Q Do you contend Exhibit 24 was drafted by
3 Amanda Lollar or somebody at Bat World?

4 A I have no evidence at the moment who wrote
5 this.

6 Q Now as I recall it was July in 2010 that you were
7 at Bat World.

8 A June 19th through June 28th, 2010.

9 Q Prior to June 19th, 2010 had there been blogs or
10 e-mails out there that had said that you had been
11 convicted of crimes?

12 A Yes.

13 Q And had there been e-mails and posts prior to
14 June 2010 that said that you were a cyberstalker?

13:39:51

15 A Yes. They were all buried though very deep.

16 Q When you say buried deep what do you mean by
17 that?

18 A They wouldn't show up Top 10 or even Top 20 when
19 you searched my name on Google.

20 Q But you were clearly aware of those posts.

21 Right?

22 A I was aware they were there but I knew no one was
23 seeing them anymore.

24 Q Well who is seeing the posts about you now?

25 A Because Ms. Lollar has reposted it and shared it

13:40:26

1 it now shows up Top 10.

2 Q Which posts or blogs?

3 A mary-cummins-animal-advocate-crackpo.blogspot.
4 com and victimsofmisscummins.com and
5 laanimalpals.blogspot.com.

6 Q And you contend that those are all websites
7 controlled by Amanda Lollar?

8 A No. I don't know who controls -- I don't have
9 evidence in front of me right to prove who controls
10 them.

11 Q But those are the websites where the information
12 about criminal convictions popped up.

13 Is that correct?

14 A There's -- yes. On two of them.

13:41:50

15 MR. MACPHAIL: 25.

16 Again this is a document that you produced in
17 discovery.

18 THE WITNESS: Yes.

19 BY MR. MACPHAIL:

20 Q Now that's from the YouTube site?

21 A This is from Amanda Lollar's YouTube channel.

22 Q And I assume that at the bottom -- do you contend
23 anything is defamatory about this?

24 A Yes. She stated it's a court ordered deposition.
25 It was mutually agreed upon. She stated I posted false

13:42:29

1 and defamatory statements about her which I never have.
2 Everything is the truth.

3 She stated she won an injunction against me. The
4 injunction was void. And she also stated I was charged
5 with criminal contempt of court which I never was.

6 MR. MACPHAIL: 26.

7 BY MR. MACPHAIL:

8 Q In 26 do you have any facts that lead you to
9 conclude that that article was drafted by Amanda Lollar or
10 Bat World?

11 A I don't know if this is one of the ones she
12 admitted to in your discovery responses but I personally
13 believe she posted this because she links to her YouTube
14 channel and she's also using the same author name which is
15 me@thetruth.com.

13:43:35

16 Q Well anybody could link another site. The
17 creator or moderator of a website isn't the only one who
18 can link a website.

19 Correct?

20 A Correct.

21 Also legal documents from her lawsuit were loaded
22 up here also.

23 Q And those could have been obtained through her
24 website.

25 Right?

13:44:15

1 A Yes. I think so. I'm not positive. I don't
2 know exactly what documents are linked here.

3 Q Now the posting about the criminal convictions by
4 Amanda Lollar -- that has been pulled off the web.

5 Correct?

6 A I have no way of knowing because she has made
7 World Bat Line private. So it's private. You can't get
8 to it publicly any more.

9 Q So only those who are members would have access
10 to it?

11 A She also blocked the archives I was told.

12 Q Okay. So the public can't get into the archives
13 or unless you're a member you can't even get in to the
14 site.

13:45:06

15 Is that correct?

16 A Correct.

17 Q So the only people who would see these posts
18 would be those who are members.

19 Correct?

20 A Yes, but it was public for a while and everyone
21 could see it.

22 Q Now again do you know anybody who based upon
23 seeing any posts by Amanda Lollar or anyone at Bat World
24 that has refused to do business with you at all?

25 A I don't have any proof. I don't believe someone

13:45:45

1 would say "I saw this and now I don't want to do business
2 with you." They just wouldn't contact you again.

3 Q Or do you know of anybody who was friendly with
4 you or a friend -- someone that you knew -- that somehow
5 in their eyes your reputation has been so sullied that
6 they no longer want to have any dealings with you or the
7 relationship has been damaged?

8 A I have no proof of it but I firmly believe that
9 based on what was posted that they don't want to work with
10 me anymore.

11 Q This is by the people who had joined your
12 Animal Advocates Facebook page.

13 Is that correct?

14 A Yes.

13:46:41

15 Q And they have since left?

16 A Yes. Some have left.

17 Q And the people who have left -- is there anybody
18 among those who left that you personally knew? That you
19 had met with, socialized with.

20 A No.

21 Q So there wasn't any kind of relationship that was
22 damaged severely by anything that was allegedly posted by
23 Ms. Lollar or Bat World.

24 Is that correct?

25 A Well some friends just don't talk to me anymore

13:47:20

1 and it happened to coincide with when she was posting all
2 that crap on my wall.

3 Q Now you say friends.

4 Are you talking about people that you personally
5 know?

6 A Yes.

7 Q Okay. What friends don't talk to you anymore
8 because of what was posted?

9 A I have no way of knowing if they're not talking
10 to me because of what was posted. I just have no other
11 reason to explain it.

12 Q Okay. And how many people are we talking
13 about?

14 A At least five that I know.

13:47:53

15 Q Okay. When you say that you know you have not
16 met these people.

17 Is that correct?

18 A I've met some.

19 Q Can you identify any of them by name?

20 A Adi Gil.

21 Q Anyone else?

22 A Well my friend Mary Ellen Schoeman is not happy
23 with all the crap that Ms. Lollar posted about Animal
24 Advocates.

25 Q She's unhappy about what people are saying about

13:48:42

1 Animal Advocates?

2 A Yes. And about what Ms. Lollar has said.

3 Q Okay. Is she unhappy with you?

4 A No.

5 Q Adi Gil. Is that a man or a woman?

6 A A man.

7 Q When did you meet Adi Gil?

8 A A couple a years ago.

9 Q How many times have you met in person with
10 Adi Gil?

11 A Five.

12 Q And what were the occasions that you met Adi Gil?

13 A I met him at the bow and arrow party at his
14 house. I met him at West Hollywood City Council when we
15 spoke for the ban on selling fur.

13:49:19

16 I met him at an anti-fur protest educational
17 rally. I met him at the protest against selling whale
18 meat at the restaurant in Santa Monica and I think I saw
19 him at another party.

20 Q Okay. So parties and protests is when you've
21 spent time with Mr. Gil?

22 A Yes.

23 Q Does Mr. Gil have any contact with you at the
24 present time?

25 A We're Facebook friends but we haven't spoken in a

13:50:02

1 while since this happened with Ms. Lollar.

2 Q Did Mr. Gil state that the reason he's not having
3 contact with you is because of what was posted by
4 Amanda Lollar or Bat World?

5 A He said he doesn't want to get attacked by her.

6 Q Okay. And for that reason he's not talking to
7 you?

8 A I believe that's the reason.

9 Q Has he told you that's the reason?

10 A No.

11 Q Do you have Mr. Gil's telephone number?

12 A Not on me.

13 Q But you could call him?

14 A I think I have his current number.

13:50:49

15 Q Does he have a website?

16 A Yes.

17 Q Facebook?

18 A Yes.

19 Q Are any of your videos uploaded on his site?

20 A I had a video uploaded on his Mac account.

21 Q When is the last time you spoke with Mr. Gil?

22 A At the West Hollywood city council meeting for
23 the anti-fur protest.

24 Q And when was that?

25 A I would have to look up the date.

13:51:24

1 Q Do you have any estimate?

2 A It may have been November 2011. I'm not
3 positive. Whenever West Hollywood voted to stop selling
4 fur in the city.

5 Q Okay. Have you had any contact with him since
6 that time?

7 A I think that's the last contact.

8 Q Did you discuss anything at the November 2011
9 meeting if that was when it occurred in West Hollywood?

10 A We discussed who was going to speak.

11 Q Anything else?

12 A No. I don't think so.

13 Q Cordial at that time?

14 A Yes.

13:52:22

15 Q And the time before that when did you last see
16 Mr. Gil?

17 A It was most likely his bow and arrow party which
18 was October of 2010.

19 Q Is that when he told you that he didn't want to
20 be attacked by Amanda Lollar?

21 A No. He told me that after she e-mailed him.

22 Q And when did she e-mail him?

23 A When or why?

24 Q When.

25 A I don't know but you gave me a copy of the

13:52:57

1 e-mail. I don't remember the exact date.

2 It was after my August 25th, 2011 deposition.

3 Q And how did he communicate to you that he didn't
4 want to be -- what was the term you used? -- harassed by
5 Ms. Lollar?

6 A I think he either phoned and left a message
7 stating "Give me a call. The Bat Lady e-mailed me
8 something" and I think we then spoke on the phone and I
9 asked him to forward it.

10 Q Was that before the West Hollywood council
11 meeting?

12 A Yes. I think so.

13 Q He didn't discuss Amanda Lollar at the
14 West Hollywood meeting, did he?

13:53:57

15 A No.

16 Q My question had a negative it in. So when you
17 say no you mean that yes, he did not discuss?

18 A Could you ask the question again?

19 Q Did you discuss Amanda Lollar with Adi Gil at the
20 West Hollywood city council meeting?

21 A No. I did not discuss Amanda Lollar at the
22 West Hollywood city council meeting.

23 Q So he didn't raise any concerns he had about not
24 wanting to be involved.

25 Correct?

13:54:26

1 A No.

2 Q At the end did you say "Hope to see you soon" or
3 "Let's get together" or anything like that?

4 A No. The room was packed. We got busy and
5 separated.

6 Q Is there anyone else who you personally know I
7 mean beyond somebody that is a Facebook friend that you've
8 not met in person who has informed you that your
9 reputation in their eyes has been soured or that no longer
10 communicates with you?

11 A Yes. My colleague Mary Ellen Schoeman.

12 Q I'm sorry. You spoke about her earlier.
13 What was the connection you had with her?

14 A We work together rescuing wild animals.

13:55:17

15 Q And she no longer contacts you?

16 A No. We're in contact but now Rebecca Dimetrick,
17 a friend of Ms. Lollar, has been going after Mary Ellen.

18 Q Any evidence that Amanda Lollar is as you put it
19 going after Ms. Schoeman?

20 A No. None that -- well I don't know at the moment
21 because they're using many different user names.

22 Q What user names do you contend that Amanda Lollar
23 is using?

24 A On Blogger she is a.lollar. l-o-l-l-a-r. I
25 don't know her actual Facebook user name but she uses the

13:56:04

1 user name batworldsanctuary.

2 Q Any others that you know of?

3 A Her YouTube user name is batworldsanctuary and
4 also bwsvmc.

5 Q I'm sorry. Could you repeat that?

6 A b-w-s-v as in Victor -m-c.

7 Q And that's for what site?

8 A That's for YouTube.

9 She could have more user names. I don't know
10 yet.

11 Q Now in your complaint you assert that Ms. Lollar
12 or Bat World accused you of hacking into Bat World's
13 website and e-mail list.

14 A Yes.

13:57:26

15 Q Where is that comment located?

16 A It's in the Yahoo Group World Bat Line.

17 Q Does it exist there today?

18 A I'm not a member so I can't see anything and the
19 archives are blocked.

20 Q So again that's basically a private group? Only
21 members can see?

22 A It's private now. Yes.

23 Q Do you have any friends or acquaintances who are
24 members?

25 A No. I think Amanda kicked them out.

13:57:55

1 Q So again only those who are members of the group
2 can see what's posted there.

3 Correct?

4 A The archives are now blocked so no one can see
5 the old posts. Not even members.

6 Q So the only posts that can be seen are new posts
7 by members?

8 A Yes.

9 Q Do you have any idea of how many members there
10 are?

11 A She used to have a lot. She doesn't have that
12 many any more. It's not really an active list at the
13 moment.

14 Q Any estimate?

13:58:30

15 A I would have to look at the home page for the
16 Yahoo Group World Bat Line and it shows members and
17 posts.

18 Q And how old is that screen cache? Capture.

19 A What do you mean? How old is the group?

20 Q Well I mean you said you can't get in to the site
21 so you can't tell now but you have something from the past
22 when you could get in.

23 Correct?

24 A I can see the homepage. Everything else is
25 blocked.

13:59:03

1 Q Does the homepage list the number of members?

2 A Yes.

3 Q Do you know any of the members?

4 A Not current members.

5 Q Now you also allege that Amanda Lollar said that
6 you had been picked up by the police.

7 A I allege that defendants posted that I was picked
8 up by the police.

9 Q Okay. And where was that posted?

10 A I believe that's on laanimalpals or
11 laanimalfriends.

12 Q Now is Amanda Lollar to your knowledge the
13 moderator or creator of those websites?

14 A I don't know who the moderator is.

13:59:42

15 Q Or who created the sites?

16 A I don't have any evidence of who created or
17 moderates the site currently.

18 Q Well how do you conclude that it was
19 Amanda Lollar who posted that comment that you had been
20 picked up by the police?

21 A I didn't post that. The lawsuit states "and John
22 Does." I believe at the moment it was John Does.

23 Q So you have no facts as you sit here today that
24 lead you to conclude that Amanda Lollar or anyone at
25 Bat World posted the comment about you allegedly being

14:00:15

1 picked up by the police?

2 A Correct. I have no facts as of today to show
3 that she posted that I was picked up by the police.

4 Q Now you also allege that there's a posting about
5 that you were picked up by LAPD's anti-terrorism task
6 force.

7 A Yes.

8 Q Where did that comment appear?

9 A I believe that's laanimalpals or maybe
10 mary-cummins-animal-advocates-crackpo blog.

11 Q Okay. And again laanimalpals -- you have no
12 information that Amanda is the moderator or creator of
13 that website.

14 Correct?

14:00:54

15 A I have no proof that she is the creator or
16 moderator at the moment.

17 Q And the same thing with the mary-cummins I'll
18 call it crackpo website.

19 A Uh-huh.

20 Q Do you have any information that leads you to
21 believe that she had --

22 A Not at the moment.

23 Q Now you told me earlier about that you've seen
24 Dr. Oshiro, Dr. Berkman and an OB/GYN at UCLA.

25 Are there any other medical care providers you've

14:01:48

1 seen in the last five years?

2 A No.

3 MR. MACPHAIL: I'm kind of at a break. It's
4 two o'clock. Let's take a quick five to ten minute break.

5 THE WITNESS: Okay.

6 THE VIDEOGRAPHER: The time is 2:03 and we're off
7 the record.

8 (Recess.)

9 THE VIDEOGRAPHER: The time is 2:10. We're back
10 on the record.

11 BY MR. MACPHAIL:

12 Q Ms. Cummins, you understand you're still under
13 oath?

14 A Yes.

14:09:02

15 Q Okay. Phil Jennerjahn. Do you know who that is?

16 A I think he ran for mayor of Los Angeles.

17 Q Do you know of him?

18 A I've never met him in person. I know he has a
19 blog.

20 Q And his blog has comments about you that I'm sure
21 you don't feel are particularly favorable.

22 Is that correct?

23 A Correct.

24 Q Have you sued him or threatened to sue him?

25 A He's an attorney.

14:09:32

1 Q And --

2 A -- I'm not going to sue an attorney.

3 Q Why not?

4 They're people too.

5 A Yeah but -- I asked him to remove what he posted
6 which was defamatory and he said "No. Go ahead and sue
7 me." So I'm not going to because he said he would
8 basically have me running in circles.

9 Q Well how is that different than suing somebody
10 who has an attorney?

11 A You don't have the motivation I don't believe to
12 try to do every nasty trick in the book to rack up my
13 legal fees or costs and time whereas I believe people like
14 Tiffany Krog or Phil Jennerjahn -- however you pronounce
15 his name -- probably do.

14:10:24

16 Plus I believe they're both a little crazy.

17 Q Now Mary Ellen Schoeman -- does she have any
18 position with your organization Animal Advocates?

19 A She's just a co-rehabber.

20 Q When is the last time you saw her?

21 A Last weekend.

22 Q How often do you see her?

23 A Once every few months.

24 Q And how long have you seen her just once every
25 few months?

14:11:08

1 A Since 2005.

2 Q Does she hold any position other than
3 co-rehabber?

4 A She was a director at Animal Advocates for a
5 year.

6 Q Has she ever held the title vice-president?

7 A Yes.

8 Q When was that?

9 A Actually probably 2010.

10 Q Is she still vice-president?

11 A I have to check with my corporate docs on that.

12 Q Animal Advocates is a 5013(c)1?

13 A 5013(c).

14 Q Right.

14:11:59

15 You're still friendly with Mary Ellen?

16 A Yes.

17 Q Now have you ever posted any comment on Facebook
18 or your blog or anywhere that if anyone opposed you or
19 took a position against you in the lawsuit with
20 Amanda Lollar and Bat World that you would sue them as
21 well?

22 A Could you repeat that?

23 Q Have you posted anything on whether your Facebook
24 page or Animal Advocates' page or any other website that
25 if your members or friends were to take a position against

14:12:40

1 you or state, you know, things negatively about you in
2 connection with the Bat World litigation that you would
3 sue them?

4 A I don't remember saying that but I do know that I
5 will be adding people to the lawsuit as soon as I discover
6 the John Does.

7 Q Your Facebook friend list -- it says 5,000?

8 A Yes.

9 Q Is that the max you can have as friends?

10 A Yes.

11 Q For how long has it been 5,000?

12 A Since at least 2010.

13 Q Has it dropped significantly below 5,000 since
14 prior to 2010?

14:13:32

15 A It -- well every day some users get deleted. So
16 if you're at 5,000 one day you could be down a few hundred
17 in a few months if you don't add more.

18 Q Uh-huh.

19 A So for a while I was down to 4200.

20 Q Now were these people you deleted or they deleted
21 themselves?

22 A I don't know if they unfriended or if their
23 accounts were deleted.

24 Q But no one ever expressed to you the reason why
25 they were no longer on your friend list for Facebook.

14:14:23

1 Correct?

2 A Correct.

3 MR. MACPHAIL: Let's have this marked as 27.

4 BY MR. MACPHAIL:

5 Q Is that the post about you hitting your head?

6 Is that your a disgruntled intern?

7 A Yes.

8 Q And that was posted in May of 2011?

9 A Yes. May 2nd, 2011.

10 Q Now were you a happy intern?

11 A I was okay the first couple a days.

12 Q But you left early obviously not happy with the
13 situation.

14 Right?

14:15:53

15 A I was promised training. I didn't receive
16 training. I saw a lot of violations of the Health Code
17 and Animal Welfare Act. I didn't approve of some of the
18 things she was doing and I left early.

19 Q Because you didn't want to stay any longer?

20 A She was -- Amanda Lollar was being rude to me and
21 to the other intern, Kay Singleton -- calling her names --
22 and Kay stated she wanted to leave and I asked for a ride
23 back home.

24 Q Did Kay have any health problems?

25 A She had allergies that I know of.

14:16:31

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Q Did she have COPD?

A I don't know. What is COPD?

Q Chronic obstructive pulmonary disease.

A Oh. I didn't know that.

Q Did she say or do you know the circumstances for her internship ending early?

A Yes. Amanda Lollar called her fat and lazy and all we were doing was feeding babies and cleaning from 7:00 a.m. to past midnight every day.

We weren't getting the training that we expected. We already rehabbed bats. We came there for training.

Q Did you know Kay before you had your internship?

A No.

Q Who is on the board of directors of Animal Advocates at the moment?

A Steve Hirsch, myself --

Q How do you spell Hirsch?

A H-i-r-s-c-h I think.

-- and I might not have taken Mary Ellen Schoeman off.

Q Are you planning to take her off?

A Yes.

Q Why is that?

A She doesn't want to be attacked by Amanda Lollar.

Q When did she tell you that?

14:18:01

1 A When she saw all the nasty things Amanda Lollar
2 was writing about me on the Internet. She didn't want to
3 be a target.

4 Q Has Amanda Lollar to your knowledge posted
5 anything on the Internet -- a blog, website -- negative
6 about Mary Ellen?

7 A Not so far.

8 Q Has Mary Ellen demanded that she be taken off the
9 board?

10 A No. She just said she doesn't want to be
11 targeted by Amanda Lollar.

12 Q And in the two years since you left the
13 internship she's never been attacked by Amanda Lollar.

14 Correct?

14:18:47

15 A No. She's been attacked by Rebecca Dimetrick,
16 Amanda Lollar's friend.

17 Q Now was Adi Gil a member of Bat World Sanctuary?

18 A No. Not that I know of.

19 I would have no knowledge who are the members of
20 Bat World Sanctuary.

21 MR. MACPHAIL: Let's have this marked as 28.

22 By the way -- you can keep this on the record --
23 Ms. Cummins, I would propose or actually in federal court
24 we're supposed to do this anyway.

25 When we finish with the deposition today let's

14:19:45

1 say we have 35 exhibits. The deposition tomorrow will
2 start with Exhibit 36.

3 MS. CUMMINS: Okay.

4 MR. MACPHAIL: Not necessarily No. 1.

5 It's a much better system so you don't have five
6 Exhibit 1s running around.

7 MS. CUMMINS: I'm glad I didn't prelabel them.

8 BY MR. MACPHAIL:

9 Q Exhibit 28 there -- is that a follow up or
10 related to the earlier comment about the disgruntled
11 intern?

12 A I believe it is.

13 Q Okay. At no time did you tell Amanda Lollar that
14 you required a CAT scan or were going to seek a \$2500
15 CAT scan?

14:20:28

16 A I never told her I was going to get a CAT scan.
17 I never got a CAT scan.

18 Q You never made any comment about that or that "It
19 would cost me \$2500"?

20 A I sent her a cease and desist e-mail telling her
21 to leave me alone and I told her because of my injury I
22 was going to have to get an MRI.

23 Q Now obviously during your internship you were not
24 as happy or you felt you weren't getting the training you
25 wanted and you left early.

14:20:56

1 What communication, if any, did you have from
2 Amanda Lollar or from you to her following your leaving
3 the internship?

4 What was the first communication?

5 A I sent an e-mail to Kate Rugroden I believe -- I
6 may be mispronouncing that -- giving her -- telling her
7 what happened.

8 Q Who is Kate Rugroden?

9 A She is a member of Bat World.

10 Q Okay. And did Kate Rugroden --

11 A I don't know.

12 Q Okay.

13 A I think that's it.

14 Q We'll call her Kate.

14:21:48

15 A Okay.

16 Q What, if anything, did Kate say?

17 A Well it originally started because Kay Singleton
18 e-mailed Kate to tell her what happened -- all the
19 horrible things that happened at Bat World -- and Kate
20 e-mailed back basically for Amanda giving excuses.

21 So I then e-mailed Kate to tell her what really
22 happened and to back up Kay Singleton's story.

23 Q And what was the next communication, if any, from
24 anyone at Bat World?

25 A Kate wrote back and was talking about I'd found a

14:22:32

1 one-winged bat dead under Amanda Lollar's desk in the
2 unreleasable sanctuary and it had been dead for a few
3 days.

4 She had talked about that, you know, it happens
5 with small micro-bats -- that they can get lost and not
6 be found until they're dead -- and that was about it I
7 think.

8 Q Did you have any communications with Amanda
9 Lollar after that date?

10 A I would send e-mails to Amanda Lollar and
11 Kate Rugroden would write back.

12 Q Okay. And other than what you've discussed so
13 far is there anything else in this e-mail exchange that
14 was going on?

14:23:28

15 A It's in the e-mail. I think I gave it to you. I
16 just said that I didn't really -- didn't receive the
17 training. All I did was feed and clean and I left
18 early.

19 Q And within a couple of weeks then you contacted a
20 number of state and federal agencies.

21 Right?

22 A Within a few days.

23 Q Now did Ms. Lollar have any communication with
24 you after you filed your complaints with various
25 agencies?

14:24:06

1 A Out of the blue Kate Rugroden sent me an e-mail
2 saying I wasn't really an intern -- I wasn't part of the
3 grant -- and then I sent her another e-mail saying "Please
4 cease and desist from harassing me. I don't want to have
5 anything to do with you." And I may have received one
6 other e-mail after that.

7 Q And who was that from?

8 A From Kate.

9 Q Did you have any communication at all with
10 Amanda Lollar or Kate or anyone else after that?

11 A I sent those two cease and desists telling them
12 to stop harassing me. I sent one cease and desist telling
13 them to stop harassing me and then another intern started
14 posting defamation about me which she could have only
15 heard from Amanda Lollar.

14:25:02

16 I sent another cease and desist telling her to
17 stop it.

18 Q What was your next contact after that or was
19 there any response to your cease and desist letters?

20 A No.

21 Q And what did they say beyond just cease and
22 desist harassing me?

23 A Cease and desist from harassing, libeling and
24 defaming me.

25 Q Well what was the defamation that you were

14:25:34

1 hearing from the intern?

2 A An intern by the name of Sarah Kennedy made some
3 comments on my videos on YouTube saying that I just visit
4 other people's sanctuaries and take videos of their
5 animals.

6 And she also basically said that I was --
7 paraphrased -- didn't feel like doing the work as if I
8 were lazy, and I don't know if I included that post in the
9 discovery but I can produce it.

10 Basically that I was lazy and didn't want to do
11 the job.

12 Q Those posts were all in July, August 2010?

13 A Yes. I think so.

14 Q Okay. Now you said the lawsuit was filed in
15 September of 2010 or '11?

14:26:43

16 A '10.

17 Wait. The lawsuit -- the Texas lawsuit was filed
18 in September 2010. September 29th, 2011 I filed this
19 lawsuit against her.

20 Q Out of curiosity how come you didn't file this
21 action as a cross-complaint in Texas?

22 A Because I would have to deal with her attorney
23 Randy Turner and I would be dragged back to Texas and I
24 needed to sue Rebecca Dimetrick who is in California,
25 Suzy Hackett who I think is in Georgia, someone else who

14:27:30

1 is in New York and I can only do that in a federal case
2 through California under diversity.

3 Q When did you become aware that Rebecca Dimetrick
4 had made defamatory comments about you?

5 A She'd made some defamatory comments about me
6 before Bat World. Then she started adding defamatory
7 comments about Bat World and the lawsuit and then I knew
8 for sure they were -- I mean I know they're communicating.

9 Q I'm sorry. I'm focusing on my notes here.

10 When were you aware that Rebecca Dimetrick had
11 made false comments about you?

12 A The first time?

13 Q Yes.

14:28:32

14 A She incorrectly thought I posted her bankruptcy
15 documents even though they were public documents and she
16 assumed it was me and started attacking me. This would be
17 2009 maybe.

18 Q You said you had posted bankruptcy documents
19 about her?

20 A Rebecca Dimetrick believed that I posted her
21 bankruptcy documents.

22 Q Did you post her bankruptcy documents?

23 A No but since then I've posted a link to them.

24 Q Suzy Hackett. When did you first become aware
25 that she had made a defamatory comment?

14:29:15

1 A May 2011.

2 Q And what was that comment?

3 A I may not have the date correct on that.

4 She commented that she didn't post the e-mail
5 about Ms. Lollar and animal cruelty on World Bat Line.

6 She stated that I hacked into her e-mail account and I did
7 it.

8 Q And that was in May 2011?

9 A I think so. Yes.

10 Q Who else are your John Does?

11 A Rebecca Dimetrick, Suzy Hackett I believe,
12 possibly Sarah Kennedy and the others I need to find out
13 their true user names from subpoenas to Facebook, YouTube
14 and Google.

14:31:03

15 MR. MACPHAIL: Let's have this marked Exhibit 29.

16 Any time you need a break --

17 THE WITNESS: I'm fine.

18 BY MR. MACPHAIL:

19 Q Exhibit 29.

20 Do you have any information that that was
21 prepared or basically prepared by Amanda Lollar?

22 A No but Amanda Lollar -- she has to approve the
23 posts as she's the moderator and so she allows these posts
24 to be posted.

25 You added an extra one here. It's separate.

14:32:37

1 That had nothing to do with this post.

2 MR. MACPHAIL: Right.

3 30.

4 BY MR. MACPHAIL:

5 Q My first question is do you know who authored
6 Exhibit 30?

7 A Exhibit 30 -- it looks like it was posted by a
8 Bat World Sanctuary user on YouTube and I believe it's
9 also her e-mail address which is sanctuary@batworld.org.
10 so I believe this is Amanda Lollar.

11 Q And do you contend anything on this document is
12 defamatory?

13 A Yes. She states that I have encouraged my fans
14 to attack Amanda Lollar and that some of the comments are
15 bordering on terroristic but I mean I don't know if she's
16 referring to mine. And she states I'm encouraging others
17 to maliciously defame Bat World Sanctuary and me with her
18 horrible lies.

19 That's basically it.

20 MR. MACPHAIL: I'm sorry. Can I have the prior
21 answer read back?

22 THE WITNESS: Do you want me to answer it again?

23 BY MR. MACPHAIL:

24 Q Right.

25 A Okay. She's posted here that I have encouraged

14:34:52

1 my fans on my personal and organization page on Facebook
2 to attack Amanda Lollar and some of the comments are
3 bordering on terroristic.

4 Q What's false about that?

5 A I didn't encourage my fans to attack her and none
6 of my comments were terroristic.

7 Q Did you encourage your fans in some way?

8 A No.

9 MR. MACPHAIL: Let's have this marked 31.

10 THE WITNESS: Is there a question?

11 MR. MACPHAIL: I'm giving you a chance to read it
12 there.

13 THE WITNESS: I've read this a few times.

14 BY MR. MACPHAIL:

14:36:22

15 Q Okay. That was May 10th, 2011.

16 A Yes.

17 Q Now did the original post of that say something
18 to the effect that it appears that Mary Cummins has a
19 criminal record or apparently has a criminal record?

20 A I don't remember seeing that. I don't remember
21 getting a copy of it. I would have instantly printed it
22 out.

23 I've been printing it out -- updated versions of
24 her websites and blogs -- because they keep changing so
25 they all have different dates.

14:37:03

1 I would have printed it out and I don't remember
2 seeing that.

3 Q Okay.

4 A Do you have a copy of that?

5 Q I'll check. I don't have it handy right in front
6 of me.

7 But you contend that -- obviously I understand
8 that you say that the criminal conviction reference is
9 untrue.

10 A I have never been charged with or convicted of
11 any crime. My legal name is not even Cummins. If I were
12 to be arrested it would be under Cummins-Cobb.

13 I don't think I'd be able to have my professional
14 licenses with charges like this against me.

14:37:44

15 MR. MACPHAIL: All right. You can put that down.
16 I'll tell you what. Let's take a 10 minute
17 break.

18 THE VIDEOGRAPHER: The time is 2:39 and we're off
19 the record.

20 (Recess.)

21 THE VIDEOGRAPHER: The time is 3:04 and we're
22 back on the record.

23 MR. MACPHAIL: Let's have this marked Exhibit 32.

24 BY MR. MACPHAIL:

25 Q Now that's from the World Bat Line Yahoo Group?

15:03:59

1 A Yes.

2 Q Now what, if anything, in Exhibit 32 do you
3 contend is defamatory?

4 A Amanda Lollar is calling me Typhoid as in
5 Typhoid Mary and she is also posting a link to review
6 which someone posted. I don't know who. I don't know
7 their identity yet. She could have posted that.

8 And she is basically insinuating that I have
9 revenue coming in off the ads from my YouTube video yet
10 they aren't ending up in Animal Advocates when they most
11 certainly are.

12 Q Are you getting revenue off your websites?

13 A Yes.

14 Q Both the Animal Advocates and the Facebook?

15:04:46

15 A There are no ads on Facebook. I have ads on all
16 my YouTube videos and on all of my blogs.

17 Q What kind of income are you deriving on an annual
18 basis from your websites and blogs?

19 A I believe I got 1400 last year which I gave all
20 of it to Animal Advocates. It goes directly into their
21 account even from my real estate blogs.

22 Q Okay. What about what income did you receive in
23 2010?

24 A 2010. I believe that was 1400. I haven't done
25 my taxes yet for 2011 for Animal Advocates. I haven't

15:05:29

1 looked at the little 1099 sheet yet.

2 MR. MACPHAIL: Let's have that marked 33.

3 BY MR. MACPHAIL:

4 Q Tell me if there's anything in 33 that you
5 contend is defamatory.

6 A This is the Bat World Facebook page and she
7 posted a link to another article which she wrote which
8 states I was -- I believe that they got an injunction
9 against me which wasn't true, that I defamed them and
10 libeled them which wasn't true, that I violated the
11 injunction which was not true.

12 Q What was the injunction?

15:07:45

13 A They got a temporary injunction against me --
14 against Mary Cummins -- forcing me to remove blogs and
15 websites which I had never seen before, never controlled,
16 don't have a user name and password and never posted any
17 of the articles.

18 Some of the photos and videos I did post and I
19 removed all of them. Everything that I controlled.

20 Q Now at some point in time did you send a cease
21 and desist letter to the defendants asking them to remove
22 videos and pictures?

23 A Did I send a cease and desist to --

24 Q -- the defendants -- Amanda Lollar and
25 Bat World -- asking them to remove their posts and

15:08:26

1 websites or content on the website related to you.

2 A I sent two cease and desists to her attorney
3 Randy Turner in Texas telling them to remove libelous and
4 defamatory things which she posted.

5 Q Did you identify what in particular you were --

6 A Yes. I quoted it.

7 MR. MACPHAIL: Could I have the last answer read
8 back?

9 (Record read.)

10 BY MR. MACPHAIL:

11 Q You wrote two cease and desist letters to
12 Bat World asking them to remove content.

13 A I sent it to Randy Turner because they were
14 represented by counsel.

15 15:09:48

15 Q Okay. And was that material removed?

16 A No.

17 Q What material was not removed?

18 A Where she calls me a convicted criminal.

19 Q And which website was it?

20 A World Bat Line.

21 And I believe she also at times had it posted on
22 either amandalollar.com or batworld.org because the
23 content on those websites keeps changing. I have multiple
24 copies of things that she posted.

25 Q Which websites did you not have control over in

15:10:41

1 conjunction with the injunction?

2 A Oh. IndyBay, IndyMedia, Raise The Fist, Care2
3 and many others that I had never seen before. I only
4 controlled my YouTube and Flickr and Facebook accounts at
5 that time.

6 There were robots that were reposting some of it
7 automatically and Ms. Lollar was under the -- she thought
8 that I was posting to all those websites when robots were
9 doing it and they were reposting and she thought I was
10 posting those videos and photos to other websites when
11 they were just being embedded automatically by robots.

12 Q Imbedded where?

13 A Other websites. There are -- I have a popular
14 YouTube channel. There are robots that will pull all of
15 my embedded videos and post them on their websites with
16 ads all around them so they can make money.

15:11:44

17 She thought I had posted those directly. I had
18 never even seen 90 percent of those links before.

19 MR. MACPHAIL: Exhibit 34.

20 BY MR. MACPHAIL:

21 Q Now 34 is a two page document that you had
22 produced.

23 What is 34?

24 A It looks like one of the lists I follow and I
25 follow Bat World's Twitter account and some of her tweets

15:13:09

1 are here.

2 Q You follow her tweets today?

3 A Yes. I don't follow her on Twitter. I made a
4 separate list where I can follow her without legally
5 following her.

6 Q Okay.

7 A I don't show up as a follower of hers. I just
8 made a list.

9 Q Now describe for me this list.

10 A My friend Jesse James is on the list,
11 Dallas Ft. Worth Wildlife is on the list. A few other
12 people are on the list along with Bat World.

13 Q Okay. What type of content did you have up on
14 IndyBay, IndyMedia, Raise The Fist and Care2?

15:14:05

15 A I've never posted on Care2 in my life. I only
16 saw it when she -- when her attorney handed me the
17 injunction which had the list of links.

18 I assume she thought I was one of the users
19 posting there because Amanda Lollar was posting on that
20 link saying "take this down."

21 So she assumed it was me when it was most
22 certainly not me.

23 MR. MACPHAIL: Let's have this marked as
24 **Exhibit 35**.

25 ////

15:15:18

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BY MR. MACPHAIL:

Q Can you tell me what 35 is?

A Yes. It is a post on the Yahoo Group World Bat Line and this post is made by Amanda Lollar in her Yahoo user name batworldsanctuary and she posted that I have a criminal record -- theft of credit card, forged name on credit card, theft of property -- and she posted that I was involved in cybersquatting. She posted that I lost via default judgment and she posted that I settled a neighbor dispute.

None of these things are true.

And she posted that plaintiff abandoned the lawsuit because they were able to get rid of her defamation. I don't even know what that's about.

She states I have hundreds of aliases which I don't. She states I'm in contempt of court which I wasn't. They filed a motion but they never set a hearing because they knew that the injunction was void.

And then they post the link to mary-cummins-animal-advocates-crackpo.blogspot.

Q Do you have any litigation with a credit card company?

A I think with American Express. I think I owe them \$5,000.

Q Do you owe the IRS money?

15:17:27

1 A No.

2 MR. MACPHAIL: We'll have this marked Exhibit 36.

3 THE WITNESS: What's your question?

4 BY MR. MACPHAIL:

5 Q That's several posts from Bat World Sanctuary.

6 Do you contend anything in that document is
7 defamatory?

8 A Yes. She refers to me as the local animal
9 advocate in quotes stating that "hundreds of bats roosting
10 in homes throughout this neighborhood now stand a good
11 chance of being trapped and inhumanely killed thanks in
12 large part to a local animal advocate" when actually her
13 behavior is what caused the resident to want to kill all
14 the bats because she was harassing him.

15:19:05

15 I went to the city and provided free humane
16 nuisance wildlife control and came up with a plan to save
17 them and she's making it sound like I was going to kill
18 them and she's the one who saved them.

19 And she also --

20 Q This was in Texas?

21 A The rabid bats were in Moorpark, California.

22 Q Okay.

23 A And it says here -- she refers to me as a
24 quote/unquote expert. I seem to be advocating the
25 equivalent of sealing puppies inside concrete coffins and

15:19:40

1 leaving them to slowly die in the sun. "It is a horrific
2 way to kill an animal. Everyone involved in this should
3 be deeply, deeply ashamed."

4 This is her public Bat World Sanctuary Facebook
5 page which had 2,000 members at the time

6 Q Right. Can I see that for a second?

7 Now your name is not mentioned in this exhibit,
8 is it?

9 A They mentioned animal advocate and in quotes
10 referring to me. And I was the only other person involved
11 in the project besides the health department and the
12 city.

13 Q Well animal advocates -- there are a number of
14 organizations across the country called Animal Advocates.

15:20:34

15 Right?

16 A Yes. But she put it in quotes and she is
17 referring to me because I was mentioned in the article
18 that she posted there. I was even in one of the photos.

19 I was the only other person besides the health
20 department and the city analyst working on the project.

21 Q Okay. Now what conduct of defendants do you
22 describe as outrageous towards you?

23 A What I just read to you from here. She's
24 basically accusing me of trying to kill animals, of
25 abusing animals.

15:22:00

1 In her own deposition she said that I squeezed a
2 baby bat's head, that I dragged an old bat out of its
3 roost, that I opened the bat cages as I left.

4 All these things are completely untrue. She's
5 basically accusing me of animal cruelty.

6 Q Anything else that you would describe as
7 outrageous conduct by defendants?

8 A Accusing me of animal cruelty is pretty
9 outrageous. Stating that I'm a convicted criminal is
10 outrageous.

11 Saying that I'm a cybersquatter and cyberstalker.

12 Q Anything else?

13 A Not that comes to mind at the moment.

15:23:10

14 Q Okay. Now what business deals or contractual
15 relationships did Bat World and/or Amanda Lollar interfere
16 with that you had that caused you damage?

17 A I believe what she's posted which comes up on the
18 Google search engine -- it affected my business
19 negatively.

20 Q Now as the day has gone on have you had any
21 ability to kind of come up with estimates of what your
22 income was?

23 A I have to go home and look at my documents.

24 Q Okay. Now you have an allegation that defendants
25 allegedly said that you post pornography in children's

15:24:26

1 chatrooms.

2 A Yes.

3 Q What document or where is that?

4 Is that documented anywhere?

5 A Yes. laanimalpals.

6 Q Was that produced?

7 A Not yet. There's still -- I mean the blogs are
8 huge.

9 MR. MACPHAIL: Where are we at total time?

10 THE VIDEOGRAPHER: About four hours right now.

11 BY MR. MACPHAIL:

12 Q Now you also claim that defendants said that you
13 quote committed animal cruelty.

14 Where was that said or posted?

15:25:17

15 A On victimsofmisscummins.blogspot.com.

16 Q You've produced again some pages from that blog.

17 Have you produced the documents that have this
18 quote in it that defendants said that you committed animal
19 cruelty?

20 A I believe that's in the blog that I printed
21 out.

22 Q Now the allegation against defendants that you
23 quote torture animals -- was that produced?

24 A Yes. It's in victimsofmisscummins.

25 Q Now was it in the documents that have already

15:26:03

1 been produced or I mean marked as exhibits?

2 A I think so. I may have printed out the most
3 recent victimsofmisscummins.blogspot.com because there's
4 been -- it's been highly edited and they keep changing the
5 dates to make it seem earlier because she's trying to get
6 out of the statute of limitations.

7 Q That's victimsofmisscummins and what's the
8 other --

9 A victimsofmisscummins.blogspot.com.

10 Q Now do you know who controls or moderates that
11 website?

12 A I believe it's Rebecca Dimetrick because she told
13 me that before.

14 Q Now you also allege that defendants called you a
15 whore.

15:26:42

16 A Yes.

17 Q Where was that done?

18 A laanimalpals and laanimalfriends blog.

19 Q Was that document produced or documents?

20 A I think so.

21 Q All right. You have not had any attorney
22 represent you in this action.

23 Is that correct?

24 A In the Los Angeles action?

25 Q Yes.

15:27:22

1 A Correct.

2 Q Did Councilwoman Janice Hahn call you a terrorist
3 at a city council meeting?

4 A Yes.

5 Q Has anyone else called you a terrorist?

6 A The people in the blogs.

7 Q Now when was the first blog that came out that
8 said you were a terrorist?

9 A 2006.

10 Q Who was that blog by?

11 A I believe it's by Tiffany Krog and Annette Stark.

12 Q What's the name of that blog?

13 A laanimalpals.blogspot.com.

14 Q Have you ever posted on a webpage with the name
15 maryqueenofscots?

15:28:18

16 A No.

17 Q Or maryatrealriders.com?

18 A No.

19 Q I guess I mispronounced it. maryqueenofscots.

20 A Yes.

21 Q You have posted there?

22 A I posted on newsgroups. That wasn't my user name
23 and it wasn't the e-mail address. It was my sigfile.

24 Q And then mmmaryinla@aol.com spam -- did you ever
25 post there?

15:28:52

1 A It's kind of old. If you post in the old groups
2 before Yahoo and Google groups you needed to add a spam on
3 the end of your e-mail address so the robots and
4 webweasels wouldn't scoop it up to send you spam.

5 So I didn't post as that. I just added the word
6 spam to the end of my e-mail address so I wouldn't be put
7 on spam lists.

8 MR. MACPHAIL: 37.

9 As I understand Exhibit 37 is a document you
10 produced in response to a request for production of
11 documents.

12 BY MR. MACPHAIL:

13 Q And do you contend that that was drafted by
14 Amanda Lollar or Bat World?

15:30:18

15 A No. This was not written by Amanda Lollar. She
16 just approved it.

17 Q When you say she approved it --

18 A Amanda Lollar is the moderator for the Yahoo
19 Group World Bat Line. She can approve or disapprove
20 posts.

21 Q Now does it have to get her approval before it
22 gets posted?

23 A The rules keep changing. Originally your first
24 post had to be approved by Lollar. After that they were
25 automatic but she had the right to delete them.

15:30:48

1 But if you look at the source code of this post
2 you can see it was approved by sanctuary@batworld.org.

3 Q And what in that document do you contend is
4 defamatory?

5 A They posted I'm a person with a few bricks short
6 of a load and I am stupid beyond words, I am violent and
7 disgusting beyond thoughts, I am evil, mean-spirited and
8 nasty.

9 They don't know if I'm on meds or not and I am an
10 inflamed boil on the buttocks of the world.

11 Q Do you know who posted that?

12 A I believe it was Sharon Warner who is in
13 Philadelphia.

14 Q Who is Sharon Warner?

15:31:58

15 A She's a member of the Yahoo Group World Bat Line.
16 She may also be a member of Bat World Sanctuary. She's
17 also a fan of Bat World Sanctuary's Facebook page.

18 She calls me Psycho Mary and then she basically
19 says "If Karma is paying attention it needs to strike
20 Ms. Cummins with a mighty blow so that she's no longer
21 here or a vegetable and harmless. Yes I wrote what a lot
22 of folks are possibly thinking. If any of those beloved
23 bats at Bat World Sanctuary suffer due to Cummins bile
24 spewing there's no place safe on this planet for her to
25 hide as too many decent people will have reached their

15:32:16

1 limits."

2 Q Why did you file so many complaints with various
3 agencies?

4 Was this your way of --

5 A I believe Bat World Sanctuary as it is is a
6 public health hazard. I mean already a toddler was bitten
7 on the cheek by a rabid bat directly next door to the
8 sanctuary.

9 She didn't check to see my pre-exposure rabies
10 card and then she just handed me a bat that she thought
11 was rabid. She didn't check to see the other people's
12 pre-exposure cards because I asked.

13 Pre-exposure shots are \$1,000. Someone could
14 probably lie thinking they'd be okay.

15:33:10

15 I didn't get my booster shot because I assumed
16 we'd be wearing gloves and she told me not to wear gloves.

17 You always wear gloves with bats and she handed
18 me what she believed to be a rabid bat.

19 She throws the -- she's not a veterinarian yet
20 she performs surgery on these bats generally without pain
21 relief. She doesn't know what she's doing.

22 She tried to suture a bat's chest muscle and
23 skin. She can't see. She lost the needle in the bat.
24 She ripped out the stitches twice and then she just put
25 glue on the bat.

15:33:52

1 I don't believe that bat could possibly be
2 releaseable. It needed vet care and she's not providing
3 it.

4 She uses Isoflurane to anesthetize the bats. She
5 doesn't use a nebulizer. The bats stop breathing or else
6 they come to and then she's yelling at us.

7 She does the most barbaric use of anesthesia.
8 She dunks a cotton ball into the Isoflurane and puts that
9 basically in a little cup over their head.

10 She's not regulating their breathing. She's not
11 regulating their heart.

12 MR. MACPHAIL: Off the record.

13 THE VIDEOGRAPHER: The time is 3:35 and we're off
14 the record.

15:34:23

15 (Telephonic conference with the court.)

16 THE VIDEOGRAPHER: The time is 3:49 and we're
17 back on the record.

18 BY MR. MACPHAIL:

19 Q 38. And 38 -- is that from the Bat World
20 YouTube page?

21 A Yes.

22 Q Okay. And what, if anything, do you contend is
23 defamatory on that page?

24 A She posted that I was reprimanded by Fish & Game
25 when I wasn't. She stated it's a court ordered deposition

15:48:50

1 when it was by mutual agreement.

2 Q Anything else?

3 A Someone else -- brittonbearclaw -- I guess that's
4 it.

5 Q Now the document at the top says "California Fish
6 & Game reprimand trouble."

7 Is there anywhere on this page where it indicates
8 that it was you who was in trouble?

9 A I'm the one being deposed. I'm the only person
10 here. She's not talking about herself being in trouble.

11 Q And the other comment made -- that was by some
12 other individual.

13 Right?

14 A Yes.

15:50:31

15 MR. MACPHAIL: 39.

16 BY MR. MACPHAIL:

17 Q My question for 39 is is there anything on there
18 that you contend is defamatory?

19 A Basically wingedsonar -- Sarah Kennedy from
20 New York -- states "You don't know where this creep's
21 hands have been" and --

22 Q Now are you contending that this Sarah Kennedy is
23 Ms. Lollar or somebody from Bat World?

24 A No. wingedsonar is the user name for I believe
25 Sarah Kennedy out of New York who was an intern at

15:51:27

1 Bat World after me.

2 MR. MACPHAIL: All right. That's all the
3 questions I have for that one.

4 No. 40.

5 BY MR. MACPHAIL:

6 Q Is there anything on Exhibit 40 that you contend
7 is defamatory?

8 A When you printed these out from the digital some
9 things ended up missing -- some of the background stuff
10 and images -- because clearly it stopped here and there
11 was an image there which isn't showing up just like in the
12 last one.

13 So that might have been a printing issue, but
14 she's basically insinuating that I said a dog was crippled
15 when it wasn't crippled when even her vet report said --

15:52:40

16 Q Did you have some sort of YouTube or posting
17 about this crippled dog?

18 A This is video of me being deposed where I'm asked
19 about a dog which dragged itself around.

20 Q Okay.

21 A It's hard to tell. I can't really see.

22 Q Now we've gone through a number of exhibits today
23 and you've pointed out those things that you say are
24 defamatory.

25 You know, one that you contend it wasn't a court

15:53:23

1 ordered deposition and you've said that you are not a
2 cybersquatter, a cyberstalker, you do not have a criminal
3 record.

4 Are there any other defamatory statements that
5 you know of that were not reflected in the documents that
6 we've either gone over today or that you've produced?

7 A I believe there were but I don't know for sure
8 who posted them yet and I don't have -- I've got more
9 Information Act requests to Fish & Game to get a copy of
10 what she sent to them.

11 You told me she admitted to sending a letter to
12 Fish & Game. You said you've given me a copy. I didn't
13 get a copy yet.

14 So I believe there are more defamatory statements
15 made by the defendants.

15:54:20

16 Q On these Yahoo pages -- now the print date of
17 2-28-12 -- that's when --

18 A -- I printed it out.

19 Q Right. Now can you tell what the dates of these
20 posts are?

21 A Yes.

22 Q Maybe I'm just missing it.

23 Where?

24 A Can I see?

25 MR. MACPHAIL: Sure.

15:54:42

1 We'll make that Exhibit 41.

2 THE WITNESS: I'm sorry.

3 Oh. Okay. I posted it 2-28-12.

4 BY MR. MACPHAIL:

5 Q You printed it or posted it?

6 A I'm sorry. I printed it February 28th and it was
7 uploaded November 24th, 2011 and next to the user names it
8 says "three months ago." So it would be three months
9 previous to the date that I printed it.

10 Q Okay.

11 A Or wait a second.

12 Q Would that be three months from the original
13 posting?

14 A You know you're right.

15:55:19

15 I instantly print them to pdfs because sometimes
16 the comments come and go and I believe this was indeed
17 2-28 but I would have to go back to the --

18 If you look at the original pdf it should have
19 the date on it in the source.

20 Q Okay. But it seems that there's a number of
21 documents all that have 2-28 on them.

22 A That's the date that I printed them.

23 Q Right.

24 A But I don't know --

25 Q Now you said there's a date of November

15:55:51

1 something, 2011.

2 A November 24th, 2011 is the day the video was
3 uploaded with the description.

4 Q I missed that.

5 A It's difficult to see. It's in the white text on
6 black.

7 Q Okay. So in terms of -- you've mentioned a
8 couple times there's other comments or statements out
9 there that you believe are defamatory that you attribute
10 to my clients.

11 A Yes. In e-mails. She admitted to sending an
12 e-mail to the Fish & Game. I'm pretty sure there's
13 defamatory items in there. I doubt she'd be singing my
14 praises.

15:56:35

15 Q Any other defamatory comments or postings that
16 you are aware of that haven't been reflected in the
17 documents we've gone over today or what you've produced?

18 A She sent an e-mail to the USDA linking to those
19 blogs stating some defamatory things about me, lying about
20 the injunction and court order.

21 I believe I gave you a copy of it.

22 Q Okay. So I guess what I'm trying to get a sense
23 of is is there anything else?

24 I mean that seems to be the same issues again.
25 There's statements to -- you allege statements made to the

15:57:31

1 various agencies -- state and federal -- were defamatory,
2 that the criminal conviction comment was defamatory.
3 Calling you a cyberstalker or cybersquatter was
4 defamatory.

5 Is there anything -- I mean is the criminal
6 reference the statement that's the most harmful in your
7 opinion?

8 A Yes.

9 Oh. And stating I commit animal cruelty. That's
10 a felony.

11 Q Well now --

12 A So is cybersquatting. Cyberstalking.

13 Q The comment where it accused you of or made
14 mention of animal cruelty -- was that by Amanda Lollar?

15:58:16

15 A In her deposition she stated that I was squeezing
16 a bat's -- baby bat's head. Obviously that would be
17 animal cruelty.

18 She also stated that I dragged an old bat out of
19 its roost. I most certainly never did. I never would do
20 that. That would be animal cruelty.

21 Q But these are things she told you.

22 Right?

23 A She stated in her sworn deposition to me as I
24 deposed her.

25 Q Well just as you may be aware --

15:58:50

1 A Oh. Third party.

2 Q Right. Exactly. I mean statements made in a
3 deposition or in court are covered by the litigation
4 privilege so those would not be defamatory.

5 A What if she posted them on the Internet? Videos.

6 Q Well did she post those on the Internet?

7 A I think so. I need to look at it again. There's
8 over 70 videos.

9 Q Okay.

10 A Some of them have been removed because they were
11 privacy violations.

12 Q Now also when you wrote your cease and desist
13 letter or letters the posts about you were removed.

14 Correct?

15:59:28

15 A No.

16 Q Was anything removed?

17 A No because I then had to send a second cease and
18 desist letter to Mr. Turner stating "This is here and this
19 is here" and I told him that's definitely not me.

20 Q Now were the posts then removed?

21 A No.

22 Q So are you saying that none of the posts that you
23 allege were defamatory posted by Amanda Lollar or
24 Bat World Sanctuary were not removed?

25 A Recently she's gone through her websites and has

16:00:00

1 toned down some of the language. I have copies of
2 original ones when she first posted it and now the Yahoo
3 Group World Bat Line is private so that's no longer
4 visible. I don't know if the post is there or not.

5 Q Now in the Texas action what defamatory comments
6 are you alleged to have committed or made?

7 A She alleges I filed false reports with the
8 authorities about her. I guess that's basically it. I'd
9 have to look at it again.

10 Q Okay. And you're absolutely certain that the
11 information that you sent in your complaints to the
12 various agencies was all true and correct?

13 A Absolutely and I backed it up with photos and
14 videos.

16:01:11

15 Q Okay. And to your knowledge you don't know that
16 any of the agencies found that Ms. Lollar or Bat World
17 violated the law?

18 A I believe because she had an attorney they didn't
19 want to investigate because the last time she got in
20 trouble with the law when a rabid bat bit a toddler on the
21 cheek she got an attorney to threaten the city and if they
22 dare bring litigation -- you know, her attorney threatened
23 them and so they backed down.

24 I believe that's why they backed down on this.

25 And also the Texas Parks & Wildlife said they

16:01:45

1 didn't want to look at my videos and photos because they
2 were graphic and they didn't want to view that and then
3 they stated there were no time or date stamps in the video
4 so it would be inadmissible so that's the reason why
5 they're not going to look at it even though there were
6 time/date stamps.

7 So they didn't look at the evidence.

8 Q When was the child bitten by the bat?

9 A 1999 I believe. It was in the newspaper.

10 Q Okay. Now do the allegations of defamation
11 against you also include that you accused Amanda Lollar of
12 animal cruelty?

13 A Yeah. I believe so.

14 Q Have you stated that she has committed animal
15 cruelty?

16:02:30

16 A The veterinary board told me she committed animal
17 cruelty and I repeated that.

18 Q And have you accused her of engaging in animal
19 neglect?

20 A Yes.

21 Q Embezzlement?

22 A I said I believe that she's probably using
23 Bat World funds for herself.

24 Q Fraud?

25 A I believe some of the ways that she raises money

16:02:53

1 is fraudulent. She states she's building something or
2 doing something and gets donations and then never does
3 anything.

4 Q Well is there anything that you recall that she
5 has said she was going to build and didn't?

6 A The artificial bat cave. She even had a design
7 that someone else had built and she was raising money for
8 that and didn't build that.

9 And the assurance colony -- she was raising
10 money for that and she hasn't built that.

11 And I think those are the main ones.

12 Q Has she received sufficient funds to build those
13 structures?

14 A Just recently she received a \$25,000 grant to
15 build a bat castle.

16:03:44

16 Q And to your knowledge is a bat castle being
17 built?

18 A Yes.

19 Q Have you accused Amanda Lollar of hacking bats to
20 death?

21 A She's not a veterinarian and she shouldn't be
22 performing surgery on these bats especially because
23 they're conscious. In the videos you can see them biting
24 and screaming.

25 I believe that that's -- I mean just taking

16:04:15

1 scissors to a bat's vagina and just -- that looks like
2 hacking to me and I don't think she knows what she's
3 doing.

4 Q In that particular instance that was a female bat
5 that had a pup that was stuck in the birth canal?

6 A Yes.

7 Q And she performed an episiotomy?

8 A I guess you could say that she tried to.

9 Q Okay. Would the bat and the pup have survived
10 had the episiotomy not been performed?

11 A We have no way of knowing.

12 Q Have you accused Ms. Lollar of being on
13 welfare?

16:05:07

14 MS. CUMMINS: I'm going to object to this because
15 this isn't related to this case. It seems like you're
16 trying to do discovery for the case in Texas and discovery
17 is over in the case in Texas.

18 MR. MACPHAIL: Well I'm just -- I'm not trying to
19 get into the details. I'm just trying to get into I think
20 it's related to motivation, retaliation and credibility of
21 the claims asserted here.

22 THE WITNESS: Okay. I did a state Information
23 Act request to the City of Mineral Wells and received over
24 500 documents and one of them was a police report for a
25 welfare check missing and supposedly they went looking and

16:05:49

1 they couldn't find it and I posted how can she be on
2 welfare if she owns a building? That would be welfare
3 fraud if she was on welfare.

4 And then I guess Amanda Lollar told one of her
5 friends who told me that it was a welfare check --
6 checking on the welfare of an individual -- it wasn't an
7 actual physical monetary check -- and I said "That could
8 be the case" so I took it down.

9 BY MR. MACPHAIL:

10 Q Okay. You continue to post on a regular basis
11 about this lawsuit.

12 Right?

13 A Yes.

16:06:27

14 Q Are you certain that everything you post on the
15 Internet is true and accurate?

16 A To the best of my knowledge. I check everything
17 out as much as I can. Do as much research and try to
18 verify things.

19 I have also told Ms. Lollar and her attorney
20 "If I have ever posted anything that's not correct show me
21 proof. I'll edit it or delete" and they've never come
22 back to me on that.

23 Q Now I'm not going to make this an exhibit yet.

24 This document here which was produced as one
25 exhibit -- if you could tell me what is that?

16:07:14

1 A Did I give you this?

2 Q Yes.

3 A Oh. I think this is probably every single page
4 from Bat World Sanctuary's Facebook page. It looks about
5 the size.

6 Q Okay. And I assume that you contend that
7 statements in there about you are defamatory.

8 A Yes. Some of them are. I guess I probably
9 should have gone through and circled it because I didn't
10 meet her until 2010. Although some of them she had
11 deleted so I had saved them and printed them out.

12 MR. MACPHAIL: I'm not going to make that an
13 exhibit.

14 Let's have this marked as Exhibit 42.

16:08:12

15 BY MR. MACPHAIL:

16 Q Now do you know what Exhibit 42 is?

17 A Yes. It's a printout of amandalollar.com.

18 Q Now up at the top is an ad for fubar.com.

19 A Yes.

20 Q Okay. Now my understanding is that that's not an
21 ad that appears on her webpage.

22 A No. No. She's blocked me from her website so I
23 have to go through a proxy.

24 Q Okay. Explain to me what a proxy is.

25 A It's like going through a different door --

16:10:54

1 through a different porthole -- to get to a website
2 because she's blocked my IP address.

3 Q So you're able to get into her websites through a
4 proxy?

5 A Yes.

6 Q Have you ever manipulated or altered any posting
7 or --

8 A Oh. I'm not in her website. I am viewing her
9 website. I can't possibly go into her website. I have
10 never been in her website ever.

11 Q Okay.

12 A When I said I was never in her website I was
13 never in any private area of her website. I, of course,
14 have seen her website.

16:12:34

15 MR. MACPHAIL: Let's have this marked as 43.

16 BY MR. MACPHAIL:

17 Q What is that website called? GuideStar?

18 A Yes. This is actually greatnonprofits.org which
19 is part of guidestar.com.

20 Q And do you contend anything on that page is
21 defamatory about you?

22 A Yes. These negative reviews about myself and my
23 group are defamatory. They're written by three basically
24 anonymous people and I believe the other one was
25 Rebecca Dimetrick.

16:13:11

1 Q So do you have any idea or information as to who
2 the other three are?

3 A I don't know who they are but Ms. Lollar posted a
4 link to the review pages and told people to look at the
5 bad reviews written about me.

6 Q Now is that defamatory?

7 A You don't see absolutely all of the posts here.
8 You'd have to click "more."

9 And yes. She says that I have once again
10 attacked a professional wildlife rehabilitator and Mary's
11 abusive conduct which included breach of contract and
12 defamation and copyright infringements which I did not do.

13 And they then post a link to her website and
14 lawsuits pages and then they post a link to a Facebook
15 page which they created which Ms. Lollar most certainly
16 posted on it and which was deleted from Facebook for being
17 abusive.

16:14:21

18 Q Now we've had an opportunity during lunch and in
19 the afternoon -- I don't know -- it sometimes jogs
20 people's memories.

21 Do you have any information as to what your
22 income was between 2007 and the present?

23 A I'd have to go home and look at my documents.

24 Q So nothing additional has come to mind?

25 A I don't think it's just going to pop into my

16:15:04

1 mind. I need to take a look.

2 MR. MACPHAIL: All right. Can we take a quick
3 five minute break?

4 THE VIDEOGRAPHER: The time is 4:16 and we're off
5 the record.

6 (Recess.)

7 THE VIDEOGRAPHER: The time is 4:23 and we're
8 back on the record.

9 BY MR. MACPHAIL:

10 Q Ms. Cummins, you've talked about the John Doe
11 defendants and I think you mentioned Rebecca is one of the
12 John Doe defendants.

13 A Yes.

14 Q Who else is a John Doe defendant?

16:22:51

15 A I believe Suzy Hackett.

16 Q Anyone else?

17 A I'm not -- I don't have the identities of all the
18 anonymous user names yet.

19 Q Now the defamatory comments that they allegedly
20 made -- are they the same comments that you're accusing my
21 clients of making or are they different?

22 A Amanda Lollar accused me of going into her
23 address book or e-mail account. Suzy Hackett also accused
24 me of basically hacking into her e-mail account which is a
25 federal crime.

16:23:41

1 They're similar but they're not identical.

2 Q And I think looking at the documents -- the
3 e-mail about disgruntled intern -- that was made May 11 or
4 May 2nd, 2011.

5 A Yes but it stayed up there for months later.

6 Q And the comment about criminal convictions --
7 that went up May 11th of 2011.

8 Correct?

9 A Yes but it stayed up there longer.

10 Q Are either of those posts still up on any of the
11 websites associated with Amanda Lollar or Bat World?

12 A Not anymore but she did post them previously.

13 Q When you say previous previous to May 2011?

14 A After May 11 prior to when I printed these out.

16:24:46

15 Q Okay. You said the comments about criminal
16 convictions and disgruntled intern stayed up for a while
17 after May 2011.

18 What, if anything, has been said about you that
19 you contend to be defamatory?

20 When I say said about you said about you by
21 defendants.

22 A She stated I hacked -- basically hacked into her
23 website and I hacked into her e-mail account. I have done
24 neither. Hacking is a federal crime.

25 Q Okay. And when was that statement made?

16:25:24

1 A Sometime in May 2011 and it could still be up
2 there. It's hard to tell because the group is now
3 private.

4 Q You're not friendly with anybody or know anybody
5 who is on her private group?

6 A No.

7 Q Any other comments since May 2011 that you
8 contend are defamatory?

9 A Yes. The comments about the rabid bats in
10 Moorpark where she states I was basically suggesting like
11 entombing puppies in bricks or something.

12 And basically -- in fact in her Bat World news
13 letter she took credit for saving the bats and accused
14 basically me by reference to almost getting them killed
15 when actually it's the opposite.

16:26:17

16 Q Okay. And anything else that you allege has
17 occurred since May 2011 that you contend is defamatory by
18 my clients?

19 A Well the post was up there longer and it was I
20 believe on her other websites later than that.

21 Q When you say the post that's the post about the
22 criminal convictions?

23 A Yes.

24 Q And/or the disgruntled intern?

25 A Yes.

16:26:45

1 Q Okay. And the criminal conviction comments had
2 started popping up on the web in 2007.

3 Right?

4 A Yes. I believe so.

5 Q And some of the cyberstalker/cybersquatter
6 comments had been on the Internet since 2007?

7 A No.

8 Q When did those first come up?

9 A The first time that someone mentioned
10 cybersquatting was Ms. Lollar.

11 Q Was who? Ms. Lollar?

12 A Yes.

13 Q Now when was the first comment made about you
14 were picked up by the police?

16:27:58

15 A Probably 2007.

16 Q And that plaintiff has hacked into our website
17 and e-mail list?

18 A May 2011.

19 Q Now in fact that statement doesn't state that was
20 you, does it?

21 A They said -- she definitely referred to me or
22 inferred that it was me plus supposedly the post that was
23 made was about her committing animal cruelty.

24 Q But the comment was basically to the effect that
25 "Someone has hacked into our website and e-mail list."

16:28:37

1 A I believe it was something like someone in quotes
2 referring to me or certain animal advocates.

3 Q Right. Now the allegation that you were picked
4 up by the LAPD anti-terrorism task force -- when did that
5 first appear?

6 A 2007.

7 Q And posting pornography in children's chatrooms?

8 A 2007.

9 Q Now do you contend that Amanda Lollar posted the
10 comment about that you post pornography in children's
11 chatrooms?

12 A I don't believe she posted that but she posted
13 links to all those blogs.

14 Q Okay. Or the allegation that you commit animal
15 cruelty. When did that first come out?

16:29:22

16 A That was on the
17 victimsofmisscummins.blogspot.com.

18 Q Which to your knowledge is not operated by
19 Amanda Lollar.

20 Correct?

21 A No but I believe she made some comments on it
22 which she's since deleted.

23 Q Okay. But the allegation of committing animal
24 cruelty was on that blog in what year?

25 A 2012.

16:29:54

1 Q And the allegation that you torture animals --
2 when did that first come up?

3 A 2011 or 2012.

4 Q And who made that comment?

5 A Ms. Lollar said it in her deposition but I
6 believe Rebecca Dimetrick posted it on that blog.

7 Q And the reference that you are a quote whore --
8 was that back in 2007?

9 A Yes.

10 Q Now what, if anything, have you done to try to
11 mitigate any damage to your reputation or income?

12 A Well I sued her and I made that public by posting
13 it on prweb.

14 I was able to get some of the stuff removed
15 because it violated her host terms of service agreement
16 and I have been burying them. The websites and blogs.

16:31:42

17 Q Burying them?

18 A Burying them.

19 Q Okay.

20 A Creating new websites and profiles with my name
21 and key words in it and making sure they get picked up.

22 Q Right. Now do you have a website or a user name
23 mary.cc?

24 A That's a website. mary.cc.

25 Q That's a website you created and moderate and

16:32:21

1 control?

2 A Yes.

3 Q Do you have any children?

4 A No.

5 Q Are your parents both alive?

6 A My mother is alive. I don't know if my father is
7 alive.

8 MR. MACPHAIL: Let's have this marked as

9 Exhibit 44.

10 BY MR. MACPHAIL:

11 Q The question about Exhibit 44 is do you know who
12 created that document?

13 A I believe this Facebook page was created by
14 Rebecca Dimetrick but I'm not positive.

16:33:33

15 Q Okay. And is there anything on that document
16 that you consider defamatory?

17 A Basically she calls me evil and they post links
18 to -- let's see. They post a link to the
19 victimsofmisscummins blog and that Mary Cummins has
20 attacked many, many other people over many years and they
21 posted a link to an IndyBay article which was posted about
22 me which contained defamatory items.

23 They posted a link to the laanimalpals blog which
24 contains defamatory items. And Amanda Lollar at Bat World
25 Sanctuary posted on this and posted links to her website

16:34:36

1 which had defamatory items and --

2 Q I'm sorry if I missed it. There's nothing on
3 that document that you attribute to Amanda Lollar?

4 A Yes, there is.

5 Q I'm sorry. Which?

6 A Bat World Sanctuary. That's her user name. She
7 posted that.

8 MR. MACPHAIL: Okay. Let's have this marked as
9 Exhibit 45.

10 BY MR. MACPHAIL:

11 Q Can you tell me what document 45 is? Exhibit 45.

12 A This is an e-mail from Amanda Lollar to many
13 different people including Fish & Wildlife, people from
14 the City of Mineral Wells and many other people.

16:36:07

15 Q And is there anything in there that you consider
16 defamatory?

17 A Yes. They state they won an injunction against
18 me when they had no injunction. It was void. They stated
19 I've been stalking and defaming them for 10 months and
20 that's untrue.

21 They stated I'm lashing out with false
22 accusations and manipulated videos "in an attempt to do
23 all the damage she can do to us in the meantime."

24 She calls me a disgruntled intern.

25 Q Now after you left Bat World as an intern did you

16:37:06

1 post on Bat World Sanctuary's websites under any given
2 name?

3 A No.

4 Q You never posted on any Bat World? The Yahoo
5 Group or any other?

6 A I've never posted on the Bat World Yahoo Group.
7 I never posted on batworld.org. I don't even have a user
8 name.

9 Q Have you posted on anything connected with
10 Bat World?

11 A I posted on their Facebook page.

12 Q What did you put in their Facebook page?

13 A I think I posted a -- gosh. I don't remember.
14 I'd have to go look back and see what I posted
15 there.

16:37:50

16 Well I gave it to them in discovery in the other
17 case.

18 Q Okay. Now what name did you use to post?

19 A Mary Cummins and I can also post as my page name
20 which is Animal Advocates.

21 Q Now have you ever posted with the last name
22 Kennedy?

23 A No.

24 MR. MACPHAIL: Let's have this marked Exhibit 46.

25 BY MR. MACPHAIL:

16:39:04

1 Q If you can tell me what Exhibit 46 is.

2 A 46 is an article which was posted on
3 raisethefist.com.

4 Q Do you contend that Ms. Lollar or someone at
5 Bat World drafted the postings there?

6 A I believe she may have admitted to posting this
7 in the discovery that you gave to me but I would have to
8 check it.

9 Q What, if anything, on there is defamatory?

10 A She said I was a disgruntled intern. I was not.
11 She stated I posted defamatory and copyrighted information
12 on the Internet which I did not do.

13 She stated I made false complaints to government
14 agencies which I didn't do. She stated that I posted
15 false and damaging statements on dozens of Internet sites
16 and some of these I have never even seen before like care2
17 I hadn't visited yet.

18 And she states I altered a video of hers which I
19 did not alter. She states she has an injunction against
20 me. Her injunction was void and I'm sure they knew it
21 from the date they got it.

22 MR. MACPHAIL: Exhibit 47.

23 BY MR. MACPHAIL:

24 Q Do you recognize Exhibit 47?

25 A Yes.

16:41:40

1 Q What is that?

2 A It is an article which I believe Ms. Lollar
3 posted on Houston Independent Media. I believe she
4 admitted to it in her discovery.

5 Q Other than that is there any there evidence or
6 fact that you know of that indicates that Amanda Lollar
7 drafted Exhibit 47?

8 A No definite facts except she uses the same user
9 name ALC and she basically admitted to it. I think this
10 is one of the ones she admitted to.

11 MR. MACPHAIL: I think I am done for today and
12 hopefully forever given the federal rules so let me
13 propose the following stipulation.

16:42:55

14 Let me explain first of all what the code says is
15 that the reporter would normally maintain custody of the
16 transcript and you'd go to her office or you'd make
17 arrangements but I would allow the original of the
18 transcript to be sent to you for review and you'd have
19 30 days to make any changes you deem appropriate.

20 You would then notify me of the changes or you
21 could just send the original with the changes to my
22 office.

23 MS. CUMMINS: Was I supposed to send you the
24 original transcript from the other day?

25 MR. MACPHAIL: Well actually that was

16:43:15

1 questionable whether that was actually a deposition --

2 MS. CUMMINS: Okay.

3 MR. MACPHAIL: -- because there's no sworn
4 testimony but I will maintain the original of the
5 transcript throughout these proceedings, make it
6 available --

7 MS. CUMMINS: Can I get a pdf?

8 MR. MACPHAIL: Let's go off the record.

9 THE VIDEOGRAPHER: The time is 4:45 and we're off
10 the record.

11 (Discussion.)

12 MR. MACPHAIL: We don't need the video for this.

13 Basically the original will be sent to you.

14 You'll have 30 days to make changes, return the original
15 with the changes to my office.

16:43:38

16 I will keep it throughout the proceedings, make
17 it available whenever necessary.

18 If the changes aren't made within 30 days -- or
19 also contact me if you need more time. We can stipulate.

20 But if the changes aren't made during whatever
21 the final period is the original or any certified copy
22 thereof can be used instead.

23 Further, should the original become damaged or
24 destroyed any party can use a certified copy.

25 It can be signed under penalty of perjury and I

16:45:22

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think that's it.

Is that agreeable to you?

MS. CUMMINS: Yes.

(Exhibits 1 through 47 were marked for identification by the Certified Shorthand Reporter and are included herewith.)

(The deposition was concluded at 4:50 p.m. Declaration under penalty of perjury is on the following page hereof.)

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I so solemnly declare under penalty of perjury under the laws of the State of California that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the corrections, additions or changes to my answers that I deem necessary.

In witness whereof, I hereby subscribe my name this _____ day of _____, 20____.

Witness Signature

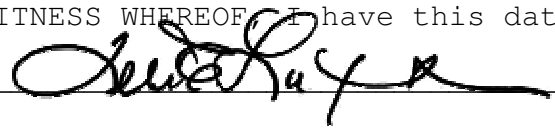
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CERTIFICATION
OF
CERTIFIED SHORTHAND REPORTER

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.

IN WITNESS WHEREOF, I have this date subscribed my name .



Dated: _____

Certificate Number: 5369