

1 James J. Little (SBN 123373)
2 Trial Advocacy Group, LLC
3 1901 Avenue of the Stars, Suite 1100
4 Los Angeles, California 90067
5 Telephone: (310) 882-8531
6 Email: jj@jjlittlelaw.com

7 Attorneys for Assignee, Konstantin Khionidi, Trustee for the
8 Cobbs Trust

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 BAT WORLD, *et al.*,

12 Plaintiffs,

13 v.

14 MARY CUMMINS, *et al.*,

15 Defendants.

) Case No. BS 140207

) [Honorable Edward B. Moreton, Jr., Presiding]

) **JUDGMENT CREDITOR'S OBJECTIONS**
) **AND MOTION TO STRIKE PURPORTED**
) **"MOTIONS TO QUASH, MODIFY**
) **SUBPOENA, ETC." OF JUDGMENT**
) **DEBTOR MARY CUMMINS;**
) **DECLARATION OF DOROTHY HYATT**

) **DATE: October 25, 2017**

) **TIME: 8:30 a.m.**

) **DEPT.: 44**

16
17
18
19
20
21
22 Judgment Creditor Konstantin Khionidi ("Judgment Creditor") hereby responds to the two
23 purported "Reply" pleadings made by Judgment Debtor Mary Cummins ("Cummins") on October 2,
24 2017, and October 3, 2017, to the Opposition filed by Judgment Creditor ("Opposition") on
25 September 14, 2017, to Cummins' purported Motion To Quash Etc. ("Cummins First Motion") filed
26 September 15, 2017. Since the Cummins First Motion has been denied by this Court at the date
27 scheduled for Cummins' judgment creditor exam (September 18, 2017), Judgment Creditor deems
28

1 the purported "Reply" pleadings as a renewed or second Motion To Quash Etc. ("Cummins Second
2 Motion") to be heard on the date of the rescheduled judgment debtor exam on October 25, 2017.
3 Cummins also has a reserved motion date for November 9, 2017 to which the Cummins Second
4 Motion may relate. As with the Cummins First Motion, it does not appear that Cummins has
5 properly filed or served the Cummins Second Motion as she did not with the Cummins First Motion
6 and continues to ignore the California Rule of Court and Code of Civil Procedure in her filings.

7 Judgment Creditor incorporates herein the argument and authorities cited in its Opposition
8 which remain applicable to the Cummins Second Motion. However, Judgment Creditor wishes to
9 emphasize additional points in response to the Cummins Second Motion and which will likely be
10 relevant to future filings in this Court regarding Cummins and her improper if not contemptuous
11 behavior.

12 1. Despite her comments in the Cummins Second Motion, Cummins was properly
13 served with both the subpoena and the notice of the judgment debtor examination and the issuance of
14 a bench warrant, as shown in the proof of service filed with this Court. Cummins again gives no
15 admissible evidence to overcome the presumption of service arising from the filed proofs of service.
16 Most importantly, Cummins' Second Motion admits that Cummins has actual knowledge of the
17 subpoena, the judgment debtor exam, the re-scheduled judgment debtor exam and the issuance of a
18 bench warrant held until October 25, 2017.

19 2. Cummins admits further that she did not file her Cummins First Motion until
20 September 15, 2017, even though she claimed in an invalid proof of service that she had filed and
21 served that Motion on August 21, 2017. Cummins claims that the hearing on Judgment Debtor's
22 request for issuance of a bench warrant was continued when it is a matter of record that the Court
23 agreed to issue the bench warrant upon receipt of a corrected proof of service and did so when that
24 proof of service was filed. Cummins was served with and has actual notice of the issuance of the
25 bench warrant.

26 3. Cummins' contumely behavior before this Court is regrettably only a small fraction
27 of similar improper behavior over the last five years, detailed by Judgment Creditor's assignor Bat
28

1 World Sanctuary (“BWS”) in its web site found at
2 <https://batworldstalkermarycummins.com/2017/02/21/mary-cummins-vexatious-litigant/>. This
3 appalling list of improper actions is too extensive to summarize for this Court. However, it bears
4 emphasis that Cummins has been held in contempt, sanctioned, admonished for bad faith actions and
5 otherwise reprimanded for her vexatious and improper actions on at least four occasions, as detailed
6 in the attached Declaration of Dorothy Hyatt (¶5).

7 4. One continuing theme in Cummins’ improper and contemptuous behavior is her
8 multiple allegations of perjury and fraud against judges hearing the different cases arising out of
9 Batworld’s original claim of defamation which led to the judgment at issue in this matter, including
10 four motions for recusal for different judges, all detailed in Ms. Hyatt’s Declaration (¶4). Cummins
11 continues this pattern of defamation and character attacks against the lawyers appearing for
12 Judgment Creditor and BWS, as reflected in the jeremiad in the Cummins Second Motion against the
13 undersigned counsel and his paralegal. This attack is also reflected in web site screeds and an
14 extortionate email to the undersigned from Cummins dated September 17, 2017, threatening to make
15 exactly such defamation and character attacks if counsel continued its representation of Judgment
16 Creditor in this action. Judgment Debtor will file a motion for a protective order to restrict Cummins
17 from making derogatory references to this court and counsel during the pendency of these
18 proceedings. Cummins has successfully deterred at least two law firms from representing Judgment
19 Creditor based on her willingness to use her internet sites for such impermissible extortionate
20 attacks.

21 5. Another continuing theme in Cummins’ resistance to the process of this and other
22 Courts is to claim that she is “disabled” and cannot attend scheduled appearances. As shown in the
23 attached Hyatt Declaration (¶2), Cummins claimed she was unavailable to attend the judgment
24 debtor exam ordered by this Court because she was “awaiting back surgery.” Yet she was
25 photographed driving around Los Angeles ten days earlier. Cummins has made this bogus claim of
26 “awaiting back surgery” multiple times since 2012, particularly in May of 2016. At that time
27 Cummins claimed a similar need for “back surgery” but apparently forgetting her own story to the
28

1 Court, had a few days earlier congratulated herself for climbing up a 35 foot ficus tree to rescue
2 squirrels. Hyatt Declaration (¶2).

3 6. A further continuing theme in Cummins' resistance to the judgment against her is the
4 apparent use of her charity [Animal Advocates aka Animal Advocates Society for the Prevention of
5 Cruelty to Animals] as a conduit to collect monies and to pay her personal expenses. This subject
6 will be explored if, as and when Cummins actually appears for her judgment debtor exam and
7 responds to the subpoena served by Judgment Creditor. However, it is likely Judgment Creditor will
8 need to make a motion under Code of Civil Procedure §186 to add this charity as an additional
9 judgment debtor because the charity is an "alter ego" of Cummins designed to defraud her creditors.

10 Based on the foregoing, Judgment Creditor respectfully requests this Court to deny the
11 putative Cummins Second Motion and to issue the bench warrant for her arrest if she does not
12 appear for her judgment debtor examination and respond to the outstanding subpoena on the re-
13 scheduled date of October 25, 2017.

14 Dated: October 12, 2017.

15 Respectfully submitted,

16 Trial Advocacy Group, LLC

17
18 By: 

19 James J. Little

20 Attorneys for Judgment Creditor
21 Konstantin Khionidi, Trustee for the
22 Cobbs Trust
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF DOROTHY HYATT

I, DOROTHY HYATT, declare under penalty of perjury as follows:

1. I am currently Vice-President of Bat World Sanctuary (“BWS”), plaintiff in the Texas action which resulted in the judgment registered in this Court and which is the subject of the judgment creditor proceedings now before this Court. I have had responsibility since 2010 for coordinating with counsel the many actions and proceedings in which BWS and its principal Amanda Lollar have been engaged with Judgment Debtor Mary Cummins (“Cummins”). I have personal knowledge of and can competently testify to the matters stated herein. I have read and reviewed the pleadings emailed by Ms. Cummins dated October 2 and 3, 2017 (“New Pleadings”).

2. Ms. Cummins asserts in the New Pleadings that she is not able to attend the judgment debtor’s examination or produce documents because she purportedly requires “back surgery.” She also made a filing on September 30, 2015 with the Second District Court of Appeals, attached as Exhibit 1, in which she claims to have “been bed ridden on and off for the last 24 months and has been unable to retrieve her mail...” (at 1).

3. An investigator was engaged to follow Ms. Cummins. That investigator took the photographs of Ms. Cummins attached as Exhibit 2 on or about October 3, 2017 showing Ms. Cummins driving as well as getting in and out of her automobile with no noticeable difficulty. Attached as Exhibit 3 is a post by Ms. Cummins published on May 8, 2016 in which she claims to have climbed 35 feet into a ficus tree to rescue squirrels. Attached as Exhibit 4 is a post by Ms. Cummins dated June 29, 2016 in which she claims to have personally rescued a woman by pulling her off train tracks.

4. As part of Ms. Cummins’ efforts to avoid adverse rulings on her many claims, she has asserted that five judges ruling on her case were “cheating,” “committed fraud on the court,” lied in court,” “committed perjury in court to help her pedophile brother,” “flat out lied,” “EXTREMELY

1 corrupt" and more. These charges are detailed in BWS's Response to Cummins' Motion For
2 Contempt OF Court, Forgery, Fraud filed in the Texas action in 2016 and attached as Exhibit 5.

3 5. Cummins has been repeatedly admonished by the courts in which she has appeared
4 pro per, for acting in bad faith or held in contempt for her actions. Attached as Exhibit 6 are three of
5 those findings, indicative of Cummins' behavior throughout proceedings in Texas and California.

6 Executed at Keller, Texas on October 11, 2017.

7
8 
9 DOROTHY HYATT
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

SEP 30 2015

SEP 30 2015

Filing recalled
and rejected
for lack of
proper service

COURT OF APPEAL - SECOND DIST.

~~FILED~~

~~ELECTRONIC~~

~~SEP 30 2015~~

~~JOSEPH A. LANE, Clerk
KLEWIS Deputy Clerk~~

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

SEP 30 2015

on opposing counsel

COURT OF APPEALS

SECOND APPELLATE DISTRICT

SEP 30 2015

MARY CUMMINS

) Case No. B258027

Appellant

v.

AMANDA LOLLAR, BAT WORLD
SANCTUARY

Appellees

) MOTION TO VACATE DISMISSAL,
) REINSTATE APPEAL, REQUEST
) FOR EXTENSION OF TIME TO FILE
) REPLY TO RENEWED MOTION TO
) QUASH

Appellant Mary Cummins ("Cummins") moves this Court to vacate the dismissal, reinstate the appeal, requests for extension of time to file Appellant's Reply to Appellees' Motion to Quash, Dismiss, and will show the court the following:

I. INTRODUCTION

Cummins severely injured her back. An MRI report showed Cummins ruptured disc L5/S1 which has caused limited mobility, pain and sciatica (Declaration Cummins). Cummins has been bed ridden off and on for the last 24 months and has been unable to retrieve her mail at her mail box. Cummins also does not own a car making travel even more difficult. For this reason Cummins was not able to get to her mail box and has only been receiving emailed notices. Cummins did not see the Renewed Motion to Quash, Dismiss. Cummins replied to the first almost identical motion and would have

MOTION TO VACATE DISMISSAL, REINSTATE APPEAL, REQUEST FOR EXTENSION OF TIME TO FILE
CASE DOCUMENTS

1 replied to this one. Cummins called the court and was instructed to file a motion to
2 vacate dismissal which she has done. Cummins requests 14 days extension to file
3 Appellant's Reply to Appellees' Motion to Quash, Dismiss.

4 **II. PRAYER**

5 For the foregoing reasons Appellant Cummins requests that the dismissal be
6 vacated, the appeal be reinstated and requests an extension to file the needed Reply.

8 Respectfully submitted,

Mary Cummins

9
10 Mary Cummins

11 Appellant

12 Dated: September 10, 2015

13 645 W. 9th St. #110-140

14 Los Angeles, CA 90015

15 In Pro Per

16 Telephone: (310) 877-4770

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

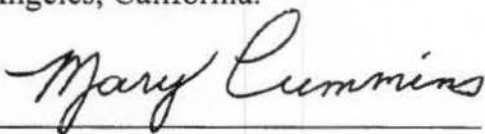
DECLARATION OF PLAINTIFF MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Appellant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. I injured my back herniating disc L5/S1. This has caused sciatica, pain and difficult walking.
3. For the past 24 months off and on I have been bed ridden and had great difficulty walking sometimes being in bed for two days straight.
4. I was not able to get to my mailbox to receive mailed documents and did not know a Reply needed to be filed.
5. I instantly phoned the Court who told me to file a motion which I have done.

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

Executed on September 10, 2015 at Los Angeles, California.

By: 
MARY CUMMINS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE BY MAIL
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles, California 90015-1640. I am over the age of eighteen years.

I further declare that on the date hereof I served a copy of:

**MOTION TO VACATE DISMISSAL, REINSTATE APPEAL, REQUEST FOR
EXTENSION OF TIME TO FILE REPLY**

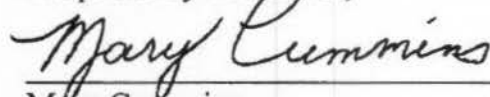
by fax and email to

David C. Watts
1260 Lake Blvd #218
Davis, CA 95616

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

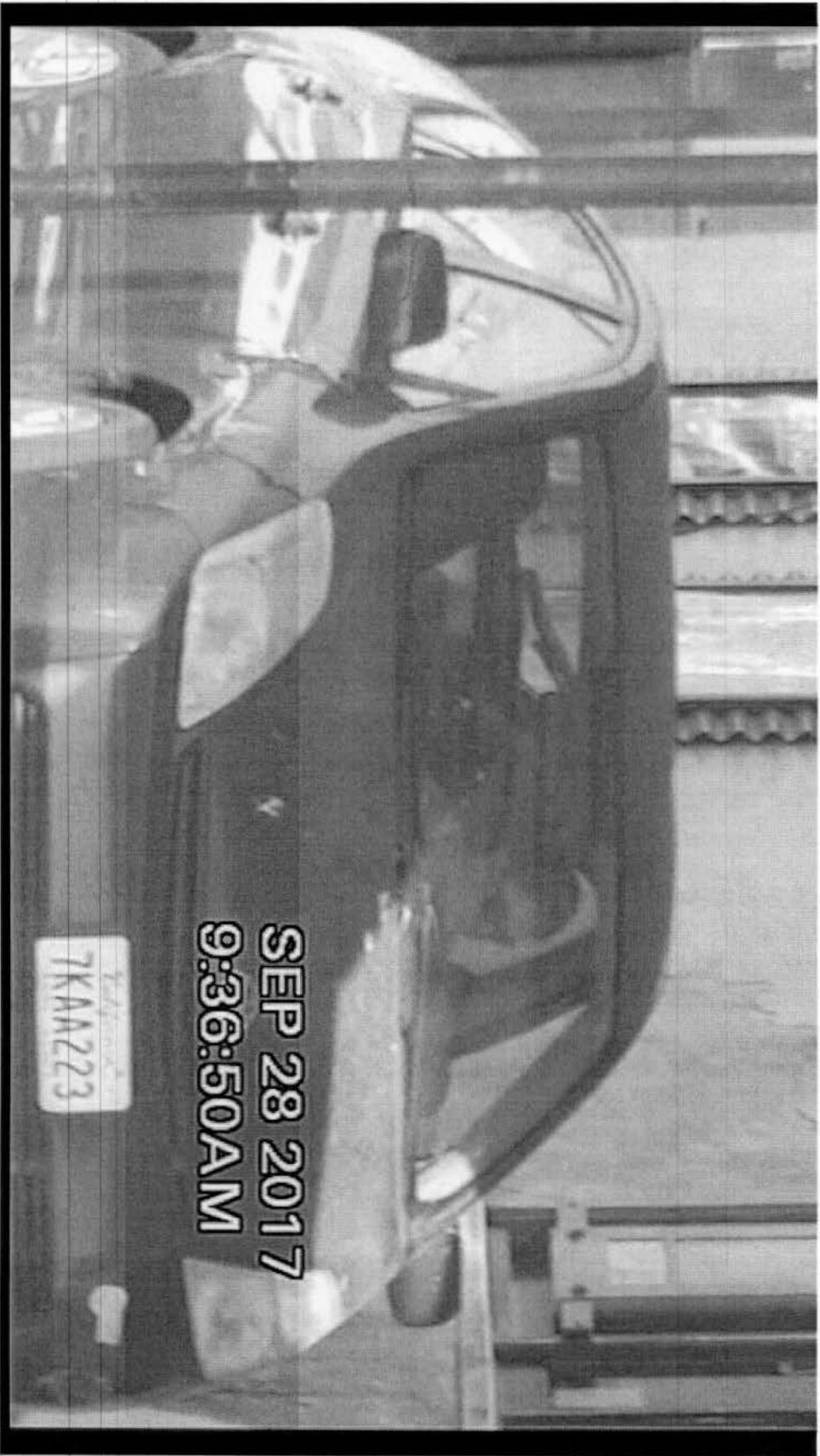
Executed this day, September 10, 2015, at Los Angeles, California

Respectfully submitted,



Mary Cummins
Appellant In Pro Per
Dated: September 10, 2015
645 W. 9th St. #110-140
Los Angeles, CA 90015
Direct: (310) 877-4770
Fax: (310) 494-9395

EXHIBIT 2



SEP 28 2017
9:36:50AM

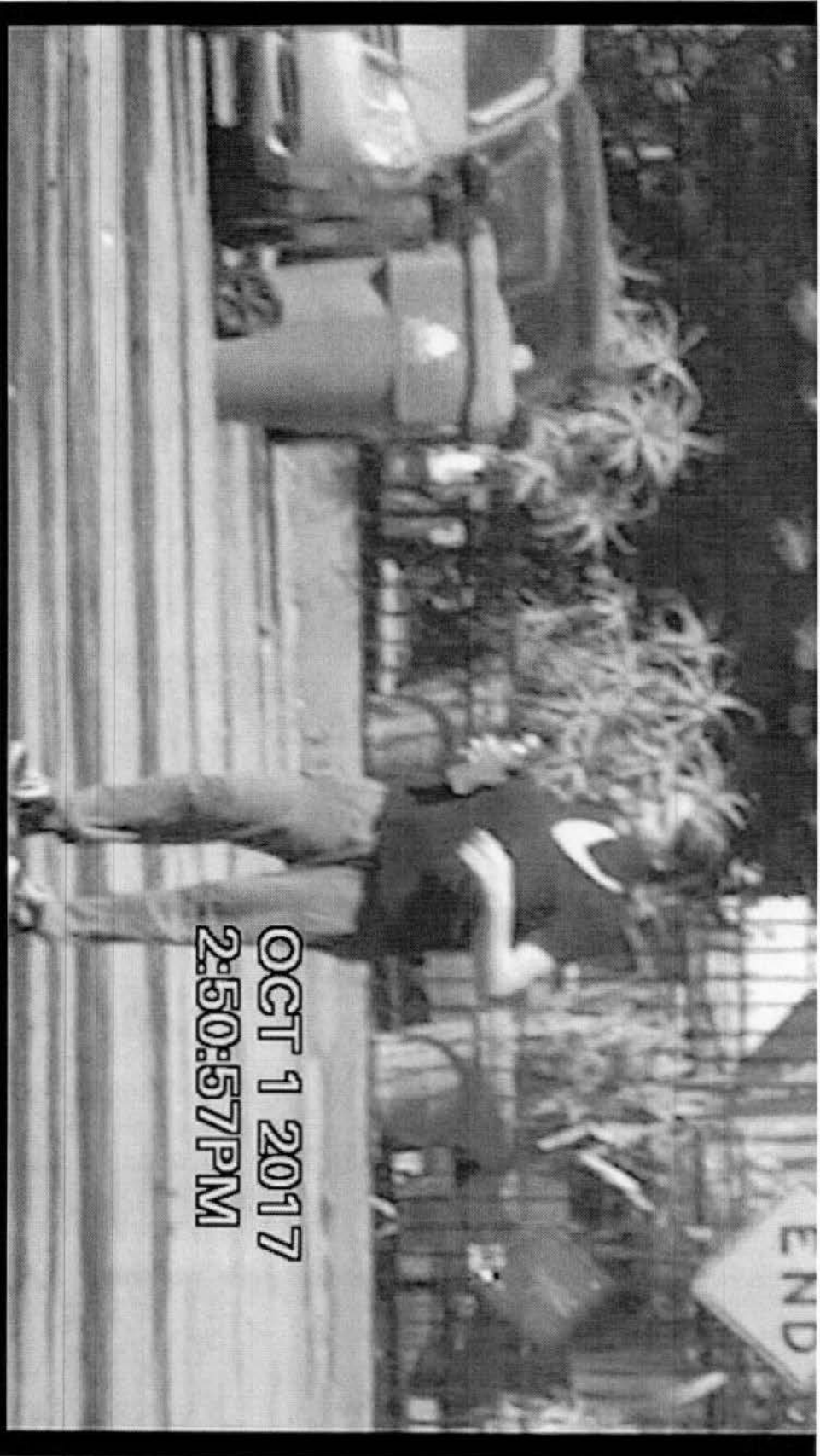
7KAA223



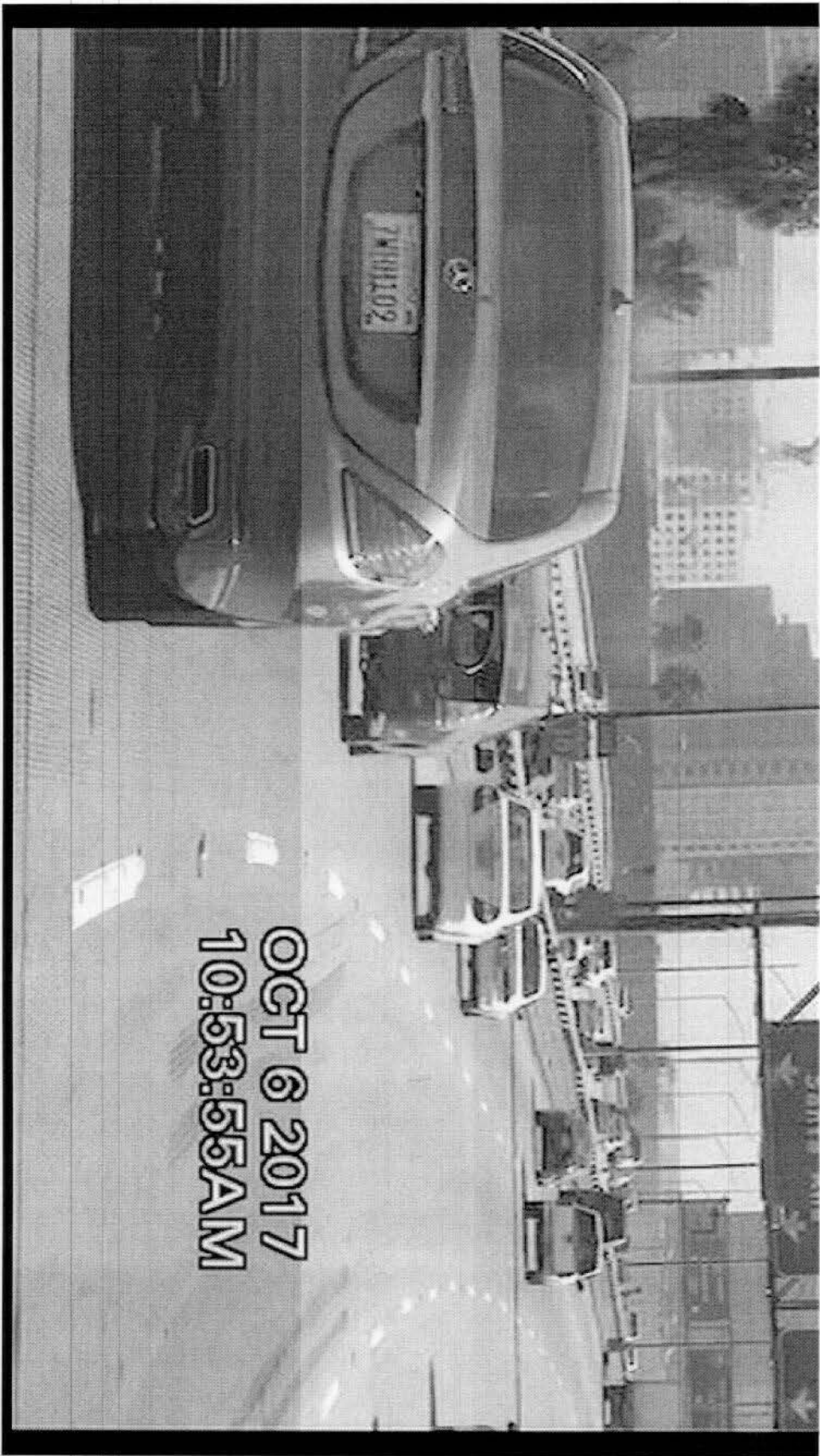
SEP 28 2017
9:32:45AM



OCT 1 2017
2:50:48PM



OCT 1 2017
2:50:57PM



OCT 6 2017
10:53:55AM

EXHIBIT 3



Mom squirrel rescues her babies - Mary Cummins, Animal Advocates



Mary Cummins

 Subscribe 5,553

248 views



Mary Cummins

5,553

248 views

Published on May 8, 2016

Mom was hit by a car and I took her in. I told the finders to listen for babies in the tree. Next day the babies started crying. I climbed 35 feet up into a ficus tree, took her four babies from her nest, put them in a backpack and climbed back down the tree. I took care of her babies for two weeks until mom was well enough to care for them. After another week mom was ready to move to the outdoor cage. After five days she decided she was well enough to leave and tore the sheet metal off the door and escaped. Next thing I hear is one of her babies crying. I ran out while she was trying to shove her baby out the hole she made. I opened the door so she could safely take

her baby. I then filmed her moving the other three. They were all fine in the nest she made in the palm tree. The sound stops at the end as there was a radio in the background playing a copyrighted song.

Join us at our Facebook page here <http://www.facebook.com/AnimalAdvocat...> Mary Cummins is a licensed wildlife rehabilitator in Los Angeles, California. Animal Advocates is a non-profit organization <http://www.AnimalAdvocates.us> Mary Cummins is also a real estate appraiser <http://www.MaryCummins.com> <http://www.mary.cc> Animal Advocates rescues ill, injured and orphaned wildlife for release back to the wild. We rescue coyotes, bobcats, foxes, raccoons, opossums, skunks, squirrels, moles, voles, mice, rats and bats. We are licensed by the California Department of Fish & Wildlife and the USDA.

- **Category**
 - Pets & Animals
- **License**
 - Standard YouTube License

Comments • 5



Add a public comment...



Mary Cummins 11 hours ago

Momma squirrel was unconscious when I picked her up. I had to tube feed her for days while also nursing her babies. When she finally regained consciousness she was still out of it from her head injury. I fed her the same way I fed her little babies.



B H Mch 14 hours ago

hi Mary. thank you for more of your work. ♥

3



Sunny Sardar 12 hours ago

Wow, mommas do whatever it takes for their kids #HappyMothersDay

1

EXHIBIT 4

**Mary Cummins**

16 hrs ·

On way to doctor appt when I had to pull a woman off the train tracks. She wanted to die as she didn't want to have a baby. I almost fell on the tracks while I waved at the trains while trying to pull her off. So sad.

Like Share

66

34 Comments

**Judy Mehn Zabriskie** Wow, that's heroic!!!

Like · 16 hrs

**Mary Cummins** I'm shocked others saw her and did nothing. With my back I'm in no condition to be doing this.

Like · 5 · 16 hrs

**Marina Baktis** You're a good person, Mary. The other people were probably getting ready to take pictures/video. Our society is so screwed up.

Like · 4 · 16 hrs

**Lindsey Nanette** Thank God you were there, Mary! I admire your character and integrity so much. You saved a life today! xo

Like · 2 · 16 hrs

**Minoo Rahbar** Omg. So much respect to you for saving her life!!!

Like · 3 · 16 hrs

**Patty Shenker** See- animal peeps do care about people! Dog bless you, Mary Cummins

Like · 3 · 16 hrs

**Mary Cummins** Yes, we do. I'd save a human, dog, skunk on the tracks. So have you.

Like · 1 · 10 hrs

**Lawrence Edward Sommer** Well done. Depression is a horrible disease.

Like · 2 · 16 hrs

**Rakesh Khanna** You're like Wonder Woman !

Like · 1 · 16 hrs

**Gina Farr** Wow- the right person (you!) in the right place at the right time.

Like · 1 · 16 hrs

**Madison Vangrootheest** Wow so sad.. Praying for her and baby. Hope your back is okay, too<3 was she sent somewhere for help do you know?

Like · 1 · 15 hrs

**Mary Cummins** Two trains were coming at same time. I had to make sure she stayed off both tracks. I then tried to talk to her but she ran away. I called 911 hoping they could get her help. She may try again.

Like · 3 · 15 hrs

**Theresa D Sanford** Such desperation. Wish there was a way to connect her with organizations that could help her.

Like · 12 hrs

**Mary Cummins** There was no way I could run after her. I did yell "Planned Parenthood!"

Like · 12 hrs

**John Page** You are such a sweetheart

Like · 1 · 15 hrs



Ladan V Cheybani So many that want to adopt, if she does not want her baby, there are other solutions ...

Like · 15 hrs



Michael Arlen



Like · 2 · 15 hrs



Michael Arlen You'd look good as a blonde... But I prefer you just the way you are.

Like · 15 hrs



Danny Martinez HERO

Like · 14 hrs



Mary Cummins If she had laid down on the tracks I would not have been able to get her off the tracks. So glad she didn't do that

Like · 2 · 14 hrs



Danny Martinez I'm glad you called 911. Hopefully they found her and put her on a 5150 to get her the help she needs.

Like · 3 · 14 hrs



Wendy Heisley Watson You're s lifesaver!

Like · 14 hrs



Jim Bickhart Good we ork.

Like · 1 · 14 hrs



Linda Heath Poor woman well done for saving her life!

Like · 14 hrs



Bruno Amato Animal and Human Saver!!

Like · 14 hrs



Judy Moore Jesus! Were you in Atwater Village?? I hope they find her and put her on a 5150. Thanks for your heroics.

Like · 13 hrs



Vivian Joy Edmondson I'm thankful you were there to help her, Mary. I would care for her baby...

Like · 12 hrs



Mary Cummins I asked her if she needed help but she ran away crying. I would have offered her all alternatives.

Like · 1 · 6 hrs



Diana Sanden Omg!!!

Like · 12 hrs



Theresa D Sanford Glad you were in the right place at the right time

Like · 12 hrs



Lisbet Brook How awful. How can this woman not realize there is help to there for that?!

Like · 12 hrs



Mary Cummins If she really wanted to die, she could have easily fought me. She did wave me away, then tried to jerk her arm away. By the time I got her off the tracks the trains had stopped. Both drivers were looking at her eyes wide. They didn't even begin to start again until way after she ran down the street. I just got home from my doctor's appt.

Like · 1 · 12 hrs



Tiffany Cohen Lalonde Beautiful story. This baby will have quite a story.

Like · 12 hrs



Marianne Hansen Omg, You are incredible brave. Weird that nobody did anything to help her. She does not want to die. Her actions are a cry for help. I feel sorry for her. Hopefully she'll be found and get the right kind of treatment.

Like · 11 hrs



Mary Cummins I agree it was a cry for help. She had someone on the phone. I'm awaiting back surgery and barely moving. She could have easily fought me off. Maybe there were sensors on the tracks which alerted the conductors.

Like · 11 hrs



Wendy Heisley Watson Bless her. She needs help.

Like · 11 hrs



Jill Bosch What THIS recently? Gee, how horrible to find someone so desperate. Glad you were there!

Like · 10 hrs



Mary Cummins This morning at 10:15 a.m.

Like · 1 · 7 hrs



Jennifer Charnofsky Insane.

Like · 7 hrs



Marguerite de Bourgoing what?!?!

Like · 6 hrs



Sue Basko Thank you for helping her.

Like · 6 hrs



Sherry Loucks Insane

Like · 5 hrs



Stephen Wells Wow, Mary. Good thing you were there, but how upsetting! And sad.

Like · 4 hrs

EXHIBIT 5

E-Filed

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-4902-GHK (MRWx)	Date	July 30, 2012
Title	<i>Mary Cummins v. Amanda Lollar, et al.</i>		

Presiding: The Honorable **GEORGE H. KING, U. S. DISTRICT JUDGE**

Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
None	None

Proceedings: (In Chambers) Order to Show Cause

On June 5, 2012, Plaintiff Mary Cummins (“Plaintiff”) filed this Complaint asserting claims for negligence, negligent interference with prospective economic advantage, and negligent infliction of emotional distress against Defendants Amanda Lollar (“Lollar”) and Bat World Sanctuary (“Bat World” and, collectively, “Defendants”). The claims are based on Plaintiff’s allegations that while an intern at Bat World in Mineral Wells, Texas, Plaintiff hit her head on a piece of wood, fell, and injured her head and back. On July 6, 2012, we issued an Order to Show Cause (“OSC”) why this action should not be dismissed or transferred for improper venue.

On July 9, 2012, Plaintiff filed a First Amended Complaint (“FAC”).¹ In addition to the claims asserted in the first Complaint, Plaintiff’s FAC now also asserts claims for negligent infliction of emotional distress, defamation, defamation per se, intentional interference with business relations, intentional interference with prospective economic advantage, and harassment. These additional claims are based on a different factual predicate – Plaintiff’s allegations that after she returned to California, Defendants harassed and ridiculed her on the internet. The FAC also now asserts that venue is proper because “Plaintiff has been harassed, defamed and financially damages in California.” (FAC ¶ 22).

The claims Plaintiff adds in the FAC – the only claims in the FAC that appear to be tethered to this venue – and the factual predicate for those claims appear to be identical to claims already pending in this district before Judge Dolly M. Gee. See *Mary Cummins v. Amanda Lollar, et al.*, CV 11-8081, Dkt. No. 21. Accordingly, it appears that Plaintiff filed her FAC in bad faith – in an effort to establish venue in this action over Plaintiff’s claims arising out of her injuries that occurred at Bat World in Mineral Wells, Texas. We view such tactics with disfavor. Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE**, in writing, **within seven (7) days hereof**, why the new claims and factual allegations asserted in the FAC should not be dismissed. Plaintiff’s failure to timely and adequately show cause

¹ Plaintiff’s FAC was filed as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(B), because it was filed within twenty-one days of Defendants’ Motion to Dismiss or Transfer for Improper Venue.

E-Filed

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-4902-GHK (MRWx) Date July 30, 2012

Title *Mary Cummins v. Amanda Lollar, et al.*

will be deemed her admission that these claims were improperly added. In that event, we will dismiss these claims, without prejudice, and transfer this action to the U.S. District Court for the Northern District of Texas.

IT IS SO ORDERED.

Initials of Deputy Clerk

____ : ____
Bea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXCERPT OF REPORTER'S RECORD

VOLUME 1 OF 1 VOLUMES

TRIAL COURT CAUSE NO. 352-248169-10

COURT OF APPEALS CAUSE NO. 02-12-00285-CV

BAT WORLD SANCTUARY, ET AL)	IN THE 352ND JUDICIAL
)	
vs.)	DISTRICT COURT OF TEXAS
)	
MARY CUMMINS)	IN AND FOR TARRANT COUNTY

EXCERPTS OF PROCEEDINGS

August 17, 2012

On the 12th day of August, 2012, the following proceedings came on to be heard in the above-titled and numbered cause before the Honorable Jeff Walker, Judge Presiding, held in Fort Worth, Texas, reported by machine shorthand utilizing computer-aided transcription.

COPY

APPEARANCES

1
2
3 RANDALL E. TURNER
4 SBOT NO. 20328310
5 Turner & McKenzie, PC
6 1800 N. Norwood Drive
7 Suite 100
8 Hurst, Texas 76054
9 Telephone: (817) 282-3868
10 Facsimile: (817) 268-1563

11
12 Attorney for Plaintiff
13
14

15 MARY CUMMINS
16 645 W. 9th Street
17 #110-140
18 Los Angeles, California 90015
19 Telephone: (310) 877-4770

20
21 Pro Se
22
23
24
25

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE VOL.

Fifth Amendment Right Invoked	4	1
Rulings by the Court	6	1
Court's Ruling on Rule 13 Sanctions	6	1
Court's Ruling on Rule 18a Sanction	11	1
Proceedings Adjourned	11	1
Reporter's Certificate	12	1

PROCEEDINGS

(Fifth Amendment Right Invoked)

* * *

1
2
3
4 **THE COURT:** All right. Mr. Turner, do you have
5 evidence to present?

6 **MR. TURNER:** I do want to call Ms. Cummins,
7 briefly, Your Honor, to the witness stand.

8 **THE COURT:** This is an unusual situation,
9 Ms. Cummins. Hold on just a second. You don't have to go
10 back, stay where you are.

11 This sanction motion under Rule 13 has as
12 potential punishment those set forth in Rule 215 of the Rules
13 of Civil Procedure, which include contempt. That is a quasi
14 criminal matter. As such, you're entitled to your
15 Constitutional rights under the Fifth Amendment and otherwise.
16 Your right to remain silent. If you put on any evidence you
17 waive that right.

18 Do you understand what I'm saying?

19 **MS. CUMMINS:** Yes. But if this is a -- could
20 possibly be criminal contempt, wouldn't I then be allowed an
21 attorney?

22 **THE COURT:** That's -- you may have an attorney.
23 This is not a criminal case. I cannot assign you one, but you
24 have the right to have an attorney if you want to get one. We
25 can reschedule this hearing until you have a lawyer.

1 *MS. CUMMINS:* There's no way I'd be able to
2 afford a lawyer. But Judge Sudderth told me that if I were to
3 be in criminal contempt I would be able to have an attorney
4 appointed.

5 *THE COURT:* Then you need to deal with
6 Ms. Sudderth.

7 *MS. CUMMINS:* Okay. Didn't you just say this
8 was a quasi criminal situation?

9 *THE COURT:* It is. And because of it, I feel
10 like I'm obligated to tell you what your rights are. The
11 right to remain silent, the right to counsel, all those other
12 things you've seen a number of times, right?

13 *MS. CUMMINS:* Yes.

14 *THE COURT:* He's about to put you on the stand.
15 You're not required to testify unless you want to. If you do,
16 either through Mr. Turner putting you on the stand or you
17 voluntarily get on the stand, you waive that Fifth Amendment
18 right. That's where I'm going with all this.

19 *MS. CUMMINS:* Okay.

20 *THE COURT:* It's entirely up to you.

21 *MS. CUMMINS:* Then I won't take the stand.

22 *THE COURT:* I'm sorry?

23 *MS. CUMMINS:* Then I won't take the stand.

24 *THE COURT:* Okay.

25 * * *

1 *(Rulings by the Court)*

2 **THE COURT:** Mr. Turner, I'm reading Rule 13, and
3 the thing that I think you have a problem with here is -- the
4 opening sentence of that rule says: The signatures of
5 attorneys or parties constitute a certificate by them that
6 they have read the pleadings, motion or other paper that to
7 the best of their knowledge, information and belief formed,
8 after reasonable inquiry, the instrument is not groundless and
9 brought in bad faith or groundless and brought for purposes of
10 harassment. It's that word "belief" that is, I think, the
11 problem that you have.

12 From what I've heard from Ms. Cummins, she
13 stated it was her belief and she stated the basis for her
14 belief. Your motion for Rule 13 sanctions is denied.

15 *(Brief pause.)*

16 **THE COURT:** I'm now looking at the sanctions
17 rule contained in Rule 18a, which provides for monetary
18 sanctions in the form of reasonable attorney's fees and
19 expenses and do not include any of the other sanctions under
20 Rule 215.

21 Rule 18a -- and I'm cutting down to the part
22 that I want to touch on -- after notice of hearing the Judge
23 who hears the motion may order the party or attorney who filed
24 the motion or both to pay a reasonable attorney's fees and
25 expenses incurred by other parties if the Judge determines

1 that the motion was, one, groundless and filed in bad faith
2 or, for the purposes of harassment; or, two, clearly brought
3 for unnecessary -- clearly brought for unnecessary delay and
4 without sufficient cause.

5 Ms. Cummins, the grounds that you have stated
6 and you put on evidence of raises a question of how groundless
7 must it be. I have read all of your motions, your
8 responses -- both parties -- your attachments, your exhibits.
9 It seemed pretty clear to me that there was an awful lot of
10 ranker on your part about the process, about the good 'ol
11 boys, about your feeling of ill treatment at the hands of the
12 judiciary in the State of Texas that you put out there for the
13 whole world. And now I've heard the evidence, which, quite
14 frankly, don't substantiate any of those statements. Makes
15 one wonder if you did it for purposes of harassment.

16 You know, in one of your e-mails your -- I guess
17 it's a blog, I don't do that sort of thing -- that you sent
18 out under some kind of byline that you have, you talked about
19 this nice female judge, Bonnie Sudderth, and that her
20 supervisor swapped her out of the case for an old white guy.

21 *MS. CUMMINS:* I don't remember saying that
22 specifically.

23 *THE COURT:* Well, for Judge Brigham.

24 Where did you get the idea that I swap one for
25 Judge Sudderth without her knowledge or consent?

1 *MS. CUMMINS:* Um, when Judge William Brigham
2 came into the courtroom he says, I have been appointed to this
3 case by Supervising Judge Jeffrey Walker for jurisdictional
4 purposes.

5 *THE COURT:* He didn't say why he did that?

6 *MS. CUMMINS:* No.

7 *THE COURT:* Did you know that Judge Sudderth had
8 asked for him?

9 *MS. CUMMINS:* Did she?

10 *THE COURT:* Did you know that Judge Sudderth had
11 asked for Judge Brigham?

12 *MS. CUMMINS:* No. May I ask if she did?

13 *THE COURT:* I knew you were going to ask that
14 question. Here's her written request.

15 *MS. CUMMINS:* May I view it?

16 *THE COURT:* Sure. Come on up here and take a
17 look at it.

18 *(Brief pause.)*

19 *MS. CUMMINS:* If she made the request, why
20 didn't she give me notice that he would be the visiting judge?

21 *THE COURT:* She's under no obligation to do
22 that.

23 I'm in a situation, Ms. Cummins, where, under
24 Rule 13, the lawyer or the party is obligated to check their
25 facts before they put them in the pleadings. And they verify

1 that when they put their signature on that pleading; whether
2 it's a motion or a petition or whatever it happens to be. And
3 that signature then becomes their verification that they've
4 checked their facts before they set them down on paper, so
5 that they're nothing more than uninformed opinions.

6 Rule 18 has no requirement like that, requiring
7 you to set out those kind of facts that you have done your
8 research. But it does require you to swear to the contents.
9 You know, I told you I was going to overlook that because you
10 are a pro se litigant.

11 I cannot, however, overlook the fact that you
12 have done little in working on background before you put it
13 all down on paper.

14 *MS. CUMMINS:* Would -- may I ask a question?

15 *THE COURT:* Yes, ma'am.

16 *MS. CUMMINS:* Um, I had no idea I would have
17 been able to find out the exact reason why Judge Brigham was
18 on -- the visiting judge. I had no idea I could have been
19 able to find out what the reason was. I just took what he
20 said when he came to the courtroom as the truth.

21 *THE COURT:* So what's your point?

22 *MS. CUMMINS:* My question is, I did not know
23 that I would have been able to call up the Court and say, hey,
24 what -- in fact, I actually did e-mail Linda Blair and I said,
25 what happened to Judge Bonnie Sudderth? And she never got

1 back to me. So there's no way I would have been able to find
2 out because Ms. Blair did not tell me. I said what happened
3 to Judge Bonnie, where is she? And she never replied.

4 *THE COURT:* But you do remember your comments in
5 your blog? And I'm only referring to those because it tells
6 me something about who you are and how it affects the motion
7 that you filed.

8 Where you put in there about how you were being
9 treated in Texas courts. Do you remember those statements?
10 Do you want to look back at your paperwork?

11 *MS. CUMMINS:* Well, I don't have it in front of
12 me, and we haven't authenticated any of his exhibits. I don't
13 know if that's exactly what I said.

14 I have repeatedly said that Judge Bonnie
15 Sudderth has always been fair and polite and kind in all the
16 pretrial motions. I didn't have any problems with Judge
17 Sudderth.

18 *THE COURT:* But you made it sound like some kind
19 of conspiracy was going on among the good 'ol boys to remove
20 this judge you favored for one you knew nothing about.

21 *MS. CUMMINS:* Um, I -- I -- I knew about Judge
22 Brigham. And obviously if I had known he was going to be the
23 visiting judge I would have timely filed the motion to recuse.

24 All I know is that he showed up there and I was
25 given no notice or no option that I would even be able to

1 recuse right then and there at the beginning of the trial.

2 **THE COURT:** Well, Ms. Cummins, I'm going to
3 sanction you under Rule 18a, Subparagraph H. The sanction
4 is -- I'll make a finding that your motion to recuse was
5 groundless and filed in bad faith. It only provides for
6 attorney's fees and expenses, and I'm going to set that at
7 \$500. You'll have 30 days in which to pay that to Mr. Turner.

8 And I will have a prepared order in the mail to
9 you soon as I have it written up, signed and placed in the
10 file.

11 That concludes this hearing.

12 **MR. TURNER:** Thank you, Your Honor.

13 *(Proceedings adjourned)*
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF TEXAS

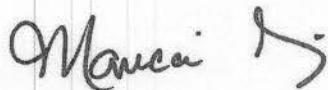
2 COUNTY OF TARRANT

3 I, Monica J. Willenburg, Official Court Reporter
4 in and for the 352nd District Court of Texas in and for
5 Tarrant County, do hereby certify that the above and foregoing
6 contains a true and correct transcription of an excerpt of
7 portions of evidence and other proceedings requested in
8 writing by counsel for the parties to be included in this
9 volume of the Reporter's Record in the above-styled and
10 numbered cause, all of which occurred in open court or in
11 chambers and were reported by me.

12 I further certify that this Reporter's Record of
13 the proceedings truly and correctly reflects the exhibits, if
14 any, offered by the respective parties, if requested.

15 I further certify that the total cost for the
16 preparation of this Reporter's Record is \$ 60.00
17 and was paid/will be paid by PLAINTIFF.

18 WITNESS MY OFFICIAL HAND, on this the 10th of
19 September, 2012.

20 

21
22 Monica J. Willenburg, CSR, RPR
23 Texas CSR No. 3386, Exp: 12/31/12
24 Official Court Reporter
25 352nd District Court
401 W. Belknap, 8th Floor
Fort Worth, Texas 76196
Telephone: (817)884-2732
email: mwillenburg@tarrantcounty.com

EXHIBIT 6

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY
and AMANDA LOLLAR

v.

MARY CUMMINS

§
§
§
§
§
§
§

IN THE DISTRICT COURT

352ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**PLAINTIFF'S RESPONSE TO MOTION FOR CONTEMPT OF COURT,
FORGERY, FRAUD**

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff, Amanda Lollar, files this Response to Defendant's "Motion for Contempt of Court, Forgery, Fraud" and will show the following:

I.

Bank records authorization

On December 8, 2015 this Court signed an Amended Order Granting Motion for Bank Records Authorization which ordered Defendant to sign an authorization allowing Plaintiff to obtain Defendant's bank records. *See Exhibit 1.* Defendant eventually signed an authorization which had been drafted by Plaintiff's attorney using the exact language ordered by the Court. *See Exhibit 2.*¹ On January 7, 2016 Plaintiff's attorney mailed copies of the signed authorization to certain banks requesting Defendant's bank records. *See Exhibit 3.* On January 21, 2016 First Bank, one of Defendant's banks, mailed Plaintiff's attorney copies of Defendant's bank records. *See Exhibit 4.* Plaintiff's attorney promptly forwarded copies of these records to Defendant as required by the Court's order.

¹ Defendant's signature on the authorization was so different from her usual signature that it appeared to be a crude forgery.

II.

Animal Advocates' bank records

On February 12, 2016 Plaintiff's attorney received a letter from First Bank informing him that Defendant had complained to the bank because it had sent him records pertaining to an organization called "Animal Advocates." See Exhibit 5. Defendant claims Animal Advocates is a "non-profit" organization run by her. First Bank had included Animal Advocates' records among the records it sent to Plaintiff's attorney because Defendant is "an authorized signatory" on the Animal Advocates account. *Id.*

Neither Plaintiff nor her attorney ever requested any records pertaining to Animal Advocates. No such request for these records was ever made in writing, by telephone, email or any other means of communication. These records were sent by the bank in direct response to a specific, limited request for "records pertaining to any accounts of Mary Cummins under her social security number [REDACTED]."

III.

Animal Advocates is Defendant's piggy bank

An examination of the Animal Advocates' bank records immediately reveals why Defendant does not want Plaintiff or this court to see these records. The bank records show that for several years Defendant has been systematically withdrawing thousands of dollars from the Animal Advocates account for her personal and private use. Funds which were donated to this "non-profit" organization have been used by Defendant to purchase such things as services at a weight loss clinic, lip plumping, a financial advisor, liquor, haircuts, fast food, real estate expenses, an actress listing for Mary Cummins in IMDB, ancestry.com, peoplefinder.com, and personal legal expenses. The records show that Defendant uses Animal Advocates as a veritable

piggy bank to siphon off funds that were intended by donors to go to a tax-exempt, non-profit organization. This is why Defendant does not want any bank records to be viewed by this Court or introduced into evidence in any court proceeding. Defendant has repeatedly sworn under penalty of perjury that she is indigent and has no assets or income. The bank records conclusively prove otherwise. They are available for an *in camera* inspection.

IV.

Defendant's claims of "forgery and fraud" have been made by her against many others

The post-judgment collection efforts by Plaintiff in this case are to collect on a \$6 million judgment against Defendant for defamation. Judge William Brigham, who presided at the trial announced at the conclusion of the trial that Defendant's lies about Plaintiff were "egregious as well as malicious as well as intentional." See Exhibit 6. Defendant has a long history of publically accusing others of forgery, fraud and other misconduct, including the following accusations she has made against individuals²:

- **Judge Bill Brigham**: "committed fraud upon the court" and was "cheating in court."³ See Exhibit 7.
- **Judge Bonnie Sudderth**: is a "lied in court," and "committed perjury in court to help her pedophile brother." See Exhibit 8.
- **Judge Jeff Walker**: committed "perjury in court." See Exhibit 9.
- **Justice Lee Ann Dauphinot**: "flat out lied" and "committed perjury in her opinion." See Exhibit 10.
- **Supreme Court Justice Don Willett**: is "EXTREMELY corrupt" and "promotes listeria- infected Blue Bell ice cream in exchange for...?" See Exhibit 11.

² This is only a tiny sample of public accusations of criminal activity and misconduct that Defendant has made against countless attorneys, judges, and other individuals and organizations.

³ Defendant made these allegations in a complaint she filed against Judge Brigham with the Texas State Commission on Judicial Conduct. The complaint was promptly dismissed.

- **Mary Cummins' mother**: "committed fraud" and was "stealing from me." See Exhibit 12.

WHEREFORE, Plaintiff, Amanda Lollar prays that Defendant's motion be denied and that Plaintiff recover reasonable and necessary attorney's fees from Defendant for filing a frivolous motion and for discovery abuse.

Respectfully submitted,

/s/ Randall E. Turner
RANDALL E. TURNER
SBN: 20328310
4255 Bryant Irvin Rd., Suite 205
Fort Worth, Texas 76109
Telephone: 817-420-9690
Fax: 817-887-5717
randy@randyturner.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

In accordance with Rule 21a of the Texas Rules of Civil Procedure, I hereby certify that a true and correct copy of the above and foregoing document has been served electronically through the electronic filing manager to the email address of the following party or attorney whose email address is on file with the electronic filing manager:

Mary Cummins at mmmaryinla@aol.com

/s/ Randall E. Turner

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA; COUNTY OF LOS ANGELES) ss.

3
4 I am over the age of 18 and a citizen of the United States. My business address and
5 telephone number are Trial Advocacy Group, LLC, 1901 Avenue of the Stars, Suite 1100, Los
6 Angeles, California 90067, telephone (818) 970-8779.

7 On October 13, 2017, I caused the accompanying Judgment Creditor's Objections and
8 Motion to Strike Purported "Motions to Quash, Modify Subpoena, Etc." of Judgment Debtor Mary
9 Cummins; Declaration of James J. Little; Declaration of Dorothy Hyatt to be served on:

10 Mary Cummins
11 645 West 9th Street, Suite 110-140
12 Los Angeles, California 90015
13 Email: mmmarycummins@gmail.com

14 **BY FACSIMILE** as follows: By causing true and correct copies of the foregoing
15 documents to be transmitted via facsimile to the above party at the foregoing fax number.

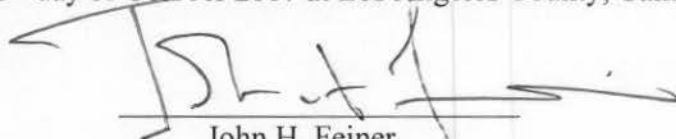
16 **BY FEDERAL EXPRESS/PRIORITY OVERNIGHT:** By causing the foregoing
17 documents to be sent via FEDEX for next-day delivery to the foregoing address.

18 **BY U.S. MAIL** as follows: By causing the foregoing documents (1) to be placed in sealed
19 envelopes with proper postage thereon and (2) deposited in a mail depository maintained by the
20 United States Postal Service on the date indicated above.

21 **BY PERSONAL SERVICE:** By causing the foregoing documents to be personally served.

22 **BY ELECTRONIC SERVICE:** By causing the foregoing to be electronically served.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct. Executed this 13th day of October 2017 at Los Angeles County, California, by:

25
26
27
28

John H. Feiner