

**DOLORES
STEWART
& ASSOCIATES, INC.**



1701 PENNSYLVANIA AVENUE • FORT WORTH, TEXAS 76104 • (817) 810-0244 • FAX (817) 810-0064

CERTIFIED SHORTHAND REPORTERS

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Brenda Taylor
Traci Johnston
Christina Galloway
Hope Lewandoski
Michael Navarro
Amy Seligmann
Carolyn Peek
Kathleen McCurry
Jenny Bonnes

WRITTEN QUESTIONS
PROCESS SERVICE

September 7, 2011

~~Ms. Mary Cummins
645 West 9th Street
Apartment 110-140
Los Angeles, California 90015~~

Re: CAUSE NO. 352-248169-10; BAT WORLD SANCTUARY, ET AL. V. MARY CUMMINS.

Dear Ms. Cummins:

Enclosed please find your original deposition taken in the above-styled and numbered cause. Please read and then sign the deposition before a notary public noting any changes and/or corrections on the appropriate page in the deposition.

After the deposition has been signed, please return it to my office by October 7, 2011 in compliance with the Deposition Agreement page.

When I have received the notarized original deposition, I will file it with Mr. Randy Turner's office for safekeeping.

Thank you very much.

Sincerely,

Michael Navarro, CSR

Enclosure

cc: Mr. Randy Turner; ✓

Mr. Neal Callaway

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY and) IN THE DISTRICT COURT
AMANDA LOLLAR,)
)
Plaintiffs,)
)
VS.) TARRANT COUNTY, TEXAS
)
)
MARY CUMMINS,)
)
Defendant.) 352ND JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
MARY CUMMINS
AUGUST 25, 2011

ORAL AND VIDEOTAPED DEPOSITION OF MARY CUMMINS, produced as a witness at the instance of the PLAINTIFFS, and duly sworn, was taken in the above-styled and numbered cause on August 25, 2011, from 9:40 a.m. to 5:11 p.m., before Michael Navarro, CSR in and for the State of Texas, reported by machine shorthand, at the law offices of Neal Callaway, 1200 Summit Avenue, Suite 720, Fort Worth, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.



DOLORIS STEWART & ASSOCIATES, INC.
CERTIFIED COURT REPORTERS
1701 PENNSYLVANIA AVENUE
FORT WORTH, TEXAS 76104
(817) 810-0244 • (800) 676-2401 • FAX 810-0064



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A P P E A R A N C E S

FOR THE PLAINTIFFS:

MR. RANDY TURNER
LAW OFFICE OF TURNER & MCKENZIE
1800 NORTH NORWOOD DRIVE
SUITE 100
HURST, TEXAS 76054
(817)282-3868

FOR THE DEFENDANT:

MR. NEAL CALLAWAY
ATTORNEY AT LAW
1200 SUMMIT AVENUE
SUITE 720
FORT WORTH, TEXAS 76102
(817)332-2076

ALSO PRESENT:

MS. AMANDA LOLLAR

1	INDEX		
2			PAGE
3	Appearances.....		2
4	Stipulations.....		4
5	MARY CUMMINS		
6	Examination by Mr. Turner.....		6
7	Signature and Changes.....		240
8	Reporter's Certificate.....		242
9	EXHIBITS		
10	NO.	DESCRIPTION	PAGE
11	B-1	Executive Affiliation Record.....	52
12	B-2	2010 Year End Report.....	54
	B-3	990-EZ Tax Form.....	--
13	B-4	Letter.....	58
	B-5	Article.....	61
14	B-6	Web Site Postings.....	62
	B-7	DVD.....	114
15	B-8	Court Record.....	--
	B-9	Letter.....	50
16	B-10	Web Site Postings	116
	B-11	Web Site Postings.....	117
17	B-12	Wildlife Rehabilitation Permit Application	--
	C-13	Inspection Report.....	122
18	B-16	Internship Contract.....	67
	C-17	E-mail.....	66
19	C-18	DVD.....	75
	C-25	Photograph.....	78
20	C-26	DVD.....	85
	C-27	DVD.....	113
21	B-28	Web Site Postings.....	125
	C-29	Photographs.....	134
22	C-30	DVD.....	134
	C-31	DVD.....	135
23	C-32	DVD.....	135
	C-33	DVD.....	135
24	C-34	DVD.....	140
	C-35	DVD.....	142
25	C-36	DVD.....	145
	C-37	DVD.....	147

1	C-38 DVD.....	149
	C-39 DVD.....	150
2	C-40 E-mails.....	172
	C-41 E-mails.....	174
3	B-42 E-mails.....	103
	B-44 E-mails.....	177
4	C-45 E-mails.....	180
	B-46 Web Site Postings.....	--
5	B-47 Web Site Postings.....	184
	B-48 Web Site Postings.....	185
6	B-49 Web Site Postings.....	186
	B-50 Web Site Article.....	190
7	B-51 E-mails.....	204
	B-52 E-mails.....	205
8	B-53 E-mails.....	--
	B-54 Web Site Postings.....	120
9	B-55 E-mails.....	206
	B-56 Web Site Postings.....	212
10	B-58 Web Site Postings.....	228
	60 Copy of Signature.....	71
11	61 DVD.....	78
	62 E-mails.....	223
12	63 Google Profile.....	237
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
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CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY, ET AL. * IN THE DISTRICT COURT
*
*
VS. * TARRANT COUNTY, TEXAS
*
*
MARY CUMMINS * 352ND JUDICIAL DISTRICT

A G R E E M E N T

This agreement is being made pursuant to the Texas Rules of Civil Procedure, by agreement of the parties hereto, as follows:

Agreements for the deposition of MARY CUMMINS, taken on August 25, 2011, by the Plaintiffs.

* * * * *

WE, the attorneys here representing the parties listed herein, stipulate and agree to each of the following checked items, to-wit:

THIS DEPOSITION SHALL BE TAKEN PURSUANT TO:

- Notice Agreement
- Subpoena Court Order
- Other (Please specify) _____

AGREEMENTS REGARDING OBJECTIONS:

- Reserve all until the time of trial.
- Make all at the time of the taking of the deposition or all will be waived.
- Make objections in accordance with the Rules of Civil Procedure (Texas)

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AGREEMENT REGARDING SIGNATURE OF THE WITNESS:

_____ Waived.

_____ If the original deposition is not signed before any notary public within _____ days of submission to the witness and filed by the time of trial or any hearing, an unsigned copy may be used just as if it were the original.

 X The original deposition is to be delivered to the witness X or the witness' attorney of record _____ for examination and signature by the witness and returned to the court reporter within 30 days of submission to the witness.

AGREEMENTS REGARDING DEPOSITION EXHIBITS:

 X Exhibits produced to the court reporter at the deposition shall be attached to the original deposition in lieu of copies and filed with the custodial attorney.

AGREEMENTS REGARDING DELIVERY:

 X Pursuant to the Rules of Civil Procedure.
_____ Pursuant to the Rules of Civil Procedure, except notice to be sent by regular mail. (Not certified, return receipt requested)

OTHER AGREEMENTS:

_____ Please specify:

(For signatures, please see attached Deposition Agreement)

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P-R-O-C-E-E-D-I-N-G-S.

MARY CUMMINS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. TURNER:

Q. State your name for the record, please.

A. Mary Katherine Cummins-Cobb.

Q. And you understand you're under oath,
Ms. Cummins?

A. Yes.

Q. And do you understand that in Texas, if you
lie under oath, you can receive a minimum of two years
in prison and a maximum of ten years? Do you understand
that?

A. Yes.

Q. Okay. Since the court reporter is taking down
everything we say, I would ask that your answers be
audible or out loud rather than hand gestures and so
forth because it's hard for him to take those down.

Is that agreeable?

A. Yes.

Q. Have you ever gone by any names other than
Mary Cummins?

A. I've gone by Mary Cummins-Cobb and Mary Cobb.

Q. C-O-B-B?

1 A. Yes.

2 Q. Do you have a middle name?

3 A. Katherine.

4 Q. With a C or K?

5 A. With a K.

6 Q. And where are you from originally?

7 A. Los Angeles.

8 Q. Where were you born?

9 A. Long Beach.

10 Q. Have you used any names on the Internet
11 besides Mary Cummins or Mary Cobb?

12 A. Yes.

13 Q. And what are those names?

14 A. Maria Rivera.

15 Q. Maria Rivera?

16 A. Yes.

17 Q. Okay. Any other names?

18 A. Animal Advocates.

19 Q. Okay. Any others?

20 A. None that I can think of at the moment.

21 Q. Do you ever post comments to news stories?

22 A. Yes.

23 Q. And do you -- what names do you use when you
24 do that?

25 A. Mary Cummins or Anonymous or Guest.

1 Q. Okay. Do you ever use MMary?

2 A. That's my e-mail address.

3 Q. Okay. Do you sometimes use that name if
4 you're posting things on the Internet?

5 A. Yes, I do.

6 Q. And what is your current physical home
7 address?

8 MR. CALLAWAY: We're going to object to
9 disclosing that. We have filed a motion to reconsider a
10 protective order. We're awaiting the Court's ruling on
11 that.

12 MR. TURNER: Okay, the Court has already
13 ruled on that, and what I would like to do at this point
14 is call the Court and discuss this with her. We can
15 stay on the record while we do this.

16 (Calling Judge)

17 MR. TURNER: Hi, Dawn, this is Randy
18 Turner. I've got a case on Judge Sudderth's court, and
19 we're in the middle of a deposition and a matter has
20 come up that I think the judge has already ruled on.
21 And I'm wondering if we could have a conversation with
22 Judge Sudderth and have her make a ruling.

23 Oh, she's on vacation? Okay, well, never
24 mind, then. All right, thanks. Bye-bye.

25 (Phone call terminates)

1 MR. TURNER: I guess we'll just have to
2 do it later.

3 MR. CALLAWAY: Tough luck, Randy.

4 MR. TURNER: Yeah.

5 Now, I'm going to want to re-depose her if I
6 prevail on that objection.

7 MR. CALLAWAY: Well, you can ask the
8 Court. Do you have a setting on your hearing?

9 MR. TURNER: We've been asking for days
10 for a hearing and we haven't gotten one.

11 MR. CALLAWAY: I think we'll hear them
12 all the same time.

13 Q. (By Mr. Turner) Where did you use to live
14 before you lived at your current address?

15 A. 359 North Sweetzer Avenue.

16 Q. S-W-E-E-T-Z-E-R?

17 A. Yes.

18 Q. And that's in what city?

19 A. Los Angeles.

20 Q. How long did you live at Sweetzer?

21 A. From 2000 to 2008.

22 Q. Did anybody live at that address with you?

23 A. Yes.

24 Q. Who?

25 A. My husband.

1 Q. What's his name?

2 A. Steve Waddington.

3 Q. How do you spell Waddington?

4 A. W-A-D-D-I-N-G-T-O-N.

5 Q. Are you divorced?

6 A. I was never legally married.

7 Q. Okay. But you call him your husband?

8 A. We were married, but it turns out he was
9 married before and never got divorced.

10 Q. When did you find that out?

11 A. After we split.

12 Q. And so you've lived at your current home
13 address since 2008?

14 A. No.

15 Q. Where did you move after you moved -- after
16 you left Sweetzer?

17 A. I moved downtown.

18 Q. And what was that address?

19 A. 1130 South Flower.

20 Q. Flower, F-L-O-W-E-R?

21 A. Yes.

22 Q. That's in downtown Los Angeles?

23 A. Yes.

24 Q. And how long did you live at the Flower
25 address?

- 1 A. For a year.
- 2 Q. And who lived with you at the Flower address?
- 3 A. My boyfriend.
- 4 Q. And what's his name?
- 5 A. Kevin Stewart-Magee.
- 6 Q. Is stew S-T-E-W or S-T-U-A?
- 7 A. S-T-E-W.
- 8 Q. And his last name is spelled how?
- 9 A. Stewart, dash, Magee.
- 10 Q. Oh, okay, it's a hyphenated last name?
- 11 A. Yes.
- 12 Q. And McGee is M-C-G-E-E?
- 13 A. M-A-G-E-E.
- 14 Q. And do you currently live with him?
- 15 A. No.
- 16 Q. Where does he work?
- 17 A. I don't know.
- 18 Q. Does he still live in Los Angeles?
- 19 A. I don't know.
- 20 Q. Who lives with you at your current address?
- 21 A. Only myself.
- 22 Q. Did you have -- did you own the property on
23 Sweetzer Avenue?
- 24 A. Yes.
- 25 Q. Did you sell it?

1 A. Yes.

2 Q. And did you -- did any siblings ever live with
3 you on Sweetzer?

4 A. No.

5 Q. Did you bring your driver's license with you
6 today?

7 A. Yes.

8 Q. May I see it?

9 A. (Witness complies.)

10 Q. You've shown me California Driver's License
11 No. C2129781; is that correct?

12 A. Yes.

13 Q. It shows you were born on December 17th of
14 1965; is that right?

15 A. Yes.

16 Q. Now, the 645 West 9th, Apartment 110, Los
17 Angeles, California 90015, what address is that?

18 A. It's a PO box.

19 Q. Apartment 110 is a PO box?

20 A. Apartment 110 is the address for the UPS
21 store.

22 Q. When was this photograph taken?

23 A. 2005.

24 Q. Thank you.

25 Did you also use to go by Mary Cummins-Cobb?

1 A. That's my legal name.

2 Q. Okay. Okay, so you -- that's your legal name,
3 has the hyphen in it?

4 A. Yes.

5 Q. Have you ever been arrested?

6 A. No.

7 Q. Where did -- so, you were born in Long Beach;
8 is that right?

9 A. Yes.

10 Q. And tell me all the cities you've lived in
11 since then.

12 A. I first lived in Lakewood. Then we moved to
13 Doheny Estates, then Beverly Hills.

14 Q. Okay. Then what?

15 A. Then I lived with a boyfriend in West
16 Hollywood.

17 Q. What was his name?

18 A. Edward Katz.

19 Q. K-A-T-Z?

20 A. Yes.

21 Q. Is he still in West Hollywood?

22 A. I don't know.

23 Q. Where did you live after that?

24 A. I rented an apartment in Los Angeles.

25 Q. And you've lived in Los Angeles since then; is

1 that right?

2 A. I'm not going to say what city I live in.

3 Q. You're not even going to tell me which city
4 you live in?

5 MR. CALLAWAY: We'll object to providing
6 the city at this time, pending the Court's ruling on our
7 motion.

8 Q. (By Mr. Turner) What country do you live in,
9 ma'am?

10 A. United States.

11 Q. Now, just so I understand, you're claiming
12 that if you tell me your home address, that your life
13 will be in danger; is that correct?

14 A. Yes.

15 Q. And tell me all the reasons why you think
16 that.

17 A. Rebecca Dmytryk has stated that she's a friend
18 of Amanda Lollar and she's working together. And she's
19 been sending me threatening and harassing e-mails for
20 years.

21 Q. Rebecca Dmytryk is a person who says she knows
22 Amanda Lollar?

23 A. Yes.

24 Q. And she's been -- Rebecca has been sending you
25 threatening e-mails for years?

1 A. Yes.

2 Q. And tell me what kinds of threats she makes.

3 A. She's going to destroy me. She's going to
4 find me. She's going to cause me to lose my Fish and
5 Game license. She's going to expose me to media.

6 Q. Are those all the threats she's made?

7 A. She also threatened to keep her blog up.

8 Q. What do you mean, threatened to keep her blog
9 up?

10 A. She sent me an e-mail saying that she's going
11 to keep the "Victims of Miss Cummins" blog up.

12 Q. Are those all the threats that Ms. Dmytryk has
13 made to you?

14 A. Those are the threats that have been made in
15 her name and e-mail.

16 Q. Okay. Are those all the threats that you're
17 talking about when you say your life is in danger and
18 that's why you don't want to tell us your home address?

19 A. No.

20 Q. Tell me the other threats.

21 A. I have received many e-mails through different
22 anonymous e-mail addresses stating they're going to hunt
23 me down, find me, destroy me, then some obscene things.

24 Q. You've made these claims before this lawsuit
25 was ever filed, haven't you? You've claimed there's

1 people out to get you and harm you?

2 A. Yes.

3 Q. How many times have you said that your life is
4 in danger because you are being threatened by others,
5 before this lawsuit was ever filed?

6 A. How many times did I utter that statement?

7 Q. No. How many times -- well, let me just ask
8 it this way: When was the first time before this
9 lawsuit was ever filed that you received threats that
10 you thought threatened your security or your life?

11 A. In my life?

12 Q. Yes.

13 A. When I was, I believe it was around 2001 when
14 I was involved in a lawsuit with Ashton Technology.

15 Q. Were you the plaintiff or the defendant?

16 A. Defendant.

17 Q. So somebody sued you. And what was the nature
18 of that allegation?

19 A. Interfering with their business and
20 defamation.

21 Q. Defamation. So this lawsuit that we're here
22 on today isn't the first time you've been sued for
23 defamation?

24 A. No.

25 Q. How many times have you been sued for

1 defamation?

2 A. Three times.

3 Q. Three different lawsuits by three different
4 people?

5 A. Yes.

6 Q. Tell me the name of the first person who sued
7 you for defamation.

8 A. Frederick Rittereiser.

9 Q. How do you spell his last name?

10 A. R-I-T-T-I-R-E-I-S-E-R, I'm not positive.
11 Rittereiser.

12 Q. Rittereiser, R-I-T-T-I-R-I-Z-E-R?

13 A. R-I-T-T-E-R-E-I-S-E-R.

14 Q. I'm going to trust that the court reporter got
15 that.

16 And when did Mr. Rittereiser sue you for
17 defamation?

18 A. I believe it was around 2001. I'm not
19 positive.

20 Q. And what did he say you -- how did he say you
21 defamed him?

22 A. I said he had connections to the mob.

23 Q. Where does Mr. Rittereiser live now?

24 A. I'm not positive.

25 Q. Where was that lawsuit filed?

1 A. Philadelphia.

2 Q. Did you ever live in Pennsylvania?

3 A. No.

4 Q. He was -- where did he say that you published
5 a defamatory statement that he had mob connections?

6 A. On the Internet.

7 Q. Okay. Did you say anything about
8 Mr. Rittreiser on the Internet?

9 A. That he wasn't telling the truth about his
10 company.

11 Q. And what was the outcome of that case?

12 A. It was dismissed for lack of jurisdiction.

13 Q. Did you represent yourself in that lawsuit?

14 A. Yes.

15 Q. You filed a plea to the jurisdiction in that
16 case, too?

17 A. Yes.

18 Q. And when was the next time that you were sued
19 for defamation? Who was the person?

20 A. That's two questions.

21 Q. Who was the person, next person who sued you
22 for defamation?

23 A. Kathy Knight-McConnell.

24 Q. And is Kathy spelled with a K or a C?

25 A. K.

1 Q. Kathy Knight, is that K-N-I-G-H-T?

2 A. Yes.

3 Q. And is that a hyphenated name?

4 A. Yes.

5 Q. And her last name is Knight-McConnell. Would
6 that be M-C-C-O-N-N-E-L-L?

7 A. Yes.

8 Q. And where was that lawsuit filed?

9 A. New York.

10 Q. Were you ever in New York?

11 A. No.

12 Q. What defamatory statements did
13 Ms. Knight-McConnell say that you made?

14 A. I said she lied to investors.

15 Q. About what?

16 A. About stocks.

17 Q. What -- in what way did she lie about stocks?

18 A. She said the value was going to go up.

19 Q. And you knew the value was not going to go up?

20 A. Yes.

21 Q. How did you have occasion to -- and I assume
22 this was also made on the Internet, these statements?

23 A. Yes.

24 Q. How did you have occasion to get on the
25 Internet and make statements about a woman who lives in

1 New York about things she says about stocks?

2 A. What do you mean specifically?

3 Q. Well, I mean, did you know this lady?

4 A. No.

5 Q. Where did you hear that she had made these
6 statements about stocks?

7 A. From a Yahoo message board.

8 Q. So, you didn't know her.

9 What kind of message board was it?

10 A. The Yahoo message board for Nanopierce.

11 Q. What's Nanopierce?

12 A. It was a public company.

13 Q. So you're on a Yahoo message board and you
14 read a statement made by Kathy Knight-McConnell telling
15 people that stock was going to go up, and then you
16 posted on that message board that she was lying; is
17 that --

18 A. Yes.

19 Q. -- the essence of it?

20 And then she sued you for defamation?

21 A. Yes.

22 Q. Why did you feel compelled to post on the
23 message board that she was lying?

24 A. To protect investors.

25 Q. What was the outcome of that case?

1 A. Dismissed. Lack of proper pleading, lack of
2 jurisdiction, and one other thing.

3 Q. So that plea to the jurisdiction usually works
4 for you?

5 A. Generally.

6 Q. Okay. And when was the third time you were
7 sued for defamation?

8 A. This case.

9 Q. Who's Jason Simas, or Simas?

10 A. He was my next-door neighbor.

11 Q. S-I-M-A-S. Is that the right spelling?

12 A. Yes.

13 Q. How do you pronounce his last name?

14 A. Simas.

15 Q. And you were sued by Mr. Simas for defamation,
16 too, weren't you?

17 A. I believe it was a countersuit.

18 Q. I'm showing you what's been marked as
19 deposition Exhibit No. 8 and ask if you recognize that.

20 A. Yes, I think so.

21 Q. Is that a copy of the lawsuit that was filed
22 against you in California by Mr. Simas?

23 A. I think so.

24 Q. Tell me why Mr. Simas sued you.

25 A. I went to get a restraining order against him.

1 Q. Why -- he sued you for getting a restraining
2 order?

3 A. After I filed the restraining order, he sued
4 me.

5 Q. Okay. What did he restrain you from doing?

6 A. I got the restraining order against him.

7 Q. Okay, so you -- what did you restrain him from
8 doing?

9 A. He had to stay away from my property, he had
10 to stay away from me and my husband.

11 Q. What was Mr. Simas doing to you that made you
12 feel like you needed to go sue him and get a restraining
13 order?

14 A. He took a sledgehammer to my house, he tore
15 down my fence, he tore down my gazebo. He stalked my
16 husband and me. He tried to stab my husband with a
17 machete. He stabbed the hedge trimmers through the
18 fence at me.

19 Q. And, so, then, he sued you for defamation and
20 assault and some other things; is that correct?

21 A. I don't know if he sued me for assault.

22 Q. What was the outcome of that case?

23 A. I got a restraining order against him.

24 Q. What happened on his countersuit?

25 A. He went crazy, his attorney dumped him, and

1 that was the end of the suit.

2 Q. So it was eventually dismissed?

3 A. There was -- he represented himself after
4 that, and then the judge gave me the restraining order.

5 Q. Were you *pro se* in that case?

6 A. Yes -- um, I was *pro se* in the beginning, then
7 I hired an attorney, and then I was *pro se* in the end.

8 Q. Who is Tiffany Krog?

9 A. Tiffany Krog is an attorney in Los Angeles.

10 Q. And how do you know her?

11 A. She was stalking me for a few years.

12 Q. So a lawyer in Los Angeles was stalking you?

13 A. Yes.

14 Q. Wow. Did you report her to the police?

15 A. No.

16 Q. Why not?

17 A. I spoke to the head of cyber-stalking for LA
18 County, and they told me that would enrage her more and
19 she would never stop.

20 Q. Why was Tiffany Krog stalking you?

21 A. She was embarrassed in a Yahoo group and
22 blamed it on me.

23 Q. What embarrassed her?

24 A. She posted something negative about me, and
25 the other people stood up for me. Then she got another

1 user name, pretended to be a man, and attacked everyone.
2 And then one night, she mixed up her user names, and
3 everyone could see that it was her.

4 Q. What was she saying on this Yahoo group?

5 A. She was calling all the women hags, and she
6 said in her male user name that Tiffany Krog is pretty
7 and smart and everyone should do as she says.

8 Q. Did you report her to the California bar?

9 A. No.

10 Q. Why not?

11 A. The head of the cyber-stalking division told
12 me that would infuriate her even more and she would
13 never stop.

14 Q. Did you ever get involved with litigation with
15 her?

16 A. No.

17 Q. Did you make an accusation about her brother?

18 A. I didn't even know she had one.

19 Q. You never accused her brother of raping you?

20 A. No.

21 Q. So, she stalked you. Who else has stalked you
22 besides Ms. Krog?

23 A. Annette Stark.

24 Q. Annette Stark?

25 A. Yes.

1 Q. A-N-N-E-T-T-E, Stark, S-T-A-R-K?

2 A. Yes.

3 Q. So she has stalked you, too?

4 A. Yes.

5 Q. Well, let me back up. Before we get off
6 Tiffany Krog, how did Tiffany Krog stalk you, the lawyer
7 in California?

8 A. She made quite a few blogs about me. She sent
9 many e-mails to the city of LA accusing me of climbing
10 over her fence, following her. That's about it.

11 Q. So she posted some blogs and sent some e-mails
12 and that was stalking?

13 A. She sent e-mails to the mayor and city council
14 saying really crazy things, that I'm a criminal, that
15 I'm stalking her.

16 Q. So you consider that stalking if somebody
17 sends e-mails talking about a person?

18 A. She also -- that's cyber-stalking. But it was
19 what she was sending.

20 Q. While we're on that subject, what is
21 cyber-stalking?

22 A. Using the Internet to threaten someone.

23 Q. So what threats was she making to you?

24 A. She sent me e-mails saying that I better shine
25 up my gun because she's coming, that she was going to

1 sexually assault me.

2 Q. She sent you an e-mail saying, "I'm going to
3 sexually assault you"?

4 A. She sent an e-mail in an anonymous e-mail
5 address, but I could see her source code that it was
6 her, and she said she was coming to fuck my big fat fake
7 tits.

8 Q. You're big fat what?

9 A. Fake tits.

10 Q. You could tell from the source code?

11 A. Yes.

12 Q. Tell me how that works.

13 A. View full header or view source of an e-mail.

14 Q. Those are Web sites?

15 A. No. She sent the e-mail through Yahoo,
16 through an e-mail address called "Mary Cummins is a
17 whore," um, "Mary Cummins is finished," "Mary Cummins is
18 poor." But if I viewed the source code of the e-mail
19 address, I could see it was her IP.

20 Q. How do you view the source code of an e-mail
21 address?

22 A. Depends upon the mail program.

23 Q. How did you view the source of her e-mail
24 address?

25 A. View full headers and view source.

1 Q. I don't understand what that means. What do
2 you mean "view full headers"?

3 A. If you go to your e-mail account and open an
4 e-mail, there are options to view source or view full
5 headers.

6 Q. Okay. In that way, you -- by doing that, you
7 were able to tell that it was Tiffany Krog who was
8 cyber-stalking you and sending you these threatening
9 e-mails?

10 A. Yes.

11 Q. And she was doing that because why?

12 A. She was embarrassed on the Yahoo group and she
13 thought it was my fault.

14 Q. And what were all the things that embarrassed
15 her?

16 A. That she was caught using a different user
17 name and telling everyone people should be nice to
18 Tiffany because she's pretty and smart.

19 Q. And when it was discovered that that was her,
20 she was embarrassed so she started cyber-stalking you?

21 A. Yes.

22 Q. Who else was cyber -- okay, you said Annette
23 Stark has also cyber-stalked you; is that correct?

24 A. Yes.

25 Q. And then, I believe you're claiming that

1 Amanda Lollar has cyber-stalked you as well; is that
2 correct?

3 A. I believe so.

4 Q. So besides Tiffany Krog, an attorney in
5 California, and Annette Stark and Amanda Lollar, who
6 else has cyber-stalked you?

7 A. I've received totally anonymous e-mails. I
8 don't know where they came from.

9 Q. Does that mean you're being cyber-stalked?

10 A. If someone sends a threatening e-mail saying
11 they're going to break my legs.

12 Q. So you get e-mails from people threatening to
13 break your legs?

14 A. I have in the past.

15 Q. But they're anonymous?

16 A. Yes.

17 Q. Why don't you view the source code and see who
18 they are?

19 A. If they send it through multiple re-mailers, I
20 can't see it.

21 Q. If they use proxy servers?

22 A. Yes.

23 Q. Do you ever do that?

24 A. To visit Web sites that I can't see normally.

25 Q. So if somebody wants to block you from their

1 Web site, there's a way you can get around that; is that
2 correct?

3 A. Yes.

4 Q. As a matter, you did that with me, didn't you?

5 A. Yes.

6 Q. So, who is Annette Stark?

7 A. She was a writer.

8 Q. Where?

9 A. Los Angeles.

10 Q. For whom did she write?

11 A. "LA Weekly," "LA CityBeat."

12 Q. So, she's a news reporter?

13 A. She writes more editorials.

14 Q. Okay. So an editorial writer for the "LA
15 Weekly," you say?

16 A. Yes.

17 Q. She cyber-stalked you as well?

18 A. Yes.

19 Q. And tell me about the cyber-stalking that
20 Ms. Stark did.

21 A. She teamed up with Tiffany Krog and sent many
22 threatening e-mails to the city, to the city council,
23 saying I was a criminal, a terrorist, a 9/11 terrorist,
24 I post squirrel porn to children's chat rooms, I am a
25 biological male, I actually weigh 300 pounds and I wear

1 gunnysacks in public, I give needles to drug dealers.

2 And then she sent me threats directly.

3 Q. So those things you just mentioned, is that
4 cyber-stalking? If you post false or defamatory
5 statements about somebody, is that cyber-stalking?

6 A. Using the Internet to threaten.

7 Q. Okay, but those things weren't threats, that
8 you just mentioned, I don't think.

9 A. She did make other threats.

10 Q. Okay, so there has to be a threat in order for
11 it to be cyber-stalking? Is that what you're saying?

12 A. Yes.

13 Q. And what were the threats that she made?

14 A. She was going to destroy me, she was going to
15 cause me to lose my job and to lose my house.

16 Q. So, she's the second person who said she was
17 going to destroy you? Rebecca Dmytryk also said she was
18 going to destroy you?

19 A. Yes.

20 Q. What does "destroy you" mean?

21 A. I don't know what they mean.

22 Q. Did you find it interesting that both of these
23 women said they were going to destroy you?

24 A. What do you mean by "interesting"?

25 Q. Did that strike you as just a coincidence, or

1 do you think maybe they were colluding?

2 A. Tiffany Krog and Annette Stark were colluding.

3 Q. But Annette Stark and Rebecca Dmytryk were
4 not?

5 A. I believe Annette Stark is dead.

6 Q. Okay. Now, I assume you filed police reports
7 over all of these threats to your health and safety?

8 A. Yes.

9 Q. And who did you file those with?

10 A. LAPD.

11 Q. Tell me the years that these were filed.

12 A. 2006, 2007.

13 Q. Just those two years?

14 A. Yes.

15 Q. So the LAPD should have record of you
16 complaining about threats made to your safety in those
17 two years?

18 A. Yes.

19 Q. And these would be threats by who? All three
20 people or just -- who?

21 A. Tiffany Krog and Annette Stark.

22 Q. Was anybody ever prosecuted or arrested for
23 threatening you?

24 A. No.

25 Q. Who else has cyber-stalked you besides the

1 people that we've talked about here today?

2 A. When I was outing stock criminals, I would
3 generally have people harass and threaten me.

4 Q. You used to out stock criminals?

5 A. Yes.

6 Q. What does that mean?

7 A. If I saw what looked like a stock scam, I
8 would investigate, write a report and post it on the
9 Internet.

10 Q. Was this just a hobby of yours, or was it
11 involved in your work somehow?

12 A. It was a hobby.

13 Q. So you had a hobby of sort of seeking out
14 stock scams?

15 A. Yes.

16 Q. How long did you have that hobby?

17 A. 2000 to 2004.

18 Q. Did you expose a lot of stock criminals?

19 A. Yes.

20 Q. And as a result, you got a lot of threats to
21 your health and safety?

22 A. Yes.

23 Q. Did you report those to the police?

24 A. No.

25 Q. Did you know who those people were, or were

1 they anonymous?

2 A. I knew who some of them were and some were
3 anonymous.

4 Q. Who were some of them?

5 A. Francois Goelo.

6 Q. How do you spell his last name?

7 A. G-O-E-L-O.

8 Q. Where does Mr. Goelo live?

9 A. The Cayman Islands.

10 Q. And so he threatened your safety?

11 A. He threatened the safety of my husband.

12 Q. What did he say?

13 A. He said he was going to cut his penis up into
14 tiny, little pieces.

15 Q. Wow. Did you say somebody advised you not to
16 file a police report about Tiffany Krog? That's the
17 head of cyber-stalking?

18 A. I was advised not to file a restraining order
19 and not to sue her.

20 Q. And what's the name of that person who gave
21 you that advice?

22 A. It's a woman who is the head of LA County
23 cyber-stalking.

24 Q. Do you remember her name?

25 A. No.

1 Q. Is she still there?

2 A. I don't know.

3 Q. What are the names of some other people who
4 have cyber-stalked you?

5 A. That's -- stockholders of Ashton Technology.

6 Q. Ashton Technology. Do you know their names?

7 A. I would have to -- I don't think I have their
8 names anymore.

9 Q. Did they cyber-stalk you through e-mail?

10 A. E-mail and message boards.

11 Q. And, so, tell me the -- tell me about the
12 cyber-stalking that Amanda Lollar has done to you.

13 A. She made a post on someone else's blog from
14 Mineral [sic], Texas, stating, "You better remove the
15 articles and the Indybay articles or we will keep the
16 "Victims of Miss Cummins" blog up." And let everyone
17 know about my horrible life. That's paraphrased.

18 Q. So, remove the articles from Indybay and what
19 else?

20 A. The items in your discovery.

21 Q. And if you don't do that, what's going to
22 happen?

23 A. They're going to share the secrets of my
24 horrible life on the "Victims of Miss Cummins" blog.

25 Q. What are the secrets of your horrible life?

1 A. I don't know.

2 Q. Did you send me that e-mail or that post?

3 A. Yes.

4 Q. And how do you know that was a Amanda Lollar?

5 A. The person who ran the blog has stats, and it
6 showed her IP address, her browser, her computer,
7 longitude, latitude.

8 Q. How did you get that information?

9 A. The comment was posted to the blog. And the
10 blogger saw it, he did not approve it. He forwarded it
11 to me.

12 Q. What's the blogger's name?

13 A. Edward Muzika.

14 Q. How do you spell his last name?

15 A. M-U-Z-I-K-A.

16 Q. Where does Edward live?

17 A. Somewhere in Los Angeles.

18 Q. Do you know him?

19 A. Yes.

20 Q. And how do you know Edward?

21 A. We both volunteered for the Department of
22 Animal Services together.

23 Q. So he's a friend of yours?

24 A. Yes.

25 Q. So, Amanda Lollar posted a threat to your

1 friend's blog, and then he forwarded it to you; is that
2 correct?

3 A. The comment made it seem that the person who
4 sent it thought it was my blog.

5 Q. Okay. So the threat that you say Ms. Lollar
6 made was that she was going to share the secrets of your
7 horrible life or the horrible secrets of your life?

8 A. That's paraphrased through -- you have a copy
9 in discovery.

10 Q. Did she threaten anything else besides that?

11 A. In that one post?

12 Q. Any other posts.

13 I want to know about all the threats you've
14 received from Amanda Lollar.

15 A. Some of the threats are online, and I don't
16 know who posted them.

17 Q. So you don't know if they're from Amanda
18 Lollar or not?

19 A. Not the other ones online.

20 Q. Have you told -- is this threat that you
21 talked about from Edward Muzika, is that the only threat
22 that you know about that you claim you know about that
23 Amanda Lollar made?

24 A. Yes.

25 Q. Do you consider that cyber-stalking?

1 A. Yes.

2 Q. So cyber-stalking is a threat of any kind, in
3 your mind, not just a threat of physical harm?

4 A. Yes. She was threatening to post liable.

5 Q. Well, how do you know what she was going to
6 post? She just said secrets, right?

7 A. There's liable already posted on that blog.

8 Q. On your friend's blog?

9 A. On the "Victims of Miss Cummins."

10 Q. Oh, I see. Who runs that blog?

11 A. Rebecca Dmytryk.

12 Q. How long has that blog been up?

13 A. She started it a year ago and then took it
14 down, and she started up again when, I guess, she met
15 Ms. Lollar.

16 Q. Why does Rebecca Dmytryk have a blog called
17 "Victims of Miss Cummins"?

18 A. She believes that I posted her bankruptcy
19 documents online. And she posted that in retaliation,
20 saying she will not remove the blog until I remove her
21 bankruptcy documents.

22 Q. Did you post her bankruptcy documents online?

23 A. Not at that time.

24 Q. But you did later?

25 A. Recently.

1 Q. How do you know Rebecca Dmytryk?

2 A. I've known her since 2001. She is -- she was
3 a wildlife rehabilitator.

4 Q. Where is she?

5 A. She's in Moss Landing, California.

6 Q. Have you met her in person?

7 A. Yes.

8 Q. Did you use to be friends?

9 A. For about a week.

10 Q. And then what happened to interrupt the
11 friendship?

12 A. Two of the Fish and Game wardens told me not
13 to have anything to do with her because she's crazy, she
14 breaks the law, and she's going to lose her license.

15 Q. So, at some point, she -- that was in 2001.
16 Did you say 2001?

17 A. Yes, I think so.

18 Q. So, in 2001, that was -- did you have any more
19 contact with her after that year?

20 A. Yes.

21 Q. What?

22 A. In 2004, I got the new wildlife policy passed
23 in LA, and she wanted to force the city to pay her to
24 pick up the wildlife.

25 Q. How did that cause you to deal with her?

1 A. I had already set up a free transportation
2 system, and she wanted to -- she was threatening to turn
3 the city in for fish and game violations if they didn't
4 hire her to pick up the wildlife and deliver it to
5 rehabbers.

6 Q. That was in 2004?

7 A. Yes.

8 Q. And, then, what dealings with her have you had
9 since 2004?

10 A. I provide humane nuisance wildlife control for
11 free, and she charges. We get the same calls.

12 Q. So, how do you deal with her? What dealings
13 do you have with her when that happens?

14 A. Generally, the homeowner or city will choose
15 me, and she'll be upset.

16 Q. So, do you communicate with her?

17 A. I no longer communicate with her directly.

18 Q. When did you last communicate with her?

19 A. Six months ago. She sent me e-mails through
20 someone else's account asking to add me to a list of
21 rehabbers, and I said no.

22 Q. So, have we now talked about everybody who has
23 cyber-stalked you?

24 A. There were quite a few shareholders of Ashton
25 Technology and also professional stock promoters.

1 Q. And they all cyber-stalked you?

2 A. They sent threatening e-mails saying they were
3 going to hunt me down, going to kill me, going to
4 destroy me, going to sue me.

5 Q. Actually threatened to kill you?

6 A. Yes.

7 Q. Who is Ed Boks?

8 A. Ed Boks was the general manager of Animal
9 Services.

10 Q. And what dealings did you have with Mr. Boks?

11 A. I worked -- I built a new Web site for the
12 Department of Animal Services as a volunteer, under his
13 order.

14 Q. But you got crossways with him somehow, didn't
15 you?

16 A. Yes.

17 Q. Explain your disagreement or your conflict
18 with Mr. Boks.

19 A. Mr. Boks blamed his mistakes on me, which
20 caused me to be fired. Then he promised to get me a new
21 job, because he felt bad, and he never got me a new job.

22 Q. And did you sue him or he sued you or
23 something?

24 A. I sued him.

25 Q. What did you sue him for?

1 A. Unlawful termination and sexual harassment.

2 Q. How many people have you sued?

3 A. I sometimes take clients to small claims.

4 Quite a few.

5 Q. More than 20?

6 A. Approximately 20.

7 Q. And how many times have you been sued?

8 A. I think five times.

9 Q. Has anybody taken a judgment against you?

10 A. I think there may be a judgment against me.

11 Q. Who took a judgment against you?

12 A. A credit card company.

13 Q. For how much?

14 A. 5,000.

15 Q. Have you not paid that?

16 A. No, I haven't.

17 Q. Now, you actually sued Ed Boks for sexual
18 harassment, didn't you, ma'am?

19 A. Yes.

20 Q. How did he sexually harass you?

21 A. He constantly asked me out, he would send
22 sexual e-mails late at night, he would try to touch me
23 in the office, try to force me to go to the office when
24 I decided to work at home instead.

25 Q. And were you *pro se* in that lawsuit?

1 A. No.

2 Q. What was the outcome?

3 A. It was settled for a hundred and thirty
4 thousand.

5 Q. He paid you?

6 A. The city paid me.

7 Q. Didn't you date him before you got that job?

8 A. No.

9 Q. You never dated Ed Boks?

10 A. No.

11 Q. Did you ever testify to that under oath?

12 A. No.

13 Q. So, the basis for your not wanting to reveal
14 your home address is you think that if my client learns
15 your home address, that she's going to share that
16 information with the world, correct?

17 A. Yes.

18 Q. And then, some or all of these cyber-stalkers
19 who have threatened to cut off your husband's penis and
20 things like that, they're all going to come to your
21 house?

22 A. Some of them might.

23 Q. You're not worried about Amanda Lollar doing
24 anything violent to you, are you?

25 A. I don't think so.

1 Q. You once put on a Yahoo profile that your
2 occupation is causing havoc on the Web, correct?

3 A. Yes.

4 Q. How do you cause havoc on the Web?

5 A. That was a joke.

6 Q. It was a joke?

7 A. Yes.

8 Q. How old are you?

9 A. Forty-five.

10 Q. I want to know about your employment history
11 from the time you graduated from high school. Tell me
12 -- well, before we get to that, did you graduate from
13 high school?

14 A. Yes.

15 Q. And which school was that?

16 A. Beverly Hills High School.

17 Q. Did you go to college?

18 A. Yes.

19 Q. Where did you go?

20 A. USC.

21 Q. Did you graduate?

22 A. No.

23 Q. How many years did you go there?

24 A. I'm 22 units short of graduating.

25 Q. What dates did you attend USC?

1 A. 1982, '83.

2 Q. Did you go to the Rio Hondo Police Academy?

3 A. Yes.

4 Q. When?

5 A. 2005.

6 Q. Did you graduate?

7 A. I took all the class I was told to take.

8 Q. Did you get any kind of certificate?

9 A. Yes.

10 Q. What -- what is it?

11 A. PC832, and I don't remember the other two
12 certificates.

13 Q. So, tell me all the places that you've worked
14 since you graduated from high school. Let's start with
15 the first place you worked out of high school.

16 A. You mean out of college?

17 Q. Well, if that was your first job.

18 A. Merrill Lynch real estate.

19 Q. What did you do for Merrill Lynch real estate?

20 A. I was an agent.

21 Q. Selling property?

22 A. Yes.

23 Q. How long did you have that job?

24 A. I was there six months.

25 Q. Why did you leave?

1 A. I didn't like the policies of the office.

2 Q. What policies?

3 A. New agents could not contact anyone in the
4 area, any of the property owners.

5 Q. Where did you work after Merrill Lynch?

6 A. The Apartment Owners Association.

7 Q. What did you do for them?

8 A. I sold income property.

9 Q. How long did you have that job?

10 A. I think I was there approximately two years.

11 Q. Why did you leave?

12 A. I had a full broker's license, and I didn't
13 like having to give them 20 percent when they weren't
14 helping me.

15 Q. Where did you go next?

16 A. Westside Properties.

17 Q. What did you do for them?

18 A. I sold real estate.

19 Q. How long?

20 A. Couple of years.

21 Q. Why did you leave?

22 A. I had a broker's license, and I rarely spent
23 time in my actual office, and I saw no need to pay for
24 office space.

25 Q. Where did you go next?

1 A. I worked out of my house.

2 Q. Doing what?

3 A. Real estate sales and appraisals.

4 Q. Were you self-employed?

5 A. Yes.

6 Q. How long did you do that?

7 A. I was a broker until 2007, I think. And now I
8 only do appraisals, up to today.

9 Q. When did you leave Westside Properties?

10 A. I don't remember the date.

11 Q. What year?

12 A. I don't remember the year.

13 Q. How long do you have to sell real estate
14 before you obtain a broker's license?

15 A. I've been licensed so long, I don't know the
16 current requirements.

17 Q. I think you said that -- who's Eric Smith?

18 A. I have no idea.

19 Q. Did you sue a guy named Eric Smith and ask for
20 a restraining order against him?

21 A. No.

22 Q. When you went to work for Merrill Lynch, you
23 worked there about six months. And then you went to
24 Apartment Owners Association for about two years. And
25 then you sold real estate for Westside Property for

1 about two years, right?

2 A. Yes.

3 Q. So, that would be about four and half years,
4 those three jobs.

5 What year did you go to work for Merrill
6 Lynch?

7 A. 1984.

8 Q. So, would it be fairly accurate to say that
9 somewhere around 1988, 1989 or so is when you became
10 self-employed and started working out of your house?

11 A. Yes.

12 Q. And you did that until 19 -- until 2007?

13 A. I believe that's when I let my broker's
14 license expire.

15 Q. What did you do after 2007?

16 A. I continued doing appraisals.

17 Q. How long did you continue doing appraisals?

18 A. Up till today.

19 Q. You currently do appraisals?

20 A. Yes.

21 Q. And you're a self-employed real estate
22 appraiser?

23 A. Yes.

24 Q. Do you advertise on the Internet?

25 A. Yes.

1 Q. What's that Web site?

2 A. MaryCummins.com.

3 Q. When did you first start doing volunteer work
4 relating to animals?

5 A. 2000, I believe.

6 Q. What specifically did you do?

7 A. I was a volunteer for the Department of
8 Animal -- the Los Angeles Department of Animal Services
9 and Animal Match Rescue Team.

10 Q. Animal Match Rescue Team?

11 A. Yes.

12 Q. What is that?

13 A. It's a private nonprofit organization which
14 helps adopt out shelter animals.

15 Q. So, you started doing that around 2000, doing
16 volunteer work for those two groups?

17 A. Yes.

18 Q. And how long did you do -- let me back up.
19 What kind of volunteer work did you do for Department of
20 Animal Services?

21 A. I built the new Web site. I cleaned cages. I
22 did adoption events. I helped people find their lost
23 pet. Before the department had a Web site, I used to
24 take photos of the animals and put them online.

25 Q. And what did you do for Animal Match Rescue

1 Team?

2 A. I would take photos of the animals in the
3 shelter and put their description and information
4 online, because the department didn't have a Web site
5 yet.

6 Q. How long did you do volunteer work for the
7 Department of Animal Services?

8 A. From approximately 2000 to 2006 or '7.

9 Q. As a matter of fact, you were terminated from
10 them in December of 2005, weren't you Ms. Cummins?

11 A. Yes.

12 Q. I'm going to show you what's marked as
13 Plaintiff's Exhibit B-9 and ask if you recognize that?

14 A. Yes.

15 Q. What is it?

16 A. It is a termination letter from 2005.

17 Q. You received that?

18 A. Yes.

19 Q. Why did they fire you?

20 A. That termination letter is dated the day that
21 person was fired.

22 Q. Why did they fire you?

23 MR. TURNER: Objection, nonresponsive.

24 THE WITNESS: Do you want me to repeat
25 what's in the letter or --

1 Q. (By Mr. Turner) No. I'm just asking you why
2 they fired you.

3 A. The mayor told me to record and take notes of
4 the commission meetings to find out why they were so out
5 of control. I did. And I gave the notes to the mayor,
6 and the mayor used them to fire him. The general
7 manager.

8 Q. How long did you do work for Animal Match
9 Rescue Team?

10 A. About two years.

11 Q. What animal-related work have you done since
12 those two groups?

13 A. I started my own nonprofit in 2002.

14 Q. Is that Animal Advocates?

15 A. Yes.

16 Q. What is Animal Advocates?

17 A. It's a nonprofit corporation.

18 Q. Is it a registered nonprofit corporation in
19 the State of California?

20 A. Yes. But, currently, I'm trying to get all of
21 my -- I'm trying to make it active again.

22 Q. Your status with the State of California,
23 Animal Advocates' status, is that they've been
24 suspended, correct?

25 A. Yes.

1 Q. And I'm showing you Plaintiff's Exhibit B-1.
2 What is that?

3 A. This is Animal Advocates.

4 Q. Where does that come from?

5 A. Looks like you got it from Westlaw
6 CourtExpress.

7 Q. Okay. Do you agree with the statements in
8 Exhibit 1, or the information in Exhibit 1?

9 A. I gave them my new address. And this is my
10 old address.

11 Q. Okay. Other than the address, is all the
12 other information in Exhibit 1 correct?

13 A. I believe so.

14 Q. How many volunteers does Animal Advocates
15 have?

16 A. Probably 20.

17 Q. Does it have a board of directors?

18 A. Yes.

19 Q. Who's on the board?

20 A. Myself, MaryEllen Schoeman.

21 Q. How do you spell her last name?

22 A. S-C-H-O-E-M-A-N.

23 Q. Where does live?

24 A. Glendale.

25 Q. Where is Sheridan?

1 A. What?

2 Q. Where is Sheridan, California?

3 A. I have no idea.

4 Q. Who else is on your board?

5 A. That's it at the moment. We need someone
6 else.

7 Q. What's your position on the board?

8 A. President.

9 Q. And what's Ms. Schoeman's position?

10 A. Vice president.

11 Q. Are you 501(c)(3) with the IRS?

12 A. Yes.

13 Q. Is that current?

14 A. Yes.

15 Q. And what does Animal Advocates do?

16 A. Animal Advocates rescues ill, injured, and
17 orphaned native wildlife for release back to the wild.
18 We also educate the public about wildlife, and we do
19 humane nuisance wildlife control. And we have a few
20 sanctuary animals.

21 Q. Has Edward Muzika ever been on your board?

22 A. No.

23 Q. How many animals do you rescue and
24 rehabilitate each year?

25 A. It varies from 500 to 1300.

1 Q. How many did you rescue in 2010?

2 A. It's on the Internet. I think it was only
3 maybe 400.

4 Q. You rescued about 400?

5 A. Yes.

6 Q. What kinds of animals?

7 A. I only do small native mammals.

8 Q. Where do you put these animals?

9 A. In enclosures in the back of my property.

10 Q. I'm showing you what's been marked as
11 Plaintiff's Exhibit B-2.

12 Do you recognize any of that?

13 A. Yes.

14 Q. What is it?

15 A. This was my annual report for 2010.

16 Q. Who does that report go to?

17 A. I gave this to the public.

18 Q. How is that published to the public?

19 A. It's on my Animal Advocates Facebook page and
20 my Animal Advocates blog.

21 Q. So, did you say in 2010, you rescued about 400
22 animals?

23 A. I thought it was about 400. The list says
24 321.

25 Q. And these animals all go in your backyard?

1 A. And also into another building on my property.

2 Q. Is this at your home?

3 A. Yes.

4 Q. What's the other building?

5 A. There is a small studio behind my house.

6 Q. How big is it?

7 A. 20 by 20.

8 Q. So, describe what you have in your backyard to
9 keep these animals that you rescued. Cages or --

10 A. I have large enclosures.

11 Q. Are they cages?

12 A. Yes.

13 Q. And, then, how do you get rid of these animals
14 after you take them in?

15 A. When they're able to go back to the wild, we
16 release them within three miles of where found or
17 exactly where found.

18 Q. How many bats did you rescue last year?

19 A. Can I look at the exhibit?

20 Q. Sure.

21 A. Actually, I think I forgot to add a few,
22 because I know there were at least three.

23 Q. So, Exhibit 2 shows that you rescued no bats
24 in 2010, correct?

25 A. Yes.

1 Q. How many bats did you rescue in 2009?

2 A. I would have to take a look at the list, but I
3 think around five.

4 Q. What's the total number of donations -- what
5 is the total amount of donations that Animal Advocates
6 received last year, approximately?

7 A. I think it was about nine or ten thousand last
8 year. They weren't all donations.

9 Q. Where else did it come from?

10 A. Revenue from YouTube videos and revenue from
11 ads on blogs.

12 Q. From what?

13 A. Advertising --

14 Q. Oh, ads on blogs.

15 How much money do you get for a YouTube video?

16 A. It's a huge, complex algorithm.

17 Q. Is Exhibit No. 3 a true and accurate copy of
18 your Animal Advocates' Form 990 for 2010?

19 A. Yes, I think so.

20 Q. Do you report that YouTube money -- does that
21 YouTube money go to Animal Advocates?

22 A. Yes.

23 Q. Is that reported on the 990?

24 A. Yes.

25 Q. Where does the ad revenue money go to that's

1 listed on your Web site?

2 A. Could you be more specific?

3 Q. Do you have ad revenues that come in from ads
4 on blogs?

5 A. Yes. On blogs and Web sites.

6 Q. And where does that money go?

7 A. Animal Advocates.

8 Q. It doesn't go to you?

9 A. No.

10 Q. Do you pay yourself a salary?

11 A. No.

12 Q. So, all of the money that goes to Animal
13 Advocates, none of it goes to you, you don't have any
14 paid employees either?

15 A. No.

16 Q. Why is there no ad revenue listed in the 990
17 for 2000?

18 A. It is.

19 Q. Can you show me?

20 A. This eighteen hundred and ninety-three,
21 program service revenue.

22 Q. Does Animal Advocates give educational
23 programs using live animals?

24 A. We haven't been recently.

25 Q. But you use to?

1 A. Yes.

2 Q. Can you describe those for us?

3 A. Yes. I used to give presentations to the
4 Oasis Group for the elderly. I gave presentations to
5 students at the Animal Services department.

6 Q. You've gotten in trouble with the Department
7 of Fish and Game, haven't you, Ms. Cummins, over your
8 educational programs?

9 A. No.

10 Q. I'm showing you Exhibit B-4. What is that?

11 A. It's a letter from the rehab coordinator to
12 me.

13 Q. And what was the substance of the letter?

14 A. Someone had stated that they saw a video of
15 someone, a member of the public touching an opossum.

16 Q. And that's not true?

17 A. No such video existed.

18 Q. So, Exhibit 4 is basically a reprimand letter
19 from the State of California reprimanding you for things
20 that you say you didn't do?

21 A. Correct.

22 Q. Those are all false allegations?

23 A. They're not -- they're not what actually
24 happened.

25 Q. Did you ever use a squirrel with no eyeballs

1 for an educational program?

2 A. I had an educational squirrel which had no
3 eyeballs, but I didn't use him for any program.

4 Q. Did you physically choke and dress up
5 squirrels in clothes?

6 A. No.

7 Q. Does Animal Advocates have any advisory board
8 members?

9 A. No.

10 Q. Who's the veterinarian that you use?

11 A. Dr. Jenny Conrad.

12 Q. J-E-N-N-Y Conrad?

13 A. Yes.

14 Q. And where is Dr. Conrad?

15 A. Santa Monica.

16 Q. How often do you see her?

17 A. We talk and e-mail a lot. I probably see her
18 every couple months.

19 Q. What does she do for Animal Advocates?

20 A. She inspects my cages for Fish and Game and
21 USDA. She's my vet of record, and she gives rabies
22 vaccination to animals.

23 Q. Do you work with any other veterinarians?

24 A. Yes.

25 Q. Who?

- 1 A. Dr. Kenneth Jones.
- 2 Q. Where is Dr. Jones?
- 3 A. Santa Monica.
- 4 Q. Is he affiliated with Dr. Conrad?
- 5 A. They're friends.
- 6 Q. But they're not in the same clinic?
- 7 A. Dr. Jenny Conrad doesn't have a clinic.
- 8 Q. Is she -- does she -- who does she work for?
- 9 A. She works for herself.
- 10 Q. Does she treat animals?
- 11 A. Yes.
- 12 Q. Does she work out of her house?
- 13 A. Yes.
- 14 Q. Dr. Jones is also in Santa Monica?
- 15 A. Yes.
- 16 Q. What other veterinarians does Animal Advocates
17 use?
- 18 A. I just used a vet in Orange County. I don't
19 remember his -- oh, possibly Dr. Bruce Levine.
- 20 Q. How do you spell that?
- 21 A. L-E-V-I-N-E. I'm not positive.
- 22 Q. First name Bruce?
- 23 A. Yes.
- 24 Q. Have you ever had veterinarians on your board?
- 25 A. No.

1 Q. Do you still own the property at Sweetzer?

2 A. No.

3 Q. Who owns it?

4 A. The person who bought it from me.

5 Q. Don't you have donations going to the Sweetzer
6 Avenue address on your Web site?

7 A. I hope not.

8 Q. I'm showing you Exhibit B-5, and ask you what
9 that is?

10 A. That is a copy of our old brochure.

11 Q. That's not currently on your Web site anymore?

12 A. It is.

13 Q. Do you know if people are sending donations to
14 that address on your Web site?

15 A. I wouldn't know.

16 Q. Because money may be going to the Sweetzer
17 address and they're just keeping it?

18 A. I know the new owner. I would think he would
19 call me.

20 Q. Are you aware of the proper health department
21 protocols when a bat or bats are reported to have bitten
22 a person or a pet?

23 A. Yes.

24 Q. What are the protocols?

25 A. In California, the protocol is to have the bat

1 tested for rabies.

2 Q. Anything else?

3 A. We send the entire bat to the lab, so there's
4 nothing to dispose of.

5 Q. Do you always wear gloves when you handle
6 bats?

7 A. Every single time except when I was at Bat
8 World.

9 Q. I'm going to show you Plaintiff's Exhibit No.
10 6 and ask if you recognize that.

11 A. Yes.

12 Q. What is it?

13 A. It is someone else holding a pallid bat.

14 Q. What's a pallid bat?

15 A. It's a bat that's common in the desert of
16 California.

17 That's not my hand.

18 Q. Isn't this from your Web site?

19 A. This is my hand. Do you see that?

20 Q. What is that?

21 A. It's a tattoo.

22 Q. Of what?

23 A. A coyote paw. That hand is brown and it's
24 older.

25 Q. Whose hand is it?

1 A. She works with Dr. Patricia Brown-Berry.

2 Q. Did you post Exhibit 6 on your Web site?

3 A. Yes.

4 Q. Underneath the picture of the person holding
5 the bat, why does it say "Mary Cummins"?

6 A. I try to tag my name to as many things as I
7 can, including photos of wildlife just sitting there by
8 themselves.

9 Q. When did you get that tattoo?

10 A. December of 2010.

11 Q. So less than a year ago?

12 A. Um-hum.

13 Q. So, that would have been after you left Bat
14 World?

15 A. Yes.

16 Q. So, this picture could have been taken before
17 you got your tattoo?

18 A. That's not my hand. That's on elder Mexican
19 lady.

20 Q. So, you only wore gloves -- well, wasn't that
21 photograph in Exhibit 6 dated October 3rd of 2010?

22 A. I can put a date on any -- any date I like on
23 any blog.

24 Q. So you might be putting false dates on some of
25 your blogs?

1 A. I would date the blog when the incidence in
2 the blog article happened.

3 Q. So, at Bat World, is it your testimony you
4 didn't wear gloves?

5 A. Correct.

6 Q. Why not?

7 A. Ms. Lollar told me not to.

8 Q. Ms. Lollar told you don't wear gloves while
9 handling bats?

10 A. Yes. Yes.

11 Q. Did she tell anybody else that when you were
12 there?

13 A. None of us wore gloves.

14 Q. None of the other interns or volunteers or
15 anybody else wore gloves?

16 A. Not while I was there.

17 Q. Is that what she says in her book, don't wear
18 gloves when you're handling bats?

19 A. I don't know.

20 Q. You know which book I'm talking about?

21 A. Yes.

22 Q. Isn't there a glove dispenser on the wall at
23 Bat World?

24 A. There could be. She never told me about it.

25 Q. But she specifically told you do not wear

1 gloves?

2 A. Yes.

3 Q. Did you say, well -- well, let me ask you
4 this. You had worked with bats before you went out
5 there, correct?

6 A. Yes.

7 Q. And it's your testimony you always wore
8 gloves?

9 A. Yes.

10 Q. When she told you don't wear gloves when
11 handling bats, did you ask her why?

12 A. I told her I brought gloves, and she said it's
13 difficult to hold and feed them with gloves.

14 Q. Did you protest?

15 A. No.

16 Q. Do you know Dottie?

17 A. I've never met her before.

18 Q. Did you wear gloves when Amanda Lollar was not
19 around?

20 A. No.

21 Q. Why not?

22 A. She told us not to. There was one instance
23 when I wore gloves there.

24 Q. When was that?

25 A. When we went to the wild sanctuary.

1 Q. Did you send an e-mail to the board of
2 directors of Bat World Sanctuary in August of 2010?

3 A. I believe so.

4 Q. I'm showing you what's been marked as
5 Plaintiff's Exhibit No. 17, and ask you what that is.
6 Is that the e-mail you sent?

7 A. I believe so.

8 Q. Exhibit 17 talks about the contract you
9 signed. Did you sign a contract at Bat World?

10 A. No.

11 Q. What contract are you talking about in
12 Exhibit 17?

13 A. I thought I had signed it.

14 Q. Now, that e-mail is dated -- in Exhibit 17, is
15 dated August 5th, 2010, correct?

16 A. Yes.

17 Q. And you had been at Bat World in June of 2010,
18 correct?

19 A. Yes.

20 Q. So you wrote that e-mail, Exhibit 17, less
21 than two months after you left Bat World?

22 A. Yes.

23 Q. And less than two months after you left Bat
24 World, you were telling the board of directors about the
25 "Bat World contract that I signed." And, in fact, you

1 said, "The Bat World contract I signed said I can't link
2 to Bat World if I don't get a certificate."

3 Correct?

4 A. I wrote that in the e-mail.

5 Q. Yes.

6 A. Yes.

7 Q. And you wrote -- you were talking about the
8 terms of the contract, that you signed, in an e-mail,
9 less than two months after you left Bat World, correct?

10 A. Yes.

11 Q. Now, Defendant's -- excuse me, Plaintiff's
12 Exhibit No. B-16, what is that?

13 A. This is a copy of a contract.

14 Q. Is that your signature?

15 A. No.

16 Q. It's dated June 20th of 2010, correct?

17 A. Yes.

18 Q. So it's your testimony, Ms. Cummins, that
19 somebody forged your name to that contract; is that
20 correct?

21 A. Yes.

22 Q. And it's also your testimony that when you
23 talked about the contract that you signed in an e-mail
24 August 5th, that you were mistaken?

25 A. Yes.

1 Q. You really didn't sign a contract, you just,
2 when you sent that e-mail, you thought you had signed a
3 contract?

4 A. I thought I had.

5 Q. Had someone presented you with a contract?

6 A. Yes.

7 Q. Who?

8 A. Ms. Lollar.

9 Q. Why didn't you sign it?

10 A. The first day, I hadn't read it. And then I
11 read it, and it seemed a little crazy. And then she
12 kept demanding that I sign it.

13 Q. So it was kind of an issue?

14 A. Yes.

15 Q. You read it, it seemed crazy, and then she
16 kept asking you to sign it?

17 A. Every day.

18 Q. So every day she's asking you to sign the
19 contract and every day you're refusing?

20 A. I was very busy when I was there.

21 Q. What would you tell her when she would say you
22 need to sign the contract?

23 A. I would say, "I'm busy right now."

24 Q. And she -- you said she kept asking you every
25 day to sign the contract.

1 How many days did she ask you to sign the
2 contract?

3 A. Probably four days.

4 Q. Four days in a row?

5 A. Yes.

6 Q. What was crazy about the contract?

7 A. Um, sounds kind of paranoid, that she wants to
8 control absolutely everything.

9 Q. Where does it say that?

10 A. It doesn't. That's how it seems to me.

11 Q. She's maintaining too much control over her
12 interns?

13 A. Yes. It seemed suspicious.

14 Q. Specifically, what in the contract makes you
15 say that?

16 A. Why would someone want to have so much control
17 over people who are coming there to help?

18 Q. And that just seemed crazy to you?

19 A. Yes.

20 Q. Okay. Did you tell her you thought that was
21 crazy?

22 A. No.

23 Q. But you thought it was crazy?

24 A. Yes.

25 Q. What happened after four days of her telling

1 you to sign the contract and you continually saying "I'm
2 busy"?

3 A. She finally stopped asking.

4 Q. And you thought you signed it?

5 A. I thought I might have at the time.

6 Q. You mean when you were there, you thought you
7 might have signed it?

8 A. When I went home.

9 Q. Even though you thought it was crazy?

10 A. Yes.

11 Q. How would you -- is this signature different
12 than your signature?

13 A. Yes.

14 Q. Can you sign your name, please?

15 A. My signature's right there.

16 MR. TURNER: Do you have a photocopier?

17 MR. CALLAWAY: Not up here.

18 MR. TURNER: Okay. I'd like a photocopy
19 of her driver's license.

20 THE WITNESS: You have a copy of it in
21 your discovery.

22 MR. TURNER: Oh, your driver's license?

23 THE WITNESS: Yes.

24 MR. CALLAWAY: Yeah, it's on that disk.

25 MR. TURNER: I'm going to call this --

1 all of our other exhibits are in yellow. They're yellow
2 stickers. Can we say that we have yellow exhibit
3 stickers and white exhibit stickers and this will be
4 White Exhibit Sticker 1?

5 MR. CALLAWAY: That's fine.

6 MR. TURNER: I mean, I -- or we could try
7 to find what our last number is.

8 MS. LOLLAR: Um, our last number -- our
9 very last number, yes, I think, is 59 -- 58, I guess.

10 MR. TURNER: I'm going to go ahead and
11 label --

12 (Exhibit No. 60 marked)

13 Q. (By Mr. Turner) Now, ma'am, I've labelled as
14 Exhibit 60, your signature. You just now signed your
15 name, correct?

16 A. Yes.

17 Q. Can I see your driver's license again?

18 So, it's your testimony that your signature on
19 Exhibit 60 is like your signature on your driver's
20 license?

21 A. I would need to see them side by side.

22 Q. Here they are.

23 A. Looks pretty similar to me.

24 Q. In any event, it's your testimony under oath
25 that the signature on the Bat World contract is a

1 forgery?

2 A. Yes.

3 Q. When you were at Bat World as an intern, did
4 you ever leave cage doors open?

5 A. I believe once, one zipper may have been open.
6 I don't know who left it open.

7 Q. And how did red bats wind up flying through
8 the rehab and kitchen area?

9 A. I never saw a red bat fly through the rehab
10 and kitchen area.

11 Q. Were you responsible for cage cleaning during
12 the internship?

13 A. Yes.

14 Q. How many times did you clean the cages when
15 you were interning?

16 A. I cleaned the unreleasable cage once, and I
17 cleaned the baby cages probably -- we wiped them down
18 every day, but we did a thorough cleaning every two
19 days.

20 Q. Let me go back to that contract for a minute.

21 Did you ever tell Ms. Lollar -- did you ever
22 express any reservations or criticism of the contract
23 that you thought was crazy that she was asking you to
24 sign?

25 A. By then, we weren't getting along, so I saw no

1 point in confronting her.

2 Q. But I mean, when she would ask you during the
3 four-day period to please sign the contract and you
4 would say, "I'm busy," did you ever say anything
5 critical about that contract or express any reservations
6 about that contract?

7 A. Not to Ms. Lollar.

8 Q. Who did you say it to?

9 A. To Kay Singleton.

10 Q. Kay Singleton?

11 A. I believe that's her last name.

12 Q. Why didn't you tell Ms. Lollar you didn't like
13 the contract?

14 A. I didn't think anything could be done about
15 it.

16 Q. What do you mean, "could be done about it"?

17 A. I could say, "I find this contract strange,"
18 and she would say, "So."

19 Q. So, you decided, well, I'm just going to
20 continue being an intern here, but I'm not ever going to
21 sign that contract?

22 A. Yes.

23 Q. But you never told her you disagreed with the
24 terms of those -- the contract or that you weren't going
25 to comply with the terms of the contract?

1 A. No.

2 Q. Were you responsible for counting the infant
3 bats while caring for them to ensure that every one had
4 been fed and returned to their cage?

5 A. We all were.

6 Q. How many times was the count accurate?

7 A. Rarely.

8 Q. Did you always return infants to their primary
9 cage after feeding?

10 A. One time, I put the infants with tagged ears
11 into a bat hut for Amanda to look at.

12 Q. Was there a vat full of unfed infant bats
13 remaining on the rehab table all night?

14 A. There was a bat hut with some tagged infant
15 bats that were -- I put them in there for Amanda to look
16 at. They had been fed.

17 Q. How many infant bats died while under your
18 care at Bat World Sanctuary?

19 A. There were a few of us interns. I'd say five,
20 six.

21 Q. Did you film baby bats trying to bite you?

22 A. I believe so. They weren't trying to bite me.
23 They were trying to hang onto me.

24 Q. I'm going to show -- I've turned on my
25 computer and -- can you see it? Maybe if I do it like

1 that.

2 I'm going to ask you -- what I've put into the
3 computer is what we've marked as Plaintiff's Exhibit
4 C-18. And I'm just going to show it to you.

5 Is this a video that you made?

6 A. Yes.

7 Q. Is that your hand?

8 A. Yes.

9 Q. That's your left hand?

10 A. Yes.

11 Q. Did you have a tattoo when this was made?

12 A. No.

13 Q. When baby bats try to bite, does that mean
14 they're stressed?

15 A. The bat is trying to use it's mouth to hang
16 on.

17 Q. But does that mean the bat is stressed?

18 A. When they're biting to try to hang on?

19 Q. When they're biting a hand, like in this
20 video.

21 A. They would frequently do that while we fed
22 them.

23 Q. But, I mean, does that mean they're stressed?

24 A. Not necessarily.

25 Q. These -- what kind of bat was that?

1 A. Mexican free-tailed bat.

2 Q. It's a crevice dweller, correct?

3 A. Yes.

4 Q. And it doesn't like to be exposed, does it?

5 A. Actually, quite a few of the baby bats would
6 run out of the bat hut and crawl all over us.

7 Q. I'm just going to play a few videos now. Now
8 I'm popping in Exhibit 19.

9 Did you ever hold the baby bats at Bat World
10 by squeezing their bodies and their heads?

11 A. No.

12 Q. Do you recognize that?

13 A. Yes.

14 Q. What is it?

15 A. It's a red tree bat.

16 Q. It's a video you made?

17 A. Yes.

18 Q. That's your hand?

19 A. Yes.

20 Q. Where are you holding the bat?

21 A. I am holding the bat against my fingers and my
22 thumb.

23 Q. Are you squeezing it?

24 A. Not hard.

25 Q. Is that how you're supposed to hold a bat?

1 A. We were shown a few different ways to hold
2 bats.

3 Q. Is this the way you were shown to hold bats?

4 A. When we were trying to feed mealworms, we'd
5 hold them in different ways.

6 Q. This was how you were shown to -- you were
7 told to hold bats by Amanda Lollar?

8 A. We fed bats in different ways depending upon
9 what we were doing.

10 Q. Was she present when you were doing this?

11 A. Could be.

12 Q. She could have been present?

13 A. Yes.

14 Q. Now, you hold lots of animals by the neck,
15 don't you, ma'am, when you're taking pictures of them?

16 A. No.

17 Q. Now I'm going to show you Plaintiff's Exhibit
18 No. 4, which we've already talked about.

19 Do you recognize those pictures?

20 A. Yes.

21 Q. What are they?

22 A. They're pictures of animals that I'm holding.

23 Q. That's how you hold animals?

24 A. Yes. There are many ways to hold animals.

25 I'm not holding them by the neck.

1 Q. Did you ever see any cases of injury while you
2 were working at Bat World?

3 A. What do you mean specifically?

4 Q. Any injured bats?

5 A. Some bats came in injured.

6 Q. What is Exhibit C-25?

7 A. This is a photo of Amanda Lollar trying to sew
8 up a bat that had been -- had a cut.

9 Q. Had that bat been injured by an owl?

10 A. I have no idea.

11 Q. Now, you brought us today a videotape -- or a
12 DVD, I guess, we don't use videotapes.

13 A. No. It's a CD.

14 Q. CD. And what's on this CD?

15 A. Two raw videos of Amanda Lollar trying to do
16 an episiotomy.

17 Q. And you were present?

18 A. Yes.

19 Q. I'm going to mark the exhibit you brought
20 today of the episiotomy as Exhibit 21, if that's okay.

21 A. It's 61.

22 Q. What did I say?

23 A. Twenty-one.

24 Q. I meant 61.

25 (Exhibit No. 61 marked)

1 Q. (By Mr. Turner) Was Amanda Lollar present
2 during filming of the video?

3 A. Yes.

4 Q. And I would like for you to tell us what it
5 is, what's going on. If you could just give us a
6 narration.

7 (Video playing)

8 THE WITNESS: She's applying lube to the
9 bat.

10 (Video stopped)

11 THE WITNESS: There are two videos.

12 Q. (By Mr. Turner) You just said she was
13 applying something. What is it?

14 A. Lube.

15 Q. Lube?

16 A. Yes.

17 Q. A lubricant?

18 A. Yes.

19 Q. What was the purpose of the lubricant?

20 A. To help the bat deliver the baby.

21 Q. How do you know it was a lubricant?

22 A. I saw her get it.

23 Q. What was it called?

24 A. I don't know. She just told me it was
25 lubricant.

1 Q. Oh, she told you it was a lubricant.

2 Does she say that on the video?

3 A. No. There are two videos there. One short
4 and one long.

5 Q. That was the short one?

6 A. Yes.

7 Q. Is this the long one?

8 A. Yes.

9 Q. Okay. So, what you saw her applying was
10 lubricant to the vaginal area to lubricate delivery of
11 the bat?

12 A. Yes.

13 Q. And she told you it was lubricant?

14 A. Yes.

15 Q. Did you have any problems with that or did you
16 see anything wrong with it?

17 A. At the time, I thought she knew what she was
18 doing.

19 Q. Okay. So you didn't see any problems?

20 A. Well, I don't know, she cut the bat three
21 different times.

22 Q. You really, at the time of this episiotomy --
23 she's doing an episiotomy, correct?

24 A. Yes.

25 Q. And you'd never even seen an episiotomy on a

1 bat before, had you?

2 A. No.

3 Q. And you're certainly no bat expert yourself,
4 are you?

5 A. I know more than the average person, but I
6 wouldn't consider myself a bat expert.

7 Q. And you wouldn't consider yourself qualified
8 to do an episiotomy, would you?

9 A. I wouldn't do one.

10 Q. Because you're not qualified, correct?

11 A. Because I'm not a veterinarian and I'm not
12 qualified.

13 Q. Okay.

14 And so you really don't know how episiotomies
15 are supposed to be done, or at least you didn't at that
16 time, did you?

17 A. I didn't at that time.

18 Q. So, you saw nothing untoward that was
19 happening at that time?

20 A. I did.

21 Q. In the first video we watched or in the one
22 we're going to watch?

23 A. In the one we're going to watch.

24 Q. Okay, go ahead and tell me -- when I push
25 play, I would like for you to tell us what we're

1 watching. And I'll be glad to pause it.

2 (Video playing)

3 THE WITNESS: She already cut the bat
4 once.

5 Q. (By Mr. Turner) She said, "I'm going to cut a
6 little more. We need some more sutures"?

7 A. "We will need more sutures."

8 Q. Okay. What did she cut?

9 A. She cut the bat's vagina.

10 Q. Okay.

11 And that's what you do in an episiotomy,
12 correct?

13 A. That would be an episiotomy.

14 Q. Okay. And she said, "We're going to need more
15 sutures."

16 (Video playing)

17 Q. (By Mr. Turner) What's she doing here?

18 A. She's cutting the bat again.

19 Now she's poking at the baby.

20 She's still poking at the baby.

21 Q. She's poking at the baby or trying to get the
22 baby out?

23 A. She's poking at the baby to try to get it out.

24 Q. And you're just standing there watching or
25 you're filming?

1 A. I'm looking at it through the camera.

2 Q. Is that you we hear talking?

3 A. That's me and Janette Villarreal.

4 Q. Janette who?

5 A. Villarreal. I think she just changed her
6 name.

7 Q. Where does she live?

8 A. Mineral Wells.

9 Now the bat is biting.

10 Q. Okay, what is she doing right here with the
11 Q-tip?

12 A. Putting more lube on it.

13 Q. It's lube?

14 A. Yes, I believe so.

15 Q. But you don't know?

16 A. That's what she said it was.

17 Q. She might have been lying?

18 A. It's possible she was lying to me.

19 The bat is kicking, trying to bite. And now
20 it's convulsing. And she cut it again. For the third
21 time.

22 Q. How many bats had you delivered when this was
23 made?

24 A. Zero.

25 Q. How many had she delivered?

1 A. I have no idea.

2 She doesn't know if it's the head or the foot
3 now. She's worried she stabbed the baby.

4 Q. Didn't she just say, "I know I didn't stab
5 him"?

6 A. Can we replay it? I think I heard her say, "I
7 hope I didn't stab him."

8 Q. Okay.

9 A. And she's convulsing.

10 Q. Is that normal?

11 A. I wouldn't know, but if an animal is
12 convulsing like this, something is wrong.

13 It sound like, "I know I didn't stab him."

14 Q. Is the jerking response common in bats that
15 are under stress? Or do you know?

16 A. To me, that response, as someone who takes
17 care of mammals, it looks like the animal is in
18 distress.

19 Q. So, you don't know?

20 What did she just say?

21 A. I believe she said, "I wish I could knock her
22 out but I can't do that."

23 Q. Why can't she do that?

24 A. She told me she can't do that because it
25 wouldn't be good for the baby.

1 She stopped to take a photo.

2 Q. Who took the photo?

3 A. Janet.

4 The baby is dead.

5 Q. What does "prolapse" mean?

6 A. When the vagina and uterus falls out.

7 Q. Did she prolapse?

8 A. It looked like it.

9 Q. Could that have been afterbirth?

10 A. The afterbirth was attached to the baby.

11 Q. You really don't know, do you, ma'am? This
12 was the first delivery you ever saw.

13 A. Of a bat.

14 Q. Now, this is the video that you have been
15 broadcasting to the Internet and complaining about to
16 various government agencies for the past several months,
17 isn't it?

18 A. Yes.

19 Q. Now, you edited this video, did you not?

20 A. I added captions.

21 Q. You added captions?

22 A. Yes.

23 Q. Now I'd like to look at a video that's labeled
24 Exhibit 26, and I want to ask you what this is. See if
25 you recognize it.

1 MR. TURNER: Yeah. If anybody wants to
2 take a break, we can do that.

3 MR. CALLAWAY: I could go.

4 MR. TURNER: Do you want to take one?

5 MR. CALLAWAY: Two minutes.

6 MR. TURNER: Yeah, that's fine. Let's
7 take a break for two minutes or however long you want.

8 (Break taken)

9 Q. (By Mr. Turner) Okay, now we're looking again
10 -- exhibit -- well, let me start this over. This is
11 Exhibit 19.

12 Now, exhibit -- or excuse me, this is
13 Exhibit 26. And Exhibit 26, what you've done here
14 Ms. Cummins, is, you've taken the raw footage that was
15 in Exhibit 61 and you've edited it to make Exhibit 26,
16 correct?

17 A. I put the two videos together and added
18 captions.

19 Q. So you've added all these captions down here?

20 A. Yes.

21 Q. Okay. So the first caption, "Amanda cuts the
22 bat's vagina with scissors three times. Bat convulses
23 near the end and then passes out from shock."

24 How do you know what the bat passed out from?

25 A. I saw it convulse, and then I saw it just

1 lying on its back and not moving at all.

2 Q. And that's shock?

3 A. I believe so.

4 Q. It didn't look to me like the bat passed out,
5 but it's your testimony that the bat passed out?

6 A. After the video was done.

7 Q. Oh, after the video?

8 A. Yes.

9 Q. And what is shock?

10 A. It's when the body shuts down part of the
11 nervous system in order to prevent blood loss and
12 further damage.

13 Q. So continuing on with the video.

14 Now, you've written, "This bat was about to
15 give birth. Amanda Lollar of Bat World Sanctuary
16 decided to do an episiotomy. She did not give bat pain
17 relief. She's not a veterinarian. Graphic animal
18 cruelty."

19 You made those statements, correct?

20 A. Yes.

21 Q. And just so the record is clear, this video
22 with these captions in Exhibit 26, you published on the
23 Internet?

24 A. Yes.

25 Q. To various Web sites, correct?

1 A. To YouTube.

2 Q. YouTube. Anything else?

3 A. No.

4 Q. So continuing on.

5 (Video playing)

6 Q. (By Mr. Turner) Now you've added a caption
7 that says, "Amanda cuts the bat's vagina with scissors
8 three times. Bat convulses near the end then passes out
9 from shock."

10 That's the same as the other caption, correct?

11 A. Yes.

12 Q. So is that bad to cut the bat's vagina three
13 times with scissors? You're not supposed to do it that
14 way?

15 A. Generally when you do it with humans, you cut
16 once.

17 Q. But we're not dealing with humans, are we?

18 A. No.

19 Q. How do you do it with bats?

20 A. Not like that.

21 Q. How do you know?

22 A. Because she died.

23 Q. If a bat dies during delivery of a baby, that
24 means that something was wrong -- something wrong was
25 done by the person doing the delivery?

1 A. Could you repeat that?

2 Q. If a bat dies, does that -- is it your
3 testimony that that means that the person who did the
4 delivery did something wrong?

5 A. It means it's possible.

6 Q. Okay. But you're -- once again, you're not an
7 expert, and you're really not qualified to talk about
8 how a bat episiotomy should be done, are you?

9 A. Since I left Bat World, I've been doing a lot
10 of research and study, and there are manuals on how to
11 do this.

12 Q. So are you now an expert?

13 A. I wouldn't do an episiotomy on a bat. I would
14 take it to my vet.

15 MR. TURNER: Objection, nonresponsive.

16 Q. (By Mr. Turner) Are you now an expert, ma'am,
17 in how episiotomies should be done on a bat?

18 A. In the knowledge, but not in actually doing
19 it.

20 Q. At the time you made this video, were you an
21 expert on how bat episiotomies should be done?

22 A. I ordered some books.

23 MR. TURNER: Objection, nonresponsive.

24 Q. (By Mr. Turner) At the time this video was
25 done, were you an expert on how bat episiotomies should

1 be done?

2 A. No.

3 (Video playing)

4 THE WITNESS: She's having Janette take
5 photos. That's what the clicking sound is.

6 MR. TURNER: Objection, nonresponsive.

7 THE WITNESS: I thought you told me to
8 comment.

9 Q. (By Mr. Turner) Oh, okay.

10 Is she doing anything wrong at this point?

11 A. She's cutting her more and she's poking at the
12 baby.

13 Q. You're not supposed to try to pull the baby
14 out?

15 A. Yes, but I don't know if you would do it in
16 that manner.

17 Q. You don't know how you would do it, do you,
18 Ms. Cummins?

19 A. No.

20 Q. You would defer to a veterinarian, wouldn't
21 you, on whether this was the correct way of doing it?

22 A. I did refer to a veterinarian.

23 Q. I mean, you would defer to a veterinarian? A
24 veterinarian would have more knowledge than you as to
25 whether or not she's doing it correctly?

1 A. Yes.

2 (Video continues playing)

3 Q. (By Mr. Turner) And here she's putting on,
4 what did you call it, lubricant?

5 A. Yes.

6 Q. And you know it was lubricant because that's
7 what she told you it was?

8 A. Yes.

9 And, also, she's not wearing surgical gloves.
10 Those are exam gloves. And it's not a sterile operating
11 environment.

12 Q. How can you tell those are -- well, first of
13 all, what's the difference between surgical gloves and
14 exam gloves?

15 A. Surgical gloves are sterile. Exam gloves just
16 come in a box.

17 Q. How do you know those weren't sterile?

18 A. I saw her grab them.

19 Q. Did she have sterile gloves there?

20 A. If she did, I never saw her use them.

21 Q. And that's improper?

22 A. It's not a sterile environment. She's just on
23 a towel on an area where we feed bats.

24 Q. Do you know if surgical gloves were donated to
25 Bat World Sanctuary?

1 A. I would have no idea.

2 Q. But it's your testimony that the entire time
3 that you were at Bat World, you never saw Amanda Lollar
4 use surgical gloves?

5 A. Correct.

6 Q. You only saw her use nonsterile gloves when,
7 in your opinion, you thought they should have been
8 sterile?

9 A. Yes.

10 Q. Did you think that at the time?

11 A. Not at the time.

12 Q. So you never said, Gosh, why are you using
13 nonsterile gloves for this procedure?

14 A. You don't really tell Ms. Lollar anything.

15 Q. But you didn't say that, did you?

16 A. No. I would -- I never expressed my views
17 about what she was doing wrong.

18 Q. Have you had a veterinarian watch this video?

19 A. Yes.

20 Q. Who?

21 A. Dr. Kenneth Jones, Dr. Jenny Conrad.

22 Q. Both of them?

23 A. Yes.

24 Q. And they're both in Santa Monica?

25 A. Yes.

1 Q. Do they have some hotels out there if we go
2 out there and take their deposition?

3 A. Yes.

4 Q. What did they say?

5 A. You have a copy of one of their e-mails in
6 discovery. They said that she should be prosecuted.

7 Q. And it's your testimony you sent us an e-mail
8 from a vet saying that Amanda Lollar should be
9 prosecuted?

10 A. Yes.

11 Q. Do you remember where -- when that e-mail was
12 dated?

13 A. I would have to look in the discovery disk.

14 Q. Because I'll just represent to you, I've never
15 seen an e-mail like that but --

16 A. It's in there.

17 (Video continues playing)

18 Q. (By Mr. Turner) Okay, now you've written a
19 commentary that says, "She can't tell the difference
20 between a foot and the baby's head. Amanda pulls too
21 much and the bat's vagina and uterus prolapse."

22 Are you qualified to make that statement?

23 A. Amanda told me the bat prolapsed, and she --
24 you can hear her say, "I don't know if it's his foot or
25 his head."

1 MR. TURNER: Objection, nonresponsive.

2 Q. (By Mr. Turner) Are you qualified to make
3 this statement: "She cannot tell the difference between
4 a foot and a baby's head. Amanda pulls too much and the
5 bat's vagina and uterus prolapse."

6 I'm asking if you're qualified to make that
7 statement.

8 A. That's just what she told me so --

9 MR. TURNER: Objection, nonresponsive.

10 Q. (By Mr. Turner) I'm really not asking what
11 Ms. Lollar said to you.

12 I'm asking you, are you qualified to make the
13 statement: "She can't tell the difference between a
14 foot and a baby's head. Amanda pulls too much and bat's
15 vagina, uterus prolapse"?

16 A. Yes.

17 Q. You are qualified to make that statement?

18 A. I believe so. That's what I saw and that's
19 what she said.

20 Q. Tell me how you are qualified -- tell me all
21 the qualifications that you have to be able to make this
22 statement.

23 A. I've seen other animals that have prolapsed
24 before.

25 Q. What kind of animals?

1 A. Bunnies, raccoon.

2 Q. And, so, that's the source of your -- that's
3 the only qualification you have to talk -- to make this
4 statement, is that you've seen rabbits deliver and had
5 their vagina and uterus prolapse?

6 A. Yes.

7 Q. Do you have any other qualifications besides
8 that to make this statement?

9 A. No.

10 Q. How do you tell the difference between a
11 prolapse and afterbirth?

12 A. The afterbirth is attached to the baby.

13 Q. And this after -- well, is it always attached?
14 Does it ever disconnect?

15 A. She tried to separate it with her thumbnail.

16 MR. TURNER: Objection, nonresponsive.

17 Q. (By Mr. Turner) Does the afterbirth always --
18 always stay with the baby or does it ever separate?

19 A. It could separate or stay inside the mom.

20 Q. And what's the basis of that knowledge?

21 A. Amanda told me that the baby stays attached to
22 the mom by the umbilicus for quite a few hours after
23 birth. And -- yeah.

24 Q. So you feel qualified to render an opinion on
25 the difference -- on what happens to afterbirth when a

1 bat gives birth, correct?

2 A. No.

3 Q. You're not qualified to give an opinion?

4 A. I would not be qualified to give an expert
5 opinion.

6 Q. Well, okay.

7 (Video continues playing)

8 Q. (By Mr. Turner) When you say Amanda pulls too
9 much, how much is too much?

10 A. Enough to pull the vagina and uterus out.

11 Q. I mean, how could you tell she was pulling too
12 much?

13 A. I could only tell afterwards because of the
14 results.

15 Q. How many bat births have you seen, ma'am?

16 A. Live, one.

17 Q. This one?

18 A. Yes.

19 Q. So you've seen one bat delivery and you feel
20 qualified to talk about whether or not the deliverer is
21 pulling too much; is that correct?

22 A. If -- I believe that if a vagina and uterus
23 prolapse, that means they cut too much and pulled too
24 much.

25 Q. And I assume that a veterinarian that would

1 watch this videotape, you would expect a veterinarian to
2 reach the same conclusions that you've reached in your
3 commentary?

4 A. I believe so.

5 (Video continues playing)

6 Q. (By Mr. Turner) Okay. Why did you cut off
7 the videotape when you did?

8 A. She told me to clear. I thought that meant
9 stop.

10 Q. Then it says -- did you cut off part of this
11 videotape and not give it to us?

12 A. No. That's everything.

13 Q. It says, "Mom bat passes out from shock and
14 later dies."

15 Is that what happened?

16 A. Yes.

17 Q. "Baby is pink yet dead. It had just died."

18 How do you -- how do you make that
19 determination at your first delivery you've ever seen?

20 A. Actually, I believe there was one other dead
21 baby bat, and it had been dead a while. I think I have
22 a photo of it in there. It was brown and gray.

23 Q. Okay. Well, this thing jumped ahead.

24 A. It's on repeat.

25 Q. Oh. I wanted to look at this last comment you

1 made.

2 Okay. Okay, here, you've made -- you've
3 written a commentary here, ma'am, that says, "Amanda
4 tries to glue the incisions closed. She accidentally
5 glued her vagina shut. Mom later died."

6 How did she try to glue the incisions closed?

7 A. She put some Krazy Glue on to a piece of
8 plastic. She grabbed another piece of plastic and put
9 some Krazy Glue on the tip of it, and after using a
10 Q-tip to push the vagina and uterus back in, she applied
11 the Krazy Glue to the -- she was trying to apply it to
12 the sides of the vagina.

13 Q. And how is it supposed to be done? How should
14 she have closed the incision?

15 A. Well, she cut it pretty deeply. I think a
16 suture might been better.

17 Q. Are you qualified to make that opinion?

18 A. No.

19 Q. In fact, you're not qualified to criticize the
20 way that she closed the incision, are you?

21 A. I showed the video to my vet before I made --
22 I showed the raw portion of the video before I made this
23 video.

24 MR. TURNER: Objection, nonresponsive.

25 Q. (By Mr. Turner) My question, ma'am, is,

1 you're not qualified to give an opinion as to how the
2 incision should have been closed, are you?

3 A. No.

4 Q. And then it says, "She accidentally glued her
5 vagina shut."

6 What should have happened?

7 A. She should have just glued the -- the -- where
8 she cut.

9 Q. What do you base that opinion on?

10 A. You would not want to glue the vagina
11 completely shut.

12 Q. But she did in this case?

13 A. That's what it looked like.

14 Q. Well, did she do it or is that what it looked
15 like?

16 A. I believe she did.

17 Q. But you don't know?

18 A. When I later went to look at the bat, she had
19 Krazy Glue all over her.

20 Q. Now, when you say Krazy Glue, what is Krazy
21 Glue?

22 A. Ms. Lollar had admitted to using Krazy Glue to
23 close incisions.

24 MR. TURNER: Objection, nonresponsive.

25 Q. (By Mr. Turner) What is Krazy Glue?

1 A. Krazy glue is over-the-counter -- I believe
2 it's a brand name. It's a over-the-counter instant,
3 strong, glue, adhesive.

4 Q. Did you see -- did you see the glue that she
5 was using?

6 A. Yes.

7 Q. Did you see the tube that it came from?

8 A. Yes.

9 Q. And it said Krazy Glue?

10 A. No.

11 Q. What did it say?

12 A. It was a white tube with nothing on it.

13 Q. Have you heard of something -- so, when you
14 say it was Krazy Glue, you're guessing that that's what
15 it was, correct?

16 A. I wouldn't say I'm only guessing.

17 Q. Is there a surgical glue that people in
18 medicine, in human medicine and veterinarian medicine
19 use?

20 A. Yes, there are.

21 Q. What's it called?

22 A. There are quite a few different types.

23 Q. But this wasn't one of those?

24 A. I wouldn't know.

25 Q. Was the bat anesthetized before the glue was

1 applied?

2 A. She was unconscious. There was no need.

3 Q. Was the bat anesthetized before the glue was
4 applied?

5 A. No.

6 Q. But if the bat was anesthetized, that would
7 make the bat look dead, wouldn't it?

8 A. The bat was not anesthetized.

9 Q. But if it was anesthetize, it would look dead,
10 wouldn't it?

11 A. It would.

12 Q. Was this bat later released into the wild?

13 A. It died.

14 Q. It died?

15 A. Um-hum.

16 Q. How do you know it died?

17 A. I went to feed her and she wasn't there, and
18 there was a number missing from the wall.

19 Q. You don't know if she had been moved?

20 A. That was the only place the ill, injured and
21 orphaned bats were kept.

22 Q. In any event, would you agree with me that the
23 video, the way you edited it, is extremely critical of
24 Ms. Lollar and Bat World?

25 A. I believe the way I added the captions is what

1 I actually saw and what she actually admitted to.

2 MR. TURNER: Objection, nonresponsive.

3 Q. (By Mr. Turner) Would you agree with me,
4 Ms. Cummins, that a video like this with these captions,
5 viewed by the public, would harm Amanda Lollar and Bat
6 World's reputation?

7 I'm not asking you if it's true or not true.
8 I'm just asking you if you will agree with me that this
9 video with these comments, if you broadcast that to the
10 world, that will have the effect of harming Bat World
11 and Amanda Lollar?

12 A. I believe with or without the captions, it
13 would harm her.

14 Q. Okay. But the captions -- would you agree
15 with me that a layperson who sees the video without the
16 captions probably wouldn't know whether anything bad is
17 happening or not?

18 A. I think a layperson would know something wrong
19 is happening.

20 Q. Okay. But certainly with commentary, there's
21 nothing left to doubt that this is very bad, correct?

22 A. The commentary explains what was happening.

23 Q. The commentary talks about how cruel and
24 incompetent Amanda Lollar is, doesn't it?

25 A. Could you repeat that?

1 Q. The commentary that you put on that video
2 talks about, or at least gives the impression that
3 Amanda Lollar is cruel and incompetent?

4 A. Yes. I believe so.

5 Q. Did you write to Kate and say that the baby
6 was already dead?

7 A. Which baby? There were a couple of dead
8 babies.

9 Q. This baby that you're talking about here on
10 this video.

11 A. Did I -- could you repeat that?

12 Q. Well, let me just show you Exhibit 42 and ask
13 you, what is that?

14 A. It's an e-mail which I sent to Kate.

15 Q. So that is an e-mail that you sent? You
16 drafted it and you sent it?

17 A. Yes, I believe so.

18 Q. How many videos did you take when Amanda
19 Lollar was not present?

20 A. I would have to look at them and count.

21 Q. Have you given them all to me?

22 A. Yes.

23 Q. Did you tell her you were making videos in her
24 absence?

25 A. She saw us all taking photos and videos.

1 Q. Did you ever ask her permission to film the
2 bats while she was not present?

3 A. She gave me a document entitled "Internship
4 Rules," which stated we were free to photograph the bats
5 and the procedures.

6 Q. So you were willing to follow the internship
7 rules, you just weren't willing to follow the contract
8 that she asked you to sign?

9 A. I didn't sign the contract.

10 Q. And you weren't willing to abide by the terms
11 of that proposed contract, were you?

12 A. No.

13 Q. But you were willing to abide by the
14 internship rules?

15 A. I didn't have to sign the internship rules.

16 Q. In your e-mail in Exhibit B-42, it says, all
17 -- well, first of all, it's from MMMARYinLA@aol.com.

18 Is that one of your pseudonyms that you go by?

19 A. That's my e-mail address.

20 Q. And it's written July 2nd of 2010. It starts
21 out, it says, "All I did was watch Amanda do an
22 episiotomy which may not have been necessary. The baby
23 was obviously dead and did not have to be removed
24 instantly to save its life."

25 You said that?

1 A. Yes.

2 Q. In fact, you put that in bold?

3 A. No.

4 Q. Okay. And, now, when you say the episiotomy
5 may not have been necessary, why might it not have been
6 necessary?

7 A. I went to feed the injured adult crevice bats,
8 and I picked up the bat and I saw that she was crowning.
9 I put the bat back and I told Amanda. And Amanda went
10 and grabbed it and told Janette to get the camera.

11 Q. Okay. But I still don't understand why the
12 episiotomy may not have been necessary.

13 A. We don't know how long the baby had been
14 crowning. We didn't know if maybe she just needed more
15 time to deliver on her own.

16 Q. Well, are you qualified to give an opinion as
17 to when an episiotomy should be performed, how much
18 crowning there should have been?

19 A. No.

20 Q. Do you know how many dozens of deliveries
21 Amanda Lollar has done?

22 A. I have no idea.

23 Q. Do you think she's done more than you have?

24 A. Yes.

25 Q. When you say the baby was obviously dead, how

1 could you tell the baby was dead?

2 A. No movement.

3 Q. You can always see movement with the baby in a
4 pregnant bat if it's alive?

5 A. I've seen videos where I saw movement.

6 Q. Well, really, my question was, you can always
7 see movement if the baby is alive?

8 A. No.

9 Q. So when you saw no movement, you still said
10 that the baby was obviously dead?

11 A. You know, there were two bats that gave birth.
12 One was obviously dead, I believe, because of the color.
13 It was gray.

14 MR. TURNER: Objection, nonresponsive.

15 Q. (By Mr. Turner) Ma'am, in Exhibit 42, you
16 said the baby was obviously dead. And I think you just
17 said it was obviously dead because there was no
18 movement; is that correct?

19 A. I think I may be confusing this with another
20 dead baby that was delivered.

21 Q. So you don't know if the baby was obviously
22 dead or not, do you?

23 A. No one knows.

24 Q. But you said that in your e-mail?

25 A. There was another mom bat that gave birth to a

1 baby that was gray, and I believe that one was dead a
2 while.

3 Q. How many people did you tell that Amanda
4 Lollar performed an episiotomy that may not have been
5 necessary because the baby was obviously dead?

6 A. Just that e-mail.

7 Q. Did you ever tell that to Texas Parks and
8 Wildlife, USDA, the Palo Pinto District Attorney, or any
9 other government official or agency?

10 A. I would have to go through my e-mails.

11 Q. But you're telling us now you don't know if it
12 was obviously dead or not?

13 A. One baby that was delivered was obviously
14 dead.

15 Q. No, I'm talking about the episiotomy baby.
16 It's your testimony now that that baby may not have been
17 obviously dead?

18 A. I don't know.

19 Q. Can babies move if they're stuck in the birth
20 canal?

21 A. With humans and other animals, they can.

22 Q. Well, I'm actually asking about bats. Can bat
23 babies move when they're stuck in the birth canal or do
24 you know?

25 A. I have seen videos of two bats giving birth.

1 MR. TURNER: Objection, nonresponsive.

2 Q. (By Mr. Turner) Do you know whether or not
3 baby bats can move when they're stuck in the birth
4 canal?

5 A. No.

6 Q. You don't know?

7 A. No.

8 MR. TURNER: You know, I think we can go
9 ahead and take a lunch break and still do my six hours
10 before the end of the day if it's okay with everybody.

11 MR. CALLAWAY: Okay.

12 MR. TURNER: Do you want to take a break
13 now? I don't really want to skip lunch but I've got a
14 lot left.

15 When is your flight?

16 MR. CALLAWAY: It's up to her.

17 THE WITNESS: 8:30 p.m.

18 MR. TURNER: Well, we'll be well done
19 before then.

20 MR. CALLAWAY: Your flight is at 8:30?

21 THE WITNESS: Yes.

22 MR. TURNER: We'll be done. When did we
23 start?

24 MR. CALLAWAY: 9:40.

25 MR. TURNER: 9:40, so if I do six hours,

1 that's 3:40. If we do an hour for lunch, that's 4:40,
2 so, you know, I think we'll be done by five even if we
3 take an hour.

4 You guys, is it okay if we take an hour for
5 lunch?

6 MR. CALLAWAY: Yeah.

7 MR. TURNER: I mean, is that okay with
8 you?

9 THE WITNESS: That's fine.

10 MR. TURNER: Like I said, I'll be done by
11 five.

12 MR. CALLAWAY: Okay.

13 THE WITNESS: As long as I don't get
14 stuck here.

15 MR. CALLAWAY: As long as she doesn't get
16 stuck.

17 MR. TURNER: Right. Right.

18 Okay, well, if that's okay, let's -- because I
19 need to free up some space on that camera, so let's go
20 off the record. It's, what, 12:15. We'll come back at
21 1:15.

22 (Break taken)

23 Q. (By Mr. Turner) Okay, Ms. Cummins, we're back
24 on the record. I wanted to ask you again about
25 Exhibit 42.

1 I think the first page is an e-mail that you
2 sent to Bat World Mid-Cities; is that right?

3 A. Yes.

4 Q. BW Mid-Cities.

5 Okay, and then in that e-mail, you said the
6 baby was obviously dead and did not have to be removed
7 instantly to save its life, correct?

8 A. Yes.

9 Q. But then the second page of Exhibit 42, that's
10 -- it's an e-mail from you to mburns@palopintoda.com; is
11 that correct?

12 A. Yes.

13 Q. And that's an e-mail that you sent to Mike
14 Burns, who is the district attorney of Palo Pinto
15 County; is that correct?

16 A. Yes.

17 Q. And in that -- I'm not going to read the whole
18 thing, but you said in that e-mail that was sent
19 May 11th of 2011, "The mom bat goes into convulsions,
20 then passes out in shock. The bat and its baby later
21 died"; is that correct?

22 A. Yes.

23 Q. Did you ever dispense any medication while you
24 were at Bat World Sanctuary?

25 A. Yes.

1 Q. What?

2 A. I gave rabies vaccinations. I gave Clavamox.

3 I believe that was it.

4 Q. What was the name of the second medication?

5 A. I believe it was Clavamox.

6 Q. Do you know how to spell that?

7 A. C-L-A-V-A-M-O-X.

8 Q. What is Clavamox?

9 A. It's an antibiotic.

10 Q. And did you -- under whose direction did you
11 administer rabies vaccines and Clavamox?

12 A. Ms. Lollar's.

13 Q. Now, why did you -- it's my -- why did you
14 give rabies vaccinations if you think that's an illegal
15 act?

16 A. Ms. Lollar led me to believe it's legal in
17 Texas.

18 Q. So you thought you were doing a legal act?

19 A. Yes.

20 Q. And did you later find out it was illegal?

21 A. Yes.

22 Q. How did you find out?

23 A. When I returned home, I searched on the
24 Internet through the Texas health codes.

25 Q. And then, you've accused Ms. Lollar of

1 illegally administering rabies vaccines, and you've made
2 that accusation to several different law enforcement and
3 government agencies, correct?

4 A. Yes.

5 Q. How many rabies vaccines did you administer?

6 A. Probably only three.

7 Q. Was it -- do you think it was appropriate or
8 legal to administer Clavamox?

9 A. It would be legal for her to administer
10 Clavamox under the instruction of a veterinarian.

11 Q. Was -- did you see Amanda Lollar administer
12 Clavamox?

13 A. Yes.

14 Q. Was it under the supervision of a
15 veterinarian?

16 A. I have no idea.

17 Q. Did you teach adult bats to self-feed?

18 A. Yes.

19 Q. Did you observe any suspected sign of rabies
20 or pesticide poisoning in bats while you were interning?

21 A. Yes.

22 Q. Can you describe that for us?

23 A. Yes. Ms. Lollar had a bat she believed to be
24 rabid. She was going to euthanize it. And she was
25 pointing out to me the different symptoms of rabies

1 before she euthanized it.

2 Q. She was? Did you videotape that?

3 A. Yes.

4 Q. I'm going to play what has been marked as
5 Plaintiff's Exhibit C-27.

6 Okay. I've put in exhibit -- a DVD entitled
7 Exhibit 27. And, first, I guess I'll just ask you, do
8 you recognize what this is?

9 A. Yes.

10 Q. What is it?

11 A. Ms. Lollar is holding a possibly rabid bat in
12 her hand.

13 Q. How can you tell it's possibly rabid?

14 A. One, because she told me so; and two, she was
15 describing the tremors and the way the feet grab up
16 against the abdomen.

17 Q. And so she told you that this was probably --
18 or what did she tell you this was?

19 A. It was most likely rabies, so she was going to
20 euthanize it.

21 Q. Did she say it might be pesticide poisoning?

22 A. No.

23 Q. So you were filming Amanda Lollar holding the
24 bat?

25 A. Yes.

1 The videos do have sound.

2 Q. Oh, did I not have any sound with that? Oh,
3 it was on mute. Let's try it again.

4 (Video playing)

5 Q. (By Mr. Turner) Did you hear her say anything
6 about rabies or --

7 A. When I was there, she said it's most likely
8 rabies.

9 Q. Okay.

10 Now I'd like to talk about a DVD that's marked
11 as deposition Exhibit No. 7.

12 Can you -- do you recognize this?

13 A. Yes.

14 Q. What is it?

15 A. It's an old pallid bat.

16 Q. And pallid means what?

17 A. That's the species of the bat.

18 Q. Was anybody with you?

19 A. No.

20 Q. I mean, you filmed this?

21 A. Yes.

22 Q. And had the bat been sleeping in its roost?

23 A. It was in its roost, and then it came out and
24 it was -- sat there for quite a while watching me feed
25 the other bats.

1 Q. You didn't bring it out?

2 A. No.

3 Q. Did Amanda Lollar give you permission to drag
4 and old, sick pallid bat out of her roost and film her?

5 A. I didn't drag her out of her roost.

6 Q. So she didn't give you permission?

7 A. She actually saw me taking photos of this bat.

8 Q. Okay. Did she see you making this film?

9 A. No.

10 Q. What was this animal's history?

11 A. It was part of a research project at Texas A &
12 M.

13 Q. So it had been subjected to numerous drug
14 experiments and it had mouth cancer, correct?

15 A. I don't know the history. I just know what
16 Ms. Lollar told me.

17 Q. And did you state that this pallid bat fell
18 into the trash can?

19 A. Yes.

20 Q. Where did you say that?

21 A. Probably in a report to the USDA.

22 Q. And did you broadcast that out to the Internet
23 as well?

24 A. I think I may have.

25 Q. What was the significance of that bat falling

1 into a trash can? Why did you feel like you needed to
2 report that?

3 A. Had I not been there when it fell in, no one
4 might have retrieved it, and it might have ended up like
5 the dead bat under the desk.

6 Q. I'm going to show you what's been marked as
7 Plaintiff's Exhibit No. 10 and ask if you recognize
8 that.

9 A. Yes.

10 Q. What is it?

11 A. These are blogs that the stalkers made.

12 Q. That -- the people who cyber-stalked you?

13 A. Yes.

14 Q. These are blogs that they put on the Internet?

15 A. Yes.

16 Q. Who's Councilwoman Janice Hahn?

17 A. She was a councilwoman for LA City for one of
18 the districts.

19 Q. Did she call you a terrorist?

20 A. Yes.

21 Q. Was she wrong?

22 A. Yes.

23 Q. Why would she call you a terrorist?

24 A. Because someone had told her that I was a
25 terrorist.

1 Q. And this is a Los Angeles city councilwoman?

2 A. Yes.

3 Q. And so it's your testimony that a Los Angeles
4 city councilwoman, somebody told her you were a
5 terrorist so she started accusing you of being a
6 terrorist?

7 A. She stated in a city council meeting that I
8 was a terrorist.

9 Q. I'm showing you Exhibit No. 11. What is that?

10 A. It looks like more pages from the blogs.

11 Q. More people cyber-stalking you?

12 A. Yes.

13 Q. Have you ever filed bankruptcy?

14 A. No.

15 Q. I'm showing you now what's been marked as
16 Exhibit No. 12 and ask if you could tell us what that
17 is.

18 A. It's my renewal for my Fish and Game permit.

19 Q. You filled that out?

20 A. Yes.

21 Q. And I understand that the highlighting at the
22 bottom, that wasn't done by you, correct?

23 A. I didn't do the highlighting.

24 Q. Okay. What's the rest of it? Is it all your
25 renewal application?

1 A. No.

2 Q. What's the rest of that exhibit?

3 A. They are a few nasty e-mails to me from the
4 stalkers. And an e-mail from the rehab coordinator for
5 Fish and Game.

6 Q. Have you ever posted false information about
7 anybody on the Internet?

8 A. No.

9 Q. Have you ever posted personal information
10 about anyone on the Internet?

11 A. Personal as in private? What do you mean by
12 "personal"?

13 Q. Private.

14 A. No.

15 Q. Have you ever impersonated anybody on the
16 Internet? And by that, I mean, have you ever posed as
17 someone else?

18 A. No.

19 Q. Did you post Rebecca's bankruptcy papers
20 online?

21 A. Recently, yes.

22 Q. Why?

23 A. I wanted people to know that the person
24 posting these libelous things about me is not an
25 upstanding person.

1 Q. Would you agree with me, Ms. Cummins, that you
2 sort of have a tendency or you are in the habit of
3 posting negative things about people on the Internet
4 when those people have angered you or you don't like
5 them for some reason?

6 A. The purpose was to show why these people were
7 posting libelous things about me.

8 Q. But, I mean, you do that, don't you, when
9 somebody makes you angry, you post negative things about
10 them on the Internet and you try to get other people to
11 read those negative things, correct?

12 A. That's not why I post them.

13 Q. Have you -- well, let's use me as an example.
14 You've written some articles on the Internet and posted
15 them about me, have you not?

16 A. No.

17 Q. You haven't?

18 A. No.

19 Q. So, if Judge Sudderth orders you to produce
20 your hard drive and we have a forensic computer
21 inspector look at your hard drive, that's not going to
22 show that you posted anything negative about me on the
23 Internet?

24 A. No.

25 Q. Have you -- well, let me ask it this way.

1 Isn't it a fact, Ms. Cummins, that after Judge
2 Sudderth granted a temporary injunction against you
3 ordering you to take certain things down off the
4 Internet, you encouraged other people to post those
5 things on the Internet because they weren't prohibited
6 from doing so?

7 A. No.

8 Q. You never sent an e-mail to people telling
9 them, "Well, even though I can't post it on the
10 Internet, you can"?

11 A. I believe I posted that on my Facebook wall.

12 Q. Okay. I'm showing you Plaintiff's Exhibit No.
13 B-54.

14 Is that your Facebook wall?

15 A. Yes.

16 Q. Can you read what you told the world at the
17 top of the page?

18 A. "I just read the temporary injunction. It
19 only says I can't post my video on the Internet for the
20 time being. It doesn't say I can't e-mail it to people.
21 If anyone wants it, it's 15 megabytes, MP4 file zipped.
22 Do whatever you like with it. Message me with your
23 e-mail addy."

24 Q. Did you e-mail that video to some people?

25 A. Yes.

1 Q. And the video is actually the edited video of
2 the episiotomy that we looked at earlier, correct?

3 A. Yes.

4 Q. And, so, Ms. Cummins, with this e-mail,
5 weren't you intending to circumvent the temporary
6 injunction by getting other people to do that which you
7 were prohibited from doing?

8 A. No.

9 Q. What was the purpose of telling people that
10 you can't post it, but if anybody wants it, they can
11 just e-mail you and you'll send it to them and they can
12 do with it what they like?

13 A. People kept -- the video was taken down.
14 People kept asking to see it because they hadn't seen
15 it, and they wanted to see it.

16 Q. Um, I think your Web site says that you're
17 licensed by the United States Fish and Wildlife Service
18 and the USDA; is that correct?

19 A. No.

20 Q. You're not licensed?

21 A. I'm not licensed with Fish and Wildlife.

22 Q. Are you licensed with the USDA?

23 A. Yes.

24 Q. Has that license ever been suspended or
25 terminated or revoked?

1 A. No.

2 Q. Does Animal Advocates have a USDA license?

3 A. Yes.

4 Q. When was that license procured?

5 A. The first time I procured it, I believe, was
6 in 2003.

7 Q. Isn't there a statement on your Web site that
8 says -- let me back up. What is Plaintiff's Exhibit No.
9 13?

10 A. This is a copy of my inspection report which I
11 downloaded off the Internet.

12 Q. Inspection by the USDA?

13 A. Yes.

14 Q. And when is that dated?

15 A. May 19th, 2011.

16 Q. I guess I'm wondering why Exhibit 13, the USDA
17 document, says "pre-license inspection."

18 Do you see that part that's highlighted in
19 yellow?

20 A. Yes.

21 Q. If you're already licensed, why would it be
22 called a pre-license inspection?

23 A. Because I don't legally need a USDA permit to
24 do what I do, and I didn't bother renewing it in 2005.
25 I just applied to get the permit again.

1 Q. Is there a difference between a license and a
2 permit?

3 A. Generally, it's used interchangeably.

4 Q. So you don't need a license or a permit to do
5 what you do?

6 A. I do various things. I need certain permits
7 for certain things and I don't for others.

8 Q. So you had a license that expired in '06?

9 A. Which license?

10 Q. The USDA license?

11 A. Yes. I didn't renew it.

12 Q. For how long was it not renewed?

13 A. Until May 19th, 2011.

14 Q. What were you prohibited from doing during
15 that three-year or five-year period?

16 A. Nothing.

17 Q. Then why did you need the license?

18 A. I don't.

19 Q. Why did you get it?

20 A. For the hell of it.

21 Q. Does it cost money?

22 A. \$30 a year.

23 Q. And you have to fill out forms and go through
24 an inspection process?

25 A. Yes.

1 Q. You did that for the hell of it?

2 A. Yes.

3 Q. Did Animal Advocates have any programs during
4 the period of time that it wasn't USDA licensed?

5 A. No. I hadn't been doing any.

6 Q. Do you own any property in the state of
7 California, any real estate?

8 A. No.

9 Q. What kind of car do you drive?

10 A. A 2004 PT Cruiser.

11 Q. Do you own a motorcycle?

12 A. No.

13 Q. Um, you answered -- in your answers to
14 interrogatories, you said your net worth is less than
15 zero.

16 Didn't you just go to Spain in November of
17 last year?

18 A. Yes.

19 Q. How were you able to do that?

20 A. I went with a girlfriend, and she paid for the
21 conference and the room. I only had to pay airfare.

22 Q. What assets do you own?

23 A. My car, my personal belongings.

24 Q. That's all?

25 A. That's it.

1 Q. What liabilities do you owe?

2 A. I have a \$5,000 judgment, I have various liens
3 from the IRS and the state Franchise Tax Board.

4 Q. Do you have -- you owe the IRS money?

5 A. They believe I owe them money.

6 Q. You disagree?

7 A. Yes.

8 Q. How much do they say you owe?

9 A. \$24,000.

10 Q. Have you ever published on the Internet that
11 Amanda Lollar has one dog that can't walk and drags
12 herself around on the floor?

13 A. I believe I did post that.

14 Q. Did you put on the Internet that dogs at Bat
15 World Sanctuary use the bathroom in the sanctuary next
16 to the bedrooms, in the bedrooms, and in the front of
17 the entrance?

18 A. Yes.

19 Q. What is -- I'm going to show you Exhibit B-28
20 and ask you what that is.

21 A. These are photos of her dog, dogs.

22 Q. Okay. And it also contains statements made by
23 you on the Internet?

24 A. Yes.

25 Well, these are on my private Facebook page.

1 Only my friends can see them.

2 Q. Okay. How many friends do you have?

3 A. 5,000.

4 Q. So, 5,000 people could have read that,
5 Exhibit 28?

6 A. Yes.

7 Q. And did you also tell your 5,000 friends that
8 a rescue group was giving all of the dogs to Amanda
9 Lollar, who runs Bat World?

10 A. Is that in here? Yes.

11 Q. What rescue group is that?

12 A. I don't know.

13 Q. In your words, you actually said, "They pooh
14 and pee in the bat sanctuary," correct?

15 A. Can I see that again?

16 Q. Yeah.

17 A. Yes.

18 Q. And did you say you don't know who the rescue
19 group is?

20 A. I think I do know the rescue group, because
21 she posted it on her Web site.

22 Q. And how do you know that a rescue group gives
23 her all of these dogs?

24 A. Only because she told me so.

25 Q. So, you looked at all of Exhibit 28?

1 A. Yes.

2 Q. And those are all statements that you put on
3 your Facebook that --

4 A. Well, let me look again so I --

5 Q. -- 5,000 people can see?

6 A. That's not my e-mail, but the photos and
7 captions are mine.

8 Q. Were those statements made by you?

9 A. The captions off of the photos?

10 Q. Yeah.

11 A. Yes.

12 Q. When you say those aren't your e-mails -- oh,
13 this -- from Marcus Stewart to L Caswell, is that what
14 you're talking about?

15 A. Yes.

16 Q. Now, that appears to be an e-mail written by
17 somebody based on something you told them; is that
18 correct?

19 A. Yes.

20 Q. Did you tell that person the things that they
21 put in this e-mail?

22 A. I told these things to a few people.

23 Q. Okay. Do you think you told them -- this
24 person who e-mailed it?

25 A. I posted it on my page. So...

1 Q. So it was out there for anybody who wanted --
2 any of your friends who wanted to read it?

3 A. Yes.

4 Q. Um, now, as far as these videos that you
5 posted on the Internet, and I'm talking about the
6 episiotomy video with your commentary, is it your
7 testimony that the only public place you posted that
8 video was YouTube?

9 A. Yes.

10 Q. But it wound up on some other sites, didn't
11 it?

12 A. It wound up in one -- yes.

13 Q. Several other sites. Didn't you send me a
14 list of all the sites that it showed up at?

15 A. You sent me the list.

16 Q. And was that list accurate?

17 A. It wasn't posted in those other Web sites.
18 They were pulling it from YouTube.

19 Q. So, they were copying it from YouTube and then
20 posting it to their site?

21 A. No. They were embedding it.

22 Q. Okay, I'm -- you'll have to help me out. What
23 -- what does that mean?

24 A. Someone can host a photo or a video in one Web
25 site, and someone wants to post it into another Web

1 site, you don't have to copy and paste it, you can just
2 edit your HTML code so it pulls it from the other site.
3 So, it's never in the other site.

4 A thousand Web sites can pull a video from one
5 Web site without having to host it on their Web server.

6 Q. And it's your testimony under oath that you
7 never did that; it was other people who did that?

8 A. Yes.

9 Q. Did they do it at your suggestion or request?

10 A. I did ask one person to put it into his Mac
11 data storage.

12 Q. What's his name?

13 A. Ady Gil.

14 Q. Where does Ady live?

15 A. Los Angeles.

16 Q. Do you know his address?

17 A. Yes.

18 Q. What is it?

19 A. I don't know it by heart.

20 Q. Do you know why anybody who doesn't know
21 Amanda Lollar would go to that trouble to do that?

22 A. I believe the people at Indycbay loaded it up
23 themselves. But a lot of that is robot. I have a very
24 popular YouTube channel. As soon as I load up a video,
25 20 robots instantly embed it into their Web site so they

1 can make money off ads.

2 Q. What are robots?

3 A. You can program an Internet robot to instantly
4 pull news feed or other contents from other Web sites.

5 Q. And what do those robots do when they pull
6 that information from other Web sites?

7 A. They embed it into their Web site, which
8 generally has ads around it so they can make money, or
9 just have content for their Web site.

10 Q. Can robots write text?

11 A. No, but sometimes individuals will pull them
12 and add text. Generally, it pulls the exact text that
13 came with the video.

14 Q. So it's your testimony under oath that you
15 posted this episiotomy video to YouTube, and if it
16 showed up on 15 or 20 different Web sites, you had
17 nothing to do with that?

18 A. Yes.

19 Q. Not only did you have nothing to do with it,
20 you didn't encourage anybody to do that, did you, that's
21 your testimony?

22 A. Correct.

23 Q. Were you pleased when that was done?

24 A. I didn't know it was done until you sent me
25 the list of links.

1 Q. Did the YouTube -- did the video that you
2 posted to YouTube contain any text?

3 A. Yes.

4 Q. It wasn't the same text as was on Indybay, was
5 it? It was very small?

6 A. I don't remember the text on the Indybay
7 video.

8 Q. Now, you claim that you bumped your head while
9 you were at Bat World Sanctuary, correct?

10 A. Yes.

11 Q. How many people did you tell this to?

12 A. I posted it on my Facebook page, so 5,000
13 friends.

14 Q. How many days did you continue interning after
15 you bumped your head?

16 A. I think it was a few more days.

17 Q. How many times did you complain about your
18 head during those few days?

19 A. I complained to Amanda a couple times. I
20 complained to the other intern, Kay, a few times.

21 Q. What's her last name?

22 A. Singleton.

23 Q. Did you ever see a doctor for your head
24 concerning that bump?

25 A. I didn't see a doctor for my head.

1 Q. But you told the USDA that you bumped your
2 head and you hurt yourself while you were interning at
3 Bat World, correct?

4 A. Yes.

5 Q. Now, you -- let me ask you if you made this
6 statement: "While I was there, I found a dead bat that
7 had been dead under her desk for two days. It seemed to
8 me to have died from dehydration and emaciation. And I
9 picked up the dead bat that was being eaten by insects,
10 and it only had one wing. I handed it to Amanda Lollar,
11 and she said it was her favorite bat. And that's why I
12 believe that was neglect, because she states in her book
13 and on her papers that she checks every bat every day,
14 but she hadn't seen that bat in three days."

15 A. Yes.

16 Q. Where did you post that statement?

17 A. Facebook.

18 Q. And your 5,000 friends saw that?

19 A. I don't believe I posted it in Facebook. I
20 believe I sent that to the USDA.

21 Q. And how could you tell the bat had died from
22 dehydration and emaciation?

23 A. It was very sunken in, and I think it fell,
24 and it -- because it only had one wing, it couldn't
25 crawl back up.

1 Q. And the only thing Amanda Lollar -- well, let
2 me ask you this: Did Amanda Lollar see the bat or did
3 you just tell her where you had seen --

4 A. I handed the bat to her.

5 Q. And the only thing she said was, "That is my
6 favorite bat"?

7 A. She said, "That was one of my favorite bats."

8 Q. She didn't say anything else?

9 A. She said that someone had just cleaned there
10 two or three days earlier, so it couldn't have been
11 there longer than that.

12 Q. Wasn't this your first day -- the first time
13 you had ever gone inside the flight cage?

14 A. Yes.

15 Q. Who else -- didn't you tell the USDA that you
16 had to have an MRI for your head bump?

17 A. No.

18 Q. Who else heard you -- who else heard
19 Ms. Lollar's statement about that being her favorite bat
20 or one of her favorite bats?

21 A. I don't think anyone else was around at that
22 time.

23 Q. Did you take photographs of the stairsteps
24 leading to the personal living quarters of Amanda Lollar
25 and her husband?

1 A. I took photos of the entire room, which
2 included the stairs.

3 Q. Is Exhibit 29 a photograph that you took?

4 A. Yes. It's a panorama of the rehab room.

5 Q. Where all did you post those photographs?

6 A. Nowhere.

7 Q. While you were at the Bat World, did you
8 videotape adult and baby bats trying to escape from your
9 hand?

10 A. I videotaped a baby bat crawling on my hand.

11 Q. It wasn't trying to escape?

12 A. No.

13 Q. I'm putting Plaintiff's Exhibit 30 into the
14 DVD player. I'm going to ask you about it.

15 Did you make this video?

16 A. Yes.

17 Q. Is that your hand?

18 A. Yes.

19 Q. Did you ever go to my high school reunion
20 page?

21 A. No.

22 Q. Do you know why somebody would go to my high
23 school reunion page and say that they're Mary Cummins?

24 A. No, I have no idea.

25 Q. Does that look familiar?

1 A. Yes.

2 Q. This is Exhibit 31. What is Exhibit 31? Is
3 that you?

4 A. Yes.

5 Q. You, holding a bat in your left hand?

6 A. Yes.

7 Q. Now I'm showing you Exhibit 32. This is
8 Exhibit 32. Do you recognize that?

9 A. Yes.

10 Q. Is that a video you made?

11 A. I think so, yes.

12 Q. That bat is trying to sleep, isn't it?

13 A. We were just getting ready to feed them.

14 Q. Was Amanda Lollar with you when you made
15 Exhibit 32 video?

16 A. She could have been.

17 Q. You don't remember?

18 A. No.

19 Q. Okay, now I'm going to play Exhibit 33 and ask
20 if you recognize it.

21 A. Yes.

22 Q. What is that?

23 A. I was feeding a baby red tree bat.

24 Q. Were you instructed to clean -- to keep the
25 red bats clean during your internship?

1 A. We were instructed to feed them, then clean
2 them.

3 Q. Did you keep the red bird -- the red bats
4 clean?

5 A. After I -- I just fed this bat, he's licking
6 his lips, and then I cleaned him.

7 Q. He's not clean in this picture, is he?

8 A. No.

9 Q. Did you make that video?

10 A. Yes.

11 Q. Did you ever have written permission from
12 Amanda Lollar or anybody at Bat World to publish or post
13 any videos or photographs that you made or took at Bat
14 World?

15 A. I believe the intern rules gave me permission.

16 Q. Other than the intern rules, did you have
17 written permission to publish or post any videos or
18 photographs?

19 A. I believe I did, because I e-mailed Ms. Lollar
20 links to the videos and photos and she would view them
21 and comment on them in the morning.

22 Q. Do you have those e-mails?

23 A. Yes. They're in discovery. You have them.

24 Q. Didn't four red bats die because you and Kay
25 didn't keep them clean?

1 A. That's not why they died.

2 Q. Why did they die?

3 A. Amanda Lollar gave us conflicting
4 instructions. She would first tell us, give them
5 formula only. Then she would tell us to give them
6 mealworms only. Some of them couldn't eat the mealworms
7 and they weren't getting enough food. And then she told
8 us to give them formula, then mealworms. And then she
9 went back and forth again saying, no, no, mealworms
10 only. And some of them weren't eating it.

11 Q. So, basically, her negligence is what caused
12 the death of these four bats?

13 A. I don't know if they had underlying
14 conditions. Two of them were always weak.

15 Q. Back to the written permission. It's your
16 testimony that you had written permission from Amanda
17 Lollar to post -- let me rephrase that. It's your
18 testimony that the only written permission you had from
19 Bat World or Amanda Lollar to post or publish videos or
20 photographs to the public were the intern rules and an
21 e-mail from her in response to your e-mail telling her
22 about those photographs and videos?

23 A. Yes.

24 Q. You didn't have any other written permission?

25 A. No.

1 Q. Did those e-mails specifically say, You have
2 my permission to post these?

3 A. No.

4 Q. Isn't it a fact, ma'am, that the intern rules
5 say that you can take the photographs, but they don't
6 say that you can publish them?

7 A. I would have to look at the intern rules
8 again.

9 Q. You don't remember?

10 A. No, I don't remember.

11 Q. What's the V position?

12 A. It's a position, a way to feed tree bats.

13 Q. And you learned about this position while you
14 were at Bat World, correct?

15 A. No.

16 Q. Where did you learn about it?

17 A. Ms. Lollar had the chapter 9 of her book,
18 which is feeding baby bats, available online. And I
19 probably -- actually, I learned it from her book in
20 2005. And 2002, I think I may have read it in another
21 manual.

22 Q. How many books has she written?

23 A. I believe she's written one book, actually
24 just one book by herself.

25 Q. And you used to think she was an expert in

1 bats, correct?

2 A. Yes.

3 Q. But you've now decided that she's not?

4 A. Correct.

5 Q. And why do you think she's not?

6 A. I believe one of her feeding techniques is
7 flawed, was giving the babies gas. And I don't believe
8 she performs the surgeries properly or in a sterile
9 environment. I -- she talks about gluing around broken
10 bones when really you should be pinning them. And her
11 surgical techniques are extremely lacking.

12 Q. How are you qualified to assess her surgical
13 techniques or how she repairs bones in bats?

14 A. I just read a three-book series of "Bats in
15 Captivity" written by many different PhDs, and it shows
16 proper surgical procedure for bat.

17 Q. Who do you recognize as an expert or authority
18 on bats?

19 A. The PhDs that wrote the articles in the "Bats
20 in Captivity," and probably Dr. Patricia Brown-Berry.

21 Q. Who are the PhDs you're talking about?

22 A. I don't remember their names, but they're
23 veterinarians and PhDs and researchers and biologists,
24 people who do surgery on bats.

25 Q. How many books has Amanda Lollar written?

1 A. I believe she's written one book by herself.

2 Q. You don't -- she has not written four books by
3 herself and one with a coauthor?

4 A. She's written, like, papers. Oh, she wrote a
5 book of fiction, and she wrote, I think, a cookbook
6 about bats.

7 Q. I'm going to now play Exhibit 34, and I want
8 to ask you about that.

9 (Video playing)

10 Q. (By Mr. Turner) Is that your voice?

11 A. Yes.

12 Q. What are you doing?

13 A. I'm feeding the tree bat.

14 Q. Is anybody else there with you?

15 A. There could be Cassandra or Cat or Ms. Lollar
16 on that same table with me.

17 Q. Do you think it could have been you by
18 yourself?

19 A. I always fed the tree bats with either
20 Cassandra or Kate.

21 Q. So somebody else is with you?

22 A. Yes.

23 Q. Who's holding the camera?

24 A. I have a Gorilla I mount just like that.

25 Q. Okay.

1 A. And it's on the table, and I'm looking through
2 it like this.

3 Q. So you don't have any hands on the camera?

4 A. No.

5 Q. Did you share this video, Exhibit 34, anywhere
6 on the Internet?

7 A. I may have posted it on YouTube.

8 Q. Did you have written permission from Bat World
9 or Amanda Lollar to do that?

10 A. I believe I had written permission.

11 Q. The two things you mentioned before?

12 A. Yes.

13 Q. It was also posted on Flickr, too, correct?

14 A. A photo was posted, I don't know if I posted
15 this video on Flickr.

16 Q. But you posted a photo?

17 A. Yes.

18 Q. Was it a still shot from this video?

19 A. I didn't post any still shots from any videos.
20 I took individual photos while I took video.

21 Q. Did you have any written permission from
22 Amanda Lollar or Bat World to post the photo on Flickr?

23 A. I believe I had permission to post the videos
24 or photos anywhere.

25 Q. And, again, that's because of the intern

1 rules, that you can't remember what they say, and the
2 e-mail?

3 A. And the e-mails, yes.

4 Q. And did those e-mails say you can post this on
5 the Internet or you can publish this?

6 A. They basically said, Thanks, that was great.
7 Something like that.

8 Q. "Thanks, that was great"?

9 A. Yes.

10 Q. And you took that to mean go ahead and publish
11 this to the world?

12 A. She saw the videos. I posted all the videos
13 and photos before I left. She saw them. She didn't
14 tell me to take them down.

15 Q. So she didn't tell you to take it down, so you
16 took that to mean it was okay to publish those?

17 A. Yes. She encouraged me to take more photos
18 and videos.

19 Q. Did she encourage you to publish them on the
20 Internet?

21 A. She seemed to like them there.

22 Q. Did she encourage you to publish them on the
23 Internet?

24 A. I believe she -- I believe she did.

25 Q. Now, I'm going to show you Exhibit 35. It's

1 another DVD.

2 Did Amanda Lollar see all these videotapes
3 that we've looked at today before you left Texas to go
4 back to California?

5 A. I believe she did, because I would load them
6 up at night, and in the morning, she would comment on
7 them.

8 Q. This is Exhibit 35. What are you doing -- or
9 what's being done here?

10 A. I'm brushing the baby tree bats.

11 Q. Did you post this video anywhere?

12 A. Yes.

13 Q. Where?

14 A. On YouTube.

15 Q. And you made money off this video?

16 A. No.

17 Q. Did you make money off any of the videos that
18 you took while you were at Bat World?

19 A. No. I didn't put any ads on any of them.

20 Q. What about the episiotomy?

21 A. No ads.

22 Q. Did you have permission from Amanda Lollar or
23 Bat World to post Exhibit 35 on the Internet?

24 A. I believe I had permission.

25 Q. And, again, we're talking about intern rules

1 and the e-mail where Amanda Lollar thanked you and said
2 "good job"?

3 A. Yes.

4 THE WITNESS: I need to take a two-minute
5 restroom break.

6 MR. TURNER: Sure.

7 (Break taken)

8 Q. (By Mr. Turner) So have you seen the news
9 story on Indybay about me and my Steven Woods case?

10 A. Yes.

11 Q. Did you write that?

12 A. No.

13 Q. Do you know who did?

14 A. No.

15 Q. Did somebody do it at your request?

16 A. No.

17 Q. The one that says, "Attorney Randy Turner
18 responsible for pit-bull attack"?

19 A. I read it.

20 Q. Why did you read it? How did you know about
21 it?

22 A. I have a Googlebot set for your name and
23 Texas.

24 Q. And you've commented on some -- when I've been
25 in the news recently on some animal cases, you write

1 comments, don't you?

2 A. I made a couple of comments on your latest
3 case.

4 Q. Why did you want a Google alert for my name?

5 A. To see what was happening.

6 Q. In my life?

7 A. No. I have a Google alert for Amanda Lollar
8 and Bat World Sanctuary.

9 Q. Do you have one for any other people who
10 you've accused of cyber-stalking you?

11 A. No.

12 Q. This is Exhibit 36. Do you recognize that?

13 A. Yes.

14 Q. What is it?

15 A. I had just fed that baby bat, and he wanted to
16 be fed again and he wanted to come be with me. So he's
17 crawling back out of his pouch.

18 Q. What is a bat hut?

19 A. They're basically Port-A-Bugs. They were
20 originally built to have butterflies and insects in
21 them.

22 Q. And a bat pouch?

23 A. That is a pouch that, the denim and the black,
24 that they're going into.

25 Q. Who else uses bat pouches like that?

1 A. I've seen them in other books.

2 Q. Did Amanda Lollar or Bat World give you
3 written permission to publish this video on the
4 Internet?

5 A. I believe I had permission to post all the
6 photos and videos.

7 Q. And did you post Exhibit No. 36 on the
8 Internet?

9 A. Is this Exhibit 36?

10 Q. Yes.

11 A. Then, I did. I believe I did. I didn't post
12 all the videos I took.

13 Q. Did it already run once?

14 Would you disagree that Amanda Lollar is the
15 inventor of the bat hut, the bat pouch and the V
16 position?

17 A. She's not the inventor of the bat hut. And
18 the pouch, it's just a -- very generic. People have
19 used it before.

20 Q. You don't -- I'm sorry.

21 A. And people feed bats with their head down
22 because that's how they would nurse normally.

23 Q. You don't think that was proprietary?

24 A. No.

25 Q. But even if it was proprietary, according to

1 you, you had written permission to publish those things,
2 correct?

3 A. I believe I had written permission to publish
4 the photos and videos.

5 Q. Now we're going to look at a video which is
6 Exhibit 37. And I'm going to ask you what that is.

7 While we're waiting for that to boot up, is
8 there a way to cause somebody to receive spam?

9 A. I believe there probably is.

10 Q. How?

11 A. I don't know. I just know when I left Bat
12 World, I got a ton of spam, and I still have it.

13 Q. Oh. So, what did you infer from that, if
14 anything?

15 A. That Amanda put me on some spam lists.

16 Q. Why would she do that?

17 A. Because she was not happy that I left.

18 Q. Because you left early or --

19 A. Because then she had to go back to feeding
20 bats and cleaning.

21 Q. And so you think maybe because she had to go
22 back to feeding bats, that she put you on some spam
23 lists?

24 A. It happened right after I got back, and I told
25 quite a few people about it.

1 Q. How do you do that? How do you put somebody
2 -- like, let's say I wanted to put you on a spam list,
3 how do I do that --

4 A. I don't know.

5 Q. You don't know?

6 A. No.

7 Q. We're going to look at Exhibit 37.

8 Can you tell us what that is?

9 A. These are baby red tree bats, and I believe
10 it's after feeding.

11 Q. Did you take that video?

12 A. I believe so.

13 Q. And once again, other than intern rules and
14 e-mails that you talked about before, did you have
15 written permission from Amanda Lollar or Bat World to
16 post this on the Internet?

17 A. I believe I had written permission with intern
18 rules and e-mail.

19 Q. And did you post Exhibit 37 on the Internet?

20 A. I don't know if I posted that on the Internet.

21 Q. If it turned up on the Internet, would you
22 have any reason to dispute that you're the one who put
23 it there?

24 A. Well, if it were to turn up now, you could
25 have put it up there since you have the files.

1 Q. I know, but I'm talking about before.

2 A. Before, I was the only one who had the files.

3 Q. We're going to now look at 38. We're getting
4 close to the end of our videos. This is deposition
5 Exhibit No. 38.

6 Does that look familiar?

7 A. Yes.

8 Q. What is it?

9 A. It's a baby Mexican free-tailed bat suckling
10 on a eye shadow applicator.

11 Q. We could also call that a foam tip?

12 A. Yes.

13 Q. Did you take this video?

14 A. Yes.

15 Q. Did you post it on the Internet?

16 A. I believe I did.

17 Q. Was anybody with you when you made this video?

18 A. Most likely.

19 Q. Did you ask Amanda Lollar if you could post
20 Exhibit 38 on the Internet before you posted it?

21 A. No.

22 Q. Did she give you written permission to post
23 Exhibit 38 other than the --

24 A. Other than, no.

25 Q. -- other than the intern rules and e-mails --

1 A. No.

2 Q. -- that we've talked about earlier?

3 Who developed the foam-tip feeding method that
4 we're watching in this video?

5 A. Um, I'm not sure.

6 Q. If Amanda Lollar developed it, would you agree
7 that that would be proprietary?

8 A. Something that's proprietary is something that
9 a business wants to keep confidential and doesn't want
10 other people to know or see. And she describes this in
11 her how-to manual and posts free chapter 9, "Feeding
12 Baby Bats," on the Internet and tells people to feel
13 free to use the resources.

14 MR. TURNER: Objection, nonresponsive.

15 Q. (By Mr. Turner) Now we're going to look at
16 Exhibit 39.

17 By the way, some of these I haven't been
18 saying what the letter is before the number, but this is
19 C-39.

20 Does Exhibit 39 look familiar?

21 A. Yes.

22 Q. What is it?

23 A. Mealworms eating.

24 Q. And did you make that film?

25 A. Yes.

1 Q. So you're preparing -- someone is preparing
2 mealworms in this video?

3 A. Yes.

4 Q. And did you post this video on the Internet?

5 A. I don't think so.

6 Q. Fresh fruit and vegetables are added to give
7 the bats flavor for a variety, correct?

8 A. What do you mean by that question?

9 Q. Well, are fresh vegetables given to the bats
10 to give them some variety and some flavor, to the worms?

11 A. Yes.

12 Q. So they actually put fruit and vegetables in
13 with these mealworms?

14 A. Yes.

15 Q. And then the mealworms, I guess they absorb
16 that flavor, so the mealworms might taste a little bit
17 like fruit; is that sort of how it works?

18 A. Yes. It's also for nutritional reasons.

19 Q. Okay. Who developed that method of preparing
20 mealworms to be eaten by bats?

21 A. They do that with many species. I don't know.

22 Q. Which other species?

23 A. Well, if you raise mealworms, you will add
24 vitamin/mineral powder and fruits and vegetables before
25 you feed them to an animal.

1 Q. When did you raise mealworms before you came
2 to Bat World?

3 A. I don't raise them myself. I buy them.

4 Q. And did you say you did not post Exhibit 39 on
5 the Internet?

6 A. I don't think so. I'm not sure. But I did
7 take the video.

8 Q. Would you agree with me that that would be
9 proprietary of Bat World?

10 A. No.

11 Q. Once again, did Bat World give you permission
12 to post Exhibit 39 anywhere?

13 A. Not besides the intern rules and the e-mails.

14 Q. Did you tell -- when you arrived at Bat World
15 Sanctuary to do your internship, did you tell the people
16 there that you had a tapeworm?

17 A. No.

18 Q. You mentioned earlier that you're aware of the
19 protocols that need to be followed when a bat or bats
20 are reported to the health department for biting a
21 person, correct?

22 A. Yes.

23 Q. Did you report to the Texas State Department
24 of Health that an intern had reported that numerous
25 unvaccinated people at Bat World were being bitten by

1 rabid bats?

2 A. I reported that, um, I was -- I didn't -- say
3 that question again. Sorry.

4 Q. Did you report to any state or government
5 agency that an intern had reported that numerous
6 unvaccinated people at Bat World were being bitten by
7 rabid bats?

8 A. I said they were being bitten by bats.

9 Q. You didn't say they were rabid?

10 A. No.

11 Q. But you said that numerous people -- numerous
12 unvaccinated people were being bitten by bats at Bat
13 World; is that correct?

14 A. Yes.

15 Q. Who did you report that to?

16 A. The Texas Health Department.

17 Q. When did you do that?

18 A. July 2nd when I got back.

19 Q. What prompted you to do that?

20 A. I was researching the law about rabies and
21 rabies vaccinations in Texas, and that's when I realized
22 that she wasn't doing things properly.

23 Q. How many unvaccinated people at Bat World were
24 bitten by bats?

25 A. Ms. Lollar didn't ask for my vaccination

1 record, and I didn't have my card. And I don't believe
2 her employee, Janette Villarreal, had her shot.

3 MR. TURNER: Objection, nonresponsive.

4 Q. (By Mr. Turner) I was actually asking how
5 many people had been bitten by bats at Bat World.

6 A. We were all bitten.

7 Q. All of you were bitten?

8 A. Yes.

9 Q. You and -- let me have their names.

10 A. Kay Singleton.

11 Q. She was bitten?

12 A. Yes.

13 Q. How many times were you bitten?

14 A. The first couple of days, the baby red tree
15 bats bit me quite a few times every time I fed them.

16 Q. Did that concern you? I mean, you knew you
17 hadn't been vaccinated, correct?

18 A. I've been vaccinated. I just didn't have my
19 card.

20 Q. Okay. Did -- what about -- so that happened
21 in the first few days?

22 A. Yes.

23 Q. And Kay Singleton was bitten, and she wasn't
24 vaccinated?

25 A. She was bitten, she was vaccinated.

1 Q. Okay. So if we question her under oath, I'm
2 sure she would say the same thing?

3 A. Yes.

4 Q. Who else was bitten at Bat World by bats?

5 A. Cassandra Gearhart.

6 Q. Where does she live?

7 A. I believe she lives in Colorado.

8 Q. She was bitten by bats at Bat World?

9 A. Yes.

10 Q. Did you see Kay Singleton get bitten by a bat?

11 A. Yes.

12 Q. Was blood drawn?

13 A. No.

14 Q. Did you see Cassandra Gearhart get bitten by a
15 bat?

16 A. Yes.

17 Q. Did either of them express any concern that,
18 Gosh, I've been bitten by a bat?

19 A. No.

20 Q. Why not?

21 A. We were under the -- Ms. Lollar saw us being
22 bitten. We were under the impression that she knew what
23 she was doing.

24 Q. I thought everyone who interned at Bat World
25 Sanctuary had to provide proof of vaccination before

1 they could work there. Is that not true?

2 A. We were asked to bring our vaccination card.

3 Q. Okay, so, did everybody produce their
4 vaccination card before they went to work there?

5 A. I didn't.

6 Q. Did anybody else get bitten by bats at Bat
7 World besides the three people you've mentioned?

8 A. I wouldn't know because those were the only
9 people who were there when I was there.

10 Q. So, you said that unvaccinated people were
11 bitten.

12 You were vaccinated, but was Kay Singleton or
13 Cassandra Gearhart vaccinated?

14 A. Yes. There was one other person there.

15 Q. Singleton and Gearhart had been vaccinated?

16 A. Yes.

17 Q. But there was one other person who was bitten
18 who had not been vaccinated?

19 A. I didn't think that she'd been vaccinated.

20 Q. What was her name?

21 A. Janette Villarreal. I believe she's changed
22 her last name since then.

23 Q. What is it now?

24 A. I don't know.

25 Q. Do you stay in touch with Singleton, Gearhart

1 or Villarreal?

2 A. I stay in touch with Singleton.

3 Q. Did she know you were giving your deposition?

4 A. Yes.

5 Q. She knows about this lawsuit?

6 A. Yes.

7 Q. Have you talked to her about coming down here
8 to testify for you?

9 A. Yes.

10 Q. Is she going to?

11 A. Yes.

12 Q. What does she know that she wants to testify
13 about?

14 A. You have a copy of her affidavit in discovery.

15 Q. Okay. Anything other than what's in that
16 affidavit?

17 A. I would think quite a few more things.

18 Q. What?

19 A. I -- I was there ten days. I believe she was
20 there four days. There are probably more things that
21 she could testify to than what she wrote in her
22 affidavit.

23 Q. Like what?

24 A. About the instruction we were given and about
25 the fact that we were instructed to give rabies

1 vaccinations. And she also witnessed Ms. Lollar sewing
2 up a bat, and she also took photos and videos.

3 Q. Have you seen the photos and videos she took?

4 A. Yes.

5 Q. Do you have copies?

6 A. Yes.

7 Q. Have you produced those for me?

8 A. You didn't ask for her photos or videos.

9 Q. What would I ask for to get the photos and --
10 would I just -- if I asked you for all photographs and
11 videos that were made by Kay Singleton, you would be
12 able to produce those for me?

13 A. Yes.

14 Q. Do you have videos and photographs by other
15 people besides Ms. Singleton that were taken at Bat
16 World?

17 A. Yes.

18 Q. Who did those?

19 A. I believe her name is Sarah Kennedy. She
20 posted the photos and videos online.

21 Q. Have you talked to her?

22 A. No. Oh -- yes. She started the harassing and
23 libeling me, so I sent her a cease and desist letter.

24 Q. Was she cyber-stalking you, too?

25 A. She was posting a libelous and defamatory post

1 about me on her Web site.

2 Q. Why haven't you sued her?

3 A. She has no money.

4 Q. Don't they have a booster at Bat World, a
5 vaccine that you can take if you get bitten?

6 A. At Bat World?

7 Q. Yeah.

8 A. That would be illegal.

9 Q. Do they have a vaccination available in that
10 area? is what I'm really talking about.

11 A. I would have to go to the emergency room and
12 say I was bitten by a bat and ask for a post-exposure
13 series.

14 Q. Was Kay Singleton asked to leave Bat World?

15 A. She was not asked to leave.

16 Q. Why did she leave?

17 A. She left because Amanda was treating her
18 rudely, we weren't being taught anything, and we only
19 fed baby bats from 7:00 a.m. to past midnight.

20 Q. So Bat World didn't have a vaccination booster
21 there at the premises on hand?

22 A. That would be really highly illegal.

23 Q. So your answer is, correct, they didn't have
24 that?

25 A. I would not know.

1 Q. Did you make a statement and go public with
2 the statement that 50,000 bats at Bat World's Wild
3 Sanctuary are a public health threat?

4 A. I believe her wild sanctuary is a public
5 health threat.

6 Q. Did you make that statement?

7 A. Yes.

8 Q. And you posted it on the Internet for people
9 to read?

10 A. I don't know if I posted it on the Internet or
11 in an e-mail to the city of Mineral Wells.

12 Q. Who are all of the government agencies that
13 you complained to concerning Bat World Sanctuary?

14 A. Texas Parks and Wildlife Department, United
15 States Department of Agriculture, the veterinary board
16 of Texas, the health department of Texas, the city of
17 Mineral Wells, the police for the city of Mineral Wells,
18 the district attorney's office, the IRS, the attorney
19 general for Texas.

20 Q. What did you tell the IRS?

21 A. I believe Ms. Lollar is using Bat World
22 Sanctuary as her own piggy bank because she has Bat
23 World pay her expenses.

24 Q. You're not allowed to do that?

25 A. To use a nonprofit organization to pay your

1 own personal expenses?

2 Q. Okay. That's -- I guess that's my question.

3 What types of expenses does Amanda Lollar have Bat World
4 pay?

5 A. She had Bat World pay for improvements on her
6 own personal building.

7 Q. What kind of improvements?

8 A. Physical improvements to the building.

9 Q. Painting or repairs?

10 A. Upgrades.

11 Q. Upgrades?

12 A. Maintenance.

13 Q. Which building is it?

14 A. I believe Ms. Lollar owns the building at 217
15 North Oak Street.

16 Q. So she had Bat World pay for improvements to
17 her personal -- a building that she personally owns at
18 that address?

19 A. Yes.

20 Q. And how do you know where the money came from?

21 A. I can see her 990s.

22 Q. Okay. So you're basing this on 990s that are
23 available to the public on the Internet?

24 A. Yes.

25 Q. What other things did she do that you felt

1 were in violation of Internal Revenue regulations?

2 A. She told me she has Bat World pay for her
3 personal things.

4 Q. Like what?

5 A. Utilities, insurance.

6 Q. So personal, like utilities for her personal
7 -- for what?

8 A. She lives in the building.

9 Q. So she's -- so you mean utilities for the
10 building that the bats are in?

11 A. That she and her husband and the bats are in.

12 Q. And so that violates IRS rules?

13 A. I believe that she's using the funds from Bat
14 World to pay her personal expenses.

15 Q. Well, I'm asking about the utilities that you
16 turned her in for.

17 A. I didn't say -- I didn't tell the IRS that
18 she's having Bat World pay for her utilities.

19 Q. But you said she's having Bat World pay for
20 her personal expenses?

21 A. I said I believe that she's having Bat World
22 pay for her personal expenses.

23 Q. Did they ask you for some examples?

24 A. I sent the 990s.

25 Q. You sent the 990 to the IRS?

1 A. Yes.

2 Q. So the personal items are the upgrades on the
3 building, utilities on the building where the bats are;
4 is that right?

5 A. Where everyone is.

6 Q. Okay. But, I mean, it's electricity and --
7 the electricity and water, those utilities benefit the
8 bats, right?

9 A. Yes. But a certain percentage would be her
10 own utilities.

11 Q. Okay. What other personal expenses does she
12 pay out of Bat World?

13 A. I don't know.

14 Q. Just those two things, that you know of?

15 A. Yes.

16 Q. And what response did you get from the IRS?

17 A. I didn't get a response.

18 Q. What response did you get from the district
19 attorney, Mike Burns?

20 A. Nothing.

21 Q. What response did you get from Texas Parks and
22 Wildlife?

23 A. They told me that they would investigate, that
24 they would send a warden out to inspect her place, and
25 that they were continuing with an ongoing investigation.

1 Q. So, did they do those things?

2 A. Yes.

3 Q. Did they tell you the results of their
4 investigation?

5 A. Yes.

6 Q. What did they say?

7 A. That the only thing they could see was that
8 she was breeding bats without -- against her license.

9 Q. That's actually not what they said, is it?
10 Didn't they say that she -- bats are breeding there
11 freely but that she's not doing it?

12 A. I received e-mails from Texas Parks and
13 Wildlife which stated that they were concerned that she
14 was allowing the bats to breed when you're not allowed
15 to allow rehab animals to breed.

16 Q. I'm showing you what's marked as Exhibit No.
17 53. What is that?

18 A. This look likes an e-mail between various
19 employees of Texas Parks and Wildlife.

20 Q. Okay. What's on the next page?

21 A. An e-mail from, I believe, the wardens, to the
22 rehab coordinator and his senior officer at Texas Parks
23 and Wildlife.

24 Q. Okay. Now, the second page, you actually
25 posted this page on your Web site, correct?

1 A. I believe so.

2 Q. Now, when you filed complaints with Texas
3 Parks and Wildlife, the USDA, the veterinary medical
4 board, the Texas Health Department, the city, the
5 police, the district attorney, what did you say in those
6 complaints?

7 A. I sent them the photos and videos and told
8 them everything that I saw and experienced when I was
9 there.

10 Q. Including those things that you've talked
11 about here today?

12 A. Yes.

13 Q. You told them -- the video that you sent them,
14 was it the edited version that had your commentary?

15 A. No.

16 Q. So you told them that she was doing
17 episiotomies improperly?

18 A. I told them that she was performing surgery
19 when she's not a veterinarian and it's against her
20 permit.

21 Q. And you also reported her to the police chief
22 of Mineral Wells for animal cruelty and using controlled
23 substances, correct?

24 A. Yes.

25 Q. What were the controlled substances that she

1 was using?

2 A. Isoflurane, and rabies vaccinations. And I
3 didn't know if she had veterinary supervision for using
4 all the other drugs she has there.

5 Q. But you didn't know, but you went ahead and
6 reported her anyway, just in case?

7 A. I reported her for the rabies vaccinations and
8 the isoflurane.

9 Q. So these are crimes?

10 A. The Texas Health Department told me they were.
11 They were the ones who instructed me to report her to
12 the police.

13 Q. So, in your mind, you were accusing Amanda
14 Lollar of committing two crimes. One was administering
15 rabies vaccinations, the other was possession of
16 isoflurane?

17 A. Possession and use of isoflurane.

18 Q. So as far as you were concerned, you were
19 accusing Amanda Lollar of committing two separate
20 crimes?

21 A. Yes.

22 Q. What degree crime is possession or use of
23 isoflurane?

24 A. Isoflurane must be used under the direct order
25 and supervision of a veterinarian.

1 Q. And Amanda Lollar wasn't using it that way?

2 A. I don't believe so.

3 Q. What makes you say that?

4 A. She was not using the isoflurane properly or
5 legally.

6 Q. In what way was she using it improperly?

7 A. You are supposed to mix it with oxygen with a
8 nebulizer and give it to the bat. You're not supposed
9 to just soak a cotton ball in isoflurane and dump it
10 into a little bucket and put it over the bat's head.

11 Q. And you saw her do it that way?

12 A. Yes.

13 Q. So because she was using it improperly, you
14 thought, well, she must not be doing it under the
15 supervision of a vet?

16 A. Yes.

17 Q. And you knew that when you accused her of
18 possession and use of isoflurane, that you were accusing
19 her of a crime?

20 A. Yes.

21 Q. And you knew that when you told the USDA that
22 she was administering rabies vaccines, you knew that you
23 were accusing her of a crime?

24 A. Yes.

25 Q. So what did the Texas Department of Health say

1 when you told them about these crimes?

2 A. They told me they were crimes and I should
3 report her to the local police.

4 Q. What did they do?

5 A. They haven't done anything.

6 Q. Are they working on it now as we speak or --

7 A. They said that they are maintaining all of the
8 evidence that I gave to them, and they may or may not do
9 something in the future.

10 Q. Who's your contact person at the Texas
11 Department of Health?

12 A. I don't believe I got the person's name. I
13 may have written it down. I would have to look it up.

14 Q. And they told you to call the police?

15 A. Yes.

16 Q. And did you do that?

17 A. I forwarded the e-mail from the Texas Health
18 Department to the Mineral Wells police department.

19 Q. And so what did the Mineral Wells police
20 department do?

21 A. They asked for more evidence, witnesses,
22 timelines, photos, videos.

23 Q. Did you give them all that stuff?

24 A. Yes.

25 Q. When?

1 A. I would have to -- soon after the health
2 department e-mailed me that it was a crime and I should
3 report it. Probably the next day.

4 Q. Approximately what time frame would that have
5 happened?

6 A. I would have to look at the e-mails and
7 discovery to get the right date.

8 Q. Was it this year?

9 A. I reported them to the health department
10 July 2010.

11 Q. When did you leave Bat World?

12 A. June 28th, 2010.

13 Q. Do sanctuaries or other facilities that care
14 for bats ever have an off-label use of the rabies
15 vaccine for bats?

16 A. A veterinarian could use the rabies vaccine
17 off-label, but not a regular person.

18 Q. Did you send an e-mail to Richard Obermanns,
19 the director of Kenneth A. Scott Charitable Trust?

20 A. Yes.

21 Q. And did you tell him that the grant money they
22 were providing to Bat World Sanctuary for internships
23 resulted in your only doing grunt work such as cleaning
24 cages and feeding baby bats?

25 A. Yes.

1 Q. Did you also tell him Amanda Lollar and Bat
2 World Sanctuary were committing cruelty to animals?

3 A. I'd have to look at the e-mail.

4 Q. Did you also tell him that you bumped your
5 head and you needed a CAT scan, and you were out \$500 in
6 money that it took for you to go home, plus the money
7 you were out for something else?

8 A. That's -- I don't believe that's what I
9 e-mailed him. I never had a CAT scan.

10 Q. Did you tell him you needed a CAT scan?

11 A. No.

12 Q. Did you ever need a CAT scan?

13 A. No.

14 Q. And did you also ask him for the contact
15 information for his legal department?

16 A. Yes.

17 Q. Why?

18 A. I was thinking of filing a personal injury
19 claim.

20 Q. Against the Kenneth A. Scott Charitable Trust?

21 A. Yes.

22 Q. What did they do?

23 A. They supplied the money for the internship,
24 which is the reason I was there.

25 Q. So you were going to sue them?

1 A. I was going -- I spoke to a PI attorney who
2 told me to get the insurance information for Bat World
3 and the trust.

4 Q. What -- how did the Kenneth A. Scott
5 Charitable Trust cause the bump to your head?

6 A. If they had not provided the grant for the
7 supposed assurance colonies which we were supposed to
8 learn about, I wouldn't have been there.

9 Q. Well, if the airline had refused to sell you a
10 ticket, you wouldn't have been there either. Would you
11 have sued them?

12 A. I personally feel that the trust should have
13 done a better job investigating Bat World before
14 offering a grant to them.

15 Q. Did you -- didn't you tell me earlier that you
16 didn't go to a doctor for the bump on your head?

17 A. I didn't go to the doctor for the bump on my
18 head.

19 Q. I'm going to show you Exhibit No. -- did you
20 injure your back also at Bat World?

21 A. Yes.

22 Q. How did you hurt your back?

23 A. I herniated a disc.

24 Q. How?

25 A. When I bumped my head, I fell backwards,

1 passed out, and landed on my back.

2 Q. Did you see a doctor for that?

3 A. Yes.

4 Q. Who?

5 A. I first went to my chiropractor, then my
6 regular doctor, then an orthopedic surgeon.

7 Q. And so have you been treated by any of these
8 doctors for your back?

9 A. Yes. Many.

10 Q. What kind of treatment have you received?

11 A. So far, medication and physical therapy.

12 Q. Did you get an MRI of your back?

13 A. Yes.

14 Q. Now, Exhibit No. 40, which I'm showing you, is
15 that the e-mail you sent to Mr. Richard Obermanns?

16 A. Yes, I believe so.

17 Q. Where did you get the bump to your head?

18 A. I was in the wild sanctuary when Ms. Lollar
19 told me to climb up a step stool and crawl through an
20 open window-type door.

21 Q. Did you do that?

22 A. Yes.

23 Q. And then you bumped your head?

24 A. Yes.

25 Q. But you felt like that was her fault?

1 A. Yes.

2 Q. Do you think you were negligent in any way in
3 not looking where you were sticking your head?

4 A. I couldn't see because Ms. Lollar instructed
5 me to put a, basically a hat and headlamp over my head,
6 so I couldn't see directly above me.

7 Q. And did you -- I think you just now testified
8 that you passed out and fell to the floor?

9 A. Yes.

10 Q. How did you get up off the floor if you passed
11 out?

12 A. I don't believe I was unconscious long, but I
13 felt the guano raining down on my face. And then I just
14 got up.

15 Q. Did you -- so has the -- has this foundation
16 -- has this charitable trust sent you any money?

17 A. No.

18 Q. Are you trying to get them to send you money?

19 A. No.

20 Q. Have you -- why not?

21 A. I am still investigating the case with a
22 personal injury attorney.

23 Q. Did you tell anybody that you passed out there
24 at the Bat World Sanctuary?

25 A. Yes.

1 Q. Who?

2 A. I posted about it on my Facebook page.

3 Q. At that time?

4 A. No. Couple days later.

5 Q. I'm showing you Exhibit No. 41, and ask if you
6 can identify that.

7 A. Yes. It's an e-mail I sent to the USDA.

8 Q. And did you make this statement? "Amanda
9 Lollar runs a bat sanctuary where she gives classes,
10 tours, lets people play with the bats. The conditions
11 were less than optimal."

12 A. Yes.

13 Q. You saw her give tours of the sanctuary?

14 A. I saw on her Web site that she had photos
15 giving tours to what looks like children.

16 Q. And she lets people play with the bats?

17 A. She lets people go into the fruit bats' cages
18 and play with them.

19 Q. And, then, did you also say, "I found a dead
20 bat with one wing rotting under her desk"?

21 I think we talked about that.

22 A. Yes.

23 Q. "She takes ill, injured and orphaned bats from
24 the wild colony and takes them to her indoor colony with
25 no quarantine."

1 A. Yes.

2 Q. And then she said, according to you, she said,
3 "Now, the indoor colony has mites. They would crawl on
4 us as we fed them." You made that statement?

5 A. Yes.

6 Q. And you also said, "There were roaches, flies,
7 bees, ants, beetles, spiders, mites, fruit flies, and
8 other insects in the area where the interns slept."

9 A. Yes.

10 Q. When -- now, this e-mail in Exhibit 41 is
11 dated July 6th; is that correct?

12 A. Yes.

13 Q. When you're telling the USDA about all these
14 horrible things at Bat World, show me in here where you
15 told them about the episiotomy that was cruel and
16 illegal.

17 A. On the second page.

18 Q. But that -- that page now -- Exhibit 41 is
19 actually two e-mails, isn't it? It's an e-mail you sent
20 to the USDA on July 6th of 2010, and then this page 2 is
21 an e-mail that you sent to the USDA on April 27th of
22 2011?

23 A. Yes.

24 Q. Well, why did you wait 10 more months? I
25 mean, you sent the e-mail July 6th telling them about

1 all these terrible things at Bat World. Why did you
2 wait ten more months before you told them about this
3 horrible episiotomy?

4 A. I sent the first e-mail, and I received no
5 response. So then the first e-mail went to the
6 department that controls people with USDA permits on the
7 West Coast. Because I received no response, someone
8 told me I needed to send it to Robert Gibbens, which is
9 the head vet for the USDA. I sent him my -- this next
10 e-mail, and then he said, okay, we're going to file a
11 complaint.

12 Q. But, actually, I'm still wondering why, on
13 July 6th, you didn't say anything in there about the
14 episiotomy. You said a lot of bad things about Bat
15 World. I'm just wondering why you didn't mention the
16 episiotomy on July 6th. Why isn't it in there?

17 A. I thought a basic complaint -- I thought this
18 was enough for a basic complaint. I didn't add
19 absolutely every single violation I saw until later.

20 Q. So you were sort of holding back some of your
21 ammo, so to speak?

22 A. I don't feel that way.

23 Q. And, Ms. Cummins, isn't it true you never
24 reported anything to any government agency about the
25 episiotomy until after you were sued in this case,

1 correct?

2 A. Yes.

3 Q. I'm showing you what's been marked as
4 Exhibit 44 and ask what that is.

5 A. It's an e-mail from someone at Bat
6 Conservation International.

7 Q. Who is AmandaLollarCruelty@gmail.com?

8 A. I don't know.

9 Q. I'm showing you Exhibit No. 44. And the
10 second page, have you ever seen that before?

11 A. This is a copy of the Indybay article.

12 Q. And you didn't do that?

13 A. No.

14 Q. Have you ever seen it?

15 A. I've seen the Indybay article.

16 Q. This Indybay article says, "Amanda Lollar
17 commits animal cruelty at Bat World Sanctuary."

18 You didn't write this article?

19 A. No.

20 Q. And you don't know who did?

21 A. No.

22 Q. Do you see the -- have you ever seen those
23 e-mail addresses before?

24 A. Some of these, I believe, are government
25 agencies.

1 Q. But have you ever seen them?

2 A. I've seen some of these before. Some of them
3 are the city of Mineral Wells police chief --

4 Q. Have you seen -- have you seen those in Amanda
5 Lollar's address book?

6 A. I've never seen Amanda Lollar's -- I've never
7 seen her address book.

8 Q. If I told you that all of these e-mail
9 addresses right here that were written by
10 AmandaLollarCruelty@gmail.com, if all of these e-mail
11 addresses were directly taken out of her address book at
12 Bat World Sanctuary, would you know how somebody would
13 have gotten all of these e-mail addresses?

14 A. I don't know.

15 Q. In any event, it's your testimony that
16 Exhibit 44, none of that was written by you or posted by
17 you anywhere, and you're saying that under oath?

18 A. Can I look at it again?

19 Q. Yeah.

20 A. I've posted these basic same verbiage where
21 I've said she's not a veterinarian and she's illegally
22 performing surgeries. Not in these exact same words.

23 Q. Once again, it's your testimony you did not
24 post that?

25 A. No.

1 Q. Who have you seen playing with bats at Bat
2 World?

3 A. Kay Singleton, Cassandra Gearhart, Janette
4 Villarreal.

5 Q. Well, I'm -- those were all interns, right?

6 A. Interns and an employee.

7 Q. Okay. I'm asking about members of the public,
8 people that came over to do tours. Have you ever seen
9 them playing with bats?

10 A. I've seen photos of them.

11 Q. And those were on the Bat World Web site?

12 A. Yes.

13 Q. Did you ever see a tour at Bat World?

14 A. What do you mean?

15 Q. Did you ever see anybody being given a tour
16 while you were at Bat World?

17 A. No.

18 Q. Have you ever tried to hack into Ms. Lollar's
19 e-mail account?

20 A. No.

21 Q. Did you e-mail or contact wildlife
22 rehabilitation listservs about the accusations of animal
23 cruelty that you made about Amanda Lollar?

24 A. What do you mean by listserv?

25 Q. You don't know what I mean by listserv?

1 A. Are you talking groups?

2 Q. Yeah.

3 Well, have you ever used that term,
4 "listserv"?

5 A. I've heard it, but I refer to it as groups,
6 group e-mail.

7 Q. Okay. Well, let me reword it.

8 Have you ever contacted wildlife
9 rehabilitation groups around the country, or any other
10 countries, about the alleged animal cruelty that you saw
11 Amanda Lollar committing at Bat World?

12 A. Yes.

13 Q. I'm showing you Exhibit 45. And I'll ask you
14 what that is?

15 A. These are e-mails which I sent to various
16 humane societies, PETA, wildlife rehabilitators.

17 Q. Why did you feel compelled to accuse
18 Ms. Lollar of animal cruelty to all of these humane
19 societies, rehab groups, animal rights groups?

20 A. I thought people should know that she's
21 committing animal cruelty and animal neglect.

22 Q. And the animal cruelty that she's committing,
23 can you tell me what that is? Or the animal cruelty --
24 we talked about episiotomy. What else?

25 A. I contacted the veterinary board and told them

1 she was performing surgery without a license and the
2 bats were dying. And they told me that was animal
3 cruelty.

4 MR. TURNER: Objection, nonresponsive.

5 Q. (By Mr. Turner) Other than performing surgery
6 on the bats without anesthesia -- well, let me reword
7 it.

8 So, you're accusing Amanda Lollar of
9 committing numerous acts of animal cruelty by performing
10 surgery without anesthesia?

11 A. By illegally performing surgery, performing
12 surgery without anesthesia, performing improper surgery.

13 Q. And you saw all of these things?

14 A. Yes.

15 Q. How many surgeries did you see her perform
16 without anesthesia?

17 A. I saw her do the episiotomy without
18 anesthesia.

19 Q. Okay. What else?

20 A. I saw a video of her yanking out the molars of
21 a bat without anesthesia.

22 Q. You saw a video?

23 A. Yes.

24 Q. What else?

25 A. I saw her yanking out the teeth of another bat

1 without anesthesia.

2 Q. Anything else?

3 A. I believe that's it.

4 Q. And you reported all of these things to all
5 these various groups around the country?

6 A. Yes.

7 Q. So those were the surgeries without anesthesia
8 that you thought were -- constituted animal cruelty.

9 I think you also said that she performed
10 improper surgeries.

11 A. Yes.

12 Q. And you think that constituted animal cruelty;
13 is that correct?

14 A. Yes.

15 Q. And you reported that to all of these groups
16 as well?

17 A. I don't know if I reported everything to the
18 groups but I did to the authorities.

19 Q. So what were the improper surgeries that you
20 saw her perform?

21 A. A bat had come in with a laceration across its
22 chest. She used isoflurane to put it under, and she
23 attempted to suture the muscle and skin.

24 Q. Why was that improper?

25 A. Again, nonsterile situation, didn't use

1 sterile surgical gloves. She didn't use a nebulizer to
2 give the isoflurane. She did not have anything
3 monitoring the heart rate or respiration of that bat.

4 She has bad up-close vision. She had two
5 pairs of glasses on. She couldn't see what she was
6 doing. She lost the needle in the bat twice, and
7 Janette, with no gloves, had to retrieve it with her
8 dirty hands. And she kept tearing out the stitches.

9 Q. Once again, tell us about all of your
10 veterinary training.

11 A. I've taken classes in emergency veterinary
12 care with Humane Society of the United States. I have
13 worked very closely with my vets for quite a few years.
14 I will watch them or assist them in surgery. And I've
15 read books on proper bat veterinary care.

16 Q. Is that the sum total of your qualifications
17 as an expert in veterinary medicine?

18 A. Yes.

19 Q. Do you feel qualified to render opinions about
20 the necessity or appropriateness of veterinary surgery
21 performed on mammals?

22 A. Could you repeat that?

23 Q. Do you feel sufficiently educated and
24 qualified to render expert opinions on the
25 appropriateness and necessity of surgery on bats?

1 A. I wouldn't say I would be an expert witness in
2 bat surgery.

3 Q. Did you ever post allegations of animal
4 cruelty by Amanda Lollar on Facebook?

5 A. Yes.

6 Q. What did you say?

7 A. Paraphrase it, I believe she committed animal
8 cruelty.

9 Q. But did you give some specific acts that she
10 did?

11 A. The episiotomy.

12 Q. Did you ever state that or publish on the
13 Internet that Amanda Lollar picks up and gets bitten by
14 rabid bats all the time?

15 A. I believe I said she picks up rabid bats and
16 she's been bitten by bats.

17 Q. I'm going to show you Exhibit 47 and ask if
18 you can identify that.

19 A. Yes.

20 Q. What is it?

21 A. It was a comment I made on a photo on
22 Facebook.

23 Q. Okay. And did your 5,000 buddies have access
24 to this?

25 A. Yes.

1 Q. So you had 5,000 friends that could read,
2 "Some of these bats did, indeed, have rabies. A lot of
3 the sick ones we picked up had rabies. We euthanized
4 those. I personally picked the sick ones with gloves,
5 Amanda, who runs Bat Sanctuary, just uses her bare
6 hands. The rabid bats even bite her."

7 You made that statement?

8 A. Yes.

9 Q. So you did use gloves sometimes?

10 A. In the wild sanctuary only.

11 Q. But Amanda Lollar didn't?

12 A. She generally used gloves in the wild
13 sanctuary.

14 Q. How did you know all these bats you were
15 talking about there had rabies?

16 A. Ms. Lollar told me they did.

17 Q. I'm going to show you Exhibit No. 48 and ask
18 you what that is.

19 A. I believe it's a personal message I sent to
20 someone who repeatedly posted nasty comments on my
21 YouTube page.

22 Q. This was an e-mail?

23 A. No. That was a private YouTube message.

24 Q. Who did you send this to?

25 A. I believe I sent it to user Wing Sonar, Sarah

1 Kennedy, or some other anonymous YouTube user.

2 Q. In any event, Exhibit 48 contains statements
3 that you published to a third party, correct?

4 A. Yes.

5 Q. And I'm going to show you Exhibit 46 and ask
6 you what that is.

7 A. Um, I'm holding the placenta of newborn bats
8 in my hand. And you can also see mites.

9 Q. Is that a photograph you took?

10 A. That's a photograph I took.

11 Q. And are those statements that you made?

12 A. Yes.

13 Q. Where did they appear?

14 A. On my personal Facebook page.

15 Q. And that's the one that 5,000 people can read?

16 A. Yes.

17 Q. Ms. Cummins, did you ever post on the Internet
18 that Amanda Lollar or Bat World people were threatening
19 to kill you?

20 A. I don't know if I've listed that, but I did
21 receive threats.

22 Q. I'm showing you Exhibit No. -- Exhibit No. 49.
23 What is that?

24 A. This is a post that I made to my public Animal
25 Advocates page. And, yes, Amanda Lollar approved a

1 death threat against me on her Yahoo group.

2 Q. She approved a death threat to you on her
3 Yahoo group?

4 A. Yes.

5 Q. Does it say that on here somewhere? When did
6 Amanda Lollar approve a death threat to kill you on her
7 Yahoo page?

8 A. I saved a copy of it. I would have to look at
9 the date.

10 Q. Have you furnished that to me?

11 A. No.

12 Q. What would I call that if I sent your lawyer a
13 request for that?

14 A. Just ask for "death threat."

15 Q. Just the "death threat"? Should I say the
16 death threat that Amanda Lollar made on her Yahoo group?

17 A. Amanda Lollar approved the post. She
18 moderates the board.

19 Q. Now, tell me how that works. What board is
20 this?

21 A. A part of Yahoo.com is Yahoo groups. She
22 started a group called World Bat Line.

23 Q. World Bat Line?

24 A. Yes.

25 Q. Okay. And so you had access to that group?

1 A. It was public until a month or two ago.

2 Q. And you had access to it until a month or two
3 ago?

4 A. Yes.

5 Q. And, Amanda Lollar, how do you know it's her
6 group?

7 A. She is the moderator. She approves all the
8 posts.

9 Q. Does she approve each post as they come in, or
10 can people post and then she can take it down?

11 A. She has to -- I'm not sure. I just know in
12 the source code, that it's her user name that approves
13 the posts.

14 Q. How do you know that she approved the post?

15 A. If you click "view source," "view full
16 headers," you will see the source of the post e-mail.
17 And it will say "approved by" and her Yahoo user name.

18 Q. What's her Yahoo user name?

19 A. Sanctuary@BatWorld.org.

20 Q. And what was the e-mail of the person who made
21 that threatening post?

22 A. Could you rephrase that?

23 Q. Who -- somebody made a death threat, right?

24 A. Yes.

25 Q. And she approved it?

1 A. Yes.

2 Q. Who made the death threat?

3 A. A woman who is a member of the group.

4 Q. What's her name?

5 A. I don't remember it offhand. It's on the
6 post.

7 Q. So, when I ask for the death threat that
8 Amanda Lollar approved, and if your lawyer sends that to
9 me, it will be on that paper?

10 A. Yes.

11 Q. When was that death threat made?

12 A. I believe a few months back. I'd have to look
13 at the post.

14 Q. And what's the nature of the death threat?
15 What did the person say?

16 A. They said that, paraphrase, they hope that
17 someone kills me outright or turns me into a vegetable.

18 Q. They hope that something bad happens to you
19 like that?

20 A. Yes.

21 Q. And you took that as a threat?

22 A. There was more to it. They said if a bat is
23 harmed because of my actions, that they hope -- I would
24 have to look at the e-mail.

25 Q. Okay. Well, in any event, when I get that,

1 I'll be able to read what the threat said, correct?

2 A. Yes.

3 Q. Did anybody post after that agreeing or taking
4 exception with that or anything?

5 A. There were comments, replies after that.

6 Q. If I ask for the death threat that Amanda
7 Lollar approved, will I also get all of those comments
8 afterwards, or do I need to say, "and include the
9 comments"?

10 A. Just remind him to tell me to include the
11 comments.

12 Q. Okay.

13 So when they said they hope you'd get killed
14 or something, you took that as a -- they were
15 threatening to kill you themselves?

16 A. Yes.

17 Q. Okay. Now, I'd like to show you Exhibit No.
18 50. And I'm sure you've seen this before.

19 I'll just ask you what -- it's several pages.
20 But can you tell me what is Exhibit 50?

21 A. So far, the first part here is a page in my
22 Web site in which I comment about the lawsuit.

23 Q. And then what's the rest of it?

24 A. A page from my Flickr account.

25 Q. Would it be fair to say that Exhibit 50

1 contains statements that were published by you on the
2 Internet?

3 A. What was published on my Web site is published
4 by me. What was published on my Flickr page was by me
5 and two other users, and the Indybay article.

6 Q. Who did the Indybay article?

7 A. I don't know.

8 Q. Not you?

9 A. No.

10 Q. One of your friends?

11 A. I don't know.

12 Q. You don't know.

13 Now, I'm going to ask about some statements,
14 and I want to know if you made these statements on the
15 Internet.

16 "Lollar and her friends have been libeling and
17 defaming me on the Internet."

18 A. Yes.

19 Q. "Lollar even posted a death threat against me
20 on her Yahoo group."

21 A. Yes.

22 Q. "She has since made an 'I hate Mary Web
23 site.'"

24 A. Yes.

25 Q. What's that Web site?

1 A. AmandaLollar.com.

2 Q. And it's called -- AmandaLollar.com is --
3 you're calling it "I hate Mary" or is that what she
4 calls it?

5 A. Yes. That's what I call it.

6 Q. So it's actually called AmandaLollar.com?

7 A. Yes.

8 Q. "She's also working with the stalker posting
9 an 'I hate Mary' blog and Facebook page."

10 A. Yes.

11 Q. "Amanda Lollar and Bat World Sanctuary are
12 kicked off Go Daddy hosting services for copyright
13 infringement against it."

14 A. Yes.

15 Q. "There's a very long list of people she's
16 victimized in the bat community. Heck, she even attacks
17 her friends and family."

18 A. That sounds like I posted that.

19 Q. "She forgets she's been attacking BCI for
20 years. Lollar told me that BCI gets all the money when
21 she, Lollar, actually does all the work saving bats.
22 She told me BCI doesn't save any bats. Lollar should
23 not be shocked that BCI is not supporting her after what
24 she did to Barbara French, one of their own."

25 A. Yes, I believe I did.

1 Q. "Lollar used photos from the botched
2 episiotomy in her Web site and book to show proper
3 episiotomy procedures."

4 A. Yes.

5 Q. By the way, have you read her explanation or
6 her response to your accusations about the episiotomy?

7 A. Yes.

8 Q. Do you know what she -- what her defense is?

9 A. Yes.

10 Q. What is she saying?

11 A. She said that she had just picked up that bat,
12 and it was around 11:00 p.m. at night, and there was no
13 veterinarian available.

14 Q. Is that all?

15 A. Yes.

16 Q. What time was it that she picked up the bat?

17 A. She didn't pick up the bat from the wild
18 sanctuary. I picked it up.

19 Q. What time was the bat picked up?

20 A. Texas time would be around 11:42.

21 Q. A.m. or p.m.?

22 A. A.m.

23 Q. Back to statements that I'm asking you if you
24 made, if you put them on the Internet about Amanda
25 Lollar.

1 "She throws dead bats into the regular trash."

2 A. I don't know if I posted that on the Internet
3 or in e-mail.

4 Q. Next statement:

5 "She has violated the following regulations
6 listed on her permit. '15a. Permit holder is
7 prohibited from (a) propagating, selling or bartering
8 animals or animal remains received or held under
9 authority of this permit.' She is allowing the bats to
10 breed."

11 A. Yes.

12 Q. Next statement:

13 "People have been complaining about Bat World
14 for years. Here are some. Lots more to come. Over 500
15 pages. I first need to redact the complainer's personal
16 information so Lollar doesn't start attacking,
17 harassing, stalking me."

18 Did you make statement?

19 A. I believe so.

20 Q. Okay.

21 "Lollar is now sending threats of extortion
22 from Mineral Wells."

23 Did you make that statement?

24 A. Yes.

25 Q. Tell me about the threats of extortion that

1 she was making from Mineral Wells.

2 A. She made a comment on someone else's blog
3 which stated, "You better remove the articles in Indybay
4 or we will let people know about your horrible life."

5 And she posted the "Blog Victims of
6 Miss Cummins" at blogspot.com.

7 Q. She posted that link?

8 A. She sent that comment in as a comment on a
9 post to someone else's blog.

10 Q. What blog was that?

11 A. LA Animal Watch.

12 Q. So Amanda Lollar told -- commented on a blog,
13 LA Animal Watch, Remove the articles or we'll let them
14 know about your horrible past, something like that?

15 A. Yes.

16 Q. And that was extortion?

17 A. Yes.

18 Q. How do you know it was Amanda Lollar that did
19 that?

20 A. Because the person who runs the blog has
21 stats, and he could tell who posts when and where. Her
22 IP, ISP, longitude, latitude, Internet host, type of
23 computer, type of browser, all of that information shows
24 up.

25 Q. Who's that -- what's that person's name?

1 A. Which person?

2 Q. The one who has access to all the latitude and
3 longitude and ISP and all that information.

4 A. Edward Muzika.

5 Q. We've talked about him before, haven't we?

6 A. Yes.

7 Q. Where is he again? Santa Monica?

8 A. Somewhere in Los Angeles.

9 Q. You don't know his address?

10 A. No.

11 Q. Can you find out?

12 A. Maybe.

13 Q. And so he told you that this person who made
14 these comments is Amanda Lollar?

15 A. No.

16 Q. What did he tell you?

17 A. He forwarded to me her comment and all of the
18 information about the person who made the comment from
19 his stats.

20 Q. What would I need to send your lawyer to
21 enable you to identify that so that I could get a copy
22 of it? Does that make sense?

23 A. Yes.

24 Q. I'd like to see what Mr. Muzika sent you that
25 had the personal information about the comments and the

1 stats and all that. What would I need to ask for that
2 you would know --

3 A. Extortion threat.

4 Q. Extortion threat.

5 So if I just send your lawyer a request for
6 the extortion threat by Amanda Lollar, you will know
7 that what I'm asking for is all of the stuff that Edward
8 Muzika sent you about the stats and IP address and all
9 that?

10 A. Yes.

11 Q. And you still have that and you can send that
12 to your lawyer if he asks you to?

13 A. Yes.

14 Q. Back to statements that you've made about
15 Amanda Lollar.

16 "Amanda Lollar of Bat World Sanctuary found
17 guilty of illegally breeding bats at her facility."

18 A. Yes.

19 Q. Next statement -- so you did make that
20 statement?

21 A. I believe so.

22 Q. Next statement.

23 "I have copies of police reports Lollar made
24 for welfare check, forgery theft, car accident at her
25 building, criminal mischief. Someone slashed her car

1 tire."

2 Did you make that statement about Amanda
3 Lollar?

4 A. Yes.

5 Q. And you posted that on the Internet?

6 A. Yes.

7 Q. In fact, all of these that we've talked about
8 so far that you've admitted making the statements,
9 you've posted them on the Internet?

10 A. Yes.

11 Q. "Rabies complaint against Bat World
12 Sanctuary."

13 Did you make that statement, that there was a
14 rabies complaint?

15 A. Yes.

16 Q. And who made the rabies complaint?

17 A. The mother of a child who was bitten by a baby
18 bat right in front of Bat World Sanctuary.

19 Q. What was her name?

20 A. I would have to look at the article.

21 Q. You have an article?

22 A. Yes.

23 Q. Did you furnish that to me?

24 A. No. But it's in that Web site. It's all
25 public.

1 Q. Okay. Which Web site?

2 A. Animal Advocates.

3 Q. So your Web site?

4 A. Yes.

5 Q. "Dmytryk admits in Guidestar that she's
6 working with Amanda Lollar in her liable defamation
7 smear campaign against me."

8 A. Yes.

9 Q. You made that statement on the Internet?

10 So, is it your testimony, Ms. Cummins, that
11 Amanda Lollar is engaged in a liable defamation smear
12 campaign against you?

13 A. Yes.

14 Q. Next statement, did you make this statement?

15 "There's a huge stack of phone complaints
16 against Bat World Sanctuary by the public."

17 A. Yes.

18 Q. Where is that stack of complaints?

19 A. The city of Mineral Wells has it, and I have a
20 copy.

21 Q. You've seen it? Oh, you have a copy?

22 A. Yes.

23 Q. Did you give that to us?

24 A. You didn't ask for it.

25 Q. So if I asked you for the huge stack of phone

1 complaints against Bat World Sanctuary, you'll be able
2 to send me those complaints that you have?

3 A. Yes.

4 Q. Next statement, did you make this statement on
5 the Internet?

6 "All she did was copy the design of someone
7 else's artificial cave. That's it. Just a ploy to get
8 donations."

9 A. Yes.

10 Q. How do you know that's what she did?

11 A. It's in her Web site.

12 Q. Next statement.

13 "She's not a veterinarian, yet she illegally
14 performs surgery."

15 You made that statement, correct?

16 A. Yes.

17 Q. And we've -- have we talked about all those
18 illegal surgeries or, are there some others that we
19 haven't discussed?

20 A. We talked about the ones that I witnessed.

21 Q. Okay. Are there some other ones that you know
22 about that you didn't witness?

23 A. Yes.

24 Q. Tell me about those.

25 A. She admits to amputating wings, doing

1 C-sections.

2 Q. And those are illegal?

3 A. I believe it's illegal for her to do those
4 surgeries.

5 Q. Where did she admit doing those things?

6 A. In her book and her Yahoo group.

7 Q. Which Yahoo group is that?

8 A. World Bat Line.

9 Q. In her book? She admitted doing an illegal
10 surgery in a book?

11 A. She admitted doing the surgery in the book.

12 Q. And then, you're telling us it's -- it was
13 illegal?

14 A. Yes.

15 Q. Which book was it?

16 A. The one that is on the table.

17 Q. The one that's coauthored with --

18 A. No, that's the one that --

19 Q. Next statement I want to ask you if you made
20 on the Internet.

21 "Lollar begging for money to save bats from
22 WNS. She cannot legally keep healthy bats that can
23 reproduce. She cannot let her bats reproduce. She has
24 no permits for an assurance colony. She's been breeding
25 her bats illegally. She's committing fraud asking for

1 money for a project she cannot and will not do."

2 Did you make statement?

3 A. Yes.

4 Q. So you're accusing Amanda Lollar of committing
5 fraud on donors?

6 A. Yes.

7 Q. She's defrauding them out of money?

8 A. I believe so.

9 Q. Is that a crime?

10 A. I believe fraud is committed when you ask for
11 money for one thing and then -- for a project, and then
12 spend it on something else.

13 Q. How do you know that she's asking for money
14 for a project she cannot and will not do?

15 A. She doesn't have permits to have an assurance
16 colony. The plans that she made for an assurance colony
17 are not an assurance colony. The bats that she rehabs
18 don't get White-nose syndrome. There's no need for an
19 assurance colony for them.

20 Q. Next statement. Did you make this statement
21 on the Internet?

22 "Amanda Lollar purchases, possesses and
23 administers rabies vaccination to bats. Lollar does
24 report rabid bats to the Texas Health Department."

25 A. Yes.

1 Q. And is that a violation of the law?

2 A. Yes.

3 Q. And you've personally seen her do these
4 things?

5 A. Yes. I didn't see her purchase rabies
6 vaccinations. She just told me she did.

7 Q. Did you make this statement on the Internet?
8 "She also lets anyone play with and handle the
9 bats."

10 A. Yes.

11 Q. Next statement. She -- forget it.

12 Have you ever accused Amanda Lollar of using a
13 controlled substance beside the isoflurane?

14 A. Rabies vaccinations.

15 Q. So, are isoflurane and rabies vaccine --
16 vaccinations the only controlled substances that she has
17 used or uses?

18 A. She has other prescription-only antibiotics.
19 She stated she had cetacaine, which is a topical
20 anesthetic.

21 Q. And these are all controlled substances that
22 she's not legally allowed to have?

23 A. She's not allowed to have the rabies
24 vaccinations or give it. The other drugs she may have
25 under the direct supervision of a veterinarian.

1 Q. How do you know that isoflurane is a
2 controlled substance?

3 A. Well, Ms. Lollar provided a scan of the box
4 that the isoflurane came in, and it said "can only be
5 used by a veterinarian or under the direct instruction
6 of a veterinarian."

7 Q. I'm showing you Exhibit 51. And ask you what
8 that is?

9 A. It's an e-mail.

10 Q. From who to whom?

11 A. From me to the National Wildlife
12 Rehabilitation Association and the International
13 Rehabilitation Council.

14 Q. Have you stated in there that, "Amanda Lollar
15 does not use a gas mask or a monitoring device. She
16 merely soaks a cotton ball with iso, puts that in a cup
17 and puts the cup over the bat's head"?

18 A. Yes.

19 Q. You saw her do this?

20 A. Yes.

21 Q. What's the open-drop method of using
22 isoflurane?

23 A. What is the what?

24 Q. Open-drop. Have you ever heard of that?
25 Open-drop method of using isoflurane?

1 A. No.

2 Q. Well, when we were talking about Exhibit 51,
3 it's not -- you said it was an e-mail from you, but it's
4 not all an e-mail from you.

5 A. I only looked at the first page.

6 Q. Okay. Yeah, let's -- tell me which parts are
7 not e-mails from you.

8 A. The last two pages.

9 Q. Okay. I'm going to go ahead and pull off the
10 two pages that are not e-mails from you. So the ones
11 that are left are all e-mails?

12 A. Wait. That page is not.

13 Q. The one that's says "untitled" at the top?

14 A. Yes.

15 Q. Okay. So on Exhibit 51, the first page and
16 the second page were e-mails by you. The third page is
17 not, the one that says "untitled" at the top?

18 A. Yes.

19 Q. And then the fourth page is an e-mail by you?

20 A. Yes.

21 Q. And I'm showing you Exhibit 52. And ask you
22 what that is?

23 A. First page -- it's an e-mail I sent to the
24 USDA, Texas Parks and Wildlife, and police of Mineral
25 Wells.

1 Q. Okay.

2 Okay. Ms. Cummins, I'm going to show you
3 Plaintiff's Exhibit B-55 and ask if you recognize that?

4 A. The first page is an e-mail that I sent to her
5 vet asking if he was -- if she was working under his
6 supervision.

7 Q. Let me ask it this way: Is there anything in
8 Exhibit 55 that was not written by you and either sent
9 on the -- sent in an e-mail or put on the Internet?

10 MR. TURNER: Let's take just a quick
11 bathroom break.

12 (Break taken)

13 Q. (By Mr. Turner) So, Ms. Cummins, we're back
14 talking about Exhibit No. 55, and I think you were
15 looking over that. And I was just trying to establish
16 if those were e-mails that you sent out on the Internet
17 or what all those things were, those pages.

18 A. Yes.

19 Q. Exhibit 55, those were all statements that you
20 either e-mailed or posted on the Internet?

21 A. Yes.

22 Q. Did you make the statement on the Internet
23 that Amanda Lollar, while you were there, you picked up
24 at least two rabid bats a day in the sanctuary and she
25 threw them in the regular trash?

1 A. Yes.

2 Q. And did you also make the statement on the
3 Internet that Amanda Lollar glued the vagina shut of a
4 bat and that bat died and Lollar tossed her into the
5 trash with all the other dead bats?

6 A. Yes.

7 Q. Was that the episiotomy bat that we've
8 discussed?

9 A. Yes.

10 Q. And you made the statement on the Internet
11 that Amanda Lollar accidentally yanked out the vagina
12 and uterus of the bat?

13 A. Yes.

14 Q. And did you make the statement on the
15 Internet, Ms. Cummins, that Amanda Lollar buys rabies
16 vaccinations in another state for horses and then ships
17 it to Texas for use in bats?

18 A. Yes.

19 Q. And did you also make the statement on the
20 Internet that Amanda Lollar also makes the volunteers
21 buy the rabies vaccine from her, and then ships it to
22 their state?

23 A. Yes.

24 Q. Ms. Cummins, isn't it true that the exact same
25 video -- and I think we may have talked about this --

1 the exact same video that you posted on YouTube was
2 later posted on Indybay, Raise the Fist, and other Web
3 sites?

4 A. It was later posted on -- someone uploaded it
5 to Indybay. I don't know if Raise the Fist uploaded the
6 video or embedded it from Indybay.

7 Q. But that same video was posted on those sites,
8 but you're saying you didn't do that?

9 A. No. I didn't do that.

10 Q. But the video was -- the video that you posted
11 on YouTube was posted on those other sites by others?

12 A. It's not the exact same video. When they
13 copied it, changed formats.

14 Q. Okay, but they -- that YouTube video was the
15 source of what they posted on those other sites?

16 A. Yes.

17 Q. With whom did you share the videos that you
18 took while you were at Bat World Sanctuary?

19 A. I posted them on Web sites.

20 Q. Are there any -- can you give me any names of
21 people that you sent these videos to?

22 A. Michelle Roache.

23 Q. How do you spell her last name?

24 A. R-O-A-C-H-E.

25 Q. Where is Michelle?

1 A. She's with LA County Animal Control.

2 Q. Is she a friend of yours?

3 A. An acquaintance.

4 Q. Why did you send her the video?

5 A. She asked me to send it to her.

6 Q. How did she find out about it?

7 A. I posted on Facebook.

8 Q. Okay. She's a Facebook -- she's one of the
9 5,000?

10 A. Yes.

11 Q. When you say you posted these videos on Web
12 sites, which Web sites did you post them to?

13 A. YouTube, and I might have posted one video to
14 Flickr.

15 Q. Who else did you send videos to besides
16 Michelle Roache?

17 A. Ady Gil.

18 Q. How do you spell Ady's name?

19 A. A-D-Y G-I-L.

20 Q. Where is Ady?

21 A. Los Angeles.

22 Q. Is he a friend of yours?

23 A. Yes.

24 Q. Why did you send him the video?

25 A. He asked for it.

1 Q. Because he saw it on your Facebook?

2 A. Yes.

3 Q. Did you ever tell anybody, now, don't post
4 these anywhere because there's a restraining order that
5 I'm not supposed to put these on the Internet?

6 A. I told them I'm not allowed to post them on
7 the Internet.

8 Q. And you sort of insinuated that they're
9 allowed to?

10 A. I said the injunction is against me, not
11 anyone else.

12 Q. And why did you say that if you weren't
13 insinuating to them that they could put it on the
14 Internet?

15 A. They just wanted to see it.

16 Q. Did you take down all the videos that you were
17 ordered to take down in the injunction that was signed
18 on May 4th?

19 A. I removed all of the videos and photos soon
20 after May 4th.

21 Q. And they were down for some period of time
22 until you put them back up?

23 A. They were down until it was official that your
24 injunction was void.

25 Q. You mean -- you mean they were down until the

1 bond was posted? Is that what --

2 A. They were down -- I knew your injunction was
3 void the next day after the injunction, but I still kept
4 them down -- it wasn't until my lawyer filed -- stated
5 in court documents that the injunction was void.

6 Q. Okay. So you put them back up on the
7 Internet?

8 A. I only put back a few.

9 Q. Which ones?

10 A. Um --

11 Q. The episiotomy with comments?

12 A. No. Just, I believe, two videos of baby bats,
13 maybe, and a couple of photos of baby bats.

14 Q. How do you -- how does one go about removing
15 videos from the Internet?

16 A. You can delete the video or you can hide it.

17 Q. And that's what you did initially?

18 A. In some cases.

19 Q. Are they all back up on the Internet now?

20 A. No. They're all down.

21 Q. Aren't there some of them that are still up
22 but they're private so members of the public can't see
23 them?

24 A. Yes. I left -- I left them all up, and I
25 didn't want to delete them because I would lose the time

1 date stamp. So I made them all private. No one can see
2 them except me.

3 Q. Or somebody that you give a password to?

4 A. No. Only I can see them.

5 Q. What is -- I'm going to show you Exhibit No.
6 56 and ask you what that is.

7 A. These are two Flickr accounts.

8 Q. And are they different?

9 A. They're two different Flickr accounts.

10 Q. Who took those photographs?

11 A. I did.

12 Q. Are they copyrighted?

13 A. By me, I guess.

14 Q. And those photographs were taken at Bat World
15 Sanctuary?

16 A. Yes.

17 Q. And they were uploaded to a channel named
18 "Amanda Lollar cruelty" on Flickr?

19 A. No.

20 Q. No?

21 A. No.

22 Q. Isn't that where the "Amanda Lollar cruelty"
23 page is, it's on Flickr?

24 A. No.

25 Q. Where is it?

1 A. There is no page by that name.

2 Q. There's nothing called "Amanda Lollar
3 cruelty"?

4 A. No.

5 Q. You never came up with a page or anything by
6 that name?

7 A. No.

8 Q. Is this the first time you've heard that
9 phrase?

10 A. Yes.

11 Q. Did you put an Indybay -- did you put up
12 something on Indybay about Amanda Lollar?

13 A. No.

14 Q. Do you know who did?

15 A. No.

16 Q. Have you read anything about Amanda Lollar on
17 Indybay?

18 A. I've read some of the articles.

19 Q. But those weren't posted by you?

20 A. No.

21 Q. And they weren't posted by anybody you know?

22 A. No. Not as far as I know.

23 Q. Did you file a complaint or make a complaint
24 about Amanda Lollar to Go Daddy?

25 A. Yes.

1 Q. Or Superb Internet Hosting?

2 A. Yes.

3 Q. When did you do that?

4 A. Right before she was kicked off Go Daddy.

5 Q. When was she kicked off Go Daddy?

6 A. A few months back.

7 Q. What is Go Daddy?

8 A. Go Daddy is an Internet hosting service
9 provider and a domain-name seller.

10 Q. And what did Amanda Lollar have to do with Go
11 Daddy?

12 A. She used to host her Web sites on Go Daddy.

13 Q. And she was kicked off?

14 A. Yes.

15 Q. Why?

16 A. Repeated copyright infringement violations.

17 Q. As a result -- and you were the one who
18 complained about that?

19 A. Yes.

20 Q. You were trying to get her kicked off?

21 A. That wasn't the purpose.

22 Q. What was the purpose?

23 A. She kept reposting my copyrighted images.

24 Q. Do you remember when Animal Advocates had a
25 little blurb on it about the way you got served by the

1 process server?

2 A. Yes.

3 Q. And how you said that you were served
4 illegally or in an threatening manner? Do you remember
5 that?

6 A. I believe I was served illegally.

7 Q. What was illegal about it?

8 A. In California, you can be served on the
9 property of a business which is currently open for
10 business, and that was a shuttered hotel which had "No
11 Trespassing" signs all over it.

12 Q. Have you seen the videotape that was secretly
13 made of you being served?

14 A. I've seen a couple of them.

15 Q. And it sort of contradicted what you said
16 about the way the service took place, didn't it?

17 A. No.

18 Q. No? You think the videotape shows you being
19 served in a threatening manner and you having the
20 process server running toward you and you had to jump in
21 your car to escape?

22 A. I didn't say I jumped in my car.

23 I got in my car.

24 And he did -- he did come towards me, but he
25 was out of the view of the camera when he did that.

1 Q. Did you ever post a picture of Amanda Lollar's
2 dogs on YouTube or Flickr or Myspace?

3 A. I believe I posted it on Facebook.

4 Q. Is there a blog that was created by "Appalled"
5 titled "Wiki Bats"?

6 A. Yes.

7 Q. And whose blog is that?

8 A. Carol Davis.

9 Q. Where is Carol Davis?

10 A. Los Angeles.

11 Q. Is she a friend of yours?

12 A. Yes.

13 Q. And are there some copyrighted photographs
14 from the Bat World internship on that blog?

15 A. Copyrighted by me.

16 Q. Did you give her some photographs to put up?

17 A. Yes.

18 Q. Would it be fair to say that almost the exact
19 same verbiage or language that you used in letters to
20 others appear in both the wiki bats blog and the Indybay
21 post?

22 A. I sent copies of my complaints to other
23 people.

24 Q. So they -- you think they probably took those
25 complaints and that's why the language is very similar?

1 A. Yes.

2 Q. Has Amanda Lollar collected welfare?

3 A. I don't know.

4 Q. Have you told the world that Amanda Lollar
5 collected welfare on your Web site?

6 A. I posted that she made a police report for a
7 welfare check.

8 Q. What does that mean?

9 A. At the time, I didn't know.

10 Q. You didn't know what you were posting?

11 A. Um, it said "welfare check," and they searched
12 the building. Sounded like a welfare check was missing.

13 Q. Who searched the building?

14 A. The police, I believe.

15 Q. So when you were at Bat World Sanctuary, the
16 police searched the building?

17 A. No.

18 Q. I'm confused. Tell me about the welfare check
19 at Bat World.

20 A. I asked the city of Mineral Wells for any
21 information about Ms. Lollar and 217 North Oak. They
22 sent me a copy of various police reports. One was
23 entitled "welfare check."

24 Q. Ms. Cummins, are you testifying under oath
25 that you never posted on your Web site that Amanda

1 Lollar collected welfare?

2 A. I said there's a police report for welfare
3 check. And to me, it looked like it was missing.

4 Q. But you had no idea what that was about, did
5 you?

6 A. It sounded like a welfare check was missing.

7 Q. But you -- okay. What did that mean? Did
8 that mean that Amanda Lollar is somehow at fault or did
9 something wrong? I'm confused.

10 A. I didn't know.

11 Q. But you thought you would go ahead and put it
12 out there for 5,000 people to read about?

13 A. I believed that's what it meant, and it was up
14 there for maybe six, seven hours.

15 Q. You took it down?

16 A. Yes.

17 Q. Why?

18 A. Someone called me and said it might not be a
19 welfare check. It might be the police doing a welfare
20 check on another individual and they couldn't find them.

21 Q. Who called you?

22 A. Cynthia Myers.

23 Q. Who is Cynthia Myers?

24 A. She used to be a member of Bat World.

25 Q. Are you friends with her?

1 A. Yes.

2 Q. Where does she live?

3 A. San Diego area.

4 Q. Do see her very often?

5 A. No.

6 Q. When did you last see her?

7 A. Five years ago.

8 Q. Do you correspond with her through e-mail?

9 A. No. Sometimes.

10 Q. And did you talk about forgery, theft, car
11 accident, and criminal mischief at the Bat World
12 Sanctuary building? Did you put that on your Web site?

13 A. I posted that I received copies of police
14 reports for those things.

15 Q. Why do you do that?

16 A. I wanted people to know that Ms. Lollar has a
17 history of having a problem with the bats and the city.

18 Q. But I'm -- but why do you tell the world that
19 there was forgery, theft, car accident, criminal
20 mischief, and someone slashing car tires at the Bat
21 World Sanctuary building? Why do you do that?

22 A. I posted that I was doing an Information Act
23 request and that I would post the results on Web site.

24 Q. But I mean why do you post those results on
25 the Web site? Why do you want people to know those

1 things about Bat World?

2 A. I think people need to know that Bat World is
3 a threat to public safety.

4 Q. In what way?

5 A. The high incidence of rabies.

6 Q. How high is the incidence of rabies?

7 A. In one few-month period, 72 percent of the
8 dead and dying bats that she picked up tested positive
9 for rabies.

10 Q. How do you know that?

11 A. She worked with a researcher to test for the
12 incidence of rabies.

13 Q. What was his name?

14 A. It's on my Web site.

15 Q. And he concluded that 72 percent of the bats
16 at Bat World tested positive for rabies?

17 A. No.

18 Q. Tell me again what the 72 percent was.

19 A. 72 percent of the dead and dying bats that
20 they picked up tested positive for rabies.

21 Q. And so because of that, you felt like you
22 needed to tell the world about forgery, theft, car
23 accident, criminal mischief, and slashed tires at Bat
24 World Sanctuary?

25 A. Yes.

1 Q. Did you tell me who the licensed veterinarian
2 was -- well, let me back up. Did you state on the
3 Internet that a licensed veterinarian who saw the
4 episiotomy video stated, "This is a nightmare. No one
5 but a veterinarian should perform surgery. Report her
6 to the state veterinary board. She should go to jail."

7 A. Yes.

8 Q. Who is that vet?

9 A. Dr. Kenneth Jones.

10 Q. And he's in, you said, Santa Monica?

11 A. Yes.

12 Q. Did he say that to you in writing?

13 A. He said that in writing and in person.

14 Q. So if I asked you for all e-mail
15 correspondence and communications you've had with
16 Dr. Kenneth Jones, you could send me the e-mail where he
17 says that?

18 A. Yes.

19 Q. Did you ever state on the Internet,
20 Ms. Cummins, that Amanda Lollar owns property and
21 collects welfare and that is illegal?

22 A. At the time I stated that, I believed it to be
23 true.

24 Q. But it wasn't true?

25 A. I'm not positive if she collects welfare or

1 not.

2 Q. Why did you believe that to be true?

3 A. Because of the police report for the welfare
4 check.

5 Q. Okay. So this was a police report where they
6 -- what did you do? An Open Records Act request?

7 A. Yes.

8 Q. And then, you got a copy of the police report
9 where they'd gone out and searched her property for a
10 welfare check?

11 A. The police report said "welfare check," and
12 that police went and checked the building and couldn't
13 find.

14 Q. And so you felt like that gave you all you
15 needed to know to be able to put on the Internet that
16 Amanda Lollar collects welfare illegally?

17 A. That's what it looked like to me, is she did
18 collect welfare.

19 Q. Because you were trying to make her look bad;
20 would you agree with me there?

21 A. I am trying to show what type of person Lollar
22 is.

23 Q. And, in fact, that's the motive behind most of
24 these e-mails and Internet postings, isn't it, you're
25 trying to make her look bad or make people despise her?

1 A. No.

2 Q. What's the motive?

3 A. I believe Bat World Sanctuary is a threat to
4 public safety. And I believe that -- well, obviously
5 what she's doing is animal cruelty, animal neglect.

6 (Exhibit No. 62 marked)

7 Q. (By Mr. Turner) I'm just going to mark this
8 as Exhibit 62. I'm going to show you what I've marked
9 as Exhibit 62, White Sticker 62. And I'm going to ask
10 you what that is.

11 A. It looks like a copy of the Indybay article
12 sent to the judge.

13 Q. Judge Sudderth?

14 A. I think that's her e-mail address.

15 Q. And we're talking about just a little bit down
16 from the top. It says "From Dave U. Random,"
17 R-A-N-D-O-M, "to bonnie@judgebonnie.com"; is that
18 correct?

19 A. I need to see it.

20 Yes, Dave U. Random.

21 Q. Random. Does that sound like somebody is
22 being sort of funny with their e-mail address?

23 A. As in random. I don't get it.

24 Q. I don't either.

25 A. It's a made-up e-mail address.

1 Q. It's a made-up e-mail address?

2 A. Yes.

3 Q. But it's to Judge Sudderth?

4 A. It says to bonnie@judgebonnie.com.

5 Q. Okay. And then what does it tell

6 judgebonnie.com?

7 A. It looks like a copy of the Indybay article.

8 Q. Who wrote that Indybay article?

9 A. I don't know.

10 Q. You didn't write it?

11 A. No.

12 Q. Ms. Cummins, was there a statement on your Web
13 site -- there's a post asking people to not send any
14 mail to Judge Sudderth or to the plaintiff's lawyer, but
15 it says, and I'm quoting, "Fortunately, someone only
16 sent an exhibit in the lawsuit to the judge."

17 Was that on your Web site, that statement?

18 A. Yes.

19 Q. What was the -- what did that mean?

20 A. The judge sent you and I a copy of that and
21 said she didn't read it and outside people or Plaintiff,
22 Defendant are not allowed to contact the judge directly.

23 Q. And I think we already talked about this, but
24 you made the statement on the Internet that, "Amanda
25 Lollar and Rebecca Dmytryk tried to extort me online",

1 correct?

2 A. Yes.

3 Q. Do you know that extortion is a crime?

4 A. Yes.

5 Q. And so you knew when you made that statement
6 that you were publicly accusing Amanda Lollar of
7 committing the crime of extortion?

8 A. Yes.

9 Q. Why did you do that?

10 A. I believe she did try to extort me. I tried
11 to file a police report.

12 Q. Do you spend a lot of time posting things
13 about Amanda Lollar, e-mailing people about Amanda
14 Lollar, researching Amanda Lollar, complaining about
15 Amanda Lollar?

16 A. I'm only posting on my Web page about the
17 lawsuit.

18 Q. Do you remember when you were going to my Web
19 site, my personal Web site for my law firm --

20 A. Uh-huh.

21 Q. -- and your IP address was blocked, and then
22 you posted something about, Well, I can just get around
23 that by using a proxy server?

24 A. I didn't say I can -- I didn't say that
25 specifically.

1 Q. What did you say?

2 A. I said that has no effect.

3 Q. Why would you need to go to my Web site?

4 A. I would frequently get your fax number or your
5 mailing address number. It's quicker.

6 Q. So if I have records showing that you spent
7 five, six, seven hours of time at my Web site, that was
8 because you were getting my fax number?

9 A. No. That was probably a robot I had set up to
10 check for anything new.

11 Q. Oh, really?

12 A. Um-hum.

13 Q. So you can have a robot that just
14 automatically checks my Web site to see if I've put
15 anything new on it?

16 A. Yes.

17 Q. Why do you do that?

18 A. To see what was new.

19 Q. But why do you want to know what's new with my
20 Web site?

21 A. It might help me in the case.

22 Q. You're looking for bad things that you can say
23 about me on the Internet, aren't you?

24 A. No.

25 Q. You know about a recent case I had involving a

1 raccoon?

2 A. Yes.

3 Q. And you posted some comments after some of
4 those news stories about me, didn't you?

5 A. What do you mean?

6 Q. You know what comments are?

7 A. Yes.

8 Q. And didn't you post some comments about me
9 after those news stories about the raccoon case?

10 A. No.

11 Q. And, in fact, some of those news stories
12 directed people to the Indybay article that you'd
13 written about me.

14 A. I didn't post those.

15 Q. Now, you feel really -- you feel somewhat
16 qualified in the area of defamation, the law of
17 defamation?

18 A. Yes.

19 Q. In fact, you've posted on the Internet some
20 things about the law concerning defamation?

21 A. Yes.

22 Q. So you feel like you know what's defamatory
23 and what it takes for something to be defamatory versus
24 not defamatory and protected by the First Amendment?

25 A. Yes.

1 MR. TURNER: Can we take a quick break?

2 (Break taken)

3 Q. (By Mr. Turner) I'm showing you Exhibit No.
4 58 and ask you what that is?

5 A. It looks like a blog.

6 Q. Did you write any of the statements in
7 Exhibit 58?

8 A. No.

9 Q. You didn't write any of those statements?

10 A. No.

11 Q. Is that -- have you ever seen that before?

12 A. I've seen this blog. This title looks
13 familiar.

14 Q. What's the title?

15 A. "You've heard of the crazy cat lady. Now meet
16 the crazy bat lady."

17 Q. But you don't know who that is?

18 A. Their name is on the blog.

19 Q. Have you ever corresponded with them by e-mail
20 or otherwise?

21 A. She sent me a couple of articles about Steven
22 Woods' pit bull.

23 Q. Steven Woods, a case that I handled last year
24 involving a pit bull?

25 A. Yes.

1 Q. Why did she send you articles about one of my
2 cases?

3 A. She -- her Web site is against people who have
4 pit bulls who are aggressive and attack people.

5 Q. And she does the "crazy bat lady" Web site
6 now, too?

7 A. This, I believe, was just one post in her
8 regular blog.

9 Q. Okay. You've posted a lot about my Steven
10 Woods' case, haven't you?

11 A. No.

12 Q. You've never posted -- have you ever posted
13 anything?

14 A. I have talked about it to people on the phone.

15 Q. But never on the Internet?

16 A. Um, I don't think I posted about it on my
17 page. I did post about it on Facebook, and, actually, I
18 think that's about it.

19 Q. And I'm, I have to ask why you would post
20 things about one of my cases on the Internet.

21 A. To show that this is -- you have taken on a
22 client before without doing any investigations or asking
23 for any evidence before you take on the client.

24 Q. Without vetting the client?

25 A. Without vetting the client or any of the

1 evidence.

2 Q. So you think lawyers should investigate and
3 vet their clients before they take their case?

4 A. I think they should investigate them before
5 they file it.

6 Q. Well, if they're defending a case that someone
7 else has filed, do you think that a lawyer should
8 investigate the client before he or she defends the
9 case?

10 A. Yes.

11 Q. So the only people, I guess, who should get
12 lawyers are those who -- the only people who are
13 entitled to the lawyers are those people who are right
14 or righteous?

15 A. Well, I personally believe if you're taking it
16 pro bono, you should be doing it for the right reasons;
17 not to protect someone who's --

18 Q. How do you know I did it pro bono?

19 A. You said so.

20 Q. Okay. Would you agree with me that guilty
21 people are entitled to legal representation?

22 A. Yes.

23 Q. But they should have to pay for it?

24 A. You -- if you're stating that you're an animal
25 rights and animal attorney, I don't think you should be

1 taking on pro bono work for someone who commits animal
2 cruelty or neglect or is an irresponsible dog owner.

3 Q. You don't think saving a dog from euthanasia
4 falls under the category of animal protection or animal
5 advocacy?

6 A. Not when it's a dangerous dog with a repeat
7 history.

8 Q. Okay. Now, you ordered a transcript of our
9 May 4th hearing, didn't you, Ms. Cummins?

10 A. Yes.

11 Q. And did you send a copy of that transcript to
12 this person, this blogger in Exhibit 58?

13 A. No.

14 Q. Do you have any explanation why there's
15 information in Exhibit 58 that would -- only someone who
16 attended that hearing would know?

17 A. I posted what was -- I posted some of the
18 transcript on my Web site.

19 Q. Why?

20 A. To show what happened.

21 Q. So just to recap, all the statements and
22 videos and information that you've put out on the
23 Internet, you've got approximately 5,000 followers on
24 your -- or friends on your private Facebook; is that
25 correct?

1 A. Yes.

2 Q. And you've got about 8,200 on your regular
3 Facebook, correct?

4 A. Yes.

5 Q. And then, of course, on Web pages and blogs
6 that are open to the public, who knows how many
7 thousands of people have seen those, correct?

8 A. Correct.

9 Q. Would you agree with me, ma'am, that thousands
10 and thousands of people have read the statements that
11 you have made about Amanda Lollar and Bat World
12 Sanctuary?

13 A. I wouldn't know the -- not everyone who's on
14 Facebook reads everything I write.

15 Q. But would you agree that several thousand
16 people have read and seen what you have put on Facebook
17 and the Internet?

18 A. I have no idea how many people read each of
19 the posts.

20 Q. Okay. So what you're saying is, even though
21 you might have 8,200 followers on your regular Facebook
22 page, maybe only two of them read the statements; I
23 mean, you just have no way of knowing?

24 A. I have no way of knowing. They don't even all
25 speak English.

1 Q. They don't speak English?

2 A. Not all of them.

3 Q. How do you know?

4 A. I can tell from their profile.

5 Q. Why would they be on your Facebook if they
6 don't speak English?

7 A. To see cute photos and videos of baby animals.

8 Q. Did you use to be an actress?

9 A. No.

10 Q. Did your mom want you to be an actress?

11 A. Yes.

12 Q. What is a big brown Mexican free-tailed bat?

13 A. Well, there are big brown bats and there are
14 Mexican free-tailed bats.

15 Q. What qualifies you as a bat expert?

16 A. I believe I know more than the average person
17 on the street, and I am a licensed bat wildlife
18 rehabilitator.

19 Q. What is the range of big brown Mexican
20 free-tailed bats?

21 A. Geographical range?

22 Q. Um-hum.

23 A. Mexico, United States.

24 Q. That's all?

25 A. Probably farther than that. South America.

1 Q. Are you having to guess?

2 A. No.

3 Q. What family does the big brown Mexican
4 free-tailed bat belong to?

5 A. I don't know offhand.

6 Q. How big is a big brown Mexican free-tailed bat
7 in grams?

8 A. Say, 15 to 20.

9 Q. 15 to 20 grams?

10 A. Yes. I never have weighed one.

11 Q. What bat training have you had?

12 A. I was trained for -- by Dr. Patricia
13 Brown-Berry, who has been researching and studying bats
14 for over 42 years.

15 Q. Where is she?

16 A. She is in southern California.

17 Q. When did you study under her?

18 A. I studied for two days in October of last
19 year.

20 Q. What other bat training have you had?

21 A. Cynthia Myers and Dick, the bat guy from
22 Ramona, they trained me for half a day.

23 Q. Would that be the same Dick and Cindy who were
24 trained by Amanda Lollar?

25 A. I believe Dick was rehabbing bats before he

1 was trained by Amanda Lollar. Dick Wilkins.

2 Q. Ms. Cummins, did you know that there's no such
3 thing as a big brown Mexican free-tailed bat --

4 A. I said earlier, there's a big brown bat and
5 there's a Mexican free-tailed bat.

6 Q. How many bats have you rehabilitated in your
7 lifetime?

8 A. We don't get very many bats where I live.

9 Q. So, how many?

10 A. Probably 30.

11 Q. What is the most common -- what are the most
12 common problems that occur in captive bats?

13 A. Dental issues, improper diets.

14 Q. I want to ask you about the Affirmative
15 Defenses and Answer to Plaintiff's First Amended
16 Petition.

17 Do you remember drafting that and filing it?

18 A. Yes. Um -- yes.

19 Q. Now, you wrote in there, "Plaintiff's action
20 is barred by laches."

21 What did you mean?

22 A. I'm not an attorney. I would have to refer
23 you to "Black's Dictionary."

24 Q. Where did you get that?

25 A. From someone else's response to a lawsuit.

1 Q. So you didn't even know what you were saying
2 when you said "Plaintiff's action is barred by laches"?

3 A. Um, not really.

4 Q. You don't know what that meant?

5 A. No. I read an article that said it's good to
6 include it.

7 Q. But you don't know what it meant?

8 A. No.

9 Q. What were your grounds for alleging that?

10 A. I don't know.

11 Q. Would you agree with me, ma'am, you had no
12 grounds to allege that?

13 A. I don't know.

14 Q. What did you mean when you said "Plaintiff's
15 actions barred by estoppel"?

16 A. I don't know.

17 Q. What did you mean when you said --
18 "Plaintiff's action barred by assumption of the risks"?

19 A. I don't know.

20 Q. Did you just take every defense that you could
21 find? Well, where did you find these things: Laches,
22 unclean hands, estoppel?

23 A. Online.

24 Q. So you just found those online and you thought
25 you would put them in an answer?

1 A. Well, unclean hands, I definitely believe she
2 has unclean hands.

3 Q. In what way?

4 A. What she was doing was animal cruelty and
5 animal neglect.

6 Q. Now, you -- are you aware that you owe me
7 \$500?

8 A. Yes.

9 Q. When are you going to pay that?

10 A. When do I have to pay it?

11 Q. When can you pay it?

12 A. I can send the money to my attorney.

13 Q. I noticed you have \$5,000 in the bank. So you
14 could pay that today, couldn't you?

15 A. I don't have a check.

16 Q. I know, but if you had your checkbook, you've
17 got enough money to pay me today, right?

18 A. Yes.

19 (Exhibit No. 63 marked)

20 Q. (By Mr. Turner) I'm just going to show you
21 one last Exhibit, No. 63. What is Exhibit 63?

22 A. It looks like my Google profile.

23 Q. Did you write that?

24 A. Yes.

25 Q. Is it -- Exhibit 63 have accurate facts about

1 you and your background?

2 A. Yes.

3 Q. Did you send a letter to PETA last April
4 complaining about Amanda Lollar?

5 A. Yes.

6 Q. And didn't that letter contain the same
7 language and verbiage that was in the Indybay article
8 about Amanda Lollar?

9 A. I would have to look at them side by side.

10 Q. Did you refer to the Indybay article when you
11 wrote PETA?

12 A. I would have to look at it.

13 Q. Why did you write PETA?

14 A. They investigate animal abuse and animal
15 cruelty.

16 Q. Is it your intent, ma'am, to continue accusing
17 Amanda Lollar of illegal possession of controlled
18 substances, performing illegal surgeries, and cruelty to
19 animals in the future?

20 A. I don't intend to unless I were to witness
21 more animal cruelty and abuse.

22 MR. TURNER: Thank you. Pass the
23 witness.

24 MR. CALLAWAY: We will reserve questions
25 until the time of trial.

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(End of proceedings)

1 I, MARY CUMMINS, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

3

4

5 _____
MARY CUMMINS

6

7 THE STATE OF _____)

8 COUNTY OF _____)

9

10 Before me, _____, on this day
11 personally appeared MARY CUMMINS, known to me (or proved
12 to me under oath or through _____)
13 (description of identity card or other document) to be
14 the person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that they executed the
16 same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, _____.

20

21

22 _____
23 NOTARY PUBLIC IN AND FOR
24 THE STATE OF _____
25 COMMISSION EXPIRES: _____

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NO. 352-248169-10

BAT WORLD SANCTUARY and)	IN THE DISTRICT COURT
AMANDA LOLLAR,)	
)	
Plaintiffs,)	
)	
VS.)	TARRANT COUNTY, TEXAS
)	
)	
MARY CUMMINS,)	
)	
Defendant.)	352ND JUDICIAL DISTRICT

REPORTER'S CERTIFICATION
DEPOSITION OF MARY CUMMINS
AUGUST 25, 2011

I, Michael Navarro, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, MARY CUMMINS, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on September 7, 2011 to the witness or to the attorney for the witness for examination, signature and return to me by October 7, 2011;

That the amount of time used by each party at the deposition is as follows:

MR. RANDY TURNER - 06 HOURS:00 MINUTES

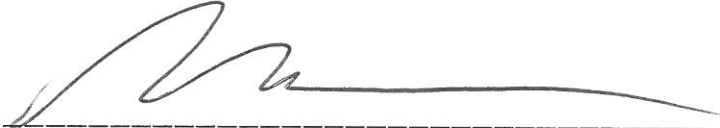
1 That pursuant to information given to the
2 Deposition officer at the time said testimony was taken,
3 the following includes counsel for all parties of record:

4 MR. RANDY TURNER, Attorney for Plaintiffs
5 MR. NEAL CALLAWAY, Attorney for Defendant

6 I further certify that I am neither counsel for,
7 related to, nor employed by any of the parties or
8 attorneys in the action in which this proceeding was
9 taken, and further that I am not financially or otherwise
10 interested in the outcome of the action.

11 Further certification requirements pursuant to Rule
12 203 of TRCP will be certified to after they have
13 occurred.

14 Certified to by me this 7th day of September, 2011.

15
16
17 
18 Michael Navarro, Texas CSR 8468
19 Expiration Date: 12/31/2012
20 Firm Registration No. # 70
21 Dolores Stewart & Associates, Inc.
22 1701 Pennsylvania Avenue
23 Fort Worth, Texas 76104
24 (817)810-0244
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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on _____;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to Mr. Randy Turner, Custodial Attorney;

That \$1045.80 is the deposition officer's charges to the Plaintiffs for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this _____ day of _____, 2011.

Michael Navarro, Texas CSR 8468
Expiration Date: 12/31/2012
Firm Registration No. # 70
Dolores Stewart & Associates, Inc.
1701 Pennsylvania Avenue
Fort Worth, Texas 76104
(817)810-0244

\$	130:16, 234:8, 234:9 150 [1] - 4:1 17 [5] - 66:5, 66:8, 66:12, 66:14, 66:20 1701 [2] - 243:19, 244:21 172 [1] - 4:2 174 [1] - 4:2 177 [1] - 4:3 17th [1] - 13:13 180 [1] - 4:4 1800 [1] - 2:5 184 [1] - 4:5 185 [1] - 4:5 186 [1] - 4:6 19 [3] - 48:12, 76:8, 86:11 190 [1] - 4:6 1965 [1] - 13:14 1982 [1] - 45:1 1984 [1] - 48:7 1988 [1] - 48:9 1989 [1] - 48:9 19th [2] - 122:15, 123:13 1:15 [1] - 109:21	66:17, 67:16, 104:20, 169:10, 169:12, 175:20 2011 [13] - 1:12, 1:18, 5:10, 110:19, 122:15, 123:13, 175:22, 240:2, 242:10, 242:20, 242:22, 243:14, 244:16 203 [2] - 243:12, 244:1 203.3 [1] - 244:12 204 [1] - 4:7 205 [1] - 4:7 206 [1] - 4:9 20th [1] - 67:16 21 [1] - 78:20 212 [1] - 4:9 217 [2] - 161:14, 217:21 22 [1] - 44:24 223 [1] - 4:11 228 [1] - 4:10 237 [1] - 4:12 240 [1] - 3:6 242 [1] - 3:7 25 [5] - 1:12, 1:18, 5:10, 240:2, 242:10 26 [5] - 85:24, 86:13, 86:15, 87:22 27 [1] - 113:7 27th [1] - 175:21 28 [2] - 126:5, 126:25 28th [1] - 169:12 29 [1] - 134:3 2nd [2] - 104:20, 153:18	37 [3] - 147:6, 148:7, 148:19 38 [4] - 149:3, 149:5, 149:20, 149:23 39 [4] - 150:16, 150:20, 152:4, 152:12 3:40 [1] - 109:1 3rd [1] - 63:21	6
0	2 [3] - 3:3, 55:23, 175:20 20 [10] - 42:5, 42:6, 46:13, 52:16, 55:7, 129:25, 130:16, 234:8, 234:9 2000 [6] - 10:21, 33:17, 49:5, 49:15, 50:8, 57:17 2001 [6] - 17:13, 18:18, 39:2, 39:15, 39:16, 39:18 2002 [2] - 51:13, 138:20 2003 [1] - 122:6 2004 [5] - 33:17, 39:22, 40:6, 40:9, 124:10 2005 [6] - 13:23, 45:5, 50:10, 50:16, 122:24, 138:20 2006 [2] - 32:12, 50:8 2007 [4] - 32:12, 47:7, 48:12, 48:15 2008 [2] - 10:21, 11:13 2009 [1] - 56:1 2010 [16] - 3:12, 54:1, 54:15, 54:21, 55:24, 56:18, 63:10, 63:21, 66:2, 66:15,	4	4 [3] - 3:4, 58:18, 77:18 40 [1] - 172:14 400 [4] - 54:3, 54:4, 54:21, 54:23 41 [3] - 174:5, 175:10, 175:18 42 [5] - 103:12, 106:15, 109:25, 110:9, 234:14 44 [3] - 177:4, 177:9, 178:16 45 [1] - 180:13 46 [1] - 186:5 47 [1] - 184:17 48 [2] - 185:17, 186:2 49 [1] - 186:22 4:40 [1] - 109:1 4th [3] - 210:18, 210:20, 231:9	6 [4] - 3:5, 62:10, 63:2, 63:21 60 [4] - 4:10, 71:12, 71:14, 71:19 61 [6] - 3:13, 4:11, 78:21, 78:24, 78:25, 86:15 62 [6] - 3:14, 4:11, 223:6, 223:8, 223:9 63 [5] - 4:12, 237:19, 237:21, 237:25 645 [1] - 13:16 66 [1] - 3:18 67 [1] - 3:18 6th [5] - 175:11, 175:20, 175:25, 176:13, 176:16
1	3	5	7	
1 [4] - 52:8, 52:12, 71:4 10 [2] - 116:7, 175:24 100 [1] - 2:5 103 [1] - 4:3 11 [1] - 117:9 110 [3] - 13:16, 13:19, 13:20 113 [1] - 3:20 1130 [1] - 11:19 114 [1] - 3:14 116 [1] - 3:16 117 [1] - 3:16 11:00 [1] - 193:12 11:42 [1] - 193:20 11th [1] - 110:19 12 [1] - 117:16 12/31/2012 [2] - 243:18, 244:20 120 [1] - 4:8 1200 [2] - 1:21, 2:10 122 [1] - 3:17 125 [1] - 3:21 12:15 [1] - 109:20 13 [2] - 122:9, 122:16 1300 [1] - 53:25 134 [2] - 3:21, 3:22 135 [3] - 3:22, 3:23, 3:23 140 [1] - 3:24 142 [1] - 3:24 145 [1] - 3:25 147 [1] - 3:25 149 [1] - 4:1 15 [4] - 120:21,	3 [1] - 56:17 30 [3] - 6:6, 134:13, 235:10 300 [1] - 30:25 31 [2] - 135:2 32 [3] - 135:7, 135:8, 135:15 321 [1] - 54:24 33 [1] - 135:19 34 [2] - 140:7, 141:5 35 [3] - 142:25, 143:8, 143:23 352-248169-10 [3] - 1:1, 5:1, 242:1 352ND [3] - 1:7, 5:5, 242:7 359 [1] - 10:15 36 [3] - 145:12, 146:7, 146:9	5,000 [13] - 42:14, 126:3, 126:4, 126:7, 127:5, 131:12, 132:18, 184:23, 185:1, 186:15, 209:9, 218:12, 231:23 50 [4] - 3:15, 190:18, 190:20, 190:25 50,000 [1] - 160:2 500 [2] - 53:25, 194:14 501(c)(3) [1] - 53:11 51 [3] - 204:7, 205:2, 205:15 52 [2] - 3:11, 205:21 53 [1] - 164:17 54 [1] - 3:12 55 [3] - 206:8, 206:14, 206:19 56 [1] - 212:6 58 [6] - 3:13, 71:9, 228:4, 228:7, 231:12, 231:15 59 [1] - 71:9 5:11 [1] - 1:18 5th [2] - 66:15, 67:24	7 [3] - 114:11, 242:20, 242:22 70 [2] - 243:18, 244:20 71 [1] - 4:10 72 [4] - 220:7, 220:15, 220:18, 220:19 720 [2] - 1:21, 2:10 75 [1] - 3:19 76054 [1] - 2:6 76102 [1] - 2:11 76104 [2] - 243:20, 244:22 78 [2] - 3:19, 4:11 7:00 [1] - 159:19 7th [1] - 243:14	
		8	8	
			8 [1] - 22:19 8,200 [2] - 232:2, 232:21 817)282-3868 [1] - 2:6 817)332-2076 [1] - 2:11 817)810-0244 [2] - 243:20, 244:22 8468 [2] - 243:17, 244:19 85 [1] - 3:20 8:30 [2] - 108:17, 108:20	

9

9 [2] - 138:17, 150:11
 9/11 [1] - 30:23
 90015 [1] - 13:17
 990 [4] - 56:18,
 56:23, 57:16, 162:25
 990-EZ [1] - 3:12
 990s [3] - 161:21,
 161:22, 162:24
 9:40 [3] - 1:18,
 108:24, 108:25
 9th [1] - 13:16

A

a.m [4] - 1:18,
 159:19, 193:21,
 193:22
 abdomen [1] -
 113:16
 abide [2] - 104:10,
 104:13
 able [8] - 28:7, 55:15,
 94:21, 124:19,
 158:12, 190:1, 200:1,
 222:15
 above-styled [1] -
 1:17
 absence [1] - 103:24
 absolutely [2] - 69:8,
 176:19
 absorb [1] - 151:15
 abuse [2] - 238:14,
 238:21
 Academy [1] - 45:2
 access [4] - 184:23,
 187:25, 188:2, 196:2
 accident [4] -
 197:24, 219:11,
 219:19, 220:23
 accidentally [3] -
 98:4, 99:4, 207:11
 accordance [2] -
 5:20, 244:11
 according [2] -
 146:25, 175:2
 account [4] - 28:3,
 40:20, 179:19, 190:24
 accounts [2] - 212:7,
 212:9
 accurate [5] - 48:8,
 56:17, 74:6, 128:16,
 237:25
 accusation [2] -
 25:17, 112:2
 accusations [2] -
 179:22, 193:6
 accuse [1] - 180:17
 accused [5] - 25:19,

111:25, 145:10,
 167:17, 203:12
 accusing [10] - 26:9,
 117:5, 166:13,
 166:19, 167:18,
 167:23, 181:8, 202:4,
 225:6, 238:16
 acknowledged [1] -
 241:15
 acquaintance [1] -
 209:3
 act [2] - 111:15,
 111:18
 Act [2] - 219:22,
 222:6
 action [5] - 235:19,
 236:2, 236:18, 243:8,
 243:10
 actions [2] - 189:23,
 236:15
 active [1] - 51:21
 actress [2] - 233:8,
 233:10
 acts [2] - 181:9,
 184:9
 actual [1] - 46:23
 ad [3] - 56:25, 57:3,
 57:16
 add [5] - 40:20,
 55:21, 130:12,
 151:23, 176:18
 added [7] - 85:20,
 85:21, 86:17, 86:19,
 88:6, 101:25, 151:6
 address [41] - 9:2,
 9:7, 10:14, 10:22,
 11:13, 11:18, 11:25,
 12:2, 12:20, 13:17,
 13:20, 15:12, 16:18,
 27:5, 27:16, 27:19,
 27:21, 27:24, 36:6,
 43:14, 43:15, 52:9,
 52:10, 52:11, 61:6,
 61:14, 61:17, 104:19,
 129:16, 161:18,
 178:5, 178:7, 178:11,
 196:9, 197:8, 223:14,
 223:22, 223:25,
 224:1, 225:21, 226:5
 addresses [5] -
 16:22, 177:23, 178:9,
 178:11, 178:13
 addy [1] - 120:23
 adhesive [1] - 100:3
 administer [5] -
 111:11, 112:5, 112:8,
 112:9, 112:11
 administering [3] -
 112:1, 166:14, 167:22
 administers [1] -
 202:23

admit [1] - 201:5
 admits [2] - 199:5,
 200:25
 admitted [5] - 99:22,
 102:1, 198:8, 201:9,
 201:11
 adopt [1] - 49:14
 adoption [1] - 49:22
 ads [7] - 56:11,
 56:14, 57:3, 130:1,
 130:8, 143:19, 143:21
 adult [3] - 105:7,
 112:17, 134:8
 advertise [1] - 48:24
 advertising [1] -
 56:13
 advice [1] - 34:21
 advised [2] - 34:15,
 34:18
 advisory [1] - 59:7
 advocacy [1] - 231:5
 Advocates [2] -
 8:18, 51:14, 51:16,
 52:3, 52:14, 53:15,
 53:16, 54:19, 54:20,
 56:5, 56:21, 57:7,
 57:13, 57:22, 59:7,
 59:19, 60:16, 122:2,
 124:3, 186:25, 199:2,
 214:24
 Advocates' [2] -
 51:23, 56:18
 ADY [1] - 209:19
 Ady [4] - 129:13,
 129:14, 209:17,
 209:20
 Ady's [1] - 209:18
 affidavit [3] - 157:14,
 157:16, 157:22
 affiliated [1] - 60:4
 Affiliation [1] - 3:11
 affix [1] - 241:1
 afterbirth [6] - 85:9,
 85:10, 95:11, 95:12,
 95:17, 95:25
 afterwards [2] -
 96:13, 190:8
 agencies [4] - 85:16,
 112:3, 160:12, 177:25
 agency [3] - 107:9,
 153:5, 176:24
 agent [1] - 45:20
 agents [1] - 46:3
 aggressive [1] -
 229:4
 ago [6] - 38:13,
 40:19, 63:11, 188:1,
 188:3, 219:7
 agree [14] - 5:13,
 52:7, 101:22, 102:3,
 102:8, 102:14, 119:1,

150:6, 152:8, 222:20,
 230:20, 232:9,
 232:15, 236:11
 agreeable [1] - 7:20
 agreeing [1] - 190:3
 agreement [2] - 5:8,
 5:8
 Agreement [2] -
 5:15, 6:18
 AGREEMENT [1] -
 6:1
 Agreements [1] -
 5:10
 AGREEMENTS [4] -
 5:18, 6:8, 6:12, 6:15
 Agriculture [1] -
 160:15
 ahead [8] - 71:10,
 81:24, 97:23, 108:9,
 142:10, 166:5, 205:9,
 218:11
 airfare [1] - 124:21
 airline [1] - 171:9
 AL [1] - 5:2
 alert [2] - 145:4,
 145:7
 algorithm [1] - 56:16
 alive [2] - 106:4,
 106:7
 allegation [1] - 17:18
 allegations [2] -
 58:22, 184:3
 allege [1] - 236:12
 alleged [1] - 180:10
 alleging [1] - 236:9
 allow [1] - 164:15
 allowed [7] - 160:24,
 164:14, 203:22,
 203:23, 210:6, 210:9,
 224:22
 allowing [2] -
 164:14, 194:9
 almost [1] - 216:18
 ALSO [1] - 2:13
 AMANDA [3] - 1:2,
 2:14, 242:2
 Amanda [140] -
 15:18, 15:22, 29:1,
 29:5, 35:12, 36:4,
 36:25, 37:14, 37:17,
 37:23, 43:23, 65:18,
 74:11, 74:15, 77:7,
 78:7, 78:15, 79:1,
 86:21, 87:15, 88:7,
 92:3, 93:8, 93:20,
 93:23, 94:4, 94:14,
 95:21, 96:8, 98:3,
 102:5, 102:11,
 102:24, 103:3,
 103:18, 104:21,
 105:9, 105:21, 107:3,

112:11, 113:23,
 115:3, 125:11, 126:8,
 129:21, 131:19,
 132:10, 133:1, 133:2,
 133:24, 135:14,
 136:12, 137:3,
 137:16, 137:19,
 139:25, 141:9,
 141:22, 143:2,
 143:22, 144:1, 145:7,
 146:2, 146:14,
 147:15, 148:15,
 149:19, 150:6,
 159:17, 161:3,
 166:13, 166:19,
 167:1, 170:1, 174:8,
 177:16, 178:4, 178:6,
 179:23, 180:11,
 181:8, 184:4, 184:13,
 185:5, 185:11,
 186:18, 186:25,
 187:6, 187:16,
 187:17, 188:5, 189:8,
 190:6, 192:11,
 193:24, 195:12,
 195:18, 196:14,
 197:6, 197:15,
 197:16, 198:2, 199:6,
 199:11, 202:4,
 202:22, 203:12,
 204:14, 206:23,
 207:3, 207:11,
 207:15, 207:20,
 212:18, 212:22,
 213:2, 213:12,
 213:16, 213:24,
 214:10, 216:1, 217:2,
 217:4, 217:25, 218:8,
 221:20, 222:16,
 224:24, 225:6,
 225:13, 225:14,
 225:15, 232:11,
 234:24, 235:1, 238:4,
 238:8, 238:17
 AmandaLollar.com
 [3] - 192:1, 192:2,
 192:6
 AmandaLollarCruel
 ty@gmail.com [2] -
 177:7, 178:10
 Amended [1] -
 235:15
 Amendment [1] -
 227:24
 America [1] - 233:25
 ammo [1] - 176:21
 amount [2] - 56:5,
 242:23
 amputating [1] -
 200:25
 AND [4] - 1:10, 1:15,
 240:1, 241:22

anesthesia [8] - 181:6, 181:10, 181:12, 181:16, 181:18, 181:21, 182:1, 182:7	233:7, 238:19 Annette [9] - 25:23, 25:24, 28:22, 29:5, 30:6, 32:2, 32:3, 32:5, 32:21	188:17, 188:25, 189:8, 190:7 approves [2] - 188:7, 188:12 April [2] - 175:21, 238:3	182:23 attend [1] - 44:25 attended [1] - 231:16 Attorney [5] - 107:8, 144:17, 243:4, 243:4, 244:7	B-46 [1] - 4:4 b-47 [1] - 4:5 b-48 [1] - 4:5 b-49 [1] - 4:6 B-5 [2] - 3:13, 61:8 b-50 [1] - 4:6 b-51 [1] - 4:7 b-52 [1] - 4:7 b-53 [1] - 4:8 B-54 [1] - 120:13 b-54 [1] - 4:8 B-55 [1] - 206:3 b-55 [1] - 4:9 b-56 [1] - 4:9 b-58 [1] - 4:10 b-6 [1] - 3:14 B-7 [1] - 3:14 B-8 [1] - 3:15 B-9 [1] - 50:13 b-9 [1] - 3:15 babies [4] - 103:8, 107:19, 107:23, 139:7 Baby [1] - 150:12 baby [59] - 72:17, 74:21, 75:13, 76:5, 76:9, 79:20, 82:19, 82:20, 82:21, 82:22, 82:23, 84:3, 84:25, 85:4, 85:10, 88:23, 90:12, 90:13, 95:12, 95:18, 95:21, 97:17, 97:21, 103:5, 103:7, 103:9, 104:22, 105:13, 105:25, 106:1, 106:3, 106:7, 106:10, 106:16, 106:20, 106:21, 107:1, 107:5, 107:13, 107:15, 107:16, 108:3, 110:6, 110:20, 134:8, 134:10, 135:23, 138:18, 143:10, 145:15, 148:9, 149:9, 154:14, 159:19, 169:24, 198:17, 211:12, 211:13, 233:7 baby's [3] - 93:20, 94:4, 94:14 background [1] - 238:1 backwards [1] - 171:25 backyard [2] - 54:25, 55:8 bad [10] - 41:21, 88:12, 102:16, 102:21, 176:14, 183:4, 189:18, 222:19, 222:25, 226:22
anesthetized [1] - 101:8	ANNETTE [1] - 26:1 annual [1] - 54:15	area [9] - 46:4, 72:8, 72:10, 80:10, 91:23, 159:10, 175:8, 219:3, 227:16	attorney [16] - 6:5, 6:10, 23:25, 24:7, 24:9, 29:4, 110:14, 160:18, 163:19, 165:5, 171:1, 173:22, 230:25, 235:22, 237:12, 242:20	
anesthetic [1] - 203:20	Anonymous [1] - 8:25	arrested [2] - 14:5, 32:22	ATTORNEY [1] - 2:9 attorney's [1] - 160:18	
anesthetize [1] - 101:9	anonymous [7] - 16:22, 27:4, 29:7, 29:15, 34:1, 34:3, 186:1	arrived [1] - 152:14	attorneys [2] - 5:12, 243:8	
anesthetized [3] - 100:25, 101:3, 101:6	answer [2] - 159:23, 236:25	article [16] - 64:2, 177:11, 177:15, 177:16, 177:18, 191:5, 191:6, 198:20, 198:21, 223:11, 224:7, 224:8, 227:12, 236:5, 238:7, 238:10	audible [1] - 7:18 AUGUST [3] - 1:12, 240:2, 242:10	
Angeles [18] - 8:7, 10:19, 11:22, 12:18, 13:17, 14:24, 14:25, 24:9, 24:12, 30:9, 36:17, 49:8, 117:1, 117:3, 129:15, 196:8, 209:21, 216:10	Answer [1] - 235:15	Article [1] - 4:6	August [5] - 1:18, 5:10, 66:2, 66:15, 67:24	
angered [1] - 119:4	answered [1] - 124:13	Article [1] - 3:13	authorities [1] - 182:18	
angry [1] - 119:9	answers [2] - 7:17, 124:13	articles [10] - 35:15, 35:18, 119:14, 139:19, 195:3, 195:13, 213:18, 228:21, 229:1	authority [2] - 139:17, 194:9	
Animal [38] - 36:22, 41:8, 41:12, 49:8, 49:9, 49:10, 49:20, 49:25, 50:7, 51:8, 51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	antibiotic [1] - 111:9	artificial [1] - 200:7	automatically [1] - 226:14	
41:8, 41:12, 49:8, 49:9, 49:10, 49:20, 49:25, 50:7, 51:8, 51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	antibiotics [1] - 203:18	Ashton [4] - 17:14, 35:5, 35:6, 40:24	available [4] - 138:18, 159:9, 161:23, 193:13	
49:9, 49:10, 49:20, 49:25, 50:7, 51:8, 51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	ants [1] - 175:7	assault [4] - 23:20, 23:21, 27:1, 27:3	Avenue [6] - 1:21, 10:15, 12:23, 61:6, 243:19, 244:21	
49:25, 50:7, 51:8, 51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	anyway [1] - 166:6	assess [1] - 139:12	AVENUE [1] - 2:10	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	Apartment [3] - 13:16, 46:6, 47:24	assets [1] - 124:22	average [2] - 81:5, 233:16	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	apartment [3] - 13:19, 13:20, 14:24	assist [1] - 183:14	awaiting [1] - 9:10	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	Appalled [1] - 216:4	Associates [2] - 243:19, 244:21	aware [3] - 61:20, 152:18, 237:6	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appear [2] - 186:13, 216:20	Assocation [3] - 46:6, 47:24, 204:12		
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	Appearances [1] - 3:3	assume [3] - 20:21, 32:6, 96:25		
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appeared [1] - 241:11	assumption [1] - 236:18	B	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	Application [1] - 3:17	assurance [6] - 171:7, 201:24, 202:15, 202:16, 202:17, 202:19	B-1 [2] - 3:11, 52:1	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	application [1] - 117:25	AT [1] - 2:9	b-10 [1] - 3:16	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	applicator [1] - 149:10	attached [8] - 1:24, 6:10, 6:18, 85:10, 95:12, 95:13, 95:21, 244:4	b-11 [1] - 3:16	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	applied [4] - 98:10, 101:1, 101:4, 122:25	attack [2] - 144:18, 229:4	b-12 [1] - 3:17	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	apply [1] - 98:11	attacked [1] - 25:1	B-16 [1] - 67:12	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	applying [3] - 79:8, 79:13, 80:9	attacking [2] - 192:19, 194:16	b-16 [1] - 3:18	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appraisals [5] - 47:3, 47:8, 48:16, 48:17, 48:19	attacks [1] - 192:16	B-2 [2] - 3:12, 54:11	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appraiser [1] - 48:22	attempted [1] -	b-28 [1] - 3:21	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appropriate [1] - 112:7		B-28 [1] - 125:19	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	appropriateness [2] - 183:20, 183:25		b-3 [1] - 3:12	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	approve [3] - 36:10, 187:6, 188:9		B-4 [1] - 58:10	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24	approved [8] - 186:25, 187:2, 187:17, 188:14,		b-4 [1] - 3:13	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24			b-42 [1] - 4:3	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24			B-42 [1] - 104:16	
51:14, 51:16, 51:23, 52:3, 52:14, 53:15, 53:16, 54:19, 54:20, 56:5, 56:18, 56:21, 57:7, 57:12, 57:22, 58:5, 59:7, 59:19, 60:16, 122:2, 124:3, 186:24, 195:11, 195:13, 199:2, 209:1, 214:24			b-44 [1] - 4:3	

ball [2] - 167:9, 204:16	152:19, 155:10, 155:15, 155:18, 158:2, 159:12, 167:8, 174:9, 174:20, 181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	208:18, 212:14, 216:14, 217:15, 217:19, 218:24, 219:11, 219:20, 220:1, 220:2, 220:16, 220:23, 223:3, 232:11	220:15, 220:19, 233:13, 233:14, 233:20, 234:13, 234:25, 235:6, 235:8, 235:12	154:5, 154:6, 154:7, 154:11, 154:13, 154:23, 154:25, 155:4, 155:8, 155:10, 155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bank [2] - 160:22, 237:13	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bat's [9] - 82:9, 86:22, 88:7, 88:12, 93:21, 94:5, 94:14, 167:10, 204:17	Bats [4] - 139:14, 139:19, 150:12, 216:5	155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bankruptcy [5] - 38:18, 38:21, 38:22, 117:13, 118:19	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bathroom [2] - 125:15, 206:11	bats' [1] - 174:17	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bar [1] - 25:8	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bat [131] - 55:18, 55:23, 56:1, 61:21, 62:6, 64:9, 64:18, 65:4, 65:11, 72:7, 74:3, 74:12, 74:15, 74:17, 74:21, 75:13, 76:5, 76:9, 77:2, 77:3, 77:7, 77:8, 78:4, 78:5, 83:22, 84:14, 88:19, 91:23, 101:21, 104:2, 104:4, 105:7, 106:11, 107:22, 107:25, 108:3, 112:17, 112:20, 114:25, 133:7, 133:20, 134:8, 135:25, 136:3, 136:24, 137:12, 138:12, 138:18, 139:1, 139:13, 139:18, 139:24, 140:6, 140:19, 143:10, 146:21, 147:20, 147:22, 148:9, 151:7, 151:9, 151:20, 152:19, 153:1, 153:7, 153:8, 153:12, 153:24, 154:5, 154:15, 155:4, 155:8, 156:6, 159:19, 160:2, 162:10, 162:11, 163:3, 163:8, 164:8, 164:10, 164:14, 169:14, 169:15, 169:24, 174:10, 174:16, 174:23, 179:1, 179:9, 181:2, 181:6, 183:25, 184:14, 184:15, 184:16, 185:2, 185:6, 185:14, 186:7, 192:21, 192:22, 194:1, 194:9, 197:17, 201:21, 201:22, 201:23, 201:25, 202:17, 202:23, 202:24, 203:9, 206:24, 207:5, 207:17, 211:12, 211:13, 216:20, 219:17, 220:8,	BCI [4] - 192:19, 192:20, 192:22, 192:23	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
Barbara [1] - 192:24	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bat [119] - 62:7, 63:13, 64:3, 64:23, 66:2, 66:9, 66:17, 66:21, 66:23, 66:25, 67:1, 67:2, 67:9, 71:25, 72:3, 74:18, 76:9, 78:2, 87:15, 89:9, 91:25, 92:3, 101:24, 102:5, 102:10, 110:2, 110:24, 125:14, 126:9, 131:9, 132:3, 134:7, 136:12, 136:13, 137:19, 138:14, 141:8, 141:22, 143:18, 143:23, 145:8, 146:2, 147:11, 148:15, 152:2, 152:9, 152:11, 152:14, 152:25, 153:6, 153:12, 153:23, 154:5, 155:4, 155:8, 155:24, 156:6, 158:15, 159:4, 159:6, 159:14, 159:20, 160:2, 160:13, 160:21, 160:22, 161:3, 161:5, 161:16, 162:2, 162:13, 162:18, 162:19, 162:21, 163:12, 169:11, 169:22, 170:1, 171:2, 171:13, 171:20, 173:24, 175:14, 176:1, 176:14, 177:5, 177:17, 178:12, 179:1, 179:11, 179:13, 179:16, 180:11, 185:5, 186:18, 187:22, 187:23, 192:11, 194:13, 197:16, 198:11, 198:18, 199:16, 200:1, 201:8,	BE [1] - 5:14	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bare [1] - 185:5	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bat [144] - 61:21, 61:25, 62:3, 62:13, 62:14, 62:15, 63:5, 72:9, 74:11, 74:14, 75:15, 75:17, 75:25, 76:1, 76:6, 76:15, 76:20, 76:21, 76:25, 78:8, 78:9, 79:9, 79:20, 80:11, 80:20, 81:1, 81:3, 81:6, 82:3, 82:18, 83:9, 83:19, 85:13, 86:22, 86:24, 87:4, 87:5, 87:14, 87:16, 88:8, 88:23, 89:2, 89:8, 89:13, 89:17, 89:21, 89:25, 93:23, 96:1, 96:15, 96:19, 97:13, 97:21, 99:18, 100:25, 101:3, 101:6, 101:7, 101:8, 101:12, 105:8, 105:9, 106:4, 106:25, 107:22, 110:19, 110:20, 112:23, 113:11, 113:24, 114:15, 114:17, 114:22, 115:4, 115:7, 115:17, 115:25, 116:5, 126:14, 132:6, 132:9, 132:11, 132:13, 132:14, 132:21, 133:2, 133:4, 133:6, 133:19, 134:10, 135:5, 135:12, 135:23, 136:5, 139:16, 140:13, 145:15, 145:18, 145:22, 145:25, 146:15, 146:17, 149:9,	Beach [2] - 8:9, 14:7	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
barred [4] - 235:20, 236:2, 236:15, 236:18	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bats [131] - 55:18, 55:23, 56:1, 61:21, 62:6, 64:9, 64:18, 65:4, 65:11, 72:7, 74:3, 74:12, 74:15, 74:17, 74:21, 75:13, 76:5, 76:9, 77:2, 77:3, 77:7, 77:8, 78:4, 78:5, 83:22, 84:14, 88:19, 91:23, 101:21, 104:2, 104:4, 105:7, 106:11, 107:22, 107:25, 108:3, 112:17, 112:20, 114:25, 133:7, 133:20, 134:8, 135:25, 136:3, 136:24, 137:12, 138:12, 138:18, 139:1, 139:13, 139:18, 139:24, 140:6, 140:19, 143:10, 146:21, 147:20, 147:22, 148:9, 151:7, 151:9, 151:20, 152:19, 153:1, 153:7, 153:8, 153:12, 153:24, 154:5, 154:15, 155:4, 155:8, 156:6, 159:19, 160:2, 162:10, 162:11, 163:3, 163:8, 164:8, 164:10, 164:14, 169:14, 169:15, 169:24, 174:10, 174:16, 174:23, 179:1, 179:9, 181:2, 181:6, 183:25, 184:14, 184:15, 184:16, 185:2, 185:6, 185:14, 186:7, 192:21, 192:22, 194:1, 194:9, 197:17, 201:21, 201:22, 201:23, 201:25, 202:17, 202:23, 202:24, 203:9, 206:24, 207:5, 207:17, 211:12, 211:13, 216:20, 219:17, 220:8,	became [1] - 48:9	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bartering [1] - 194:7	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bedrooms [2] - 125:16	become [1] - 48:9	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
base [1] - 99:9	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	bees [1] - 175:7	bedrooms [2] - 125:16	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
based [1] - 127:17	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	beetles [1] - 175:7	bees [1] - 175:7	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
basic [3] - 176:17, 176:18, 178:20	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	begging [1] - 201:21	beetles [1] - 175:7	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
basing [1] - 161:22	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	beginning [1] - 24:6	begging [1] - 201:21	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
basis [2] - 43:13, 95:20	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	behind [2] - 55:5, 222:23	beginning [1] - 24:6	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
BAT [3] - 1:2, 5:2, 242:2	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	believes [1] - 38:18	behind [2] - 55:5, 222:23	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bat [144] - 61:21, 61:25, 62:3, 62:13, 62:14, 62:15, 63:5, 72:9, 74:11, 74:14, 75:15, 75:17, 75:25, 76:1, 76:6, 76:15, 76:20, 76:21, 76:25, 78:8, 78:9, 79:9, 79:20, 80:11, 80:20, 81:1, 81:3, 81:6, 82:3, 82:18, 83:9, 83:19, 85:13, 86:22, 86:24, 87:4, 87:5, 87:14, 87:16, 88:8, 88:23, 89:2, 89:8, 89:13, 89:17, 89:21, 89:25, 93:23, 96:1, 96:15, 96:19, 97:13, 97:21, 99:18, 100:25, 101:3, 101:6, 101:7, 101:8, 101:12, 105:8, 105:9, 106:4, 106:25, 107:22, 110:19, 110:20, 112:23, 113:11, 113:24, 114:15, 114:17, 114:22, 115:4, 115:7, 115:17, 115:25, 116:5, 126:14, 132:6, 132:9, 132:11, 132:13, 132:14, 132:21, 133:2, 133:4, 133:6, 133:19, 134:10, 135:5, 135:12, 135:23, 136:5, 139:16, 140:13, 145:15, 145:18, 145:22, 145:25, 146:15, 146:17, 149:9,	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	belong [1] - 234:4	believes [1] - 38:18	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bat [144] - 61:21, 61:25, 62:3, 62:13, 62:14, 62:15, 63:5, 72:9, 74:11, 74:14, 75:15, 75:17, 75:25, 76:1, 76:6, 76:15, 76:20, 76:21, 76:25, 78:8, 78:9, 79:9, 79:20, 80:11, 80:20, 81:1, 81:3, 81:6, 82:3, 82:18, 83:9, 83:19, 85:13, 86:22, 86:24, 87:4, 87:5, 87:14, 87:16, 88:8, 88:23, 89:2, 89:8, 89:13, 89:17, 89:21, 89:25, 93:23, 96:1, 96:15, 96:19, 97:13, 97:21, 99:18, 100:25, 101:3, 101:6, 101:7, 101:8, 101:12, 105:8, 105:9, 106:4, 106:25, 107:22, 110:19, 110:20, 112:23, 113:11, 113:24, 114:15, 114:17, 114:22, 115:4, 115:7, 115:17, 115:25, 116:5, 126:14, 132:6, 132:9, 132:11, 132:13, 132:14, 132:21, 133:2, 133:4, 133:6, 133:19, 134:10, 135:5, 135:12, 135:23, 136:5, 139:16, 140:13, 145:15, 145:18, 145:22, 145:25, 146:15, 146:17, 149:9,	181:21, 181:25, 182:21, 183:3, 183:6, 183:15, 184:2, 189:22, 192:16, 193:11, 193:16, 193:17, 193:19, 198:18, 207:4, 207:7, 207:12, 228:16, 229:5, 233:12, 233:15, 233:17, 234:4, 234:6, 234:11, 234:20, 234:21, 235:3, 235:4, 235:5	belongings [1] - 124:23	belong [1] - 234:4	155:14, 155:18, 155:22, 156:6, 156:11, 156:17, 159:5, 159:12, 184:13, 184:16, 198:17
bat [144] - 61:21, 61:25, 62:3, 62:13, 62:14, 62:15, 63:5, 72:9, 74:11, 74:14, 75:15, 75:17, 75:25, 76:1, 76:6, 76:15, 76:20, 76:21, 76:25, 78:8, 78:9, 79:9, 79:20, 80:11, 80:20, 81:1, 81:3, 81:6, 82:3, 82:18, 83:9, 83:19, 85:13, 86:22, 86:24, 87:4, 87:5, 87:14, 87:16, 88:8, 88:23, 89:2, 89:8, 89:13, 89:17, 89:21, 89:25, 93:23, 96:1, 96:15, 96:19, 97:13, 97:21, 99:18, 100:25, 101:3, 101:6, 101:7, 101:8, 101:12, 105:8, 105:9, 106:4, 106:25, 107:22, 110:19, 110:20, 112:23, 113:11, 113:24, 114:15, 114:17, 114:22, 115:4, 115:7, 115:17, 115:25, 116:5, 126:14, 132:6, 132:9, 132:11, 132:13, 132:14, 132:21, 133:2, 133:4, 133:6, 133:19, 134:10, 135:5, 135:1				

bonnie@
judgebonnie.com [2]
 - 223:17, 224:4
bono [3] - 230:16,
 230:18, 231:1
book [19] - 64:17,
 64:20, 132:12,
 138:17, 138:19,
 138:23, 138:24,
 139:14, 140:1, 140:5,
 178:5, 178:7, 178:11,
 193:2, 201:6, 201:9,
 201:10, 201:11,
 201:15
books [6] - 89:22,
 138:22, 139:25,
 140:2, 146:1, 183:15
booster [2] - 159:4,
 159:20
boot [1] - 147:7
born [3] - 8:8, 13:13,
 14:7
botched [1] - 193:1
bother [1] - 122:24
bottom [1] - 117:22
bought [1] - 61:4
box [4] - 13:18,
 13:19, 91:16, 204:3
boyfriend [2] - 12:3,
 14:15
brand [1] - 100:2
break [14] - 29:11,
 29:13, 86:2, 86:7,
 86:8, 108:9, 108:12,
 109:22, 144:5, 144:7,
 206:11, 206:12,
 228:1, 228:2
breaks [1] - 39:14
breed [3] - 164:14,
 164:15, 194:10
breeding [4] - 164:8,
 164:10, 197:17,
 201:24
bring [3] - 13:5,
 115:1, 156:2
broadcast [2] -
 102:9, 115:22
broadcasting [1] -
 85:15
brochure [1] - 61:10
broken [1] - 139:9
broker [1] - 47:7
broker's [4] - 46:12,
 46:22, 47:14, 48:13
brother [2] - 25:17,
 25:19
brought [3] - 65:12,
 78:11, 78:19
brown [9] - 62:23,
 97:22, 233:12,
 233:13, 233:19,

234:3, 234:6, 235:3,
 235:4
Brown [3] - 63:1,
 139:20, 234:13
Brown-Berry [3] -
 63:1, 139:20, 234:13
browser [2] - 36:6,
 195:23
Bruce [2] - 60:19,
 60:22
brushing [1] -
 143:10
bucket [1] - 167:10
buddies [1] - 184:23
Bugs [1] - 145:19
building [18] - 55:1,
 55:4, 161:6, 161:8,
 161:13, 161:14,
 161:17, 162:8,
 162:10, 163:3,
 197:25, 217:12,
 217:13, 217:16,
 219:12, 219:21,
 222:12
built [3] - 41:11,
 49:21, 145:20
bull [3] - 144:18,
 228:22, 228:24
bulls [1] - 229:4
bump [6] - 131:24,
 133:16, 171:5,
 171:16, 171:17,
 172:17
bumped [6] - 131:8,
 131:15, 132:1, 170:4,
 171:25, 172:23
bunnies [1] - 95:1
Burns [2] - 110:14,
 163:19
business [4] - 17:19,
 150:9, 215:9, 215:10
busy [4] - 68:20,
 68:23, 70:2, 73:4
butterflies [1] -
 145:20
buy [2] - 152:3,
 207:21
buys [1] - 207:15
BW [1] - 110:4
BY [1] - 7:5
bye [2] - 9:24
bye-bye [1] - 9:24

C

c-13 [1] - 3:17
c-17 [1] - 3:18
C-18 [1] - 75:4
c-18 [1] - 3:19
C-25 [1] - 78:6

c-25 [1] - 3:19
c-26 [1] - 3:20
C-27 [1] - 113:5
c-27 [1] - 3:20
c-29 [1] - 3:21
c-30 [1] - 3:22
c-31 [1] - 3:22
c-32 [1] - 3:23
c-33 [1] - 3:23
c-34 [1] - 3:24
c-35 [1] - 3:24
c-36 [1] - 3:25
c-37 [1] - 3:25
c-38 [1] - 4:1
C-39 [1] - 150:19
c-39 [1] - 4:1
c-40 [1] - 4:2
c-41 [1] - 4:2
c-45 [1] - 4:4
C-L-A-V-A-M-O-X [1]
 - 111:7
C-sections [1] -
 201:1
C2129781 [1] - 13:11
cage [6] - 72:4,
 72:11, 72:16, 74:4,
 74:9, 133:13
cages [8] - 49:21,
 55:9, 55:11, 59:20,
 72:14, 72:17, 169:24,
 174:17
California [17] -
 13:10, 13:17, 22:22,
 25:8, 26:7, 29:5, 39:5,
 51:19, 51:22, 53:2,
 58:19, 61:25, 62:16,
 124:7, 143:4, 215:8,
 234:16
CALLAWAY [20] -
 2:9, 9:8, 10:3, 10:7,
 10:11, 15:5, 70:17,
 70:24, 71:5, 86:3,
 86:5, 108:11, 108:16,
 108:20, 108:24,
 109:6, 109:12,
 109:15, 238:24, 243:4
Callaway [1] - 1:21
camera [6] - 83:1,
 105:10, 109:19,
 140:23, 141:3, 215:25
campaign [2] -
 199:7, 199:12
canal [3] - 107:20,
 107:23, 108:4
cancer [1] - 115:14
cannot [5] - 94:3,
 201:22, 201:23,
 202:1, 202:14
caption [3] - 86:21,
 88:6, 88:10
captions [12] -

85:20, 85:21, 86:18,
 86:19, 87:22, 101:25,
 102:4, 102:12,
 102:14, 102:16,
 127:7, 127:9
captive [1] - 235:12
Captivity [2] -
 139:15, 139:20
car [11] - 124:9,
 124:23, 197:24,
 197:25, 215:21,
 215:22, 215:23,
 219:10, 219:19,
 219:20, 220:22
card [6] - 42:12,
 154:1, 154:19, 156:2,
 156:4, 241:13
care [5] - 74:18,
 84:17, 169:13,
 183:12, 183:15
caring [1] - 74:3
carol [1] - 216:8
Carol [1] - 216:9
case [21] - 9:18,
 19:11, 19:16, 21:25,
 22:8, 23:22, 24:5,
 99:12, 144:9, 145:3,
 166:6, 173:21,
 176:25, 226:21,
 226:25, 227:9,
 228:23, 229:10,
 230:3, 230:6, 230:9
cases [5] - 78:1,
 144:25, 211:18,
 229:2, 229:20
Cassandra [6] -
 140:15, 140:20,
 155:5, 155:14,
 156:13, 179:3
Caswell [1] - 127:13
CAT [4] - 170:5,
 170:9, 170:10, 170:12
Cat [1] - 140:15
cat [1] - 228:15
category [1] - 231:4
caught [1] - 28:16
CAUSE [2] - 1:1, 5:1
caused [2] - 41:20,
 137:11
causing [1] - 44:2
cave [1] - 200:7
Cayman [1] - 34:9
CD [3] - 78:13, 78:14
cease [1] - 158:23
certain [4] - 120:3,
 123:6, 123:7, 163:9
certainly [2] - 81:3,
 102:20
certificate [3] - 45:8,
 67:2, 244:12
Certificate.....

[1] - 3:7
certificates [1] -
 45:12
CERTIFICATION [2]
 - 242:9, 244:1
certification [1] -
 243:11
certified [2] - 6:14,
 243:12
Certified [3] -
 242:12, 243:14,
 244:15
certify [2] - 242:13,
 243:6
cetacaine [1] -
 203:19
CHANGE [1] - 240:3
changed [3] - 83:5,
 156:21, 208:13
CHANGES [1] -
 240:1
Changes [1] - 244:4
changes [1] - 244:5
Changes.....
 [1] - 3:6
channel [2] - 129:24,
 212:17
chapter [2] - 138:17,
 150:11
charges [2] - 40:11,
 244:8
charitable [1] -
 173:16
Charitable [3] -
 169:19, 170:20, 171:5
chat [1] - 30:24
check [15] - 197:24,
 217:7, 217:11,
 217:12, 217:18,
 217:23, 218:3, 218:6,
 218:19, 218:20,
 222:4, 222:10,
 222:11, 226:10,
 237:15
checkbook [1] -
 237:16
checked [2] - 5:13,
 222:12
checks [2] - 132:13,
 226:14
chest [1] - 182:22
chief [2] - 165:21,
 178:3
child [1] - 198:17
children [1] - 174:15
children's [1] - 30:24
chiropractor [1] -
 172:5
choke [1] - 59:4
choose [1] - 40:14
Cindy [1] - 234:23

<p>circumvent [1] - 121:5</p> <p>Cities [2] - 110:2, 110:4</p> <p>cities [1] - 14:10</p> <p>city [23] - 10:18, 15:2, 15:3, 15:6, 26:9, 26:13, 30:22, 39:23, 40:3, 40:14, 43:6, 117:1, 117:4, 117:7, 160:11, 160:16, 160:17, 165:4, 178:3, 199:19, 217:20, 219:17</p> <p>City [1] - 116:17</p> <p>CityBeat [1] - 30:11</p> <p>Civil [5] - 1:22, 5:8, 5:21, 6:13, 6:13</p> <p>claim [3] - 37:22, 131:8, 170:19</p> <p>claimed [1] - 16:25</p> <p>claiming [2] - 15:11, 28:25</p> <p>claims [2] - 16:24, 42:3</p> <p>class [1] - 45:7</p> <p>classes [2] - 174:9, 183:11</p> <p>Clavamox [7] - 111:2, 111:5, 111:8, 111:11, 112:8, 112:10, 112:12</p> <p>clean [7] - 72:14, 135:24, 135:25, 136:1, 136:4, 136:7, 136:25</p> <p>cleaned [5] - 49:21, 72:16, 72:17, 133:9, 136:6</p> <p>cleaning [4] - 72:11, 72:18, 147:20, 169:23</p> <p>clear [2] - 87:21, 97:8</p> <p>Clerk [1] - 244:14</p> <p>click [1] - 188:15</p> <p>clicking [1] - 90:5</p> <p>client [6] - 43:14, 229:22, 229:23, 229:24, 229:25, 230:8</p> <p>clients [2] - 42:3, 230:3</p> <p>climb [1] - 172:19</p> <p>climbing [1] - 26:9</p> <p>clinic [2] - 60:6, 60:7</p> <p>close [3] - 99:23, 149:4, 183:4</p> <p>closed [5] - 98:4, 98:6, 98:14, 98:20, 99:2</p> <p>closely [1] - 183:13</p> <p>clothes [1] - 59:5</p>	<p>Coast [1] - 176:7</p> <p>coauthor [1] - 140:3</p> <p>coauthored [1] - 201:17</p> <p>Cobb [5] - 7:7, 7:24, 8:11, 13:25</p> <p>COBB [1] - 7:25</p> <p>code [7] - 27:5, 27:10, 27:18, 27:20, 29:17, 129:2, 188:12</p> <p>codes [1] - 111:24</p> <p>coincidence [1] - 31:25</p> <p>collect [1] - 222:18</p> <p>collected [3] - 217:2, 217:5, 218:1</p> <p>collects [3] - 221:21, 221:25, 222:16</p> <p>college [2] - 44:17, 45:16</p> <p>colluding [2] - 32:1, 32:2</p> <p>colonies [1] - 171:7</p> <p>colony [8] - 174:24, 175:3, 201:24, 202:16, 202:17, 202:19</p> <p>color [1] - 106:12</p> <p>Colorado [1] - 155:7</p> <p>coming [4] - 26:25, 27:6, 69:17, 157:7</p> <p>comment [13] - 36:9, 37:3, 90:8, 97:25, 136:21, 143:6, 184:21, 190:22, 195:2, 195:8, 196:17, 196:18</p> <p>commentary [9] - 93:19, 97:3, 98:3, 102:20, 102:22, 102:23, 103:1, 128:6, 165:14</p> <p>commented [2] - 144:24, 195:12</p> <p>comments [15] - 8:21, 102:9, 145:1, 145:2, 185:20, 190:5, 190:7, 190:9, 190:11, 196:14, 196:25, 211:11, 227:3, 227:6, 227:8</p> <p>commission [1] - 51:4</p> <p>COMMISSION [1] - 241:23</p> <p>commits [2] - 177:17, 231:1</p> <p>committed [2] - 184:7, 202:10</p> <p>committing [1] - 166:14, 166:19,</p>	<p>170:2, 180:11, 180:21, 180:22, 181:9, 201:25, 202:4, 225:7</p> <p>common [4] - 62:15, 84:14, 235:11, 235:12</p> <p>communicate [3] - 40:16, 40:17, 40:18</p> <p>communications [1] - 221:15</p> <p>community [1] - 192:16</p> <p>company [3] - 19:10, 21:12, 42:12</p> <p>compelled [2] - 21:22, 180:17</p> <p>complain [1] - 131:17</p> <p>complained [4] - 131:19, 131:20, 160:13, 214:18</p> <p>complainer's [1] - 194:15</p> <p>complaining [5] - 32:16, 85:15, 194:13, 225:14, 238:4</p> <p>complaint [8] - 176:11, 176:17, 176:18, 198:11, 198:14, 198:16, 213:23</p> <p>complaints [8] - 165:2, 165:6, 199:15, 199:18, 200:1, 200:2, 216:22, 216:25</p> <p>completely [1] - 99:11</p> <p>complex [1] - 56:16</p> <p>complies [1] - 13:9</p> <p>comply [1] - 73:25</p> <p>computer [5] - 36:6, 74:25, 75:3, 119:20, 195:23</p> <p>concern [2] - 154:16, 155:17</p> <p>concerned [2] - 164:13, 166:18</p> <p>concerning [3] - 131:24, 160:13, 227:20</p> <p>concluded [1] - 220:15</p> <p>conclusions [1] - 97:2</p> <p>conditions [2] - 137:14, 174:10</p> <p>conference [1] - 124:21</p> <p>confidential [1] - 150:9</p> <p>conflict [1] - 41:17</p>	<p>conflicting [1] - 137:3</p> <p>confronting [1] - 73:1</p> <p>confused [2] - 217:18, 218:9</p> <p>confusing [1] - 106:19</p> <p>connections [2] - 18:22, 19:5</p> <p>Conrad [6] - 59:11, 59:12, 59:14, 60:4, 60:7, 92:21</p> <p>Conservation [1] - 177:6</p> <p>consider [4] - 26:16, 37:25, 81:6, 81:7</p> <p>consideration [1] - 241:16</p> <p>constantly [1] - 42:21</p> <p>constituted [2] - 182:8, 182:12</p> <p>contact [6] - 39:19, 46:3, 168:10, 170:14, 179:21, 224:22</p> <p>contacted [2] - 180:8, 180:25</p> <p>contain [2] - 131:2, 238:6</p> <p>contains [4] - 125:22, 186:2, 191:1, 244:5</p> <p>content [1] - 130:9</p> <p>contents [1] - 130:4</p> <p>continually [1] - 70:1</p> <p>continue [4] - 48:17, 73:20, 131:14, 238:16</p> <p>continued [1] - 48:16</p> <p>continues [4] - 91:2, 93:17, 96:7, 97:5</p> <p>continuing [3] - 87:13, 88:4, 163:25</p> <p>contract [33] - 66:8, 66:9, 66:11, 66:25, 67:1, 67:8, 67:13, 67:19, 67:23, 68:1, 68:3, 68:5, 68:19, 68:22, 68:25, 69:2, 69:6, 69:14, 70:1, 71:25, 72:20, 72:22, 73:3, 73:5, 73:6, 73:13, 73:17, 73:21, 73:24, 73:25, 104:7, 104:9, 104:11</p> <p>Contract.....</p> <p>... [1] - 3:18</p> <p>contradicted [1] - 215:15</p> <p>Control [1] - 209:1</p> <p>control [6] - 40:10,</p>	<p>51:5, 53:19, 69:8, 69:11, 69:16</p> <p>controlled [7] - 165:22, 165:25, 203:13, 203:16, 203:21, 204:2, 238:17</p> <p>controls [1] - 176:6</p> <p>conversation [1] - 9:21</p> <p>convulse [1] - 86:25</p> <p>convulses [2] - 86:22, 88:8</p> <p>convulsing [3] - 83:20, 84:9, 84:12</p> <p>convulsions [1] - 110:19</p> <p>cookbook [1] - 140:5</p> <p>coordinator [3] - 58:11, 118:4, 164:22</p> <p>copied [1] - 208:13</p> <p>copies [6] - 6:10, 158:5, 197:23, 216:22, 219:13, 244:10</p> <p>Copy [1] - 4:10</p> <p>copy [24] - 6:4, 22:21, 37:8, 56:17, 61:10, 67:13, 70:20, 93:5, 122:10, 129:1, 157:14, 177:11, 187:8, 196:21, 199:20, 199:21, 200:6, 217:22, 222:8, 223:11, 224:7, 224:20, 231:11, 244:12</p> <p>copying [1] - 128:19</p> <p>copyright [2] - 192:12, 214:16</p> <p>copyrighted [4] - 212:12, 214:23, 216:13, 216:15</p> <p>corporation [2] - 51:17, 51:18</p> <p>correct [77] - 13:11, 15:13, 23:20, 28:23, 29:2, 30:2, 37:2, 43:16, 44:2, 51:24, 52:12, 55:24, 58:21, 64:5, 65:5, 66:15, 66:18, 67:3, 67:9, 67:16, 67:20, 71:15, 76:2, 80:23, 81:10, 82:12, 86:16, 87:19, 87:25, 88:10, 90:21, 92:5, 96:1, 96:21, 100:15, 102:21, 106:18, 110:7, 110:11, 110:15, 110:21, 112:3, 115:14, 117:22, 119:11, 121:2,</p>
--	---	--	---	--

121:18, 126:14, 127:18, 130:22, 131:9, 132:3, 138:14, 139:1, 139:4, 141:13, 147:2, 151:7, 152:21, 153:13, 154:17, 159:23, 164:25, 165:23, 175:11, 177:1, 182:13, 186:3, 190:1, 200:15, 223:18, 225:1, 231:25, 232:3, 232:7, 232:8, 241:2 correctly [1] - 90:25 correspond [1] - 219:8 corresponded [1] - 228:19 correspondence [1] - 221:15 cost [1] - 123:21 cotton [2] - 167:9, 204:16 council [3] - 26:13, 30:22, 117:7 Council [1] - 204:13 Councilwoman [1] - 116:16 councilwoman [3] - 116:17, 117:1, 117:4 counsel [2] - 243:3, 243:6 count [2] - 74:6, 103:20 counter [2] - 100:1, 100:2 countersuit [2] - 22:17, 23:24 counting [1] - 74:2 countries [1] - 180:10 country [3] - 15:8, 180:9, 182:5 COUNTY [4] - 1:4, 5:3, 241:8, 242:4 County [5] - 24:18, 34:22, 60:18, 110:15, 209:1 couple [10] - 46:20, 59:18, 103:7, 131:19, 145:2, 154:14, 174:4, 211:13, 215:14, 228:21 course [1] - 232:5 Court [5] - 3:15, 5:16, 9:12, 9:14, 10:8 COURT [3] - 1:2, 5:2, 242:2 court [6] - 6:6, 6:9, 7:16, 9:18, 18:14, 211:5	Court's [2] - 9:10, 15:6 CourtExpress [1] - 52:6 coyote [1] - 62:23 crawl [4] - 76:6, 132:25, 172:19, 175:3 crawling [2] - 134:10, 145:17 crazy [14] - 23:25, 26:14, 39:13, 68:11, 68:15, 69:6, 69:18, 69:21, 69:23, 70:9, 72:23, 228:15, 228:16, 229:5 created [1] - 216:4 credit [1] - 42:12 crevice [2] - 76:2, 105:7 crime [7] - 166:22, 167:19, 167:23, 169:2, 202:9, 225:3, 225:7 crimes [5] - 166:9, 166:14, 166:20, 168:1, 168:2 criminal [6] - 26:14, 30:23, 197:25, 219:11, 219:19, 220:23 criminals [3] - 33:2, 33:4, 33:18 critical [2] - 73:5, 101:23 criticism [1] - 72:22 criticize [1] - 98:19 crossways [1] - 41:14 crowning [3] - 105:8, 105:14, 105:18 cruel [3] - 102:23, 103:3, 175:15 cruelty [25] - 87:18, 165:22, 170:2, 177:17, 179:23, 180:10, 180:18, 180:21, 180:22, 180:23, 181:3, 181:9, 182:8, 182:12, 184:4, 184:8, 212:18, 212:22, 213:3, 223:5, 231:2, 237:4, 238:15, 238:18, 238:21 Cruiser [1] - 124:10 CSR [3] - 1:19, 243:17, 244:19 Cummins [39] - 7:7, 7:9, 7:23, 7:24, 8:11, 8:25, 13:25, 16:11, 27:16, 27:17, 35:16, 35:24, 38:9, 38:17,	50:10, 58:7, 63:5, 67:18, 86:14, 90:18, 102:4, 109:23, 119:1, 120:1, 121:4, 134:23, 176:23, 186:17, 195:6, 199:10, 206:2, 206:13, 207:15, 207:24, 217:24, 221:20, 224:12, 235:2 cummings [1] - 231:9 CUMMINS [14] - 1:6, 1:11, 1:15, 3:5, 5:5, 5:10, 7:2, 240:2, 241:1, 241:5, 241:11, 242:6, 242:10, 242:15 Cummins-Cobb [3] - 7:7, 7:24, 13:25 cup [2] - 204:16, 204:17 current [6] - 9:6, 10:14, 11:12, 12:20, 47:16, 53:13 Custodial [1] - 244:7 custodial [1] - 6:10 cut [16] - 34:13, 43:19, 78:8, 80:20, 82:3, 82:5, 82:8, 82:9, 83:20, 88:12, 88:15, 96:23, 97:6, 97:10, 98:15, 99:8 cute [1] - 233:7 cuts [2] - 86:21, 88:7 cutting [2] - 82:18, 90:11 cyber [31] - 24:17, 25:11, 26:18, 26:21, 28:8, 28:20, 28:22, 28:23, 29:1, 29:6, 29:9, 30:17, 30:19, 31:4, 31:5, 31:11, 32:25, 34:17, 34:23, 35:4, 35:9, 35:12, 37:25, 38:2, 40:23, 41:1, 43:18, 116:12, 117:11, 145:10, 158:24 cyber-stalk [1] - 35:9 cyber-stalked [10] - 28:23, 29:1, 29:6, 29:9, 30:17, 32:25, 35:4, 40:23, 41:1, 116:12 cyber-stalkers [1] - 43:18 cyber-stalking [18] - 24:17, 25:11, 26:18, 26:21, 28:8, 28:20, 30:19, 31:4, 31:5, 31:11, 34:17, 34:23, 35:12, 37:25, 38:2, 117:11, 145:10, 158:24	Cynthia [3] - 218:22, 218:23, 234:21 D Daddy [8] - 192:12, 213:24, 214:4, 214:5, 214:7, 214:8, 214:11, 214:12 damage [1] - 87:12 danger [3] - 15:13, 16:17, 17:4 dangerous [1] - 231:6 dash [1] - 12:9 data [1] - 129:11 date [8] - 43:7, 47:10, 63:22, 64:1, 169:7, 187:9, 212:1 Date [2] - 243:18, 244:20 DATE [1] - 240:2 dated [9] - 43:9, 50:20, 63:21, 66:14, 66:15, 67:16, 93:12, 122:14, 175:11 dates [2] - 44:25, 63:24 Dave [2] - 223:16, 223:20 Davis [2] - 216:8, 216:9 Dawn [1] - 9:17 days [20] - 6:3, 6:6, 10:9, 69:1, 69:3, 69:4, 69:25, 72:19, 131:14, 131:16, 131:18, 132:7, 132:14, 133:10, 154:14, 154:21, 157:19, 157:20, 174:4, 234:18 dead [33] - 32:5, 85:4, 97:17, 97:20, 97:21, 101:7, 101:9, 103:6, 103:7, 104:23, 105:25, 106:1, 106:10, 106:12, 106:16, 106:17, 106:20, 106:22, 107:1, 107:5, 107:12, 107:14, 107:17, 110:6, 116:5, 132:6, 132:7, 132:9, 174:19, 194:1, 207:5, 220:8, 220:19 deal [2] - 39:25, 40:12 dealers [1] - 31:1 dealing [1] - 88:17 dealings [3] - 40:8, 40:12, 41:10	death [14] - 137:12, 187:1, 187:2, 187:6, 187:14, 187:15, 187:16, 188:23, 189:2, 189:7, 189:11, 189:14, 190:6, 191:19 December [3] - 13:13, 50:10, 63:10 decided [4] - 42:24, 73:19, 87:16, 139:3 deeply [1] - 98:15 defamation [17] - 17:20, 17:21, 17:23, 18:1, 18:7, 18:17, 19:19, 19:22, 21:20, 22:7, 22:15, 23:19, 199:6, 199:11, 227:16, 227:17, 227:20 defamatory [7] - 19:5, 20:12, 31:4, 158:25, 227:22, 227:23, 227:24 defamed [1] - 18:21 defaming [1] - 191:17 DEFENDANT [1] - 2:8 defendant [3] - 1:7, 17:15, 242:7 Defendant [3] - 17:16, 224:22, 243:4 Defendant's [1] - 67:11 defending [1] - 230:6 defends [1] - 230:8 defense [2] - 193:8, 236:20 Defenses [1] - 235:15 defer [2] - 90:20, 90:23 definitely [1] - 237:1 defrauding [1] - 202:7 degree [1] - 166:22 dehydration [2] - 132:8, 132:22 delete [2] - 211:16, 211:25 deliver [4] - 40:4, 79:20, 95:4, 105:15 delivered [7] - 6:5, 83:22, 83:25, 106:20, 107:13, 244:6, 244:11 deliverer [1] - 96:20 deliveries [1] - 105:20 delivery [7] - 80:10, 85:12, 88:23, 88:25, 89:4, 96:19, 97:19
--	---	---	--	--

DELIVERY [1] - 6:12
demanding [1] - 68:12
denim [1] - 145:23
dental [1] - 235:13
department [12] - 49:23, 50:4, 58:5, 61:20, 152:20, 160:16, 168:18, 168:20, 169:2, 169:9, 170:15, 176:6
Department [17] - 36:21, 41:12, 49:7, 49:8, 49:19, 50:7, 58:6, 152:23, 153:16, 160:14, 160:15, 165:4, 166:10, 167:25, 168:11, 168:18, 202:24
depose [1] - 10:5
Deposition [1] - 6:18
DEPOSITION [5] - 1:10, 1:15, 5:14, 6:8, 242:10
deposition [23] - 5:10, 5:20, 6:2, 6:5, 6:10, 9:19, 22:19, 93:2, 114:11, 149:4, 157:3, 241:1, 242:17, 242:19, 242:24, 243:2, 244:2, 244:3, 244:6, 244:8, 244:9, 244:11
describe [3] - 55:8, 58:2, 112:22
describes [1] - 150:10
describing [1] - 113:15
DESCRIPTION [1] - 3:10
description [2] - 50:3, 241:13
desert [1] - 62:15
design [1] - 200:6
desist [1] - 158:23
desk [3] - 116:5, 132:7, 174:20
despise [1] - 222:25
destroy [8] - 16:3, 16:23, 31:14, 31:17, 31:18, 31:20, 31:23, 41:4
determination [1] - 97:19
developed [3] - 150:3, 150:6, 151:19
device [1] - 204:15
Dick [4] - 234:21, 234:23, 234:25, 235:1
Dictionary [1] -

235:23
die [2] - 136:24, 137:2
died [12] - 74:17, 88:22, 97:17, 98:5, 101:13, 101:14, 101:16, 110:21, 132:8, 132:21, 137:1, 207:4
Diego [1] - 219:3
dies [3] - 88:23, 89:2, 97:14
diets [1] - 235:13
difference [7] - 91:13, 93:19, 94:3, 94:13, 95:10, 95:25, 123:1
different [16] - 16:21, 18:3, 28:16, 70:11, 77:1, 77:5, 77:8, 80:21, 100:22, 112:2, 112:25, 130:16, 139:15, 212:8, 212:9
difficult [1] - 65:13
direct [3] - 166:24, 203:25, 204:5
directed [1] - 227:12
direction [1] - 111:10
directly [5] - 31:2, 40:17, 173:6, 178:11, 224:22
director [1] - 169:19
directors [3] - 52:17, 66:2, 66:24
dirty [1] - 183:8
disagree [2] - 125:6, 146:14
disagreed [1] - 73:23
disagreement [1] - 41:17
disc [1] - 171:23
disclosing [1] - 9:9
disconnect [1] - 95:14
discovered [1] - 28:19
discovery [8] - 35:20, 37:9, 70:21, 93:6, 93:13, 136:23, 157:14, 169:7
discuss [1] - 9:14
discussed [2] - 200:19, 207:8
disk [2] - 70:24, 93:13
dismissed [3] - 19:12, 22:1, 24:2
dispense [1] - 110:23
dispenser [1] - 64:22
dispose [1] - 62:4

dispute [1] - 148:22
distress [1] - 84:18
district [4] - 110:14, 160:18, 163:18, 165:5
District [1] - 107:8
DISTRICT [6] - 1:2, 1:7, 5:2, 5:5, 242:2, 242:7
districts [1] - 116:18
division [1] - 25:11
divorced [2] - 11:5, 11:9
Dmytryk [10] - 15:17, 15:21, 16:12, 31:17, 32:3, 38:11, 38:16, 39:1, 199:5, 224:25
doctor [6] - 131:23, 131:25, 171:16, 171:17, 172:2, 172:6
doctors [1] - 172:8
document [3] - 104:3, 122:17, 241:13
documents [4] - 38:19, 38:21, 38:22, 211:5
dog [5] - 125:11, 125:21, 231:2, 231:3, 231:6
dogs [5] - 125:14, 125:21, 126:8, 126:23, 216:2
Doheny [1] - 14:13
Dolores [2] - 243:19, 244:21
domain [1] - 214:9
domain-name [1] - 214:9
donated [1] - 91:24
donations [6] - 56:4, 56:5, 56:8, 61:5, 61:13, 200:8
done [26] - 35:12, 51:11, 73:14, 73:16, 81:15, 86:13, 87:6, 88:25, 89:8, 89:17, 89:21, 89:25, 90:1, 98:13, 105:21, 105:23, 108:18, 108:22, 109:2, 109:10, 117:22, 130:23, 130:24, 143:9, 168:5, 171:13
donors [1] - 202:5
door [2] - 22:10, 172:20
doors [1] - 72:4
Dottie [1] - 65:16
doubt [1] - 102:21
down [29] - 7:16, 7:19, 16:23, 23:15, 38:14, 41:3, 72:17,

86:19, 87:10, 120:3, 121:13, 142:14, 142:15, 146:21, 157:7, 168:13, 173:13, 188:10, 210:16, 210:17, 210:21, 210:23, 210:25, 211:2, 211:4, 211:20, 218:15, 223:15
downloaded [1] - 122:11
downtown [2] - 11:17, 11:22
dozens [1] - 105:20
Dr [15] - 59:11, 59:14, 60:1, 60:2, 60:4, 60:7, 60:14, 60:19, 63:1, 92:21, 139:20, 221:9, 221:16, 234:12
drafted [1] - 103:16
drafting [1] - 235:17
drag [2] - 115:3, 115:5
drags [1] - 125:11
drawn [1] - 155:12
dress [1] - 59:4
DRIVE [1] - 2:5
drive [3] - 119:20, 119:21, 124:9
driver's [5] - 13:5, 70:19, 70:22, 71:17, 71:19
Driver's [1] - 13:10
drop [3] - 204:21, 204:24, 204:25
drug [2] - 31:1, 115:13
drugs [2] - 166:4, 203:24
duly [3] - 1:17, 7:3, 242:15
dump [1] - 167:9
dumped [1] - 23:25
during [8] - 72:11, 73:2, 79:2, 88:23, 123:14, 124:3, 131:18, 135:25
DVD [5] - 78:12, 113:6, 114:10, 134:14, 143:1
DVD.....
..... [15] - 3:14, 3:19, 3:20, 3:20, 3:22, 3:22, 3:23, 3:23, 3:24, 3:24, 3:25, 3:25, 4:1, 4:1, 4:11
dweller [1] - 76:2
dying [3] - 181:2, 220:8, 220:19

E

e-mail [100] - 9:2, 16:10, 16:15, 16:22, 27:2, 27:4, 27:13, 27:15, 27:16, 27:18, 27:20, 27:23, 28:3, 28:4, 29:10, 35:9, 35:10, 36:2, 59:17, 66:1, 66:6, 66:14, 66:20, 67:4, 67:8, 67:23, 68:2, 93:7, 93:11, 93:15, 103:14, 103:15, 104:16, 104:19, 106:24, 107:6, 110:1, 110:5, 110:10, 110:13, 110:18, 118:4, 120:8, 120:20, 120:23, 120:24, 121:4, 121:11, 127:6, 127:16, 127:21, 137:21, 142:2, 144:1, 148:18, 160:11, 164:18, 164:21, 168:17, 169:18, 170:3, 172:15, 174:7, 175:10, 175:19, 175:21, 175:25, 176:4, 176:5, 176:10, 177:5, 177:23, 178:8, 178:10, 178:13, 179:19, 179:21, 180:6, 185:22, 188:16, 188:20, 189:24, 194:3, 204:9, 205:3, 205:4, 205:19, 205:23, 206:4, 206:9, 219:8, 221:14, 221:16, 223:14, 223:22, 223:25, 224:1, 228:19
E-mail.....
..... [1] - 3:18
e-mailed [5] - 127:24, 136:19, 169:2, 170:9, 206:20
e-mailing [1] - 225:13
e-mails [36] - 15:19, 15:25, 16:21, 26:9, 26:11, 26:13, 26:17, 26:24, 28:9, 29:7, 29:12, 30:22, 40:19, 41:2, 42:22, 93:5, 107:10, 118:3, 127:12, 136:22, 138:1, 142:3, 142:4, 148:14, 149:25, 152:13, 164:12, 169:6, 175:19,

180:15, 205:7, 205:10, 205:11, 205:16, 206:16, 222:24	employees [2] - 57:14, 164:19	Estates [1] - 14:13	120:12, 122:8, 122:16, 125:19, 126:5, 126:25, 134:3, 134:13, 135:2, 135:7, 135:8, 135:15, 135:19, 140:7, 141:5, 142:25, 143:8, 143:23, 145:12, 146:7, 146:9, 147:6, 148:7, 148:19, 149:5, 149:20, 149:23, 150:16, 150:20, 152:4, 152:12, 164:16, 171:19, 172:14, 174:5, 175:10, 175:18, 177:4, 177:9, 178:16, 180:13, 184:17, 185:17, 186:2, 186:5, 186:22, 190:17, 190:20, 190:25, 204:7, 205:2, 205:15, 205:21, 206:3, 206:8, 206:14, 206:19, 212:5, 223:6, 223:8, 223:9, 228:3, 228:7, 231:12, 231:15, 237:19, 237:21, 237:25	exposed [1] - 76:4
E-mails [10] - 4:2, 4:2, 4:3, 4:3, 4:4, 4:7, 4:7, 4:8, 4:9, 4:11	employment [1] - 44:10	estoppel [2] - 236:15, 236:22	159:12	exposure [1] - 159:12
early [1] - 147:18	enable [1] - 196:21	ET [1] - 5:2	express [3] - 72:22, 73:5, 155:17	expressed [2] - 92:16, 241:17
ears [1] - 74:10	enclosures [2] - 54:9, 55:10	euthanasia [1] - 231:3	extort [2] - 224:25, 225:10	extortion [8] - 194:21, 194:25, 195:16, 197:3, 197:4, 197:6, 225:3, 225:7
eat [1] - 137:6	encourage [3] - 130:20, 142:19, 142:22	euthanize [2] - 112:24, 113:20	extremely [2] - 101:23, 139:11	eye [1] - 149:10
eaten [2] - 132:9, 151:20	encouraged [2] - 120:4, 142:17	euthanized [2] - 113:1, 185:3	eyeballs [2] - 58:25, 59:3	
eating [2] - 137:10, 150:23	End [1] - 3:12	event [5] - 71:24, 101:22, 178:15, 186:2, 189:25		
Ed [4] - 41:7, 41:8, 42:17, 43:9	end [7] - 24:1, 24:7, 86:23, 88:8, 108:10, 149:4, 239:1	events [1] - 49:22		
edit [1] - 129:2	ended [1] - 116:4	eventually [1] - 24:2		
edited [5] - 85:19, 86:15, 101:23, 121:1, 165:14	enforcement [1] - 112:2	evidence [4] - 168:8, 168:21, 229:23, 230:1		
editorial [1] - 30:14	engaged [1] - 199:11	exact [6] - 130:12, 178:22, 207:24, 208:1, 208:12, 216:18		
editorials [1] - 30:13	English [3] - 232:25, 233:1, 233:6	exactly [1] - 55:17		
educate [1] - 53:18	enrage [1] - 24:18	exam [3] - 91:10, 91:14, 91:15		
educated [1] - 183:23	ensure [1] - 74:3	EXAMINATION [1] - 7:4		
educational [4] - 57:22, 58:8, 59:1, 59:2	entire [3] - 62:3, 92:2, 134:1	examination [2] - 6:6, 242:21		
Edward [8] - 14:18, 36:13, 36:16, 36:20, 37:21, 53:21, 196:4, 197:7	entitled [5] - 104:3, 113:6, 217:23, 230:13, 230:21	Examination [1] - 3:5		
effect [2] - 102:10, 226:2	entrance [1] - 125:17	example [1] - 119:13		
eighteen [1] - 57:20	environment [3] - 91:11, 91:22, 139:9	examples [1] - 162:23		
either [7] - 57:14, 140:19, 155:17, 171:10, 206:8, 206:20, 223:24	episiotomies [5] - 81:14, 89:17, 89:21, 89:25, 165:17	except [4] - 6:13, 62:7, 212:2, 241:2		
elder [1] - 63:18	episiotomy [35] - 78:16, 78:20, 80:22, 80:23, 80:25, 81:8, 82:11, 82:13, 87:16, 89:8, 89:13, 104:22, 105:4, 105:12, 105:17, 107:4, 107:15, 121:2, 128:6, 130:15, 143:20, 175:15, 176:3, 176:14, 176:16, 176:25, 180:24, 181:17, 184:11, 193:2, 193:3, 193:6, 207:7, 211:11, 221:4	exception [1] - 190:4		
elderly [1] - 58:4	Eric [2] - 47:17, 47:19	excuse [2] - 67:11, 86:12		
electricity [2] - 163:6, 163:7	escape [3] - 134:8, 134:11, 215:21	executed [1] - 241:15		
emaciation [2] - 132:8, 132:22	essence [1] - 21:19	Executive [1] - 3:11		
embarrassed [5] - 24:21, 24:23, 28:12, 28:14, 28:20	establish [1] - 206:15	exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
embed [2] - 129:25, 130:7	estate [8] - 45:18, 45:19, 46:18, 47:3, 47:13, 47:25, 48:21, 124:7	Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
embedded [1] - 208:6		Exhibition [1] - 3:5		
embedding [1] - 128:21		example [1] - 119:13		
emergency [2] - 159:11, 183:11		examples [1] - 162:23		
employed [4] - 47:4, 48:10, 48:21, 243:7		except [4] - 6:13, 62:7, 212:2, 241:2		
employee [2] - 154:2, 179:6		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive [1] - 3:11		
		exhibit [9] - 55:19, 71:2, 71:3, 78:19, 86:10, 86:12, 113:6, 118:2, 224:16		
		Exhibit [120] - 22:19, 50:13, 52:1, 52:8, 52:12, 54:11, 55:23, 56:17, 58:10, 58:18, 61:8, 62:9, 63:2, 63:21, 66:5, 66:8, 66:12, 66:14, 66:20, 67:12, 71:4, 71:12, 71:14, 71:19, 75:3, 76:8, 77:17, 78:6, 78:20, 78:25, 85:24, 86:11, 86:13, 86:15, 87:22, 103:12, 104:16, 106:15, 109:25, 110:9, 113:5, 113:7, 114:11, 116:7, 117:9, 117:16,		
		Exhibition [1] - 3:5		
		example [1] - 119:13		
		examples [1] - 162:23		
		except [4] - 6:13, 62:7, 212:2, 241:2		
		exception [1] - 190:4		
		excuse [2] - 67:11, 86:12		
		executed [1] - 241:15		
		Executive</		

133:20 fax [2] - 226:4, 226:8 fed [11] - 74:4, 74:16, 75:21, 77:8, 136:5, 140:19, 145:15, 145:16, 154:15, 159:19, 175:4 feed [13] - 65:13, 77:4, 91:23, 101:17, 105:7, 112:17, 114:24, 130:4, 135:13, 136:1, 138:12, 146:21, 151:25 Feeding [1] - 150:11 feeding [10] - 74:9, 135:23, 138:18, 139:6, 140:13, 147:19, 147:22, 148:10, 150:3, 169:24 feet [1] - 113:15 fell [5] - 115:17, 116:3, 132:23, 171:25, 173:8 felt [6] - 41:21, 161:25, 172:25, 173:13, 220:21, 222:14 fence [3] - 23:15, 23:18, 26:10 few [26] - 24:11, 26:8, 40:24, 42:4, 53:19, 55:21, 74:19, 76:5, 76:7, 77:1, 95:22, 100:22, 118:3, 127:22, 131:16, 131:18, 131:20, 147:25, 154:15, 154:21, 157:17, 183:13, 189:12, 211:8, 214:6, 220:7 few-month [1] - 220:7 fiction [1] - 140:5 file [8] - 32:9, 34:16, 34:18, 120:21, 176:10, 213:23, 225:11, 230:5 filed [18] - 6:3, 6:10, 9:9, 16:25, 17:5, 17:9, 18:25, 19:15, 20:8, 22:21, 23:3, 32:6, 32:11, 117:13, 165:2, 211:4, 230:7, 244:13 files [2] - 148:25, 149:2 filing [2] - 170:18, 235:17 fill [1] - 123:23 filled [1] - 117:19 film [5] - 74:21,	104:1, 115:4, 115:8, 150:24 filmed [1] - 114:20 filming [3] - 79:2, 82:25, 113:23 finally [1] - 70:3 financially [1] - 243:9 fine [3] - 71:5, 86:6, 109:9 fingers [1] - 76:21 finished [1] - 27:17 fire [3] - 50:19, 50:22, 51:6 fired [3] - 41:20, 50:21, 51:2 Firm [2] - 243:18, 244:20 firm [1] - 225:19 first [34] - 7:3, 14:12, 17:8, 17:22, 18:6, 45:15, 45:17, 49:3, 60:22, 68:10, 81:21, 85:12, 86:21, 91:12, 97:19, 104:17, 110:1, 113:7, 122:5, 133:12, 137:4, 154:14, 154:21, 172:5, 176:4, 176:5, 190:21, 194:15, 205:5, 205:15, 205:23, 206:4, 213:8 First [2] - 227:24, 235:15 fish [1] - 40:3 Fish [8] - 16:4, 39:12, 58:7, 59:20, 117:18, 118:5, 121:17, 121:21 Fist [2] - 208:2, 208:5 five [9] - 42:8, 44:9, 56:3, 74:19, 109:2, 109:11, 123:15, 219:7, 226:7 five-year [1] - 123:15 flavor [3] - 151:7, 151:10, 151:16 flawed [1] - 139:7 Flicker [11] - 141:13, 141:15, 141:22, 190:24, 191:4, 209:14, 212:7, 212:9, 212:18, 212:23, 216:2 flies [2] - 175:6, 175:7 flight [3] - 108:15, 108:20, 133:13 floor [3] - 125:12, 173:8, 173:10 Flower [3] - 11:19,	11:24, 12:2 flower [1] - 11:20 FLOWER [1] - 11:20 fly [1] - 72:9 flying [1] - 72:7 foam [2] - 149:11, 150:3 foam-tip [1] - 150:3 follow [2] - 104:6, 104:7 followed [1] - 152:19 followers [2] - 231:23, 232:21 following [5] - 5:13, 26:10, 194:5, 242:14, 243:3 follows [3] - 5:9, 7:3, 242:24 food [1] - 137:7 foot [5] - 84:2, 93:20, 93:24, 94:4, 94:14 footage [1] - 86:14 FOR [3] - 2:3, 2:8, 241:22 force [2] - 39:23, 42:23 foregoing [2] - 241:1, 241:14 forensic [1] - 119:20 forged [1] - 67:19 forgery [5] - 72:1, 197:24, 219:10, 219:19, 220:22 forget [1] - 203:11 forgets [1] - 192:19 forgot [1] - 55:21 Form [1] - 56:18 Form..... .. [1] - 3:12 formats [1] - 208:13 forms [1] - 123:23 formula [2] - 137:5, 137:8 FORT [1] - 2:11 Fort [3] - 1:21, 243:20, 244:22 forth [2] - 7:19, 137:9 Fortunately [1] - 224:15 forty [1] - 44:9 forty-five [1] - 44:9 forwarded [4] - 36:10, 37:1, 168:17, 196:17 foundation [1] - 173:15 four [9] - 48:3, 69:3, 69:4, 69:25, 73:3, 136:24, 137:12, 140:2, 157:20 four-day [1] - 73:3	fourth [1] - 205:19 frame [1] - 169:4 Franchise [1] - 125:3 Francois [1] - 34:5 fraud [3] - 201:25, 202:5, 202:10 Frederick [1] - 18:8 free [15] - 40:1, 40:11, 76:1, 104:4, 109:19, 149:9, 150:11, 150:13, 233:12, 233:14, 233:20, 234:4, 234:6, 235:3, 235:5 free-tailed [9] - 76:1, 149:9, 233:12, 233:14, 233:20, 234:4, 234:6, 235:3, 235:5 freely [1] - 164:11 French [1] - 192:24 frequently [2] - 75:21, 226:4 fresh [2] - 151:6, 151:9 friend [5] - 15:17, 36:23, 209:2, 209:22, 216:11 friend's [2] - 37:1, 38:8 friends [14] - 39:8, 60:5, 126:1, 126:2, 126:7, 128:2, 131:13, 132:18, 185:1, 191:10, 191:16, 192:17, 218:25, 231:24 friendship [1] - 39:11 front [2] - 125:16, 198:18 fruit [5] - 151:6, 151:12, 151:17, 174:17, 175:7 fruits [1] - 151:24 fuck [1] - 27:6 full [7] - 27:13, 27:25, 28:2, 28:4, 46:12, 74:12, 188:15 funds [1] - 162:13 funny [1] - 223:22 furnish [1] - 198:23 furnished [1] - 187:10 FURTHER [1] - 244:1 future [2] - 168:9, 238:19 G G-I-L [1] - 209:19	G-O-E-L-O [1] - 34:7 game [1] - 40:3 Game [6] - 16:5, 39:12, 58:7, 59:20, 117:18, 118:5 gas [2] - 139:7, 204:15 gazebo [1] - 23:15 Gearhart [6] - 155:5, 155:14, 156:13, 156:15, 156:25, 179:3 general [3] - 41:8, 51:6, 160:19 generally [8] - 22:5, 33:3, 40:14, 88:15, 123:3, 130:8, 130:12, 185:12 generic [1] - 146:18 geographical [1] - 233:21 gestures [1] - 7:18 Gibbens [1] - 176:8 Gil [2] - 129:13, 209:17 girlfriend [1] - 124:20 given [6] - 103:21, 151:9, 157:24, 179:15, 242:17, 243:1 Given [1] - 241:18 glad [1] - 82:1 glasses [1] - 183:5 glendale [1] - 52:24 glove [1] - 64:22 gloves [30] - 62:5, 63:20, 64:4, 64:8, 64:13, 64:15, 64:18, 65:1, 65:8, 65:10, 65:12, 65:13, 65:18, 65:23, 91:9, 91:10, 91:13, 91:14, 91:15, 91:19, 91:24, 92:4, 92:6, 92:13, 183:1, 183:7, 185:4, 185:9, 185:12 glue [9] - 98:4, 98:6, 99:10, 100:1, 100:3, 100:4, 100:17, 100:25, 101:3 Glue [10] - 98:7, 98:9, 98:11, 99:19, 99:20, 99:21, 99:22, 99:25, 100:9, 100:14 glued [4] - 98:5, 99:4, 99:7, 207:3 gluing [1] - 139:9 Goelo [2] - 34:5, 34:8 Google [4] - 4:12, 145:4, 145:7, 237:22 Googlebot [1] - 144:22
--	---	---	---	---

Gorilla [1] - 140:24
Gosh [2] - 92:12, 155:18
government [7] - 85:16, 107:9, 112:3, 153:4, 160:12, 176:24, 177:24
grab [2] - 91:18, 113:15
grabbed [2] - 98:8, 105:10
graduate [3] - 44:12, 44:21, 45:6
graduated [2] - 44:11, 45:14
graduating [1] - 44:24
grams [2] - 234:7, 234:9
grant [3] - 169:21, 171:6, 171:14
granted [1] - 120:2
graphic [1] - 87:17
gray [3] - 97:22, 106:13, 107:1
great [2] - 142:6, 142:8
grounds [2] - 236:9, 236:12
Group [1] - 58:4
group [19] - 24:21, 25:4, 28:12, 126:8, 126:11, 126:19, 126:20, 126:22, 180:6, 187:1, 187:3, 187:16, 187:22, 187:25, 188:6, 189:3, 191:20, 201:6, 201:7
groups [11] - 49:16, 51:12, 180:1, 180:5, 180:9, 180:19, 182:5, 182:15, 182:18, 187:21
grunt [1] - 169:23
guano [1] - 173:13
guess [11] - 10:1, 38:14, 71:9, 78:12, 113:7, 122:16, 151:15, 161:2, 212:13, 230:11, 234:1
guessing [2] - 100:14, 100:16
Guest [1] - 8:25
Guidestar [1] - 199:5
guilty [2] - 197:17, 230:20
gun [1] - 26:25
gunnysacks [1] - 31:1
guy [2] - 47:19, 234:21

guys [1] - 109:4

H

habit [1] - 119:2
hack [1] - 179:18
hags [1] - 25:5
Hahn [1] - 116:16
half [2] - 48:3, 234:22
hand [18] - 7:18, 62:17, 62:19, 62:23, 62:25, 63:18, 75:7, 75:9, 75:19, 76:18, 113:12, 134:9, 134:10, 134:17, 135:5, 159:21, 186:8, 241:18
handed [2] - 132:10, 133:4
handle [2] - 62:5, 203:8
handled [1] - 228:23
handling [3] - 64:9, 64:18, 65:11
hands [6] - 141:3, 183:8, 185:6, 236:22, 237:1, 237:2
hang [3] - 74:23, 75:15, 75:18
happy [1] - 147:17
harass [2] - 33:3, 42:20
harassing [3] - 15:19, 158:22, 194:17
harassment [2] - 42:1, 42:18
hard [4] - 7:19, 76:24, 119:20, 119:21
harm [4] - 17:1, 38:3, 102:5, 102:13
harmed [1] - 189:23
harming [1] - 102:10
hat [1] - 173:5
hate [3] - 191:22, 192:3, 192:9
havoc [2] - 44:2, 44:4
head [29] - 24:17, 25:11, 34:17, 34:22, 84:2, 93:20, 93:25, 94:4, 94:14, 131:8, 131:15, 131:18, 131:23, 131:25, 132:2, 133:16, 146:21, 167:10, 170:5, 171:5, 171:16, 171:18, 171:25, 172:17, 172:23, 173:3, 173:5, 176:9, 204:17
header [1] - 27:13
headers [4] - 27:25, 28:2, 28:5, 188:16
headlamp [1] - 173:5
heads [1] - 76:10
health [10] - 32:7, 33:21, 61:20, 111:24, 152:20, 160:3, 160:5, 160:16, 169:1, 169:9
Health [8] - 152:24, 153:16, 165:4, 166:10, 167:25, 168:11, 168:17, 202:24
healthy [1] - 201:22
hear [5] - 10:11, 21:5, 83:2, 93:24, 114:5
heard [8] - 84:6, 100:13, 133:18, 180:5, 204:24, 213:8, 228:15
hearing [5] - 6:3, 10:8, 10:10, 231:9, 231:16
heart [2] - 129:19, 183:3
Heck [1] - 192:16
hedge [1] - 23:17
held [1] - 194:8
hell [2] - 123:20, 124:1
help [4] - 69:17, 79:20, 128:22, 226:21
helped [1] - 49:22
helping [1] - 46:14
helps [1] - 49:14
hereby [2] - 241:1, 242:13
herein [2] - 5:13, 244:13
hereto [2] - 1:24, 5:9
herniated [1] - 171:23
herself [5] - 60:9, 125:12, 138:24, 140:1, 140:3
Hi [1] - 9:17
hide [1] - 211:16
high [8] - 44:11, 44:13, 45:14, 45:15, 134:19, 134:22, 220:5, 220:6
High [1] - 44:16
highlighted [1] - 122:18
highlighting [2] - 117:21, 117:23
highly [1] - 159:22
Hills [2] - 14:13, 44:16

himself [1] - 24:3
hire [1] - 40:4
hired [1] - 24:7
history [5] - 44:10, 115:10, 115:15, 219:17, 231:7
hobby [4] - 33:10, 33:12, 33:13, 33:16
hold [10] - 65:13, 76:9, 76:25, 77:1, 77:3, 77:5, 77:7, 77:14, 77:23, 77:24
holder [1] - 194:6
holding [12] - 62:13, 63:4, 76:20, 76:21, 77:22, 77:25, 113:11, 113:23, 135:5, 140:23, 176:20, 186:7
Hollywood [2] - 14:16, 14:21
home [11] - 9:6, 11:12, 15:12, 16:18, 42:24, 43:14, 43:15, 55:2, 70:8, 111:23, 170:6
homeowner [1] - 40:14
Hondo [1] - 45:2
hope [6] - 61:7, 84:7, 189:16, 189:18, 189:23, 190:13
horrible [9] - 35:17, 35:24, 35:25, 37:7, 175:14, 176:3, 195:4, 195:14
horses [1] - 207:16
host [4] - 128:24, 129:5, 195:22, 214:12
hosting [2] - 192:12, 214:8
Hosting [1] - 214:1
hotel [1] - 215:10
hotels [1] - 93:1
hour [3] - 109:1, 109:3, 109:4
hours [5] - 95:22, 108:9, 108:25, 218:14, 226:7
HOURS:00 [1] - 242:25
house [7] - 23:14, 31:15, 43:21, 47:1, 48:10, 55:5, 60:12
how-to [1] - 150:11
HTML [1] - 129:2
huge [3] - 56:16, 199:15, 199:25
hum [4] - 63:12, 101:15, 226:12, 233:22
human [1] - 100:18

Humane [1] - 183:12
humane [4] - 40:10, 53:19, 180:16, 180:18
humans [3] - 88:15, 88:17, 107:21
hundred [2] - 43:3, 57:20
hunt [2] - 16:22, 41:3
HURST [1] - 2:6
hurt [2] - 132:2, 171:22
husband [8] - 10:25, 11:7, 23:10, 23:16, 34:11, 133:25, 162:11
husband's [1] - 43:19
hut [6] - 74:11, 74:14, 76:6, 145:18, 146:15, 146:17
hyphen [1] - 14:3
hyphenated [2] - 12:10, 20:3

I

idea [10] - 47:18, 53:3, 78:10, 84:1, 92:1, 105:22, 112:16, 134:24, 218:4, 232:18
identify [3] - 174:6, 184:18, 196:21
identity [1] - 241:13
ill [3] - 53:16, 101:20, 174:23
illegal [14] - 111:14, 111:20, 159:8, 159:22, 175:16, 200:18, 201:2, 201:3, 201:9, 201:13, 215:7, 221:21, 238:17, 238:18
illegally [9] - 112:1, 178:21, 181:11, 197:17, 200:13, 201:25, 215:4, 215:6, 222:16
images [1] - 214:23
impersonated [1] - 118:15
impression [2] - 103:2, 155:22
improper [6] - 91:21, 181:12, 182:10, 182:19, 182:24, 235:13
improperly [3] - 165:17, 167:6, 167:13
improvements [4] - 161:5, 161:7, 161:8, 161:16
IN [4] - 1:2, 5:2,

241:22, 242:2 Inc [2] - 243:19, 244:21 incidence [4] - 64:1, 220:5, 220:6, 220:12 incision [3] - 98:14, 98:20, 99:2 incisions [3] - 98:4, 98:6, 99:23 include [3] - 190:8, 190:10, 236:6 included [1] - 134:2 includes [1] - 243:3 including [2] - 63:7, 165:10 income [1] - 46:8 incompetent [2] - 102:24, 103:3 indeed [1] - 185:2 INDEX [1] - 3:1 individual [2] - 141:20, 218:20 individuals [1] - 130:11 indoor [2] - 174:24, 175:3 Indybay [25] - 35:15, 35:18, 129:22, 131:4, 131:6, 144:9, 177:11, 177:15, 177:16, 191:5, 191:6, 195:3, 208:2, 208:5, 208:6, 213:11, 213:12, 213:17, 216:20, 223:11, 224:7, 224:8, 227:12, 238:7, 238:10 infant [4] - 74:2, 74:12, 74:14, 74:17 infants [2] - 74:8, 74:10 infer [1] - 147:13 Information [1] - 219:22 information [19] - 36:8, 43:16, 50:3, 52:8, 52:12, 118:6, 118:9, 130:6, 170:15, 171:2, 194:16, 195:23, 196:3, 196:18, 196:25, 217:21, 231:15, 231:22, 243:1 infringement [2] - 192:13, 214:16 infuriate [1] - 25:12 injunction [9] - 120:2, 120:18, 121:6, 210:10, 210:17, 210:24, 211:2, 211:3, 211:5 injure [1] - 171:20	injured [7] - 53:16, 78:4, 78:5, 78:9, 101:20, 105:7, 174:23 injury [3] - 78:1, 170:18, 173:22 insects [3] - 132:9, 145:20, 175:8 inside [2] - 95:19, 133:13 insinuated [1] - 210:8 insinuating [1] - 210:13 inspect [1] - 163:24 Inspection [1] - 3:17 inspection [5] - 122:10, 122:12, 122:17, 122:22, 123:24 inspector [1] - 119:21 inspects [1] - 59:20 instance [2] - 1:16, 65:22 instant [1] - 100:2 instantly [4] - 104:24, 110:7, 129:25, 130:3 instead [1] - 42:24 instructed [5] - 135:24, 136:1, 157:25, 166:11, 173:4 instruction [3] - 112:10, 157:24, 204:5 instructions [1] - 137:4 instrument [1] - 241:15 insurance [2] - 162:5, 171:2 intend [1] - 238:20 intending [1] - 121:5 intent [1] - 238:16 interchangeably [1] - 123:3 interested [1] - 243:10 interesting [2] - 31:22, 31:24 interfering [1] - 17:19 intern [16] - 72:3, 73:20, 131:20, 136:15, 136:16, 137:20, 138:4, 138:7, 141:25, 143:25, 148:13, 148:17, 149:25, 152:13, 152:24, 153:5 Internal [1] - 162:1 International [2] -	177:6, 204:12 interned [1] - 155:24 Internet [94] - 8:10, 9:4, 19:6, 19:8, 20:22, 20:25, 26:22, 31:6, 33:9, 48:24, 54:2, 85:15, 87:23, 111:24, 115:22, 116:14, 118:7, 118:10, 118:16, 119:3, 119:10, 119:14, 119:23, 120:4, 120:5, 120:10, 120:19, 122:11, 125:10, 125:14, 125:23, 128:5, 130:3, 141:6, 142:5, 142:20, 142:23, 143:23, 146:4, 146:8, 148:16, 148:19, 148:20, 148:21, 149:15, 149:20, 150:12, 151:4, 152:5, 160:8, 160:10, 161:23, 184:13, 186:17, 191:2, 191:15, 191:17, 193:24, 194:2, 195:22, 198:5, 198:9, 199:9, 200:5, 201:20, 202:21, 203:7, 206:9, 206:16, 206:20, 206:22, 207:3, 207:10, 207:15, 207:20, 210:5, 210:7, 210:14, 211:7, 211:15, 211:19, 214:1, 214:8, 221:3, 221:19, 222:15, 222:24, 224:24, 226:23, 227:19, 229:15, 229:20, 231:23, 232:17 interning [4] - 72:15, 112:20, 131:14, 132:2 interns [6] - 64:14, 69:12, 74:19, 175:8, 179:5, 179:6 internship [8] - 72:12, 104:6, 104:14, 104:15, 135:25, 152:15, 170:23, 216:14 Internship [2] - 3:18, 104:3 internships [1] - 169:22 interrogatories [1] - 124:14 interrupt [1] - 39:10 inventor [2] - 146:15, 146:17	investigate [6] - 33:8, 163:23, 230:2, 230:4, 230:8, 238:14 investigating [2] - 171:13, 173:21 investigation [2] - 163:25, 164:4 investigations [1] - 229:22 investors [2] - 20:14, 21:24 involved [3] - 17:14, 25:14, 33:11 involving [2] - 226:25, 228:24 IP [5] - 27:19, 36:6, 195:22, 197:8, 225:21 irresponsible [1] - 231:2 IRS [9] - 53:11, 125:3, 125:4, 160:18, 160:20, 162:12, 162:17, 162:25, 163:16 Islands [1] - 34:9 iso [1] - 204:16 isoflurane [17] - 166:2, 166:8, 166:16, 166:17, 166:23, 166:24, 167:4, 167:9, 167:18, 182:22, 183:2, 203:13, 203:15, 204:1, 204:4, 204:22, 204:25 ISP [2] - 195:22, 196:3 issue [1] - 68:13 issues [1] - 235:13 items [3] - 5:13, 35:20, 163:2	Jones [6] - 60:1, 60:2, 60:14, 92:21, 221:9, 221:16 Judge [7] - 9:16, 9:18, 9:22, 119:19, 120:1, 224:3, 224:14 judge [7] - 9:20, 24:4, 223:12, 223:13, 224:16, 224:20, 224:22 judgebonnie.com [1] - 224:6 judgment [4] - 42:9, 42:10, 42:11, 125:2 JUDICIAL [3] - 1:7, 5:5, 242:7 July [8] - 104:20, 153:18, 169:10, 175:11, 175:20, 175:25, 176:13, 176:16 jump [1] - 215:20 jumped [2] - 97:23, 215:22 June [3] - 66:17, 67:16, 169:12 jurisdiction [4] - 19:12, 19:15, 22:2, 22:3
K				
Kate [3] - 103:5, 103:14, 140:20 Katherine [2] - 7:7, 8:3 Kathy [4] - 19:23, 19:24, 20:1, 21:14 Katz [1] - 14:18 KATZ [1] - 14:19 Kay [9] - 73:9, 131:20, 136:24, 154:10, 154:23, 155:10, 156:12, 158:11, 159:14 kay [2] - 73:10, 179:3 keep [10] - 16:7, 16:8, 16:11, 35:15, 55:9, 135:24, 136:3, 136:25, 150:9, 201:22 keeping [1] - 61:17 Kennedy [2] - 158:19, 186:1 Kenneth [7] - 60:1, 92:21, 169:19, 170:20, 171:4, 221:9, 221:16 kept [9] - 68:12, 68:16, 68:24, 101:21, 121:13, 121:14, 183:8, 211:3, 214:23				
J				
jail [1] - 221:6 Janet [1] - 85:3 Janette [8] - 83:3, 83:4, 90:4, 105:10, 154:2, 156:21, 179:3, 183:7 Janice [1] - 116:16 Jason [1] - 22:9 Jenny [3] - 59:11, 60:7, 92:21 JENNY [1] - 59:12 jerking [1] - 84:14 job [9] - 31:15, 41:21, 43:7, 45:17, 45:23, 46:9, 144:2, 171:13 jobs [1] - 48:4 joke [2] - 44:5, 44:6				

<p>Kevin [1] - 12:5 kicked [5] - 192:12, 214:4, 214:5, 214:13, 214:20 kicking [1] - 83:19 kill [5] - 41:3, 41:5, 186:19, 187:6, 190:15 killed [1] - 190:13 kills [1] - 189:17 kind [11] - 21:9, 38:2, 45:8, 49:19, 68:13, 69:7, 75:25, 94:25, 124:9, 161:7, 172:10 kinds [2] - 16:2, 54:6 kitchen [2] - 72:8, 72:10 Knight [5] - 19:23, 20:1, 20:5, 20:13, 21:14 KNIGHT [1] - 20:1 Knight-McConnell [4] - 19:23, 20:5, 20:13, 21:14 knock [1] - 84:21 knowing [2] - 232:23, 232:24 knowledge [3] - 89:18, 90:24, 95:20 known [2] - 39:2, 241:11 knows [4] - 15:21, 106:23, 157:5, 232:6 Krazy [11] - 98:7, 98:9, 98:11, 99:19, 99:20, 99:22, 99:25, 100:1, 100:9, 100:14 Krog [13] - 24:8, 24:9, 24:20, 25:6, 25:22, 26:6, 28:7, 29:4, 30:21, 32:2, 32:21, 34:16</p>	<p>lady [5] - 21:3, 63:19, 228:15, 228:16, 229:5 Lakewood [1] - 14:12 landed [1] - 172:1 Landing [1] - 39:5 language [3] - 216:19, 216:25, 238:7 LAPD [2] - 32:10, 32:15 large [1] - 55:10 last [27] - 12:8, 12:10, 18:9, 20:5, 22:13, 34:6, 36:14, 40:18, 52:21, 55:18, 56:6, 56:7, 71:7, 71:8, 71:9, 73:11, 97:25, 124:17, 131:21, 156:22, 205:8, 208:23, 219:6, 228:23, 234:18, 237:21, 238:3 late [1] - 42:22 latest [1] - 145:2 latitude [3] - 36:7, 195:22, 196:2 law [8] - 1:20, 39:14, 112:2, 153:20, 203:1, 225:19, 227:16, 227:20 LAW [2] - 2:4, 2:9 lawsuit [15] - 16:24, 17:5, 17:9, 17:14, 17:21, 18:25, 19:13, 20:8, 22:21, 42:25, 157:5, 190:22, 224:16, 225:17, 235:25 lawsuits [1] - 18:3 lawyer [10] - 24:12, 26:6, 187:12, 189:8, 196:20, 197:5, 197:12, 211:4, 224:14, 230:7 lawyers [3] - 230:2, 230:12, 230:13 layperson [2] - 102:15, 102:18 leading [1] - 133:24 learn [2] - 138:16, 171:8 learned [2] - 138:13, 138:19 learns [1] - 43:14 least [4] - 55:22, 81:15, 103:2, 206:24 leave [9] - 45:25, 46:11, 46:21, 47:9, 72:4, 159:14, 159:15, 159:16, 169:11 led [1] - 111:16</p>	<p>left [20] - 11:16, 63:13, 66:21, 66:23, 67:9, 72:6, 75:9, 89:9, 102:21, 108:14, 135:5, 142:13, 143:3, 147:11, 147:17, 147:18, 159:17, 205:11, 211:24 legal [8] - 14:1, 14:2, 111:16, 111:18, 112:8, 112:9, 170:15, 230:21 legally [5] - 11:6, 122:23, 167:5, 201:22, 203:22 legs [2] - 29:11, 29:13 less [6] - 63:11, 66:20, 66:23, 67:9, 124:14, 174:11 letter [10] - 50:16, 50:20, 50:25, 58:11, 58:13, 58:18, 150:18, 158:23, 238:3, 238:6 Letter..... [2] - 3:13, 3:15 letters [1] - 216:19 Levine [1] - 60:19 liabilities [1] - 125:1 liable [4] - 38:4, 38:7, 199:6, 199:11 libeling [2] - 158:23, 191:16 libelous [3] - 118:24, 119:7, 158:25 license [24] - 13:5, 16:5, 39:14, 46:12, 46:22, 47:14, 48:14, 70:19, 70:22, 71:17, 71:20, 121:24, 122:2, 122:4, 122:17, 122:22, 123:1, 123:4, 123:8, 123:9, 123:10, 123:17, 164:8, 181:1 License [1] - 13:10 licensed [10] - 47:15, 121:17, 121:20, 121:21, 121:22, 122:21, 124:4, 221:1, 221:3, 233:17 licking [1] - 136:5 lie [2] - 7:12, 20:17 lied [1] - 20:14 liens [1] - 125:2 lieu [1] - 6:10 life [14] - 15:12, 16:17, 17:3, 17:10, 17:11, 35:17, 35:24, 35:25, 37:7, 104:24, 110:7, 145:6, 195:4 lifetime [1] - 235:7</p>	<p>likely [3] - 113:19, 114:7, 149:18 Line [3] - 187:22, 187:23, 201:8 LINE [1] - 240:3 link [2] - 67:1, 195:7 links [2] - 130:25, 136:20 lips [1] - 136:6 list [9] - 40:20, 54:23, 56:2, 128:14, 128:15, 128:16, 130:25, 148:2, 192:15 listed [5] - 5:13, 57:1, 57:16, 186:20, 194:6 lists [2] - 147:15, 147:23 listserv [3] - 179:24, 179:25, 180:4 listservs [1] - 179:22 litigation [1] - 25:14 live [23] - 10:13, 10:20, 10:22, 11:24, 12:14, 12:18, 13:2, 14:23, 15:2, 15:4, 15:8, 18:23, 19:2, 34:8, 36:16, 52:23, 57:23, 83:7, 96:16, 129:14, 155:6, 219:2, 235:8 lived [7] - 10:14, 11:12, 12:2, 14:10, 14:12, 14:15, 14:25 lives [4] - 12:20, 20:25, 155:7, 162:8 living [1] - 133:24 load [2] - 129:24, 143:5 loaded [1] - 129:22 local [1] - 168:3 LOLLAR [4] - 1:2, 2:14, 71:8, 242:2 Lollar [164] - 15:18, 15:22, 29:1, 29:5, 35:12, 36:4, 36:25, 37:5, 37:14, 37:18, 37:23, 38:15, 43:23, 64:7, 64:8, 65:18, 68:8, 72:21, 73:7, 73:12, 77:7, 78:7, 78:15, 79:1, 87:15, 92:3, 92:14, 93:8, 94:11, 99:22, 101:24, 102:5, 102:11, 102:24, 103:3, 103:19, 105:21, 107:4, 111:16, 111:25, 112:11, 112:23, 113:11, 113:23, 115:3,</p>	<p>115:16, 125:11, 126:9, 129:21, 132:10, 133:1, 133:2, 133:24, 135:14, 136:12, 136:19, 137:3, 137:17, 137:19, 138:17, 139:25, 140:15, 141:9, 141:22, 143:2, 143:22, 144:1, 145:7, 146:2, 146:14, 148:15, 149:19, 150:6, 153:25, 155:21, 158:1, 160:21, 161:3, 161:14, 166:14, 166:19, 167:1, 170:1, 172:18, 173:4, 174:9, 177:16, 179:23, 180:11, 180:18, 181:8, 184:4, 184:13, 185:11, 185:16, 186:18, 186:25, 187:6, 187:16, 187:17, 188:5, 189:8, 190:7, 191:16, 191:19, 192:11, 192:20, 192:21, 192:22, 193:1, 193:25, 194:16, 194:21, 195:12, 195:18, 196:14, 197:6, 197:15, 197:16, 197:23, 198:3, 199:6, 199:11, 201:21, 202:4, 202:22, 202:23, 203:12, 204:3, 204:14, 206:23, 207:3, 207:4, 207:11, 207:15, 207:20, 212:18, 212:22, 213:2, 213:12, 213:16, 213:24, 214:10, 217:2, 217:4, 217:21, 218:1, 218:8, 219:16, 221:20, 222:16, 222:21, 224:25, 225:6, 225:13, 225:14, 225:15, 232:11, 234:24, 235:1, 238:4, 238:8, 238:17 Lollar's [6] - 111:12, 133:19, 178:5, 178:6, 179:18, 216:1 longitude [3] - 36:7, 195:22, 196:3 look [35] - 55:19, 56:2, 74:11, 74:15, 85:23, 87:4, 93:13, 97:25, 99:18, 101:7,</p>
L				
<p>L-E-V-I-N-E [1] - 60:21 LA [11] - 24:17, 26:9, 30:11, 30:14, 34:22, 39:23, 116:17, 195:11, 195:13, 209:1 lab [1] - 62:3 label [3] - 71:11, 169:14, 169:17 labeled [1] - 85:23 labelled [1] - 71:13 laceration [1] - 182:21 laches [3] - 235:20, 236:2, 236:21 lack [3] - 19:12, 22:1 lacking [1] - 139:11</p>				

101:9, 103:20, 119:21, 127:4, 134:25, 138:7, 147:5, 148:7, 149:3, 149:6, 150:15, 150:20, 164:18, 168:13, 169:6, 170:3, 178:18, 187:8, 189:12, 189:24, 198:20, 222:19, 222:25, 238:9, 238:12 looked [10] - 33:7, 85:8, 99:13, 99:14, 121:2, 126:25, 143:3, 205:5, 218:3, 222:17 looking [6] - 83:1, 86:9, 141:1, 173:3, 206:15, 226:22 looks [10] - 52:5, 71:23, 84:17, 117:10, 174:15, 223:11, 224:7, 228:5, 228:12, 237:22 Los [18] - 8:7, 10:19, 11:22, 12:18, 13:16, 14:24, 14:25, 24:9, 24:12, 30:9, 36:17, 49:8, 117:1, 117:3, 129:15, 196:8, 209:21, 216:10 lose [5] - 16:4, 31:15, 39:14, 211:25 loss [1] - 87:11 lost [2] - 49:22, 183:6 loud [1] - 7:18 lube [5] - 79:8, 79:14, 79:15, 83:12, 83:13 lubricant [9] - 79:17, 79:19, 79:21, 79:25, 80:1, 80:10, 80:13, 91:4, 91:6 lubricate [1] - 80:10 luck [1] - 10:3 lunch [4] - 108:9, 108:13, 109:1, 109:5 lying [5] - 21:16, 21:23, 83:17, 83:18, 87:1 Lynch [5] - 45:18, 45:19, 46:5, 47:22, 48:6	42:18, 71:13, 77:15, 85:11, 89:16, 96:15, 98:3, 98:25, 106:15, 138:4, 232:9, 236:11, 238:16 Mac [1] - 129:10 machete [1] - 23:17 machine [1] - 1:20 made-up [2] - 223:25, 224:1 Magee [2] - 12:5, 12:9 mail [103] - 6:14, 9:2, 16:10, 16:15, 16:22, 27:2, 27:4, 27:13, 27:15, 27:16, 27:18, 27:20, 27:22, 27:23, 28:3, 28:4, 29:10, 35:9, 35:10, 36:2, 59:17, 66:1, 66:6, 66:14, 66:20, 67:4, 67:8, 67:23, 68:2, 93:7, 93:11, 93:15, 103:14, 103:15, 104:16, 104:19, 106:24, 107:6, 110:1, 110:5, 110:10, 110:13, 110:18, 118:4, 120:8, 120:20, 120:23, 120:24, 121:4, 121:11, 127:6, 127:16, 127:21, 137:21, 142:2, 144:1, 148:18, 160:11, 164:18, 164:21, 168:17, 169:18, 170:3, 172:15, 174:7, 175:10, 175:19, 175:21, 175:25, 176:4, 176:5, 176:10, 177:5, 177:23, 178:8, 178:10, 178:13, 179:19, 179:21, 180:6, 185:22, 188:16, 188:20, 189:24, 194:3, 204:9, 205:3, 205:4, 205:19, 205:23, 206:4, 206:9, 219:8, 221:14, 221:16, 223:14, 223:22, 223:25, 224:1, 224:14, 228:19 mail [1] - 3:18 mailed [5] - 127:24, 136:19, 169:2, 170:9, 206:20 mailers [1] - 29:19 mailing [2] - 225:13, 226:5 mails [36] - 15:19, 15:25, 16:21, 26:9,	26:11, 26:13, 26:17, 26:24, 28:9, 29:7, 29:12, 30:22, 40:19, 41:2, 42:22, 93:5, 107:10, 118:3, 127:12, 136:22, 138:1, 142:3, 142:4, 148:14, 149:25, 152:13, 164:12, 169:6, 175:19, 180:15, 205:7, 205:10, 205:11, 205:16, 206:16, 222:24 mails [10] - 4:2, 4:2, 4:3, 4:3, 4:4, 4:7, 4:7, 4:8, 4:9, 4:11 maintaining [2] - 69:11, 168:7 maintenance [1] - 161:12 male [2] - 25:6, 30:25 mammals [3] - 54:7, 84:17, 183:21 man [1] - 25:1 manager [2] - 41:8, 51:7 manner [3] - 90:16, 215:4, 215:19 manual [2] - 138:21, 150:11 manuals [1] - 89:10 Marcus [1] - 127:13 maria [1] - 8:14 Maria [1] - 8:15 mark [2] - 78:19, 223:7 marked [16] - 22:18, 50:12, 54:10, 66:4, 71:12, 75:3, 78:25, 113:4, 114:10, 116:6, 117:15, 164:16, 177:3, 223:6, 223:8, 237:19 married [3] - 11:6, 11:8, 11:9 mARY [1] - 3:5 MARY [13] - 1:6, 1:11, 1:15, 5:5, 5:10, 7:2, 240:2, 241:1, 241:5, 241:11, 242:6, 242:10, 242:15 Mary [15] - 7:7, 7:23, 7:24, 8:11, 8:25, 13:25, 27:16, 27:17, 63:5, 134:23, 191:22, 192:3 Mary' [1] - 192:9 MaryCummins.com [1] - 49:2	MaryEllen [1] - 52:20 mask [1] - 204:15 Match [4] - 49:9, 49:10, 49:25, 51:8 matter [3] - 9:19, 30:4, 50:9 maximum [1] - 7:13 mayor [4] - 26:13, 51:3, 51:5, 51:6 mburns@ palopintoda.com [1] - 110:10 McConnell [4] - 19:23, 20:5, 20:13, 21:14 MCCONNELL [1] - 20:6 McGee [1] - 12:12 MC GEE [1] - 12:12 MCKENZIE [1] - 2:4 mealworms [13] - 77:4, 137:6, 137:8, 137:9, 150:23, 151:2, 151:13, 151:15, 151:16, 151:20, 151:23, 152:1 mean [50] - 16:8, 21:2, 21:3, 28:2, 29:9, 31:20, 31:21, 31:24, 33:6, 45:16, 70:6, 71:6, 73:2, 73:16, 75:13, 75:17, 75:23, 78:3, 85:5, 90:23, 96:11, 109:7, 114:20, 118:11, 118:16, 119:8, 128:23, 142:10, 142:16, 151:8, 154:16, 162:9, 163:6, 175:25, 179:14, 179:24, 179:25, 210:25, 217:8, 218:7, 218:8, 219:24, 224:19, 227:5, 232:23, 235:21, 236:14, 236:17 means [6] - 28:1, 88:24, 89:3, 89:5, 96:23, 114:16 meant [5] - 78:24, 97:8, 218:13, 236:4, 236:7 media [1] - 16:5 medical [1] - 165:3 medication [3] - 110:23, 111:4, 172:11 medicine [4] - 100:18, 183:17 meet [1] - 228:15 meeting [1] - 117:7 meetings [1] - 51:4	megabytes [1] - 120:21 member [3] - 58:15, 189:3, 218:24 members [3] - 59:8, 179:7, 211:22 mention [1] - 176:15 mentioned [5] - 31:3, 31:8, 141:11, 152:18, 156:7 merely [1] - 204:16 Merrill [5] - 45:18, 45:19, 46:5, 47:22, 48:5 message [10] - 21:7, 21:9, 21:10, 21:13, 21:16, 21:23, 35:10, 120:22, 185:19, 185:23 met [3] - 38:14, 39:6, 65:17 method [4] - 150:3, 151:19, 204:21, 204:25 Mexican [10] - 63:18, 76:1, 149:9, 233:12, 233:14, 233:19, 234:3, 234:6, 235:3, 235:5 Mexico [1] - 233:23 Michael [4] - 1:19, 242:12, 243:17, 244:19 Michelle [3] - 208:22, 208:25, 209:16 Mid [2] - 110:2, 110:4 Mid-Cities [2] - 110:2, 110:4 middle [2] - 8:2, 9:19 midnight [1] - 159:19 might [16] - 43:22, 63:24, 70:5, 70:7, 83:17, 98:16, 105:5, 113:21, 116:4, 151:16, 209:13, 218:18, 218:19, 226:21, 232:21 Mike [2] - 110:13, 163:19 miles [1] - 55:16 mind [3] - 9:24, 38:3, 166:13 mine [1] - 127:7 mineral [1] - 83:8 Mineral [13] - 35:14, 160:11, 160:17, 165:22, 168:18, 168:19, 178:3, 194:22, 195:1, 199:19, 205:24, 217:20
M				
M-A-G-E-E [1] - 12:13 M-U-Z-I-K-A [1] - 36:15 ma'am [14] - 15:9,				

minimum [1] - 7:12
minute [2] - 72:20, 144:4
minutes [2] - 86:5, 86:7
MINUTES [1] - 242:25
mischievous [4] - 197:25, 219:11, 219:20, 220:23
Miss [6] - 16:11, 35:16, 35:24, 38:9, 38:17, 195:6
missing [4] - 101:18, 217:12, 218:3, 218:6
mistaken [1] - 67:24
mistakes [1] - 41:19
mites [3] - 175:3, 175:7, 186:8
mix [1] - 167:7
mixed [1] - 25:2
MMMary [1] - 9:1
MMMARYinLA@aol.com [1] - 104:17
mob [2] - 18:22, 19:5
moderates [1] - 187:18
moderator [1] - 188:7
molars [1] - 181:20
mom [6] - 95:19, 95:22, 98:5, 106:25, 110:19, 233:10
Mom [1] - 97:13
moment [2] - 8:20, 53:5
money [30] - 56:15, 56:20, 56:21, 56:25, 57:6, 57:12, 61:16, 123:21, 125:4, 125:5, 130:1, 130:8, 143:15, 143:17, 159:3, 161:20, 169:21, 170:6, 170:23, 173:16, 173:18, 192:20, 201:21, 202:1, 202:7, 202:11, 202:13, 237:12, 237:17
Monica [6] - 59:15, 60:3, 60:14, 92:24, 196:7, 221:10
monitoring [2] - 183:3, 204:15
month [3] - 188:1, 188:2, 220:7
months [12] - 40:19, 45:24, 47:23, 59:18, 66:21, 66:23, 67:9, 85:16, 175:24, 176:2, 189:12, 214:6

morning [2] - 136:21, 143:6
Moss [1] - 39:5
most [6] - 113:19, 114:7, 149:18, 222:23, 235:11
mother [1] - 198:17
motion [2] - 9:9, 15:7
motive [2] - 222:23, 223:2
motorcycle [1] - 124:11
mount [1] - 140:24
mouth [2] - 75:15, 115:14
move [4] - 11:15, 107:19, 107:23, 108:3
moved [4] - 11:15, 11:17, 14:12, 101:19
movement [6] - 106:2, 106:3, 106:5, 106:7, 106:9, 106:18
moving [1] - 87:1
MP4 [1] - 120:21
MR [65] - 2:4, 2:9, 7:5, 9:8, 9:12, 9:17, 10:1, 10:3, 10:4, 10:7, 10:9, 10:11, 15:5, 50:23, 70:16, 70:17, 70:18, 70:22, 70:24, 70:25, 71:5, 71:6, 71:10, 86:1, 86:3, 86:4, 86:5, 86:6, 89:15, 89:23, 90:6, 94:1, 94:9, 95:16, 98:24, 99:24, 102:2, 106:14, 108:1, 108:8, 108:11, 108:12, 108:16, 108:18, 108:20, 108:22, 108:24, 108:25, 109:6, 109:7, 109:10, 109:12, 109:15, 109:17, 144:6, 150:14, 154:3, 181:4, 206:10, 228:1, 238:22, 238:24, 242:25, 243:4, 243:4
MRI [2] - 133:16, 172:12
MS [2] - 2:14, 71:8
multiple [1] - 29:19
muscle [1] - 182:23
must [2] - 166:24, 167:14
mute [1] - 114:3
Muzika [6] - 36:13, 37:21, 53:21, 196:4, 196:24, 197:8
Myers [3] - 218:22, 218:23, 234:21

Myspace [1] - 216:2

N

name [56] - 7:6, 8:2, 9:3, 11:1, 12:4, 12:8, 12:10, 14:1, 14:2, 14:17, 16:15, 18:6, 18:9, 20:3, 20:5, 22:13, 25:1, 25:6, 28:17, 34:6, 34:20, 34:24, 36:12, 36:14, 52:21, 60:22, 63:6, 67:19, 70:14, 71:15, 73:11, 83:6, 100:2, 111:4, 129:12, 131:21, 144:22, 145:4, 156:20, 156:22, 158:19, 168:12, 188:12, 188:17, 188:18, 189:4, 195:25, 198:19, 208:23, 209:18, 213:1, 213:6, 214:9, 220:13, 228:18, 241:14
NAME [1] - 240:2
named [2] - 47:19, 212:17
names [12] - 7:22, 8:10, 8:13, 8:17, 8:23, 25:2, 35:3, 35:6, 35:8, 139:22, 154:9, 208:20
Nanopierce [2] - 21:10, 21:11
narration [1] - 79:6
nasty [2] - 118:3, 185:20
National [1] - 204:11
native [2] - 53:17, 54:7
nature [2] - 17:17, 189:14
Navarro [4] - 1:19, 242:12, 243:17, 244:19
NEAL [2] - 2:9, 243:4
Neal [1] - 1:21
near [2] - 86:23, 88:8
nebulizer [2] - 167:8, 183:1
necessarily [1] - 75:24
necessary [5] - 104:22, 105:5, 105:6, 105:12, 107:5
necessity [2] - 183:20, 183:25
neck [2] - 77:14, 77:25
need [24] - 46:23,

53:5, 68:22, 71:21, 82:6, 82:7, 82:14, 101:2, 109:19, 122:23, 123:4, 123:6, 123:17, 144:4, 152:19, 170:12, 190:8, 194:15, 196:20, 197:1, 202:18, 220:2, 223:19, 226:3
needed [8] - 23:12, 105:14, 116:1, 170:5, 170:10, 176:8, 220:22, 222:15
needle [1] - 183:6
needles [1] - 31:1
negative [5] - 24:24, 119:3, 119:9, 119:11, 119:22
neglect [5] - 132:12, 180:21, 223:5, 231:2, 237:5
negligence [1] - 137:11
negligent [1] - 173:2
neighbor [1] - 22:10
nervous [1] - 87:11
net [1] - 124:14
never [30] - 9:23, 11:6, 11:9, 24:19, 25:13, 25:19, 41:21, 43:9, 64:24, 65:17, 72:9, 73:23, 80:25, 91:20, 92:3, 92:12, 92:16, 93:14, 120:8, 129:3, 129:7, 170:9, 176:23, 178:6, 213:5, 217:25, 229:12, 229:15, 234:10
New [3] - 20:9, 20:10, 21:1
new [12] - 39:22, 41:11, 41:20, 41:21, 46:3, 49:21, 52:9, 61:18, 226:10, 226:15, 226:18, 226:19
newborn [1] - 186:7
news [8] - 8:21, 30:12, 130:4, 144:8, 144:25, 227:4, 227:9, 227:11
next [20] - 19:18, 19:21, 22:10, 46:15, 46:25, 125:15, 164:20, 169:3, 176:9, 194:4, 194:12, 197:19, 197:22, 199:14, 200:4, 200:12, 201:19, 202:20, 203:11, 211:3
next-door [1] - 22:10

nice [1] - 28:17
night [5] - 25:2, 42:22, 74:13, 143:6, 193:12
nightmare [1] - 221:4
nine [1] - 56:7
ninety [1] - 57:20
ninety-three [1] - 57:20
NO [4] - 1:1, 3:10, 5:1, 242:1
none [5] - 8:20, 57:13, 64:13, 64:14, 178:16
nonprofit [5] - 49:13, 51:13, 51:17, 51:18, 160:25
nonresponsive [15] - 50:23, 89:15, 89:23, 90:6, 94:1, 94:9, 95:16, 98:24, 99:24, 102:2, 106:14, 108:1, 150:14, 154:3, 181:4
nonsterile [3] - 92:6, 92:13, 182:25
normal [1] - 84:10
normally [2] - 29:24, 146:22
North [3] - 10:15, 161:15, 217:21
NORTH [1] - 2:5
NORWOOD [1] - 2:5
nose [1] - 202:18
NOTARY [1] - 241:22
notary [1] - 6:3
noted [1] - 241:2
notes [2] - 51:3, 51:5
nothing [9] - 62:4, 81:18, 100:12, 102:21, 123:16, 130:17, 130:19, 163:20, 213:2
notice [1] - 6:14
Notice [1] - 5:15
noticed [1] - 237:13
November [1] - 124:16
nowhere [1] - 134:6
nuisance [2] - 40:10, 53:19
number [9] - 56:4, 71:7, 71:8, 71:9, 101:18, 150:18, 226:4, 226:5, 226:8
numbered [1] - 1:18
numerous [6] - 115:13, 152:24, 153:5, 153:11, 181:9
nurse [1] - 146:22
nutritional [1] -

151:18	219:4	204:25	47:24	part [6] - 87:10, 97:10, 115:11, 122:18, 187:21, 190:21 parties [5] - 5:8, 5:12, 243:3, 243:7, 244:13 parts [1] - 205:6 party [2] - 186:3, 242:23 pass [1] - 238:22 passed [8] - 39:22, 86:24, 87:4, 87:5, 172:1, 173:8, 173:10, 173:23 passes [4] - 86:23, 88:8, 97:13, 110:20 password [1] - 212:3 past [4] - 29:14, 85:16, 159:19, 195:14 paste [1] - 129:1 Patricia [3] - 63:1, 139:20, 234:12 pause [1] - 82:1 paw [1] - 62:23 pay [21] - 39:23, 46:23, 57:10, 124:21, 160:23, 160:25, 161:4, 161:5, 161:16, 162:2, 162:14, 162:18, 162:19, 162:22, 163:12, 230:23, 237:9, 237:10, 237:11, 237:14, 237:17 PC832 [1] - 45:11 pee [1] - 126:14 pending [1] - 15:6 penis [2] - 34:13, 43:19 Pennsylvania [3] - 19:2, 243:19, 244:21 people [91] - 17:1, 18:4, 21:15, 24:25, 28:17, 29:12, 32:20, 33:1, 33:3, 33:25, 35:3, 42:2, 49:22, 61:13, 69:17, 100:17, 107:3, 116:12, 117:11, 118:23, 119:3, 119:4, 119:6, 119:10, 120:4, 120:8, 120:20, 120:24, 121:6, 121:9, 121:13, 121:14, 126:4, 127:5, 127:22, 129:7, 129:22, 131:11, 139:24, 145:9, 146:18, 146:21, 147:25, 150:10, 150:12, 152:15,
O	old [5] - 44:8, 52:10, 61:10, 114:15, 115:4 older [1] - 62:24 once [11] - 44:1, 72:5, 72:16, 82:4, 88:16, 89:6, 146:13, 148:13, 152:11, 178:23, 183:9 one [77] - 10:10, 22:2, 25:2, 25:18, 37:11, 65:22, 72:5, 74:3, 74:10, 78:23, 80:3, 80:4, 80:5, 80:7, 81:9, 81:21, 81:23, 86:4, 93:5, 96:16, 96:17, 96:19, 97:20, 100:23, 104:18, 106:12, 106:23, 107:1, 107:13, 113:14, 116:3, 116:17, 125:11, 128:12, 128:24, 129:4, 129:10, 132:10, 132:24, 133:7, 133:20, 138:23, 138:24, 139:6, 140:1, 140:3, 144:17, 145:9, 148:22, 149:2, 156:14, 156:17, 166:14, 174:20, 186:15, 191:10, 192:24, 196:2, 201:16, 201:17, 201:18, 202:11, 205:13, 205:17, 209:8, 209:13, 211:14, 212:1, 214:17, 217:22, 220:7, 221:4, 229:1, 229:7, 229:20, 234:10, 237:21 ones [8] - 37:19, 166:11, 185:3, 185:4, 200:20, 200:21, 205:10, 211:9 ongoing [1] - 163:25 online [12] - 37:15, 37:19, 38:19, 38:22, 49:24, 50:4, 118:20, 138:18, 158:20, 224:25, 236:23, 236:24 open [10] - 28:3, 72:4, 72:5, 72:6, 172:20, 204:21, 204:24, 204:25, 215:9, 232:6 Open [1] - 222:6 open-drop [3] - 204:21, 204:24,	operating [1] - 91:10 opinion [8] - 92:7, 95:24, 96:3, 96:5, 98:17, 99:1, 99:9, 105:16 opinions [2] - 183:19, 183:24 opossum [1] - 58:15 optimal [1] - 174:11 options [1] - 28:4 ORAL [2] - 1:10, 1:15 oral [1] - 242:16 Orange [1] - 60:18 order [15] - 9:10, 22:25, 23:2, 23:3, 23:6, 23:13, 23:23, 24:4, 31:10, 34:18, 41:13, 47:20, 87:11, 166:24, 210:4 Order [1] - 5:16 ordered [3] - 89:22, 210:17, 231:8 ordering [1] - 120:3 orders [1] - 119:19 organization [2] - 49:13, 160:25 original [7] - 6:2, 6:4, 6:5, 6:10, 244:2, 244:6, 244:9 originally [2] - 8:6, 145:20 orphaned [3] - 53:17, 101:21, 174:23 orthopedic [1] - 172:6 OTHER [1] - 6:15 otherwise [2] - 228:20, 243:9 outcome [5] - 19:11, 21:25, 23:22, 43:2, 243:10 outing [1] - 33:2 outright [1] - 189:17 outside [1] - 224:21 over-the-counter [2] - 100:1, 100:2 owe [5] - 125:1, 125:4, 125:5, 125:8, 237:6 owl [1] - 78:9 own [12] - 12:22, 51:13, 61:1, 105:15, 124:6, 124:11, 124:22, 160:22, 161:1, 161:6, 163:10, 192:24 owner [2] - 61:18, 231:2 owners [1] - 46:4 Owners [2] - 46:6,	owns [4] - 61:3, 161:14, 161:17, 221:20 oxygen [1] - 167:7	
			P	
			P-R-O-C-E-E-D-I-N-G-S [1] - 7:1 p.m [4] - 1:19, 108:17, 193:12, 193:21 PAGE [3] - 3:2, 3:10, 240:3 page [40] - 54:19, 110:1, 110:9, 120:17, 125:25, 127:25, 131:12, 134:20, 134:23, 164:20, 164:24, 164:25, 174:2, 175:17, 175:18, 175:20, 177:10, 185:21, 186:14, 186:25, 187:7, 190:21, 190:24, 191:4, 192:9, 205:5, 205:12, 205:15, 205:16, 205:19, 205:23, 206:4, 212:23, 213:1, 213:5, 225:16, 229:17, 232:22, 244:4 pages [7] - 117:10, 190:19, 194:15, 205:8, 205:10, 206:17, 232:5 paid [5] - 42:15, 43:5, 43:6, 57:14, 124:20 pain [1] - 87:16 painting [1] - 161:9 pairs [1] - 183:5 pallid [6] - 62:13, 62:14, 114:15, 114:16, 115:4, 115:17 Palo [2] - 107:8, 110:14 panorama [1] - 134:4 paper [1] - 189:9 papers [3] - 118:19, 132:13, 140:4 paranoid [1] - 69:7 paraphrase [2] - 184:7, 189:16 paraphrased [2] - 35:17, 37:8 Parks [8] - 107:7, 160:14, 163:21, 164:12, 164:19, 164:22, 165:3, 205:24	

152:25, 153:6, 153:11, 153:12, 153:23, 154:5, 156:7, 156:9, 156:10, 158:15, 160:8, 174:10, 174:16, 174:17, 176:6, 179:8, 180:20, 186:15, 186:18, 188:10, 192:15, 194:13, 195:4, 208:21, 216:23, 218:12, 219:16, 219:25, 220:2, 222:25, 224:13, 224:21, 225:13, 227:12, 229:3, 229:4, 229:14, 230:11, 230:12, 230:13, 230:21, 232:7, 232:10, 232:16, 232:18 percent [5] - 46:13, 220:7, 220:15, 220:18, 220:19 percentage [1] - 163:9 perform [3] - 181:15, 182:20, 221:5 performed [4] - 105:17, 107:4, 182:9, 183:21 performing [9] - 165:18, 178:22, 181:1, 181:5, 181:9, 181:11, 181:12, 238:18 performs [2] - 139:8, 200:14 period [5] - 73:3, 123:15, 124:4, 210:21, 220:7 permission [25] - 104:1, 115:3, 115:6, 136:11, 136:15, 136:17, 137:15, 137:16, 137:18, 137:24, 138:2, 141:8, 141:10, 141:21, 141:23, 143:22, 143:24, 146:3, 146:5, 147:1, 147:3, 148:15, 148:17, 149:22, 152:11 permit [9] - 117:18, 122:23, 122:25, 123:2, 123:4, 165:20, 194:6, 194:9 Permit [1] - 3:17 permits [4] - 123:6, 176:6, 201:24, 202:15 person [39] - 15:21, 18:6, 19:19, 19:21, 26:17, 31:16, 34:20, 36:5, 37:3, 39:6, 50:21, 61:4, 61:22, 63:4, 81:5, 88:25, 89:3, 118:23, 118:25, 127:20, 127:24, 129:10, 152:21, 156:14, 156:17, 168:10, 169:17, 188:20, 189:15, 195:20, 196:1, 196:13, 196:18, 221:13, 222:21, 231:12, 233:16, 241:14 person's [2] - 168:12, 195:25 personal [23] - 118:9, 118:11, 118:12, 124:23, 133:24, 161:1, 161:6, 161:17, 162:3, 162:6, 162:14, 162:20, 162:22, 163:2, 163:11, 170:18, 173:22, 185:19, 186:14, 194:15, 196:25, 225:19 personally [6] - 161:17, 171:12, 185:4, 203:3, 230:15, 241:11 pesticide [2] - 112:20, 113:21 pet [2] - 49:23, 61:22 PETA [4] - 180:16, 238:3, 238:11, 238:13 Petition [1] - 235:16 PhDs [4] - 139:15, 139:19, 139:21, 139:23 Philadelphia [1] - 19:1 phone [4] - 9:25, 199:15, 199:25, 229:14 photo [9] - 78:7, 85:1, 85:2, 97:22, 128:24, 141:14, 141:16, 141:22, 184:21 photocopier [1] - 70:16 photocopy [1] - 70:18 photograph [6] - 13:22, 63:21, 104:4, 134:3, 186:9, 186:10 Photograph [1] - 3:19 photographs [13] - 133:23, 134:5, 136:13, 136:18, 137:20, 137:22, 138:5, 158:10, 158:14, 212:10, 212:14, 216:13, 216:16 Photographs [1] - 3:21 photos [30] - 49:24, 50:2, 63:7, 90:5, 103:25, 115:7, 125:21, 127:6, 127:9, 134:1, 136:20, 141:20, 141:24, 142:13, 142:17, 146:6, 147:4, 158:2, 158:3, 158:8, 158:9, 158:20, 165:7, 168:22, 174:14, 179:10, 193:1, 210:19, 211:13, 233:7 phrase [1] - 213:9 physical [4] - 9:6, 38:3, 161:8, 172:11 physically [1] - 59:4 PI [1] - 171:1 pick [3] - 39:24, 40:4, 193:17 picked [11] - 105:8, 132:9, 185:3, 185:4, 193:11, 193:16, 193:18, 193:19, 206:23, 220:8, 220:20 picks [2] - 184:13, 184:15 picture [4] - 63:4, 63:16, 136:7, 216:1 pictures [3] - 77:15, 77:19, 77:22 piece [2] - 98:7, 98:8 pieces [1] - 34:14 piggy [1] - 160:22 pink [1] - 97:17 pinning [1] - 139:10 Pinto [2] - 107:8, 110:14 pit [4] - 144:18, 228:22, 228:24, 229:4 pit-bull [1] - 144:18 place [5] - 45:15, 101:20, 128:7, 163:24, 215:16 placenta [1] - 186:7 places [1] - 45:13 plaintiff [1] - 17:15 Plaintiff [1] - 224:21 Plaintiffs [19] - 50:13, 52:1, 54:11, 62:9, 66:5, 67:11, 75:3, 77:17, 113:5, 116:7, 120:12, 122:8, 134:13, 206:3, 235:15, 235:19, 236:2, 236:14, 236:18 plaintiffs [1] - 224:14 plaintiffs [2] - 1:3, 242:3 Plaintiffs [3] - 5:10, 243:4, 244:9 PLAINTIFFS [2] - 1:16, 2:3 plans [1] - 202:16 plastic [2] - 98:8 play [9] - 76:7, 81:25, 113:4, 135:19, 140:7, 174:10, 174:16, 174:18, 203:8 player [1] - 134:14 playing [13] - 79:7, 82:2, 82:16, 88:5, 90:3, 91:2, 93:17, 96:7, 97:5, 114:4, 140:9, 179:1, 179:9 plea [2] - 19:15, 22:3 pleading [1] - 22:1 pleased [1] - 130:23 ploy [1] - 200:7 plus [1] - 170:6 PO [2] - 13:18, 13:19 point [4] - 9:13, 39:15, 73:1, 90:10 pointing [1] - 112:25 poisoning [2] - 112:20, 113:21 poking [5] - 82:19, 82:20, 82:21, 82:23, 90:11 police [28] - 24:14, 32:6, 33:23, 34:16, 160:17, 165:5, 165:21, 166:12, 168:3, 168:14, 168:18, 168:19, 178:3, 197:23, 205:24, 217:6, 217:14, 217:16, 217:22, 218:2, 218:19, 219:13, 222:3, 222:5, 222:8, 222:11, 222:12, 225:11 Police [1] - 45:2 policies [2] - 46:1, 46:2 policy [1] - 39:22 pooh [1] - 126:13 poor [1] - 27:18 popping [1] - 76:8 popular [1] - 129:24 porn [1] - 30:24 Port [1] - 145:19 Port-A-Bugs [1] - 145:19 portion [1] - 98:22 posed [1] - 118:16 position [6] - 53:7, 53:9, 138:11, 138:12, 138:13, 146:16 positive [8] - 18:10, 18:19, 18:24, 60:21, 220:8, 220:16, 220:20, 221:25 possesses [1] - 202:22 possession [5] - 166:15, 166:17, 166:22, 167:18, 238:17 possible [2] - 83:18, 89:5 possibly [3] - 60:19, 113:11, 113:13 post [74] - 8:21, 21:22, 30:24, 31:4, 33:8, 35:13, 36:2, 37:11, 38:4, 38:6, 38:22, 63:2, 118:19, 119:9, 119:12, 120:4, 120:9, 120:19, 121:10, 125:13, 128:25, 132:16, 134:5, 136:12, 136:17, 137:17, 137:19, 138:2, 141:19, 141:22, 141:23, 142:4, 143:11, 143:23, 146:5, 146:7, 146:11, 148:16, 148:19, 149:15, 149:19, 149:22, 151:4, 152:4, 152:12, 158:25, 159:12, 178:24, 184:3, 186:17, 186:24, 187:17, 188:9, 188:10, 188:14, 188:16, 188:21, 189:6, 189:13, 190:3, 195:9, 209:12, 210:3, 210:6, 216:1, 216:21, 219:23, 219:24, 224:13, 227:8, 227:14, 229:7, 229:17, 229:19 post-exposure [1] - 159:12 posted [75] - 21:16, 24:24, 26:11, 36:9, 36:25, 37:16, 38:7, 38:18, 38:19, 118:6, 118:9, 119:14, 119:22, 120:11,

126:21, 127:25,
128:5, 128:7, 128:17,
130:15, 131:2,
131:12, 132:19,
141:7, 141:13,
141:14, 141:16,
142:12, 148:20,
149:20, 158:20,
160:8, 160:10,
164:25, 174:2,
178:16, 178:20,
185:20, 191:19,
192:18, 194:2, 195:5,
195:7, 198:5, 198:9,
206:20, 208:1, 208:2,
208:4, 208:7, 208:10,
208:11, 208:15,
208:19, 209:7,
209:11, 209:13,
211:1, 213:19,
213:21, 216:3, 217:6,
217:25, 219:13,
219:22, 225:22,
227:3, 227:19, 229:9,
229:12, 229:16,
231:17
posting [10] - 9:4,
118:24, 119:3, 119:7,
128:20, 158:25,
192:8, 217:10,
225:12, 225:16
postings [1] - 222:24
Postings [1] - 3:16
Postings.....
..... [10] - 3:14, 3:16,
3:21, 4:4, 4:5, 4:5,
4:6, 4:8, 4:9, 4:10
posts [6] - 37:12,
150:11, 188:8,
188:13, 195:21,
232:19
pouch [5] - 145:17,
145:22, 145:23,
146:15, 146:18
pouches [1] - 145:25
pounds [1] - 30:25
powder [1] - 151:24
pre [2] - 122:17,
122:22
pre-license [2] -
122:17, 122:22
pregnant [1] - 106:4
premises [1] -
159:21
preparing [4] -
151:1, 151:19, 244:9
prescription [1] -
203:18
prescription-only [1]
- 203:18
PRESENT [1] - 2:13

present [6] - 77:10,
77:12, 78:17, 79:1,
103:19, 104:2
presentations [2] -
58:3, 58:4
presented [1] - 68:5
president [2] - 53:8,
53:10
pretended [1] - 25:1
pretty [4] - 25:6,
28:18, 71:23, 98:15
prevail [1] - 10:6
prevent [1] - 87:11
primary [1] - 74:8
prison [1] - 7:13
private [8] - 49:13,
118:11, 118:13,
125:25, 185:23,
211:22, 212:1, 231:24
pro [7] - 24:5, 24:6,
24:7, 42:25, 230:16,
230:18, 231:1
problem [1] - 219:17
problems [3] - 80:15,
80:19, 235:12
Procedure [5] - 1:23,
5:8, 5:21, 6:13, 6:13
procedure [2] -
92:13, 139:16
procedures [2] -
104:5, 193:3
proceeding [1] -
243:8
proceedings [1] -
239:1
process [3] - 123:24,
215:1, 215:20
procured [2] - 122:4,
122:5
produce [3] - 119:19,
156:3, 158:12
produced [3] - 1:16,
6:9, 158:7
professional [1] -
40:25
profile [3] - 44:1,
233:4, 237:22
Profile.....
..... [1] - 4:12
program [5] - 27:22,
57:21, 59:1, 59:3,
130:3
programs [3] -
57:23, 58:8, 124:3
prohibited [4] -
120:5, 121:7, 123:14,
194:7
project [4] - 115:11,
202:1, 202:11, 202:14
prolapse [8] - 85:5,
85:7, 93:21, 94:5,

94:15, 95:5, 95:11,
96:23
prolapsed [2] -
93:23, 94:23
promised [1] - 41:20
promoters [1] -
40:25
prompted [1] -
153:19
pronounce [1] -
22:13
proof [1] - 155:25
propagating [1] -
194:7
proper [5] - 22:1,
61:20, 139:16,
183:15, 193:2
properly [3] - 139:8,
153:22, 167:4
Properties [2] -
46:16, 47:9
Property [1] - 47:25
property [12] - 12:22,
23:9, 45:21, 46:4,
46:8, 54:9, 55:1, 61:1,
124:6, 215:9, 221:20,
222:9
proposed [1] -
104:11
proprietary [5] -
146:23, 146:25,
150:7, 150:8, 152:9
prosecuted [3] -
32:22, 93:6, 93:9
protect [2] - 21:24,
230:17
protected [1] -
227:24
protection [1] -
231:4
protective [1] - 9:10
protest [1] - 65:14
protocol [1] - 61:25
protocols [3] -
61:21, 61:24, 152:19
proved [1] - 241:11
provide [2] - 40:10,
155:25
provided [2] - 171:6,
204:3
provider [1] - 214:9
providing [2] - 15:5,
169:22
provisions [1] - 1:23
proxy [2] - 29:21,
225:23
pseudonyms [1] -
104:18
PT [1] - 124:10
PUBLIC [1] - 241:22
public [23] - 6:3,

21:12, 31:1, 53:18,
54:17, 54:18, 58:15,
102:5, 128:7, 137:20,
160:1, 160:3, 160:4,
161:23, 179:7,
186:24, 188:1,
198:25, 199:16,
211:22, 220:3, 223:4,
232:6
publicly [1] - 225:6
publish [13] -
136:12, 136:17,
137:19, 138:6, 142:5,
142:10, 142:16,
142:19, 142:22,
146:3, 147:1, 147:3,
184:12
published [9] - 19:4,
54:18, 87:22, 125:10,
186:3, 191:1, 191:3,
191:4
pull [7] - 90:13,
96:10, 129:4, 130:4,
130:5, 130:11, 205:9
pulled [1] - 96:23
pulling [3] - 96:11,
96:21, 128:18
pulls [6] - 93:20,
94:4, 94:14, 96:8,
129:2, 130:12
purchase [1] - 203:5
purchases [1] -
202:22
purpose [5] - 79:19,
119:6, 121:9, 214:21,
214:22
purposes [1] -
241:16
pursuant [4] - 1:22,
5:8, 243:1, 243:11
PURSUANT [1] -
5:14
Pursuant [2] - 6:13,
6:13
push [2] - 81:24,
98:10
put [48] - 44:1, 49:24,
50:3, 54:8, 63:22,
74:10, 74:15, 75:2,
86:17, 98:7, 98:8,
103:1, 105:2, 105:9,
113:6, 116:14,
125:14, 127:2,
127:21, 129:10,
143:19, 147:15,
147:22, 148:1, 148:2,
148:22, 148:25,
151:12, 167:10,
173:5, 182:22,
193:24, 206:9, 210:5,
210:13, 210:22,
211:6, 211:8, 213:11,

216:16, 218:11,
219:12, 222:15,
226:14, 231:22,
232:16, 236:25
puts [2] - 204:16,
204:17
putting [4] - 63:24,
83:12, 91:3, 134:13

Q

Q-tip [2] - 83:11,
98:10
qualification [1] -
95:3
qualifications [3] -
94:21, 95:7, 183:16
qualified [22] - 81:7,
81:10, 81:12, 89:7,
93:22, 94:2, 94:6,
94:12, 94:17, 94:20,
95:24, 96:3, 96:4,
96:20, 98:17, 98:19,
99:1, 105:16, 139:12,
183:19, 183:24,
227:16
qualifies [1] - 233:15
quarantine [1] -
174:25
quarters [1] - 133:24
questions [2] -
19:20, 238:24
quick [2] - 206:10,
228:1
quicker [1] - 226:5
quite [11] - 26:8,
40:24, 42:4, 76:5,
95:22, 100:22,
114:24, 147:25,
154:15, 157:17,
183:13
quoting [1] - 224:15

R

R-I-T-T-E-R-E-I-S-E-
R [1] - 18:13
R-O-A-C-H-E [1] -
208:24
rabbits [1] - 95:4
rabid [1] - 112:24,
113:11, 113:13,
153:1, 153:7, 153:9,
184:14, 184:15,
185:6, 202:24, 206:24
rabies [39] - 59:21,
62:1, 111:2, 111:11,
111:14, 112:1, 112:5,
112:19, 112:25,
113:19, 114:6, 114:8,

153:20, 153:21, 157:25, 166:2, 166:7, 166:15, 167:22, 169:14, 169:16, 185:2, 185:3, 185:15, 198:14, 198:16, 202:23, 203:5, 203:14, 203:15, 203:23, 207:15, 207:21, 220:5, 220:6, 220:9, 220:12, 220:16, 220:20	ready [1] - 135:13 real [8] - 45:18, 45:19, 46:18, 47:3, 47:13, 47:25, 48:21, 124:7 realized [1] - 153:21 really [16] - 26:14, 68:1, 80:22, 81:14, 85:11, 89:7, 92:14, 94:10, 106:6, 108:13, 139:10, 159:10, 159:22, 226:11, 227:15, 236:3 reason [3] - 119:5, 148:22, 170:24 REASON [1] - 240:3 reasons [4] - 15:15, 151:18, 230:16, 244:5 Rebecca [9] - 15:17, 15:21, 15:24, 31:17, 32:3, 38:11, 38:16, 39:1, 224:25 Rebecca's [1] - 118:19 recap [1] - 231:21 receipt [1] - 6:14 receive [3] - 7:12, 147:8, 186:21 received [12] - 16:21, 17:9, 29:7, 37:14, 50:17, 56:6, 164:12, 172:10, 176:4, 176:7, 194:8, 219:13 recent [1] - 226:25 recently [4] - 38:25, 57:24, 118:21, 144:25 recognize [15] - 22:19, 50:13, 54:12, 62:10, 76:12, 77:19, 85:25, 113:8, 114:12, 116:7, 135:8, 135:20, 139:17, 145:12, 206:3 reconsider [1] - 9:9 record [13] - 1:23, 6:5, 7:6, 9:15, 32:15, 51:3, 59:21, 87:21, 109:20, 109:24, 154:1, 242:17, 243:3 Record [1] - 3:11 Record [1] - 3:15 Records [1] - 222:6 records [1] - 226:6 red [10] - 72:7, 72:9, 76:15, 135:23, 135:25, 136:3, 136:24, 148:9, 154:14 redact [1] - 194:15 refer [4] - 90:22, 180:5, 235:22, 238:10	refused [1] - 171:9 refusing [1] - 68:19 REGARDING [4] - 5:18, 6:1, 6:8, 6:12 registered [1] - 51:18 Registration [2] - 243:18, 244:20 regular [8] - 6:14, 169:17, 172:6, 194:1, 206:25, 229:8, 232:2, 232:21 regulations [2] - 162:1, 194:5 rehab [9] - 58:11, 72:8, 72:9, 74:13, 118:4, 134:4, 164:15, 164:22, 180:19 rehabbers [2] - 40:5, 40:21 rehabbing [1] - 234:25 rehabilitate [1] - 53:24 rehabilitated [1] - 235:6 rehabilitation [2] - 179:22, 180:9 Rehabilitation [3] - 3:17, 204:12, 204:13 rehabilitator [2] - 39:3, 233:18 rehabilitators [1] - 180:16 rehab [1] - 202:17 related [2] - 51:11, 243:7 relating [1] - 49:4 release [2] - 53:17, 55:16 released [1] - 101:12 relief [1] - 87:17 remaining [1] - 74:13 remains [1] - 194:8 remember [17] - 34:24, 45:11, 47:10, 47:12, 60:19, 93:11, 131:6, 135:17, 138:9, 138:10, 139:22, 142:1, 189:5, 214:24, 215:4, 225:18, 235:17 remind [1] - 190:10 Remove [1] - 195:13 remove [5] - 35:14, 35:18, 38:20, 195:3 removed [3] - 104:23, 110:6, 210:19 removing [1] - 211:14 render [3] - 95:24, 183:19, 183:24	renew [1] - 123:11 renewal [2] - 117:18, 117:25 renewed [1] - 123:12 renewing [1] - 122:24 rented [1] - 14:24 repairs [2] - 139:13, 161:9 repeat [7] - 50:24, 89:1, 97:24, 102:25, 103:11, 183:22, 231:6 repeated [1] - 214:16 repeatedly [1] - 185:20 rephrase [2] - 137:17, 188:22 replay [1] - 84:6 replies [1] - 190:5 report [26] - 24:14, 25:8, 33:8, 33:23, 34:16, 54:15, 54:16, 56:20, 115:21, 116:2, 122:10, 152:23, 153:4, 153:15, 166:11, 168:3, 169:3, 202:24, 217:6, 218:2, 221:5, 222:3, 222:5, 222:8, 222:11, 225:11 Report [1] - 3:12 Report [1] - 3:17 reported [15] - 1:20, 56:23, 61:21, 152:20, 152:24, 153:2, 153:5, 165:21, 166:6, 166:7, 169:9, 176:24, 182:4, 182:15, 182:17 Reporter [1] - 242:12 reporter [5] - 6:6, 6:9, 7:16, 18:14, 30:12 Reporter's [1] - 3:7 REPORTER'S [1] - 242:9 reports [4] - 32:6, 197:23, 217:22, 219:14 reposting [1] - 214:23 represent [2] - 19:13, 93:14 representation [1] - 230:21 represented [1] - 24:3 representing [1] - 5:12 reprimand [1] - 58:18	reprimanding [1] - 58:19 reproduce [2] - 201:23 reputation [1] - 102:6 request [6] - 129:9, 144:15, 187:13, 197:5, 219:23, 222:6 requested [1] - 6:14 requirements [2] - 47:16, 243:11 rescue [9] - 53:23, 54:1, 55:18, 56:1, 126:8, 126:11, 126:18, 126:20, 126:22 Rescue [4] - 49:9, 49:10, 49:25, 51:9 rescued [4] - 54:4, 54:21, 55:9, 55:23 rescues [1] - 53:16 research [2] - 89:10, 115:11 researcher [1] - 220:11 researchers [1] - 139:23 researching [3] - 153:20, 225:14, 234:13 reservations [2] - 72:22, 73:5 reserve [1] - 238:24 Reserve [1] - 5:19 resources [1] - 150:13 respiration [1] - 183:3 response [11] - 84:14, 84:16, 137:21, 163:16, 163:17, 163:18, 163:21, 176:5, 176:7, 193:6, 235:25 responsible [3] - 72:11, 74:2, 144:18 rest [3] - 117:24, 118:2, 190:23 restrain [2] - 23:5, 23:7 restraining [10] - 22:25, 23:1, 23:3, 23:6, 23:12, 23:23, 24:4, 34:18, 47:20, 210:4 restroom [1] - 144:5 result [2] - 33:20, 214:17 resulted [1] - 169:23 results [4] - 96:14,
---	---	---	--	---

164:3, 219:23, 219:24
retaliation [1] - 38:19
retrieve [1] - 183:7
retrieved [1] - 116:4
return [3] - 6:14,
 74:8, 242:21
returned [6] - 6:6,
 74:4, 111:23, 244:2,
 244:4, 244:6
reunion [2] - 134:19,
 134:23
reveal [1] - 43:13
Revenue [1] - 162:1
revenue [5] - 56:10,
 56:25, 57:16, 57:21
revenues [1] - 57:3
revoked [1] - 121:25
reword [2] - 180:7,
 181:6
Richard [2] - 169:18,
 172:15
rid [1] - 55:13
righteous [1] -
 230:14
rights [2] - 180:19,
 230:25
Rio [1] - 45:2
risks [1] - 236:18
Rittereiser [6] - 18:8,
 18:11, 18:12, 18:16,
 18:23, 19:8
RITTIREISER [1] -
 18:10
RITTIRIZER [1] -
 18:12
Rivera [2] - 8:14,
 8:15
Roache [2] - 208:22,
 209:16
roaches [1] - 175:6
Robert [1] - 176:8
robot [4] - 129:23,
 130:3, 226:9, 226:13
robots [4] - 129:25,
 130:2, 130:5, 130:10
room [4] - 124:21,
 134:1, 134:4, 159:11
rooms [1] - 30:24
roost [4] - 114:22,
 114:23, 115:4, 115:5
rotting [1] - 174:20
row [1] - 69:4
rudely [1] - 159:18
Rule [2] - 243:11,
 244:12
RULE [1] - 244:1
ruled [2] - 9:13, 9:20
rules [15] - 104:7,
 104:14, 104:15,
 136:15, 136:16,
 137:20, 138:4, 138:7,

142:1, 143:25,
 148:13, 148:18,
 149:25, 152:13,
 162:12
Rules [6] - 1:22, 5:8,
 5:20, 6:13, 6:13,
 104:4
ruling [3] - 9:10,
 9:22, 15:6
run [2] - 76:6, 146:13
running [1] - 215:20
runs [5] - 38:10,
 126:9, 174:9, 185:5,
 195:20

S

S-C-H-O-E-M-A-N [1] -
 52:22
S-I-M-A-S [1] - 22:11
S-T-E-W [1] - 12:7
safety [7] - 32:7,
 32:16, 33:21, 34:10,
 34:11, 220:3, 223:4
salary [1] - 57:10
sales [1] - 47:3
San [1] - 219:3
sanctuaries [1] -
 169:13
Sanctuary [33] -
 66:2, 74:18, 87:15,
 91:25, 110:24,
 125:15, 131:9, 145:8,
 152:15, 155:25,
 160:3, 160:13,
 160:22, 169:22,
 170:2, 173:24,
 177:17, 178:12,
 185:5, 192:11,
 197:16, 198:12,
 198:18, 199:16,
 200:1, 208:18,
 212:15, 217:15,
 219:12, 219:21,
 220:24, 223:3, 232:12
SANCTUARY [3] -
 1:2, 5:2, 242:2
sanctuary [12] -
 53:20, 65:25, 125:15,
 126:14, 160:4,
 172:18, 174:9,
 174:13, 185:10,
 185:13, 193:18,
 206:24
sanctuary@
BatWorld.org [1] -
 188:19
Santa [6] - 59:15,
 60:3, 60:14, 92:24,
 196:7, 221:10
Sarah [2] - 158:19,

185:25
sat [1] - 114:24
save [4] - 104:24,
 110:7, 192:22, 201:21
saved [1] - 187:8
saving [2] - 192:21,
 231:3
saw [42] - 33:7,
 36:10, 46:23, 58:14,
 72:9, 72:25, 79:22,
 80:9, 81:18, 85:12,
 86:25, 91:18, 91:20,
 92:3, 92:6, 94:18,
 102:1, 103:25, 105:8,
 106:5, 106:9, 115:7,
 132:18, 142:12,
 142:13, 155:21,
 165:8, 167:11,
 174:13, 174:14,
 176:19, 180:10,
 181:13, 181:17,
 181:20, 181:22,
 181:25, 182:20,
 204:19, 210:1, 221:3
scam [1] - 33:7
scams [1] - 33:14
scan [5] - 170:5,
 170:9, 170:10,
 170:12, 204:3
Schoeman [1] -
 52:20
Schoeman's [1] -
 53:9
school [7] - 44:11,
 44:13, 44:15, 45:14,
 45:15, 134:19, 134:23
School [1] - 44:16
scissors [3] - 86:22,
 88:7, 88:13
Scott [3] - 169:19,
 170:20, 171:4
se [4] - 24:5, 24:6,
 24:7, 42:25
seal [1] - 241:18
searched [5] -
 111:23, 217:11,
 217:13, 217:16, 222:9
second [7] - 31:16,
 110:9, 111:4, 164:24,
 175:17, 177:10,
 205:16
secretly [1] - 215:12
secrets [5] - 35:23,
 35:25, 37:6, 37:7,
 38:6
sections [1] - 201:1
security [1] - 17:10
see [64] - 6:17, 13:8,
 25:3, 27:5, 27:19,
 29:17, 29:20, 29:24,
 38:10, 59:16, 59:17,

62:19, 71:17, 71:21,
 74:25, 78:1, 80:16,
 80:19, 85:24, 100:4,
 100:7, 106:3, 106:7,
 112:11, 115:8,
 121:14, 121:15,
 122:18, 126:1,
 126:15, 127:5,
 131:23, 131:25,
 133:2, 143:2, 145:5,
 150:10, 155:10,
 155:14, 161:21,
 164:7, 172:2, 173:4,
 173:6, 177:22,
 179:13, 179:15,
 181:15, 183:5, 186:8,
 188:16, 196:24,
 203:5, 210:15,
 211:22, 212:1, 212:4,
 219:4, 219:6, 223:19,
 226:14, 226:18, 233:7
seeking [1] - 33:13
seem [1] - 37:3
sees [1] - 102:15
self [4] - 47:4, 48:10,
 48:21, 112:17
self-employed [3] -
 47:4, 48:10, 48:21
self-feed [1] - 112:17
sell [3] - 12:25,
 47:13, 171:9
seller [1] - 214:9
selling [2] - 45:21,
 194:7
send [26] - 29:19,
 36:2, 42:21, 62:3,
 66:1, 121:11, 128:13,
 163:24, 169:18,
 173:18, 176:8,
 185:24, 196:20,
 197:5, 197:11, 200:2,
 209:4, 209:5, 209:15,
 209:24, 221:16,
 224:13, 229:1,
 231:11, 237:12, 238:3
sending [6] - 15:19,
 15:24, 26:19, 28:8,
 61:13, 194:21
sends [3] - 26:17,
 29:10, 189:8
senior [1] - 164:22
sense [1] - 196:22
sent [59] - 6:14,
 16:10, 26:8, 26:11,
 26:13, 26:24, 27:2,
 27:4, 27:15, 30:21,
 31:2, 37:4, 40:19,
 41:2, 66:6, 68:2, 93:7,
 103:14, 103:15,
 103:16, 110:2,
 110:13, 110:18,
 120:8, 128:15,

130:24, 132:20,
 158:23, 162:24,
 162:25, 165:7,
 165:13, 172:15,
 173:16, 174:7,
 175:19, 175:21,
 175:25, 176:4, 176:9,
 180:15, 185:19,
 185:25, 187:12,
 195:8, 196:24, 197:8,
 205:23, 206:4, 206:8,
 206:9, 206:16,
 208:21, 216:22,
 217:22, 223:12,
 224:16, 224:20,
 228:21
separate [4] - 95:15,
 95:18, 95:19, 166:19
September [2] -
 242:20, 243:14
series [2] - 139:14,
 159:13
served [7] - 214:25,
 215:3, 215:6, 215:8,
 215:13, 215:19,
 244:13
server [4] - 129:5,
 215:1, 215:20, 225:23
servers [1] - 29:21
service [3] - 57:21,
 214:8, 215:16
Service [1] - 121:17
services [1] - 192:12
Services [7] - 36:22,
 41:9, 41:12, 49:8,
 49:20, 50:7, 58:5
set [3] - 40:1, 144:22,
 226:9
setting [1] - 10:8
settled [1] - 43:3
seven [2] - 218:14,
 226:7
several [5] - 85:16,
 112:2, 128:13,
 190:19, 232:15
sew [1] - 78:7
sewing [1] - 158:1
sexual [3] - 42:1,
 42:17, 42:22
sexually [3] - 27:1,
 27:3, 42:20
shadow [1] - 149:10
SHALL [1] - 5:14
shall [1] - 6:10
share [5] - 35:23,
 37:6, 43:15, 141:5,
 208:17
shareholders [1] -
 40:24
shelter [2] - 49:14,
 50:3

Sheridan [2] - 52:25, 53:2	69:1, 70:1, 70:14, 72:24, 73:3, 73:21, 104:8, 104:9, 104:15, 112:19	220:14, 224:13, 224:17, 225:19, 226:3, 226:7, 226:14, 226:20, 229:3, 229:5, 231:18	219:9	squeezing [2] - 76:10, 76:23
shine [1] - 26:24	SIGNATURE [2] - 6:1, 240:1	sites [20] - 27:14, 29:24, 57:5, 87:25, 128:10, 128:13, 128:14, 128:17, 129:4, 130:4, 130:6, 130:16, 208:3, 208:7, 208:11, 208:15, 208:19, 209:12, 214:12	somewhat [1] - 227:15	squirrel [3] - 30:24, 58:25, 59:2
ships [2] - 207:16, 207:21	Signature [2] - 3:6, 244:4	sitting [1] - 63:7	somewhere [4] - 36:17, 48:9, 187:5, 196:8	squirrels [1] - 59:5
shock [6] - 86:23, 87:2, 87:9, 88:9, 97:13, 110:20	signature [10] - 6:6, 67:14, 70:11, 70:12, 71:14, 71:18, 71:19, 71:25, 241:1, 242:21	situation [1] - 182:25	sonar [1] - 185:25	stab [4] - 23:16, 84:4, 84:7, 84:13
shocked [1] - 192:23	signature's [1] - 70:15	six [8] - 40:19, 45:24, 47:23, 74:20, 108:9, 108:25, 218:14, 226:7	soon [3] - 129:24, 169:1, 210:19	stabbed [2] - 23:17, 84:3
short [3] - 44:24, 80:3, 80:5	Signature..... [1] - 4:10	skin [1] - 182:23	sorry [2] - 146:20, 153:3	stack [3] - 199:15, 199:18, 199:25
shorthand [1] - 1:20	signatures [1] - 6:17	skip [1] - 108:13	sort [7] - 33:13, 119:2, 151:17, 176:20, 210:8, 215:15, 223:22	stairs [1] - 134:2
Shorthand [1] - 242:12	signed [12] - 6:2, 66:9, 66:13, 66:25, 67:1, 67:8, 67:23, 68:2, 70:4, 70:7, 71:14, 210:17	slashed [2] - 197:25, 220:23	sounded [2] - 217:12, 218:6	stairsteps [1] - 133:23
shot [2] - 141:18, 154:2	significance [1] - 115:25	slashing [1] - 219:20	sounds [2] - 69:7, 192:18	stalk [2] - 26:6, 35:9
shots [1] - 141:19	signs [1] - 215:11	sledgehammer [1] - 23:14	source [14] - 27:5, 27:10, 27:13, 27:18, 27:20, 27:23, 27:25, 28:4, 29:17, 95:2, 188:12, 188:15, 188:16, 208:15	stalked [14] - 23:15, 25:21, 26:3, 28:23, 29:1, 29:6, 29:9, 30:17, 32:25, 35:4, 40:23, 41:1, 116:12
show [26] - 50:12, 57:19, 62:9, 74:24, 75:4, 77:17, 103:12, 116:6, 119:6, 119:22, 125:19, 142:25, 171:19, 175:14, 184:17, 185:17, 186:5, 190:17, 193:2, 206:2, 212:5, 222:21, 223:8, 229:21, 231:20, 237:20	Simas [7] - 22:9, 22:14, 22:15, 22:22, 22:24, 23:11	sleep [1] - 135:12	South [2] - 11:19, 233:25	stalker [1] - 192:8
showed [5] - 36:6, 98:21, 98:22, 128:14, 130:16	similar [2] - 71:23, 216:25	sleeping [1] - 114:22	southern [1] - 234:16	stalkers [3] - 43:18, 116:11, 118:4
showing [21] - 22:18, 52:1, 54:10, 58:10, 61:8, 66:4, 117:9, 117:15, 120:12, 135:7, 164:16, 172:14, 174:5, 177:3, 177:9, 180:13, 186:22, 204:7, 205:21, 226:6, 228:3	single [2] - 62:7, 176:19	slept [1] - 175:8	space [2] - 46:24, 109:19	stalking [25] - 24:11, 24:12, 24:17, 24:20, 25:11, 26:12, 26:15, 26:16, 26:18, 26:21, 28:8, 28:20, 30:19, 31:4, 31:5, 31:11, 34:17, 34:23, 35:12, 37:25, 38:2, 117:11, 145:10, 158:24, 194:17
shown [5] - 13:10, 77:1, 77:3, 77:6, 244:13	singleton [3] - 131:22, 156:15, 158:15	small [4] - 42:3, 54:7, 55:5, 131:5	Spain [1] - 124:16	stamp [1] - 212:1
shows [5] - 13:13, 55:23, 139:15, 195:23, 215:18	Singleton [11] - 73:9, 73:10, 154:10, 154:23, 155:10, 156:12, 156:25, 157:2, 158:11, 159:14, 179:3	smart [2] - 25:7, 28:18	spam [5] - 147:8, 147:12, 147:15, 147:22, 148:2	standing [1] - 82:24
shut [4] - 98:5, 99:5, 99:11, 207:3	Site [12] - 3:14, 3:16, 3:16, 3:21, 4:4, 4:5, 4:5, 4:6, 4:6, 4:8, 4:9, 4:10	smear [2] - 199:7, 199:11	species [3] - 114:17, 151:21, 151:22	Stark [11] - 25:23, 25:24, 26:1, 28:23, 29:5, 30:6, 30:20, 32:2, 32:3, 32:5, 32:21
shuts [1] - 87:10	site [54] - 30:1, 41:11, 49:1, 49:21, 49:23, 50:4, 57:1, 61:6, 61:11, 61:14, 62:18, 63:2, 121:16, 122:7, 126:21, 128:20, 128:25, 129:1, 129:2, 129:3, 129:5, 129:25, 130:7, 130:9, 159:1, 164:25, 174:14, 179:11, 190:22, 191:3, 191:23, 191:25, 193:2, 198:24, 199:1, 199:3, 200:11, 217:5, 217:25, 219:12, 219:23, 219:25,	Smith [2] - 47:17, 47:19	specific [2] - 57:2, 184:9	STARK [1] - 26:1
shuttered [1] - 215:10		so.. [1] - 127:25	specifically [7] - 21:2, 49:6, 64:25, 69:14, 78:3, 138:1, 225:25	start [5] - 45:14, 49:3, 86:10, 108:23, 194:16
siblings [1] - 13:2		soak [1] - 167:9	spell [9] - 11:3, 18:9, 34:6, 36:14, 52:21, 60:20, 111:6, 208:23, 209:18	started [9] - 28:20, 38:13, 38:14, 48:10, 49:15, 51:13, 117:5, 158:22, 187:22
sic [1] - 35:14		soaks [1] - 204:16	spelled [2] - 12:8, 19:24	starts [1] - 104:20
sick [3] - 115:4, 185:3, 185:4		societies [2] - 180:16, 180:19	spelling [1] - 22:11	state [11] - 7:6, 115:17, 124:6, 125:3, 153:4, 184:12, 207:16, 207:22, 221:2, 221:6, 221:19
side [4] - 71:21, 238:9		Society [1] - 183:12	spend [2] - 202:12, 225:12	State [6] - 1:19, 51:19, 51:22, 58:19, 152:23, 242:13
sides [1] - 98:12		sold [3] - 46:8, 46:18, 47:25	spent [2] - 46:22, 226:6	STATE [2] - 241:7, 241:23
sign [18] - 66:9, 68:1, 68:9, 68:12, 68:16, 68:18, 68:22, 68:25,		someone [34] - 26:22, 29:10, 35:13, 40:20, 53:5, 58:14, 58:15, 62:13, 68:5, 69:16, 84:16, 116:24, 118:17, 128:24, 128:25, 133:9, 151:1, 176:7, 177:5, 185:20, 189:17, 195:2, 195:9, 197:25, 200:6, 208:4, 218:18, 219:20, 224:15, 230:6, 230:17, 231:1, 231:15, 235:25	spiders [1] - 175:7	statement [52] - 17:6, 19:5, 21:14,
		sometimes [5] - 9:3, 42:3, 130:11, 185:9,	split [1] - 11:11	

93:22, 94:3, 94:7,
94:13, 94:17, 94:22,
95:4, 95:8, 122:7,
132:6, 132:16,
133:19, 160:1, 160:2,
160:6, 174:8, 175:4,
185:7, 194:4, 194:12,
194:18, 194:23,
197:19, 197:20,
197:22, 198:2,
198:13, 199:9,
199:14, 200:4,
200:12, 200:15,
201:19, 202:2,
202:20, 203:7,
203:11, 206:22,
207:2, 207:10,
207:14, 207:19,
224:12, 224:17,
224:24, 225:5
statements [24] -
20:12, 20:22, 20:25,
21:6, 31:5, 52:7,
87:19, 125:22, 127:2,
127:8, 186:2, 186:11,
191:1, 191:13,
191:14, 193:23,
197:14, 198:8,
206:19, 228:6, 228:9,
231:21, 232:10,
232:22
States [5] - 15:10,
121:17, 160:15,
183:12, 233:23
states [1] - 132:12
stating [3] - 16:22,
35:14, 230:24
stats [5] - 36:5,
195:21, 196:19,
197:1, 197:8
status [2] - 51:22,
51:23
stay [7] - 9:15, 23:9,
23:10, 95:18, 95:19,
156:25, 157:2
stays [1] - 95:21
step [1] - 172:19
sterile [8] - 91:10,
91:15, 91:17, 91:19,
91:22, 92:8, 139:8,
183:1
Steve [1] - 11:2
Steven [4] - 144:9,
228:21, 228:23, 229:9
stew [1] - 12:6
STEW [1] - 12:6
Stewart [5] - 12:5,
12:9, 127:13, 243:19,
244:21
Stewart-Magee [1] -
12:5
Sticker [2] - 71:4,

223:9
stickers [3] - 71:2,
71:3
sticking [1] - 173:3
still [16] - 12:18,
14:21, 35:1, 61:1,
82:20, 105:11, 106:9,
108:9, 141:18,
141:19, 147:12,
173:21, 176:12,
197:11, 211:3, 211:21
stipulate [1] - 5:13
Stipulations.....
..... [1] -
3:4
stitches [1] - 183:8
stock [7] - 21:15,
33:2, 33:4, 33:7,
33:14, 33:18, 40:25
stockholders [1] -
35:5
stocks [4] - 20:16,
20:17, 21:1, 21:6
stood [1] - 24:25
stool [1] - 172:19
stop [3] - 24:19,
25:13, 97:9
stopped [3] - 70:3,
79:10, 85:1
storage [1] - 129:11
store [1] - 13:21
stories [4] - 8:21,
227:4, 227:9, 227:11
story [1] - 144:9
strange [1] - 73:17
Street [1] - 161:15
street [1] - 233:17
stress [1] - 84:15
stressed [3] - 75:14,
75:17, 75:23
strike [1] - 31:25
strong [1] - 100:3
STUA [1] - 12:6
stuck [5] - 107:19,
107:23, 108:3,
109:14, 109:16
students [1] - 58:5
studied [1] - 234:18
studio [1] - 55:5
study [2] - 89:10,
234:17
studying [1] - 234:13
stuff [2] - 168:23,
197:7
styled [1] - 1:17
subject [1] - 26:20
subjected [1] -
115:13
submission [2] - 6:3,
6:6
submitted [1] -

242:19
Subpoena [1] - 5:16
subscribed [1] -
241:14
substance [3] -
58:13, 203:13, 204:2
substances [5] -
165:23, 165:25,
203:16, 203:21,
238:18
suckling [1] - 149:9
Sudderth [6] - 9:22,
119:19, 120:2,
223:13, 224:3, 224:14
Sudderth's [1] - 9:18
sue [8] - 18:16,
23:12, 34:19, 41:4,
41:22, 41:25, 47:19,
170:25
sued [22] - 17:17,
17:22, 17:25, 18:6,
19:18, 19:21, 21:20,
22:7, 22:15, 22:24,
23:1, 23:3, 23:19,
23:21, 41:22, 41:24,
42:2, 42:7, 42:17,
159:2, 171:11, 176:25
sufficiently [1] -
183:23
suggestion [1] -
129:9
suit [1] - 24:1
SUITE [2] - 2:5, 2:10
Suite [1] - 1:21
sum [1] - 183:16
SUMMIT [1] - 2:10
Summit [1] - 1:21
sunken [1] - 132:23
Superb [1] - 214:1
supervision [6] -
112:14, 166:3,
166:25, 167:15,
203:25, 206:6
supplied [1] - 170:23
supporting [1] -
192:23
supposed [10] -
76:25, 81:15, 88:13,
90:13, 98:13, 167:7,
167:8, 171:7, 210:5
surgeon [1] - 172:6
surgeries [9] - 139:8,
178:22, 181:15,
182:7, 182:10,
182:19, 200:18,
201:4, 238:18
surgery [16] -
139:24, 165:18,
181:1, 181:5, 181:10,
181:11, 181:12,
183:14, 183:20,

183:25, 184:2,
200:14, 201:10,
201:11, 221:5
surgical [10] - 91:9,
91:13, 91:15, 91:24,
92:4, 100:17, 139:11,
139:12, 139:16, 183:1
suspected [1] -
112:19
suspended [2] -
51:24, 121:24
suspicious [1] -
69:13
suture [2] - 98:16,
182:23
sutures [3] - 82:6,
82:7, 82:15
Sweetzer [8] - 10:15,
10:20, 11:16, 12:23,
13:3, 61:1, 61:5,
61:16
SWEETZER [1] -
10:16
sworn [3] - 1:17, 7:3,
242:15
symptoms [1] -
112:25
syndrome [1] -
202:18
system [2] - 40:2,
87:11

T

table [4] - 74:13,
140:16, 141:1, 201:16
tag [1] - 63:6
tagged [2] - 74:10,
74:14
tailed [9] - 76:1,
149:9, 233:12,
233:14, 233:20,
234:4, 234:6, 235:3,
235:5
TAKEN [1] - 5:14
talks [4] - 66:8,
102:23, 103:2, 139:9
tapeworm [1] -
152:16
TARRANT [3] - 1:4,
5:3, 242:4
taste [1] - 151:16
tattoo [4] - 62:21,
63:9, 63:17, 75:11
taught [1] - 159:18
Tax [2] - 3:12, 125:3
teach [1] - 112:17
Team [4] - 49:9,
49:10, 50:1, 51:9
teamed [1] - 30:21
tearing [1] - 183:8

techniques [3] -
139:6, 139:11, 139:13
Technology [4] -
17:14, 35:5, 35:6,
40:25
teeth [1] - 181:25
temporary [3] -
120:2, 120:18, 121:5
ten [4] - 7:13, 56:7,
157:19, 176:2
tendency [1] - 119:2
term [1] - 180:3
terminated [2] -
50:9, 121:25
terminates [1] - 9:25
termination [3] -
42:1, 50:16, 50:20
terms [4] - 67:8,
73:24, 73:25, 104:10
terrible [1] - 176:1
terrorist [8] - 30:23,
116:19, 116:23,
116:25, 117:5, 117:6,
117:8
test [1] - 220:11
tested [4] - 62:1,
220:8, 220:16, 220:20
testified [2] - 7:3,
173:7
testify [4] - 43:11,
157:8, 157:12, 157:21
testifying [1] -
217:24
testimony [23] -
64:3, 65:7, 67:18,
67:22, 71:18, 71:24,
87:5, 89:3, 92:2, 93:7,
107:16, 117:3, 128:7,
129:6, 130:14,
130:21, 137:16,
137:18, 178:15,
178:23, 199:10,
242:17, 243:2
TEXAS [5] - 1:4, 2:6,
2:11, 5:3, 242:4
Texas [39] - 1:20,
1:22, 5:8, 5:21, 7:11,
35:14, 107:7, 111:17,
111:24, 115:11,
143:3, 144:23,
152:23, 153:16,
153:21, 160:14,
160:16, 160:19,
163:21, 164:12,
164:19, 164:22,
165:2, 165:4, 166:10,
167:25, 168:10,
168:17, 193:20,
202:24, 205:24,
207:17, 242:13,
243:17, 243:20,

244:19, 244:22 text [6] - 130:10, 130:12, 131:2, 131:4, 131:6 thanked [1] - 144:1 THE [21] - 1:2, 2:3, 2:8, 5:2, 6:1, 50:24, 70:20, 70:23, 79:8, 79:11, 82:3, 90:4, 90:7, 108:17, 108:21, 109:9, 109:13, 144:4, 241:7, 241:23, 242:2 theft [4] - 197:24, 219:10, 219:19, 220:22 themselves [3] - 63:8, 129:23, 190:15 therapy [1] - 172:11 therefor [1] - 244:5 therein [1] - 241:16 they've [1] - 51:23 thinking [1] - 170:18 third [4] - 22:6, 83:20, 186:3, 205:16 thirty [1] - 43:3 THIS [1] - 5:14 thorough [1] - 72:18 thousand [4] - 43:4, 56:7, 129:4, 232:15 thousands [3] - 232:7, 232:9, 232:10 threat [29] - 31:10, 36:25, 37:5, 37:20, 37:21, 38:2, 38:3, 160:3, 160:5, 187:1, 187:2, 187:6, 187:14, 187:15, 187:16, 188:23, 189:2, 189:7, 189:11, 189:14, 189:21, 190:1, 190:6, 191:19, 197:3, 197:4, 197:6, 220:3, 223:3 threaten [4] - 26:22, 31:6, 33:3, 37:10 threatened [8] - 16:7, 16:8, 17:4, 17:10, 34:10, 34:11, 41:5, 43:19 threatening [15] - 15:19, 15:25, 28:8, 29:10, 29:12, 30:22, 32:23, 38:4, 40:2, 41:2, 186:18, 188:21, 190:15, 215:4, 215:19 threats [21] - 16:2, 16:6, 16:12, 16:14, 16:16, 16:20, 17:9, 26:23, 31:2, 31:7, 31:9, 31:13, 32:7, 32:16, 32:19, 33:20, 37:13, 37:15, 186:21,	194:21, 194:25 three [18] - 18:2, 18:3, 32:19, 48:4, 55:16, 55:22, 57:20, 80:20, 86:22, 88:8, 88:12, 112:6, 123:15, 132:14, 133:10, 139:14, 156:7 three-book [1] - 139:14 three-year [1] - 123:15 threw [1] - 206:25 throws [1] - 194:1 thumb [1] - 76:22 thumbnail [1] - 95:15 ticket [1] - 171:10 Tiffany [12] - 24:8, 24:20, 25:6, 26:6, 28:7, 28:18, 29:4, 30:21, 32:2, 32:21, 34:16 tiffany [1] - 24:9 timelines [1] - 168:22 tiny [1] - 34:14 tip [5] - 83:11, 98:9, 98:10, 149:11, 150:3 tire [1] - 198:1 tires [2] - 219:20, 220:23 title [2] - 228:12, 228:14 titled [1] - 216:5 tits [2] - 27:7, 27:9 TO [1] - 5:14 to-wit [1] - 5:13 today [11] - 13:6, 17:22, 33:1, 47:8, 48:18, 78:11, 78:20, 143:3, 165:11, 237:14, 237:17 together [3] - 15:18, 36:22, 86:17 ton [1] - 147:12 took [26] - 23:14, 38:13, 42:11, 45:7, 85:2, 134:1, 134:3, 136:13, 141:20, 142:10, 142:16, 143:18, 146:12, 158:2, 158:3, 170:6, 186:9, 186:10, 189:21, 190:14, 208:18, 212:10, 215:16, 216:24, 218:15 top [4] - 120:17, 205:13, 205:17, 223:16 topical [1] - 203:19	tore [2] - 23:14, 23:15 tossed [1] - 207:4 total [3] - 56:4, 56:5, 183:16 totally [1] - 29:7 touch [3] - 42:22, 156:25, 157:2 touching [1] - 58:15 tough [1] - 10:3 tour [2] - 179:13, 179:15 tours [4] - 174:10, 174:13, 174:15, 179:8 toward [1] - 215:20 towards [1] - 215:24 towel [1] - 91:23 trained [4] - 234:12, 234:22, 234:24, 235:1 training [3] - 183:10, 234:11, 234:20 transcript [6] - 231:8, 231:11, 231:18, 242:16, 242:19, 244:10 transportation [1] - 40:1 trash [5] - 115:18, 116:1, 194:1, 206:25, 207:5 TRCP [2] - 243:12, 244:1 treat [1] - 60:10 treated [1] - 172:7 treating [1] - 159:17 treatment [1] - 172:10 tree [8] - 76:15, 135:23, 138:12, 140:13, 140:19, 143:10, 148:9, 154:14 tremors [1] - 113:15 Trespassing [1] - 215:11 trial [3] - 5:19, 6:3, 238:25 tried [5] - 23:16, 95:15, 179:18, 224:25, 225:10 tries [1] - 98:4 trimmers [1] - 23:17 trouble [2] - 58:6, 129:21 true [12] - 56:17, 58:16, 102:7, 156:1, 176:23, 207:24, 221:23, 221:24, 222:2, 241:2, 242:17 trust [4] - 18:14, 171:3, 171:12, 173:16 Trust [3] - 169:19,	170:20, 171:5 truth [1] - 19:9 try [12] - 42:22, 42:23, 63:6, 71:6, 75:13, 75:18, 82:23, 90:13, 98:6, 114:3, 119:10, 225:10 trying [21] - 51:20, 51:21, 74:21, 74:22, 74:23, 75:15, 77:4, 78:7, 78:15, 82:21, 83:19, 98:11, 134:8, 134:11, 135:12, 173:18, 206:15, 214:20, 222:19, 222:21, 222:25 tube [2] - 100:7, 100:12 turn [2] - 40:2, 148:24 turned [3] - 74:24, 148:21, 162:16 Turner [39] - 9:18, 10:13, 15:8, 51:1, 71:13, 79:1, 79:12, 82:5, 82:17, 86:9, 88:6, 89:16, 89:24, 90:9, 91:3, 93:18, 94:2, 94:10, 95:17, 96:8, 97:6, 98:25, 99:25, 102:3, 106:15, 108:2, 109:23, 114:5, 140:10, 144:8, 144:17, 150:15, 154:4, 181:5, 206:13, 223:7, 228:3, 237:20, 244:7 TURNER [46] - 2:4, 2:4, 7:5, 9:12, 9:17, 10:1, 10:4, 10:9, 50:23, 70:16, 70:18, 70:22, 70:25, 71:6, 71:10, 86:1, 86:4, 86:6, 89:15, 89:23, 90:6, 94:1, 94:9, 95:16, 98:24, 99:24, 102:2, 106:14, 108:1, 108:8, 108:12, 108:18, 108:22, 108:25, 109:7, 109:10, 109:17, 144:6, 150:14, 154:3, 181:4, 206:10, 228:1, 238:22, 242:25, 243:4 Turner [1] - 3:5 turns [2] - 11:8, 189:17 twenty [1] - 78:23 twenty-one [1] - 78:23 twice [1] - 183:6	two [46] - 7:12, 19:20, 32:13, 32:17, 39:12, 45:11, 46:10, 47:24, 48:1, 49:16, 51:10, 51:12, 66:21, 66:23, 67:9, 72:18, 78:15, 79:11, 80:3, 86:5, 86:7, 86:17, 106:11, 107:25, 113:14, 132:7, 133:10, 137:14, 141:11, 144:4, 163:14, 166:14, 166:19, 175:19, 183:4, 188:1, 188:2, 191:5, 205:8, 205:10, 206:24, 211:12, 212:7, 212:9, 232:22, 234:18 two-minute [1] - 144:4 type [4] - 172:20, 195:22, 195:23, 222:21 types [2] - 100:22, 161:3
U				
<p>um-hum [4] - 63:12, 101:15, 226:12, 233:22 umbilicus [1] - 95:22 unclean [3] - 236:22, 237:1, 237:2 unconscious [2] - 101:2, 173:12 UNDER [1] - 244:1 under [31] - 7:8, 7:12, 41:12, 43:11, 71:24, 74:17, 84:15, 111:10, 112:10, 112:14, 116:5, 129:6, 130:14, 132:7, 155:1, 155:21, 155:22, 166:24, 167:14, 174:20, 178:17, 182:22, 194:8, 203:25, 204:5, 206:5, 217:24, 231:4, 234:17, 241:12, 241:18 underlying [1] - 137:13 underneath [1] - 63:4 unfed [1] - 74:12 United [5] - 15:10, 121:17, 160:14, 183:12, 233:23 units [1] - 44:24</p>				

unlawful [1] - 42:1
unless [1] - 238:20
unreleasable [1] - 72:16
unsigned [1] - 6:4
untitled [2] - 205:13, 205:17
untoward [1] - 81:18
unvaccinated [5] - 152:25, 153:6, 153:12, 153:23, 156:10
up [76] - 9:20, 16:7, 16:9, 16:11, 20:18, 20:19, 21:15, 24:25, 25:2, 26:5, 26:25, 30:21, 34:13, 35:16, 38:12, 38:14, 39:24, 40:1, 40:4, 47:8, 48:18, 49:18, 59:4, 70:17, 72:7, 78:8, 105:8, 108:16, 109:19, 113:15, 116:4, 122:8, 128:10, 128:12, 128:14, 129:22, 129:24, 130:16, 132:9, 132:25, 143:6, 147:7, 148:21, 148:24, 148:25, 158:2, 168:13, 172:19, 173:10, 173:14, 183:4, 184:13, 184:15, 185:3, 193:11, 193:16, 193:17, 193:18, 193:19, 195:24, 206:23, 210:22, 211:6, 211:19, 211:21, 211:24, 213:5, 213:11, 216:16, 218:13, 220:8, 220:20, 221:2, 223:25, 224:1, 226:9
up-close [1] - 183:4
upgrades [3] - 161:10, 161:11, 163:2
uploaded [3] - 208:4, 208:5, 212:17
UPS [1] - 13:20
upset [1] - 40:15
upstanding [1] - 118:25
USC [2] - 44:20, 44:25
USDA [23] - 59:21, 107:8, 115:21, 121:18, 121:22, 122:2, 122:12, 122:16, 122:23, 123:10, 124:4, 132:1, 132:20, 133:15,

165:3, 167:21, 174:7, 175:13, 175:20, 175:21, 176:6, 176:9, 205:24
user [9] - 25:1, 25:2, 25:6, 28:16, 185:25, 186:1, 188:12, 188:17, 188:18
users [1] - 191:5
uses [3] - 145:25, 185:5, 203:17
uterus [9] - 85:6, 93:21, 94:5, 94:15, 95:5, 96:10, 96:22, 98:10, 207:12
utilities [8] - 162:5, 162:6, 162:9, 162:15, 162:18, 163:3, 163:7, 163:10
utter [1] - 17:6

V

vacation [1] - 9:23
vaccinated [9] - 154:17, 154:18, 154:24, 154:25, 156:12, 156:13, 156:15, 156:18, 156:19
vaccination [8] - 59:22, 153:25, 155:25, 156:2, 156:4, 159:9, 159:20, 202:23
vaccinations [12] - 111:2, 111:14, 153:21, 158:1, 166:2, 166:7, 166:15, 203:6, 203:14, 203:16, 203:24, 207:16
vaccine [5] - 159:5, 169:15, 169:16, 203:15, 207:21
vaccines [4] - 111:11, 112:1, 112:5, 167:22
vagina [18] - 82:9, 85:6, 86:22, 88:7, 88:12, 93:21, 94:5, 94:15, 95:5, 96:10, 96:22, 98:5, 98:10, 98:12, 99:5, 99:10, 207:3, 207:11
vaginal [1] - 80:10
value [2] - 20:18, 20:19
varies [1] - 53:25
variety [2] - 151:7, 151:10
various [8] - 85:16, 87:25, 123:6, 125:2,

164:18, 180:15, 182:5, 217:22
vat [1] - 74:12
vegetable [1] - 189:17
vegetables [4] - 151:6, 151:9, 151:12, 151:24
verbiage [3] - 178:20, 216:19, 238:7
version [1] - 165:14
versus [1] - 227:23
vet [10] - 59:21, 60:18, 89:14, 93:8, 98:21, 167:15, 176:9, 206:5, 221:8, 230:3
veterinarian [25] - 59:10, 81:11, 87:17, 90:20, 90:22, 90:23, 90:24, 92:18, 96:25, 97:1, 100:18, 112:10, 112:15, 165:19, 166:25, 169:16, 178:21, 193:13, 200:13, 203:25, 204:5, 204:6, 221:1, 221:3, 221:5
veterinarians [4] - 59:23, 60:16, 60:24, 139:23
veterinary [10] - 160:15, 165:3, 166:3, 180:25, 183:10, 183:11, 183:15, 183:17, 183:20, 221:6
vets [1] - 183:13
vetting [2] - 229:24, 229:25
vice [1] - 53:10
victimized [1] - 192:16
Victims [6] - 16:11, 35:16, 35:24, 38:9, 38:17, 195:5
video [78] - 56:15, 58:14, 58:17, 75:5, 75:20, 76:16, 79:2, 80:2, 81:21, 85:14, 85:19, 85:23, 87:6, 87:7, 87:13, 87:21, 89:20, 89:24, 90:3, 92:18, 98:21, 98:22, 98:23, 101:23, 102:4, 102:9, 102:15, 103:1, 103:10, 120:19, 120:24, 121:1, 121:13, 128:6, 128:8, 128:24, 129:4, 129:24, 130:13, 130:15, 131:1, 131:7, 134:15, 135:10, 135:15, 136:9, 141:5,

141:15, 141:18, 141:20, 143:11, 143:15, 146:3, 147:5, 148:11, 149:13, 149:17, 150:4, 151:2, 151:4, 152:7, 165:13, 181:20, 181:22, 207:25, 208:1, 208:6, 208:7, 208:10, 208:12, 208:14, 209:4, 209:13, 209:24, 211:16, 221:4
Video [11] - 79:7, 79:10, 82:2, 82:16, 88:5, 91:2, 93:17, 96:7, 97:5, 114:4, 140:9
videos [46] - 56:10, 76:7, 78:15, 79:11, 80:3, 86:17, 103:18, 103:23, 103:25, 106:5, 107:25, 114:1, 128:4, 136:13, 136:17, 136:20, 137:19, 137:22, 141:19, 141:23, 142:12, 142:18, 143:17, 146:6, 146:12, 147:4, 149:4, 158:2, 158:3, 158:8, 158:11, 158:14, 158:20, 165:7, 168:22, 208:17, 208:21, 209:11, 209:15, 210:16, 210:19, 211:12, 211:15, 231:22, 233:7
videotape [8] - 78:11, 97:1, 97:7, 97:11, 113:2, 134:8, 215:12, 215:18
VIDEOTAPED [2] - 1:10, 1:15
videotaped [1] - 134:10
videotapes [2] - 78:12, 143:2
view [14] - 27:13, 27:20, 27:23, 27:25, 28:2, 28:4, 29:17, 136:20, 188:15, 215:25
viewed [2] - 27:18, 102:5
views [1] - 92:16
Villarreal [6] - 83:3, 83:5, 154:2, 156:21, 157:1, 179:4
violated [1] - 194:5
violates [1] - 162:12
violation [3] - 162:1, 176:19, 203:1

violations [2] - 40:3, 214:16
violent [1] - 43:24
vision [1] - 183:4
visit [1] - 29:24
vitamin/mineral [1] - 151:24
voice [1] - 140:10
void [3] - 210:24, 211:3, 211:5
volunteer [6] - 41:12, 49:3, 49:7, 49:16, 49:19, 50:6
volunteered [1] - 36:21
volunteers [3] - 52:14, 64:14, 207:20
VS [3] - 1:4, 5:3, 242:4

W

W-A-D-D-I-N-G-T-O
-N [1] - 11:4
Waddington [2] - 11:2, 11:3
wait [3] - 175:24, 176:2, 205:12
waiting [1] - 147:7
waived [1] - 5:20
Waived [1] - 6:2
walk [1] - 125:11
wall [4] - 64:22, 101:18, 120:11, 120:14
wants [8] - 29:25, 69:7, 86:1, 120:21, 121:10, 128:25, 150:9, 157:12
warden [1] - 163:24
wardens [2] - 39:12, 164:21
was/was [1] - 244:2
Watch [2] - 195:11, 195:13
watch [6] - 81:22, 81:23, 92:18, 97:1, 104:21, 183:14
watched [1] - 81:21
watching [4] - 82:1, 82:24, 114:24, 150:4
water [1] - 163:7
ways [4] - 77:1, 77:5, 77:8, 77:24
WE [1] - 5:12
weak [1] - 137:14
wear [8] - 30:25, 62:5, 64:4, 64:8, 64:17, 64:25, 65:10, 65:18

wearing^[1] - 91:9
Web^[82] - 3:14, 3:16, 3:16, 3:21, 4:4, 4:5, 4:5, 4:6, 4:6, 4:8, 4:9, 4:10, 27:14, 29:24, 30:1, 41:11, 44:2, 44:4, 49:1, 49:21, 49:23, 50:4, 57:1, 57:5, 61:6, 61:11, 61:14, 62:18, 63:2, 87:25, 121:16, 122:7, 126:21, 128:17, 128:24, 128:25, 129:4, 129:5, 129:25, 130:4, 130:6, 130:7, 130:9, 130:16, 159:1, 164:25, 174:14, 179:11, 190:22, 191:3, 191:22, 191:25, 193:2, 198:24, 199:1, 199:3, 200:11, 208:2, 208:19, 209:11, 209:12, 214:12, 217:5, 217:25, 219:12, 219:23, 219:25, 220:14, 224:12, 224:17, 225:16, 225:18, 225:19, 226:3, 226:7, 226:14, 226:20, 229:3, 229:5, 231:18, 232:5
week^[1] - 39:9
Weekly^[2] - 30:11, 30:15
weigh^[1] - 30:25
weighed^[1] - 234:10
welfare^[20] - 197:24, 217:2, 217:5, 217:7, 217:11, 217:12, 217:18, 217:23, 218:1, 218:2, 218:6, 218:19, 221:21, 221:25, 222:3, 222:10, 222:11, 222:16, 222:18
Wells^[13] - 83:8, 160:11, 160:17, 165:22, 168:18, 168:19, 178:3, 194:22, 195:1, 199:19, 205:25, 217:20
West^[4] - 13:16, 14:15, 14:21, 176:7
Westlaw^[1] - 52:5
Westside^[2] - 47:9, 47:25
westside^[1] - 46:16
white^[2] - 71:3, 100:12

White^[3] - 71:4, 202:18, 223:9
White-nose^[1] - 202:18
whole^[1] - 110:17
whore^[1] - 27:17
Wiki^[1] - 216:5
wiki^[1] - 216:20
Wild^[1] - 160:2
wild^[10] - 53:17, 55:15, 65:25, 101:12, 160:4, 172:18, 174:24, 185:10, 185:12, 193:17
Wildlife^[12] - 3:17, 107:8, 121:17, 121:21, 160:14, 163:22, 164:13, 164:19, 164:23, 165:3, 204:11, 205:24
wildlife^[13] - 39:3, 39:22, 39:24, 40:4, 40:10, 53:17, 53:18, 53:19, 63:7, 179:21, 180:8, 180:16, 233:17
Wilkins^[1] - 235:1
willing^[4] - 104:6, 104:7, 104:10, 104:13
wind^[1] - 72:7
window^[1] - 172:20
window-type^[1] - 172:20
wing^[3] - 132:10, 132:24, 174:20
Wing^[1] - 185:25
wings^[1] - 200:25
wiped^[1] - 72:17
wish^[1] - 84:21
wit^[1] - 5:13
witness^[13] - 1:16, 6:3, 6:5, 6:6, 6:7, 184:1, 200:22, 238:20, 238:23, 242:15, 242:18, 242:20, 242:21
WITNESS^[15] - 6:1, 50:24, 70:20, 70:23, 79:8, 79:11, 82:3, 90:4, 90:7, 108:17, 108:21, 109:9, 109:13, 144:4, 240:2
Witness^[1] - 13:9
witness'^[1] - 6:5
witnessed^[2] - 158:1, 200:20
witnesses^[1] - 168:21
WNS^[1] - 201:22
woman^[3] - 20:25, 34:22, 189:3
women^[2] - 25:5,

31:23
wondering^[4] - 9:21, 122:16, 176:12, 176:15
Woods^[2] - 144:9, 228:23
Woods'^[2] - 228:22, 229:10
words^[2] - 126:13, 178:22
wore^[5] - 63:20, 64:13, 64:15, 65:7, 65:23
works^[6] - 22:3, 27:12, 60:9, 63:1, 151:17, 187:19
World^[115] - 62:8, 63:14, 64:3, 64:23, 66:2, 66:9, 66:17, 66:21, 66:24, 66:25, 67:1, 67:2, 67:9, 71:25, 72:3, 74:18, 76:9, 78:2, 87:15, 89:9, 91:25, 92:3, 101:24, 102:10, 110:2, 110:24, 125:15, 126:9, 131:9, 132:3, 134:7, 136:12, 136:14, 137:19, 138:14, 141:8, 141:22, 143:18, 143:23, 145:8, 146:2, 147:12, 148:15, 152:2, 152:9, 152:11, 152:14, 152:25, 153:6, 153:13, 153:23, 154:5, 155:4, 155:8, 155:24, 156:7, 158:16, 159:4, 159:6, 159:14, 159:20, 160:13, 160:21, 160:23, 161:3, 161:5, 161:16, 162:2, 162:14, 162:18, 162:19, 162:21, 163:12, 169:11, 169:22, 170:2, 171:2, 171:13, 171:20, 173:24, 175:14, 176:1, 176:15, 177:17, 178:12, 179:2, 179:11, 179:13, 179:16, 180:11, 186:18, 187:22, 187:23, 192:11, 194:13, 197:16, 198:11, 198:18, 199:16, 200:1, 201:8, 208:18, 212:14, 216:14, 217:15, 217:19, 218:24, 219:11,

219:21, 220:1, 220:2, 220:16, 220:24, 223:3, 232:11
WORLD^[3] - 1:2, 5:2, 242:2
world^[7] - 43:16, 102:10, 120:16, 142:11, 217:4, 219:18, 220:22
World's^[2] - 102:6, 160:2
worms^[1] - 151:10
worried^[2] - 43:23, 84:3
worth^[1] - 124:14
WORTH^[1] - 2:11
Worth^[3] - 1:22, 243:20, 244:22
wound^[2] - 128:10, 128:12
wow^[2] - 24:14, 34:15
write^[13] - 30:10, 33:8, 103:5, 130:10, 144:11, 144:25, 177:18, 224:10, 228:6, 228:9, 232:14, 237:23, 238:13
writer^[2] - 30:7, 30:14
writes^[1] - 30:13
writing^[2] - 221:12, 221:13
written^[33] - 87:14, 93:18, 98:3, 104:20, 119:14, 127:16, 136:11, 136:17, 137:15, 137:16, 137:18, 137:24, 138:22, 138:23, 139:15, 139:25, 140:1, 140:2, 140:4, 141:8, 141:10, 141:21, 146:3, 147:1, 147:3, 148:15, 148:17, 149:22, 168:13, 178:9, 178:16, 206:8, 227:13
wrote^[10] - 66:20, 67:4, 67:7, 139:19, 140:4, 140:5, 157:21, 224:8, 235:19, 238:11

Y

Yahoo^[18] - 21:7, 21:10, 21:13, 24:21, 25:4, 27:15, 28:12, 44:1, 187:1, 187:3, 187:7, 187:16, 187:21, 188:17,

188:18, 191:20, 201:6, 201:7
Yahoo.com^[1] - 187:21
yanked^[1] - 207:11
yanking^[2] - 181:20, 181:25
Year^[1] - 3:12
year^[18] - 12:1, 38:13, 39:19, 47:11, 47:12, 48:5, 53:24, 55:18, 56:6, 56:8, 63:11, 123:15, 123:22, 124:17, 169:8, 228:23, 234:19
years^[20] - 7:12, 7:13, 15:20, 15:25, 24:11, 32:11, 32:13, 32:17, 44:23, 46:10, 46:20, 47:24, 48:1, 48:3, 51:10, 183:13, 192:20, 194:14, 219:7, 234:14
yellow^[4] - 71:1, 71:2, 122:19
York^[3] - 20:9, 20:10, 21:1
yourself^[6] - 19:13, 57:10, 81:3, 81:7, 132:2, 140:18
YouTube^[23] - 56:10, 56:15, 56:20, 56:21, 88:1, 88:2, 128:8, 128:18, 128:19, 129:24, 130:15, 131:1, 131:2, 141:7, 143:14, 185:21, 185:23, 186:1, 208:1, 208:11, 208:14, 209:13, 216:2

Z

zero^[2] - 83:24, 124:15
zipped^[1] - 120:21
zipper^[1] - 72:5