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4

5 Attorneys for plaintiff KONSTANTIN KHIONIDI, as Trustee of the
COBBS TRUST
6

7 **UNITED STATES BANKRUPTCY COURT FOR THE**
8 **CENTRAL DISTRICT OF CALIFORNIA**

<p>9 In re:</p> <p>10 MARY CUMMINS-COBB,</p> <p style="text-align: right;">Debtor</p> <hr/> <p>11 KONSTANTIN KHIONIDI, as Trustee of the</p> <p>12 COBBS TRUST,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>13 MARY CUMMINS-COBB,</p> <p style="text-align: right;">Defendant.</p> <hr/>	<p>) Case No. 2:17-bk-24993-RK</p> <p>) Chapter 7</p> <p>) Adv. Proc. No. 2:18-ap-01066-RK</p> <p>) DECLARATION OF PHILIP H. STILLMAN IN</p> <p>) SUPPORT OF MOTION TO AMEND</p> <p>) SCHEDULING ORDER TO EXTEND THE</p> <p>) DISCOVERY CUTOFF AND PRETRIAL</p> <p>) CONFERENCE DATES</p> <p>) Hearing Date: November 27, 2018</p> <p>) Time: 2:30 p.m.</p>
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14 Judge: Honorable Robert N. Kwan
15 Courtroom: 1675
16 Edward R. Roybal Federal Building
17 255 E. Temple Street, Suite 1682
18 Los Angeles, CA 90012
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DECLARATION OF PHILIP H. STILLMAN

I, Philip H. Stillman hereby declare:

1. I am attorney of record for the Plaintiff, Konstantin Khionidi, as Trustee of the Cobbs Trust, and a member in good standing of the California State Bar in good standing. I have personal knowledge of the facts stated herein and could and would testify competently to them. I make this Declaration in support of Plaintiff's Motion to Extend the Scheduling Order Discovery Cutoff and Pretrial Conference Dates.

2. Pursuant to LBR 7026-1(c)(2), the parties have met and conferred on this extension on October 12, 15, 16, 19 and 21, and Debtor and defendant Mary Cummins-Cobb ("Cummins") had stipulated in writing to continue the Discovery Cutoff from October 31, 2018 to December 31, 2018 and agreed to continue the Pretrial Conference from December 4 to February 12.

3. A true and correct copy of Cummins' October 12, 2018 agreement to the stipulation, and her subsequent confirmations of her agreement are attached hereto as Exhibit 1.

4. I then prepared a Stipulation pursuant to our agreement and sent it to Cummins. She then said that she had to review it "over the weekend." A copy of the proposed Stipulation is attached hereto as Exhibit 2. She did not sign it on Monday, October 15, nor did she ask for any changes. Nor, despite my requests on the 15th, 16th, 19th and 21st, Cummins neither signed the Stipulation or ask for any changes.

5. Plaintiff filed this adversary proceeding objecting to Cummins' discharge pursuant to 11 U.S.C. § 727(a) for making false statements on her schedules and failing to disclose income and assets. Plaintiff's written discovery is largely focused on obtaining information and documents pertaining to the information or omitted information in Plaintiff's schedules. In addition, Plaintiff sought a determination that the domesticated California judgment is nondischargeable as a "willful and malicious injury" based on the collateral estoppel effect of the Texas Judgment and the domesticated judgment, given that both the trial court in Texas and the Court of Appeals determined that Cummins' defamation of Ms. Lollar was intentional and malicious.

6. See June 14, 2012 Transcript of Decision in *Bat World Sanctuary et al. v.*

1 Cummins, Tarrant County District Court Case No. 352-248169-10, p. 4, lines 7-14, attached to
2 hereto as Exhibit 3 (“I think the plaintiff has clearly proven that a defamation in this case was
3 egregious as well as malicious as well as intentional.”). The trial court awarded Ms. Lollar \$3
4 million in exemplary damages against Cummins. See Texas Judgment, attached hereto as
5 Exhibit 4.

6 7. On August 27, 2018, Plaintiff propounded a set of interrogatories and a set of
7 requests for production of documents to Cummins. Theoretically, had that discovery been fully
8 responded-to, no further written discovery would have been necessary. Although Cummins
9 “responded” on September 28 (two days late), the responses were not signed, the interrogatories
10 were not verified, did not provide substantive responses and neither of the Responses stated the
11 interrogatory or request before the alleged response in violation of Local Bankruptcy Rule 7026-
12 3(c). Although the documents were due at the time of the service of the responses, no
13 documents were produced whatsoever and still have not been produced. Cummins has also
14 refused so far to meet and confer on her Responses, now contending that it is past the Discovery
15 Cutoff, so she does not have to do so.

16 8. To head off a dispute regarding Cummins’ discovery, beginning on September 20,
17 2018 and continuing through October 19, I attempted to negotiate a limited protective order for
18 documents that were truly confidential without success. In fact, I provided Cummins with a
19 lengthy email response regarding the requirements for a protective order and that I would agree
20 to one limited in scope to truly confidential information. A copy of my September 20 email to
21 Cummins is attached hereto as Exhibit 5.

22 9. Although I repeatedly asked Cummins to provide specific documents or categories
23 of documents that she felt were truly confidential, she only identified tax returns – a category that
24 I agreed could be subject to a protective order. However, despite repeated requests from
25 October 2 through the present, “tax returns” were the only category that Cummins identified.

26 10. My recent efforts to confer on the subject are memorialized in an “email chain”
27 dated October 12, 2018 and attached to the Stillman Decl. as Exhibit 6.

28 11. Even without the requested discovery, and because of the October 31 discovery

1 cutoff, I served a Notice of Deposition (without documents) on October 12 for Debtor's deposition
2 for October 26. I also arranged for service of a third party deposition of Jennifer Charnofsky for
3 October 30 and gave notice to Cummins. Ms. Charnofsky is a key witness and apparent
4 roommate of Cummins, listed in Debtor's Schedules as allegedly having a security interest in a
5 car that Debtor listed as hers in her Schedule E/F but which appears to have been registered to a
6 California non-profit with no record of any security interest.

7 12. In response, Cummins informed me that she refused to appear for her deposition
8 on the date noticed and refused to appear on *any* date unless Plaintiff agreed to a blanket
9 protective order over the entire transcript. See email dated October 17, 2018, attached to the
10 Stillman Decl. as Exhibit 7.

11 13. At the same time, Cummins refused to provide any other dates for her deposition
12 despite repeated requests that she provide alternative dates for her deposition. See Email dated
13 October 18, requesting alternate dates and agreeing to a limited protective order, attached to the
14 Stillman Decl. as Exhibit 8. Cummins clearly stated to Plaintiff's counsel that she would not be
15 appearing for her deposition.

16 14. This is not the first time that Cummins has refused to appear for a deposition. The
17 Los Angeles Superior Court issued a bench warrant after Cummins failed to appear for her
18 scheduled debtor's examination. A copy of the September 26, 2017 minute order is attached
19 hereto as Exhibit 13.

20 15. Finally, on October 22, Cummins again reiterated that she would not appear for her
21 deposition, now adding a new condition that – apparently in addition to a blanket protective order,
22 that I produce Amanda Lollar, the original judgment creditor who resides in Texas, in Los Angeles
23 and prior to Cummins agreeing to be deposed. See October 22, 2018 email attached as Exhibit
24 9, I believe that this email illustrates the complete and unreasonable breakdown in obtaining any
25 discovery from this debtor.

26 16. In addition, Cummins complained that a "thug" – in reality, a licensed process
27 server – was lurking outside Ms. Charnofsky's residence, to which Cummins took great
28 exception. Ms. Charnofsky's address is given in Cummins' Schedules as 2657 Van Buren Place,

1 Los Angeles, California 90007. Contrary to Cummins' Petition, where she lists her home address
2 as "27th and Raymond," she testified in her State Court Debtor's Examination conducted on
3 October 15, 2017 that her home address was 2657 Van Buren Place, Los Angeles, California –
4 meaning that she is living with Ms. Charnofsky. Cummins' testimony in her Debtor's exam is
5 attached hereto as Exhibit 10.

6 17. Given the advance notice to Cummins required by Fed. R. Civ. P. 45 on October
7 15, 2018 and given her apparent awareness of a process server attempting to serve Ms.
8 Charnofsky, it is apparent that Cummins has coached Ms. Charnofsky to avoid service.
9 However, despite any interference by Ms. Cummins with service on Ms. Charnofsky, I was
10 informed that the process server finally obtained personal service on Ms. Charnofsky on
11 Saturday, October 20.¹ Ms. Charnofsky's deposition was timely set for October 30 – again within
12 the discovery cutoff set by this Court. However, neither Charnofsky nor Cummins appeared for
13 the Charnofsky deposition on October 30, with not even a telephone call to me.

14 18. Thus, *all* of Plaintiff's discovery was timely propounded, and but for Cummins' total
15 refusal to produce documents, adequately respond to interrogatories and agree to appear for her
16 deposition, all of Plaintiff's anticipated discovery would have been timely completed prior to
17 October 31.

18 19. Because Cummins is *in pro per*, I tried to be extra-considerate to her unreasonable
19 demands. For example, on October 2, 2018, Cummins propounded written discovery to Plaintiff.
20 Since the responses were due after the October 31, 2018 discovery cutoff, they were untimely
21 and need not be responded to. In addition, Cummins served Notice of Taking Deposition of
22 Amanda Lollar, who resides in Texas, but set the deposition for November 8, 2018 in Los
23 Angeles, again after the discovery cutoff. I again responded to Cummins trying to resolve the
24 discovery disputes so that Plaintiff could complete his discovery in a timely way to no avail. A
25 copy of my October 16 email to Cummins is attached hereto as Exhibit 11.

26 _____
27 ¹ Cummins contended that that the process server lied about serving Ms. Charnofsky. A
28 copy of her October 22 email to me is attached hereto as Exhibit 12. Clearly games are being
played regarding the Charnofsky deposition.

1 20. The final issue raised by Cummins which justifies the need to continue the
2 Scheduling Order dates is that Cummins has flatly refused to produce records *or be deposed*
3 without a blanket protective order that provides that in the event that the protective order is
4 allegedly violated, *“the case will be dismissed.”* Her demand for a blanket protective order over
5 all discovery and her deposition is plainly improper, as is her demand that the adversary
6 proceeding be dismissed if her desired protective order is violated. However, other than tax
7 returns, she has refused to identify any categories of documents she claims should be subject to
8 a purported protective order – again despite repeated requests that she do so.

9 21. Thus, as to her deposition and the written discovery propounded to her, she has
10 flatly refused to (1) produce documents, (2) appear for her deposition and (3) identify for what
11 categories of documents she believes a protective order is warranted. She also refuses to
12 provide alternative dates for her deposition, despite my repeated requests. Counsel has
13 attempted as recently as Sunday, October 21 try to reach some accommodation with Cummins
14 to resolve all of these issues without success.

15 22. The issue of a protective order sought by Cummins is particularly problematic in this
16 case, as she has indicated that copies of potentially responsive documents are not only in the
17 possession of other third parties, but that those third parties have allegedly made some of those
18 records publicly available. I am deeply concerned that agreeing to *any* sort of protective order
19 will simply be an opportunity for Cummins to attempt to harass Plaintiff and me with ancillary
20 litigation alleging that Plaintiff or I have allegedly violated any protective order, and not third
21 parties. Even as to the one category of confidential documents that Cummins has identified –
22 her tax returns – she contends that others have apparently already posted them “on the internet”
23 somewhere.

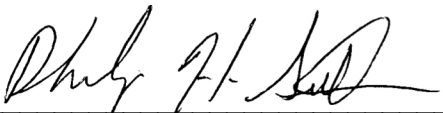
24 23. In summary, Plaintiff has timely propounded discovery and simply wants that
25 discovery concluded. Cummins, other the other had, appears to want to delay having to respond to
26 any discovery and delay Plaintiff’s resolution of this issue until after the existing discovery cutoff. I
27 can think of no other reason for Cummins agreeing to the continuance of the Scheduling Order
28 deadlines on October 12 but then refusing to sign any Stipulation for over 10 days, other than to

1 delay Plaintiff.

2 24. Because the need for this continuance is solely due to Cummins' abject refusal to
3 comply with her own discovery obligations, any continuance should only permit Plaintiff to compete
4 his timely served discovery. I believe that 90 days should be adequate to bring the necessary
5 motions to compel further responses and obtain orders compelling the depositions of both Cummins
6 and Charnofsky, as well as complete any follow-up discovery if necessary.

7 25. Finally, even if the Court is not inclined to otherwise extend these deadlines, I
8 request that the Pretrial Conference scheduled for December 11, 2018 be continued to at least
9 January 8, 2019 for purely personal reasons. Not realizing that I had a hearing scheduled for
10 December 11, my wife purchased a prepaid scuba diving vacation to the Carribean from
11 December 11 through December 21 that was booked and paid for as a surprise present. This
12 was the only available time at the scuba diving resort and the only time that I am able to go on
13 any vacation, as I have a trial scheduled for January 18, 2019 in San Diego and a trial scheduled
14 in Los Angeles for February 11, 2019. Accordingly, because I cannot change these international
15 plans, I request that the Court continue the Pretrial Conference to January 8, 2019.

16 I declare under the penalty of perjury under the laws of California that the foregoing is true
17 and correct. Signed this 6th day of November, 2018 at Miami Beach, Florida.

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19 _____
20 Philip H. Stillman

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Subject: Re: Your written discovery

Date: Friday, October 12, 2018 at 12:37:05 PM Eastern Daylight Time

From: Mary Cummins

To: Philip H. Stillman

I agree to extend discovery.

On Fri, Oct 12, 2018 at 6:31 AM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

Your written discovery, served on October 2, is late and therefore need not be responded to. However, because I have a very busy month, I am willing to have my client respond to your discovery if we stipulate to continue the discovery cutoff for a month or two.

In addition, as I will set forth in my meet and confer letter, your responses are deficient in numerous respects, and of course there is the protective order regarding tax returns that needs to be drafted and agreed to. Let me know what you would like to do.

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Real Estate Appraiser, Expert witness for over 30 years
Mary Cummins
Los Angeles, California

MaryCummins.com

facebook.com/CumminsRealEstateServices

Direct: (310) 877-4770

Fax: (310) 877-4770

Se habla Español

Subject: Re: Your written discovery
Date: Friday, October 12, 2018 at 12:41:58 PM Eastern Daylight Time
From: Philip H. Stillman
To: Mary Cummins

That makes sense, as to the extension. But as I said, I can agree to a PO on a category by category basis. For example, you were concerned about the tax returns. I agreed to a PO regarding the tax returns because it was limited and focused. I think I have demonstrated an open mind to your requests. If there other specific categories that you are concerned about, I am perfectly willing to consider those . . .

From: Mary Cummins <mmmarycummins@gmail.com>
Date: Friday, October 12, 2018 at 12:37 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Re: Your written discovery

I agree to extend discovery if you client answers my discovery and there is a protective order on discovery.

On Fri, Oct 12, 2018 at 6:31 AM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

Your written discovery, served on October 2, is late and therefore need not be responded to. However, because I have a very busy month, I am willing to have my client respond to your discovery if we stipulate to continue the discovery cutoff for a month or two.

In addition, as I will set forth in my meet and confer letter, your responses are deficient in numerous respects, and of course there is the protective order regarding tax returns that needs to be drafted and agreed to. Let me know what you would like to do.

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Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

Los Angeles, California

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Direct: (310) 877-4770

Fax: (310) 877-4770

Se habla Español

Subject: Re: Discovery Cutoff

Date: Thursday, October 18, 2018 at 1:02:48 PM Eastern Daylight Time

From: Mary Cummins

To: Philip H. Stillman

I agree with your stipulation but I need a protective order over discovery items.

On Wed, Oct 17, 2018 at 12:50 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

When would you like to move the discovery cutoff to?

Philip H. Stillman | **STILLMAN • ASSOCIATES**

3015 North Bay Road | Suite B |

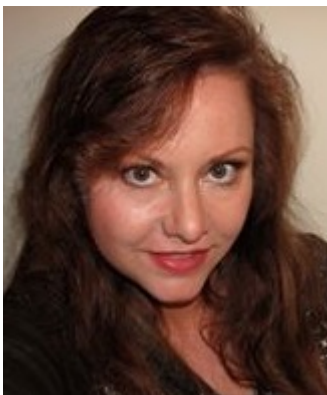
Miami Beach, FL 33140 |

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Real Estate Appraiser, Expert witness for over 30 years

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Se habla Español

Subject: Revised Stipulation to Continue
Date: Friday, October 19, 2018 at 5:46:04 PM Eastern Daylight Time
From: Philip H. Stillman
To: Mary Cummins
Priority: High
Attachments: Stipulation to Extend Discovery.pdf

I have revised the Stipulation to reflect changes over the past week. While you apparently have time to get an invalid subpoena issued by the Court, you can't seem to execute a stipulation or request any changes. You must sign a stipulation – it is insufficient to say you agree in an email. If you do not (1) sign this stipulation or request specific revisions and (2) provide alternative dates for your currently scheduled deposition, I will file an ex parte Application unilaterally allowing me to complete my discovery and obtain the documents that are well overdue. Your discovery will be barred. I need an answer *today*. I will not permit you to delay this any further. I have already waited a week for you to make up your mind and I am now being prejudiced by your delay.

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Subject: Stipulation to Extend Dates
Date: Friday, October 12, 2018 at 4:59:19 PM Eastern Daylight Time
From: Philip H. Stillman
To: Mary Cummins
Attachments: Stipulation to Extend Discovery.pdf

As discussed, I have drafted a Stipulation for our agreement to extend the existing dates. Please review and if it is approved, please sign and scan/fax the signature page back to me and I will get this filed today, along with a proposed order. Thanks.

Philip H. Stillman | **STILLMAN • ASSOCIATES**
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7 Attorneys for plaintiff KONSTANTIN KHIONIDI, as Trustee of the
8 COBBS TRUST

9 **UNITED STATES BANKRUPTCY COURT FOR THE**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 In re:
12 MARY CUMMINS-COBB,
13 Debtor

) Case No. 2:17-bk-24993-RK
) Chapter 7
) Adv. Proc. No. 2:18-ap-01066-RK

14 KONSTANTIN KHIONIDI, as Trustee of the
15 COBBS TRUST,

) STIPULATION TO CONTINUE DISCOVERY
) CUTOFF AND PRETRIAL CONFERENCE

16 vs. Plaintiff,

17 MARY CUMMINS-COBB,
18 Defendant.

) Judge: Honorable Robert N. Kwan
) Courtroom: 1675
) Edward R. Roybal Federal Building
) 255 E. Temple Street, Suite 1682
) Los Angeles, CA 90012

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1 Plaintiff Konstantin Khionidi, as Trustee of the COBBS Trust and Debtor and defendant
2 MARY CUMMINS-COBB hereby present the following Stipulation and Order to this Court for a
3 continuance of the existing October 31, 2018 discovery cutoff and the December 4, 2018 Pretrial
4 Conference for a period of sixty days. As grounds for this Stipulation, the parties state the
5 following.

6 WHEREAS, the current discovery cutoff is October 31, 2018 and Pretrial Conference set
7 for December 4, 2018;

8 WHEREAS, discovery disputes have arisen between the parties regarding defendants'
9 responses to written discovery and Defendant has so far failed to produce any documents which
10 were due on September 28, 2018, and on which the parties require further time to meet and
11 confer and likely prepare a motion to compel;

12 WHEREAS, the defendant believes that a protective order is appropriate for some portion
13 of documents requested pursuant to Fed. R. Civ. P. 34, which is disputed by Plaintiff;

14 WHEREAS, Defendant additionally wishes to conduct certain written discovery and
15 requires a continuance in order to conduct such discovery, and has noticed a deposition for
16 November 8, 2018, after the discovery cutoff;

17 WHEREAS, Plaintiff's need for follow-up discovery is dependent upon the responses and
18 documents produced by defendant after the parties finish meeting and conferring, including
19 whether a protective order is needed; and

20 WHEREAS, Defendant is refusing to appear for her duly noticed deposition currently set
21 for October 26, 2018, due to an alleged doctor's appointment, but has not yet provided alternate
22 dates despite having been requested to do so several times;

23 NOW THEREFORE, the parties stipulate and agree as follows:

- 24 1. That the existing Discovery Cut-Off be continued from October 31, 2018 to
25 December 31;
- 26 2. That the Pretrial Conference be continued from December 4, 2018 to February 12,
27 2019

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IT IS SO STIPULATED.

Respectfully Submitted,

STILLMAN & ASSOCIATES



Dated: October 12, 2018

By: _____
Philip H. Stillman, Esq.

*Attorneys for KONSTANTIN KHIONIDI, as Trustee of
the COBBS TRUST*

MARY CUMMINS-COBBS

Dated: October 19, 2018

By: _____
Mary Cummins-Cobb, *in pro per*

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A P P E A R A N C E S

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Attorney for Defendant:

Ms. Mary Cummins, Pro Se

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EXCERPT OF TRIAL ON MERITS

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EXHIBITS

EXHIBIT

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFERED</u>	<u>ADMITTED</u>
	None		

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BEGINNING OF REQUESTED EXCERPT

(June 14, 2012, 10:35 a.m.)

THE COURT: The evidence is complete. The summation is complete. There will be no more evidence and no more summation. The Court is about to rule.

In this case, the Court is of the opinion that plaintiff is entitled to recover. I think the plaintiff has clearly proven that a defamation in this case was egregious as well as malicious as well as intentional. I think that Amanda Lollar, the plaintiff in this case, had a worldwide reputation in the proper care of bats similar to that of Jan Goodall in the care of primates. Jan Goodall went to Africa to find primates.

Amanda Lollar in Palo Pinto County, Texas, where it probably has maybe one of largest concentration of bats in Texas, at least, maybe Austin has a few more. I don't know. The concentration of bats in the old Crazy Well Hotel, now known as the Baker Hotel that shut the Crazy Well Hotel down years ago, the bats have been there forever. The Court finds that the defendant did, in fact, sign the contract proven by excellent expert testimony point after point after point.

1 So, Mr. Turner, if you will prepare a
2 final judgment in this case and mail a copy of it to the
3 defendant, Mary Cummins, at [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] Los Angeles, California [REDACTED], and
5 in that final judgment compensatory damages of
6 \$3 million; exemplary damages of an additional
7 \$3 million; a permanent injunction on items Plaintiffs'
8 17 and 18; liquidated damages and then attorney fees of
9 \$176,700.

10 Mail it to her for her review. Her
11 signature is not necessary. Upon proper submission, it
12 will be signed by the Court. Thank you. We will stand
13 in recess.

14 MR. TURNER: Thank you, Your Honor.

15 (End of requested excerpt.)
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1 STATE OF TEXAS)

2 COUNTY OF TARRANT)

3

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

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

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$50.00 and has
18 been paid by Plaintiffs.

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WITNESS MY OFFICIAL HAND on this the 14th day of
June, 2012.

/s/Carolyn H. Gayaldo
CAROLYN H. GAYALDO CSR 7181
EXPIRATION DATE 12/31/13
Deputy Official Court Reporter
352nd District Court
Tarrant County, Texas
Allied Court Reporters
5208 Airport Freeway, Suite 105
Fort Worth, Texas 76117
(817) 335-5568

CAUSE NO. 352-248169-10

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

JUDGMENT

ON the 11th day of June this cause came on to be heard. Amanda Lollar, Plaintiff whose last three digits of her Texas driver's license number are 000, appeared in person and by her attorney and announced ready for trial. Bat World Sanctuary, Plaintiff, appeared by and through its attorney and announced ready for trial. Mary Cummins, Defendant whose last three digits of her California driver's license number are 781 appeared *pro se* and announced ready for trial. No jury having been demanded, all questions of fact were submitted to the Court.

After hearing the evidence and arguments of counsel and the defendant the Court finds that the plaintiffs, Amanda Lollar and Bat World Sanctuary, are entitled to recover from the defendant, Mary Cummins.

IT IS THEREFORE ORDERED that Amanda Lollar recover from Mary Cummins actual damages in the amount of THREE MILLION DOLLARS (\$3,000,000.00).

IT IS FURTHER ORDERED that Amanda Lollar recover from Mary Cummins exemplary damages in the amount of THREE MILLION DOLLARS (\$3,000,000.00).

IT IS FURTHER ORDERED that Bat World Sanctuary recover from Mary Cummins actual damages in the amount of TEN THOUSAND DOLLARS (\$10,000.00).

IT IS FURTHER ORDERED that Bat World Sanctuary recover from Mary Cummins attorney's fees in the amount of ONE HUNDRED SEVENTY SIX THOUSAND SEVEN HUNDRED DOLLARS (\$176,700.00).

IT IS ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://www.animaladvocates.us/batWorldLawsuit/>:

- 1. They breed animals in the facility.

MAILED COPY TO ALL ATTORNEYS AND PRO SE PARTIES OF RECORD
8-27-12 LAA

Court's Minutes 2124A
Transaction #

2. Pretty ironic for this group to certify Bat World Sanctuary when the health department told her to leave town and they had to gut the building and remove her belongings.
3. Vet recommended blood and stool tests. Lollar declined. She just wants empirical therapy. If that doesn't work, she wants to euth the dog. She refused treatment. When I was at Bat World June 19, 2010 to June 28, 2010 I saw her use her fingers to pull out one of the dog's teeth, i.e. oral surgery on dogs.
4. The current method she suggests is also inhumane. The bats die of suffocation. She also forgets to mention that the drugs she suggests must be used under the direction of a veterinarian. She doesn't even administer the gas legally, humanely, or safely.
5. He should not be working for free for someone who commits animal cruelty.
6. I doubt he'll be speaking about this embarrassing little case where he is actually representing someone who commits animal cruelty and neglect.
7. She took the money that came from the dissolution of Bonnie Bradshaw's group and bought a new silver Honda Eclipse. That money was supposed to go for animals. This is what Lollar does with money that is given to Bat World.
8. Lollar never even washed her hands before surgery, you can see dirty finger nails in the photos, no surgical garments, no mask, hat, nothing. Night and day.
9. Just confirmed that Amanda Lollar of Bat World Sanctuary is illegally obtaining human and animal rabies vaccinations. ...Again, breaking the law. I'm amazed she admitted to having the vaccine and buying it when she is doing it illegally.
10. She does not state that it died from neglect of care. She also chose to euth it instead of treating it as her vet suggested. She'd previously turned down care which her vet suggested.
11. When I was at Bat World she told me the place where she buys her rabies vaccine thinks she's a doctor.
12. Earlier in the year the vet noted the dog had major dental issues yet she didn't have the vet treat them. You know how painful it would be to have a mouth full of rotten teeth? That's animal neglect.
13. BREAKING NEWS!!! Amanda Lollar of Bat World Sanctuary admits in writing that she and Bat World Sanctuary are being forced to leave Mineral Wells because of all the complaints to the City and Health Department.
14. The dogs rear claws are super long. There is no way she could stand. ... She has to drag herself on cement.
15. She tells people to use Isoflurane illegally, inhumanely and unsafely in her book.

16. He didn't care that she admitted to illegally having the human rabies vaccination, admitted to using drugs not according to the label or that she "proudly" admitted to performing surgery.
17. In the video Lollar takes tweezers and just pulls out the molars of a conscious bat that is fighting and biting her while it bleeds. Lollar is proud of this and posted this video in her book and online. Bat experts know that bats must be unconscious and intubated to remove molars. Can you imagine the pain that bat felt?
18. Pulling molars out of conscious bats is not "cutting-edge" though cutting open conscious bats might fall into that "category." Operating on bats using the drop anesthesia technique or amputating wings instead of pinning them is also not cutting edge but cave man veterinary practice.
19. Lollar is exposing people to rabies by not checking their cards.
20. Her recent story about the episiotomy at the depo was that, that was not the bat's vagina and uterus being pulled out. It was the "placenta separating." It clearly was not.
21. She'd already yanked out the placenta which is what helped cause the prolapse, besides cutting way too much and pulling too hard. She really needs to get her vision checked. Someone with very bad vision is the last person who should be slicing into microbats.
22. Yeah, I look like crap in the videos but at least there are no videos of me hacking an animal to death.
23. She's been breeding her bats illegally. She's committing fraud asking for money for a project she cannot and will not do.
24. She said she would use the bag for the trip then return it to Walmart for a refund. She admitted to me with an evil laugh that she does this frequently.
25. Rabies complaint against Bat World Sanctuary. General sanitation laws, harboring high risk rabies animals, allowing them in downtown.
26. Amanda Lollar and her buildings have been written up so many times for building violations, safety issues, rabies, histoplasmosis, no address, unsightly building, build up of guano 6-8 feet... People have been reporting her smelly building and rabid bats for over 15 years.
27. She's basically experimenting on bats. The bats are dying because she doesn't take them to the vet. That's okay because she can just go get more bats.
28. Amanda Lollar of Bat World Sanctuary found guilty of illegally breeding bats at her facility. It is a violation of her permit.

29. Amanda Lollar of Bat World Sanctuary is now sending threats of extortion from Mineral Wells, Texas. Because she's sending it over the computer it's a Federal crime.
30. She has violated the following regulations listed on her permit. "15 a. Permit holder is prohibited from a. Propagating, selling or bartering animals or animal remains received or held under authority of this permit." She is allowing the bats to breed.
31. The complaints going back 18 years were about alleged animal cruelty, animal neglect, violations of the health code and building and safety regulations.
32. The complaints stretching back 18 years were about animal cruelty, animal neglect, violations of the health code, violations of Texas Parks & Wildlife regulations, violations of the Animal Welfare Act, building violations and a report about a rabid bat biting a toddler directly next door to Bat World Sanctuary.
33. Here is the disgusting photo of my face which they photoshopped semen onto. They then added the caption "Yep, screw you too, Mmmmary!" They named the file "mmmm." This is how disgusting and childish these people are.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ordered to immediately and permanently remove from the following URL's in their entirety:

1. http://www.animaladvocates.us/batWorldLawsuit/Amanda_Lollar_Bat_World_Sanctuary_Breeding_Bats.pdf
2. http://www.animaladvocates.us/batWorldLawsuit/amanda_lollar_1994_manual_original.pdf
3. <http://www.animaladvocates.us/batWorldLawsuit/mmmm.jpg>

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at http://www.animaladvocates.us/mary_cummins_sues_amanda_lollar_bat_world_sanctuary

1. She's the one who handles rabid bats with her bare hands.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://www.facebook.com/marycummins>:

1. Update: Health Dept. forced Bat World Sanctuary to leave town. In January they gutted the building, cleaned it and removed her property.

2. Amanda who runs bat sanctuary just uses her bare hands. The rabid bats even bite her.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://www.facebook.com/AnimalAdvocatesUSA>:

1. Update: Health Dept. forced Bat World Sanctuary to leave town. In January they gutted the building, cleaned it and removed her property.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <https://plus.google.com/107575973456452472889>:

1. Bat World Sanctuary admits in writing they are being forced to leave the City because of all the complaints to the City and Health Dept.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://twitter.com/MMMARYinLA>:

1. Bat World Sanctuary admits in writing that they are being forced to leave the City because of all the complaints to the City and Health Dept.

2. Update: Health Dept. forced Bat World Sanctuary to leave town. They gutted her building, cleaned it and removed her property.

3. Amanda Lollar commits animal cruelty at Bat World Sanctuary <http://goo.gl/fb/tfv4x>

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the internet the following statements which currently appear at <http://www.myspace.com/mmmaryinla>:

1. Health Dept. forced Bat World Sanctuary to leave town. They gutted her building, cleaned it and removed her property.

2. Bat World Sanctuary admits in writing they are being forced to leave the City because of all the complaints to the City and Health Dept.

IT IS FURTHER ORDERED that Mary Cummins be permanently enjoined and prohibited from posting on the internet or publishing to any person any video recording of any episiotomy that was recorded or made at Bat World Sanctuary.

IT IS FURTHER ORDERED that the total amount of the judgment here rendered will bear interest at the rate of five percent (5%) per year from the date of this judgment until paid.

All costs of court spent or incurred in this cause are adjudged against Mary Cummins, defendant.

All writs and processes for the enforcement and collection of this judgment or the costs of court may issue as necessary.

All other relief not expressly granted in this judgment is denied.

SIGNED this 27 day of August, 2012.

William Brigham
JUDGE PRESIDING

Fax Server 9/13/2011 10:26:34 AM PAGE 2/002 Fax Server

THOMAS A. WILDER - TARRANT COUNTY DISTRICT CLERK
FAX TRANSMITTAL FORM Cover Sheet

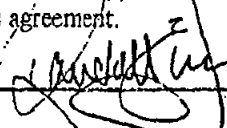
Attorney: Randall E. Turner Bar ID # 20328310

Firm Name Bailey & Galvan Fax# 817-868-1290

Subscriber Number 95000904 Telephone # 817-359-7089

Representing: Pl. Intir/Petitioner Defendant/Respondent Other

Authorization: I authorize the filing of the below named document(s) and I further authorize my checking account to be debited in accordance with my subscriber's agreement.

Signature: 

Total number of Pages (including this form) 3 Case Number (if not new case) _____

This document should be filed in:

- Civil (For Civil or Criminal please send your fax to: 817-850-2928)
- Criminal
- Family (For Family please send your fax to: 817-850-2927)
- Juvenile (For Juvenile please send your fax to: 817-850-2303)

If you ever have a problem, please call 817-212-7011 for Civil, 817-212-7533 for Family or 817-838-4645 for Juvenile.

New Case Filing

Motions and other pleadings WITH FEES: _____

Motions and other pleadings WITHOUT FEES: letter + Judgment
 (Do we need to RUSH this to the court for a hearing today?)

DATE/TIME OF HEARING TRIAL: _____

REQUEST FOR SERVICE DOCUMENTS (Do you want us to issue citations or other documents?)

Type of service document	Name of person to be served	Address	Type of service (constable, private, certified mail, etc)

Bat world

Attn: Linda Baker

2012 JUL 11 P 3:07 PM
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY
 FILED

Subject: Re: Motion for protective order

Date: Thursday, September 20, 2018 at 3:47:18 PM Eastern Daylight Time

From: Philip H. Stillman

To: Mary Cummins

I have spoken with my client, and neither of us see the need for a blanket protective order as you are apparently seeking. Rather than just refuse your request, I wanted to share with you the legal basis for my refusal to stipulate to a protective order. First, as I mentioned before, you are in a Chapter 7 bankruptcy. You have a duty of full disclosure of all aspects of your financial affairs to the Court, the Trustee and your creditors. You have voluntarily put all of your finances and assets at issue by filing bankruptcy. There is no bona fide confidentiality under those circumstances, except as to your social security number, for example. That in itself militates against a protective order. Second, blanket protective orders are disfavored in the Ninth Circuit. *Foltz v. State Farm Mutual Automobile Insurance Co.*, 331 F.3d 1122, 1131 (9th Cir. 2003), is controlling on this issue.

In *Foltz*, the parties requested and the district court issued a very broad, blanket protective order that prevented the parties from disclosing any information produced in discovery, without a prior showing of good cause for any specific document. *See id.* The Ninth Circuit found that, although the issuance of such an order was understandable given the burden that document-by-document review would entail, that did not eliminate the good cause requirement of Fed. R. Civ. P. 26(c). *See id.* When faced with a request to disclose documents, Rule 26(c) standards, not the terms of a blanket protective order, governs. The party asserting confidentiality must make a particular showing for each document at issue that specific prejudice or harm will arise from its disclosure. *See id.* Fed. R. Civ. P. 26(c) requires "good cause" for the protective order as to a specific document or category of documents. Thus, you are not entitled to a blanket protective order, period.

Moreover, courts have viewed with disfavor blanket protective orders untethered to the good cause standard. *See, e.g., Walcker v. SN Commer., LLC*, 2006 U.S. Dist. LEXIS 63781, at *8 (E.D. Wash. Sept. 7, 2006) (denying order encompassing "any information that pertained to the parties' business or personal affairs that was not generally or publicly known and that the parties would not normally reveal to third parties" for lack of good cause); *City of Rialto v. United States DOD*, 2005 U.S. Dist. LEXIS 25181, at *9 (C.D. Cal. May 17, 2005) (rejecting proposed protective order unless specific harm or resulting prejudice was identified for each document or category of documents the parties sought to protect). *See also Medtronic Vascular, Inc. v. Abbott Cardiovascular Sys., Inc.*, 2007 U.S. Dist. LEXIS 89273 (N.D. Cal. Nov. 20, 2007) at *7-8. (Stipulated-to protective order unenforceable against signatory).

Additionally, I believe that your desire for a protective order is more likely tethered to your desire to spawn ancillary litigation over whether or not some allegedly unauthorized person did or did not view something, rather than a true desire to protect truly confidential documents. In fact, given your position that you have no assets, I query exactly what you think is confidential and why. Therefore, for all of the foregoing reasons, I will not stipulate to a blanket protective order. However, if there is any specific document or category of document that you believe should be "confidential," I am certainly willing to review your showing of good cause for a protective order on a document by document or category by category basis. Please be aware that your desire for a blanket order does not excuse your obligation to produce all responsive records. That excuse can only be obtained by court order prior to the date required for production.

As to your remaining comments, I am not sure why you feel it necessary to make them, and as I have told you repeatedly, I have a job to do, and whatever is done in this case is not personal but is required by my obligations to my client.

Philip H. Stillman | **STILLMAN • ASSOCIATES**
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Miami Beach, FL 33140 |
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From: Mary Cummins <mmmarycummins@gmail.com>
Date: Wednesday, September 19, 2018 at 8:52 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Re: Motion for protective order

Have you spoken with your client about the protective order?

I see you list certain blogs again in this request. Is your client interested in a "certain" blog? The blogs don't make any money so they're not assets. Does your client want to trade a certain blog for the judgment?

You seem to have upset quite a few people. They're doing their research and have found me looking for JJ and you. You have quite the horrible reputation. You've been working with JJ for a while. You are who your friends are.

On Tue, Sep 18, 2018 at 3:07 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

I have not responded because I am conferring with my client about your request. I see no need for a protective order, since you are in bankruptcy and your financial information is a matter of public record. I will not agree to file documents under seal in any event. Please explain why you feel there is a need for a protective order, when the presumption in federal court is against such an order.

From: Mary Cummins <mmmarycummins@gmail.com>
Date: Tuesday, September 18, 2018 at 3:17 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Motion for protective order

I am hereby meeting and conferring with you about me filing a motion for protective order. Yesterday I emailed you asking that we sign a joint protective order over all discovery. You did not reply. I take that as a "no." You are forcing me to file this unnecessary motion. Based on the fact that your client has violated every single protective order you know I will win the motion. This time there must be an enforcement clause. Admonishing, sanctioning and fining the lawyer \$100 like the last time is ridiculous. Your client posted bank records they stole on the internet unredacted. Many people's confidential bank records were shared. The stolen docs were also filed unredacted and unsealed in the case. I am giving you noticed that I

will not reply to discovery until the protective order is in place.

--



Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

Los Angeles, California

MaryCummins.com

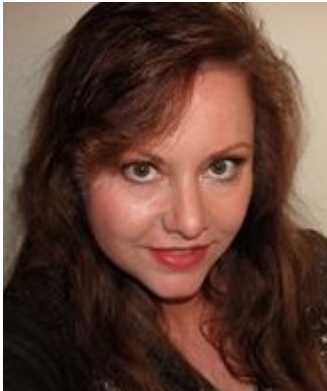
facebook.com/CumminsRealEstateServices

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Se habla Español

--



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Se habla Español

Subject: Re: Your written discovery
Date: Friday, October 12, 2018 at 12:41:58 PM Eastern Daylight Time
From: Philip H. Stillman
To: Mary Cummins

That makes sense, as to the extension. But as I said, I can agree to a PO on a category by category basis. For example, you were concerned about the tax returns. I agreed to a PO regarding the tax returns because it was limited and focused. I think I have demonstrated an open mind to your requests. If there other specific categories that you are concerned about, I am perfectly willing to consider those . . .

From: Mary Cummins <mmmarycummins@gmail.com>
Date: Friday, October 12, 2018 at 12:37 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Re: Your written discovery

I agree to extend discovery if you client answers my discovery and there is a protective order on discovery.

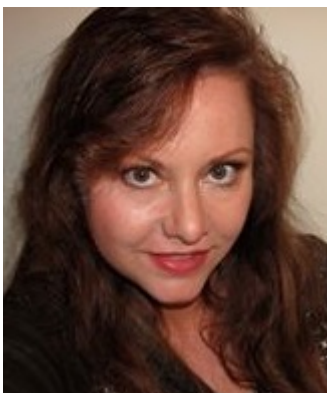
On Fri, Oct 12, 2018 at 6:31 AM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

Your written discovery, served on October 2, is late and therefore need not be responded to. However, because I have a very busy month, I am willing to have my client respond to your discovery if we stipulate to continue the discovery cutoff for a month or two.

In addition, as I will set forth in my meet and confer letter, your responses are deficient in numerous respects, and of course there is the protective order regarding tax returns that needs to be drafted and agreed to. Let me know what you would like to do.

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Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

Los Angeles, California

MaryCummins.com

facebook.com/CumminsRealEstateServices

Direct: (310) 877-4770

Fax: (310) 877-4770

Se habla Español

Subject: Reply

Date: Wednesday, October 17, 2018 at 1:35:53 PM Eastern Daylight Time

From: Mary Cummins

To: Philip H. Stillman

This is point by point reply to your email.

>I'm not sure about what you are referring to with your deposition, but I have been advised that you have used your back injury many times as an excuse to delay your deposition. I take no position on that and regardless, I am happy to accommodate your schedule – whether for a doctor's visit or for some other reason. So if you would like to change the date, I am willing to accommodate you, assuming that you stipulate to the deposition taken after the discovery cutoff. Just give me a date. I have already told you that I am not inclined to videotape the deposition; however, Rule 30(b)(3)(A) gives me the right to do so. I am telling you now that I am not going to do so, not because you don't want to be videotaped, but because I don't think that it is necessary in this case.

ME: Plaintiff knew the Judge in the debtor hearing stated there would be no video. Plaintiff still showed up at the next hearing with full video. Can I believe you?

>As for other depositions that you may want to take, you need to notice the depositions, serve subpoenas on any third parties, and set a date. I have no control over whether third parties are willing to be deposed without a subpoena or where. I will say that as a further accommodation to you, I will stipulate to a you taking a telephonic deposition of persons located outside the state of California.

ME: I will send these to you today. I would like to depose them same day as my depo when they are in LA.

>If you do not agree to the stipulation to extend the discovery cutoff, Plaintiff is under no obligation to respond to your written discovery, so I thought that I was doing you a favor.

ME: I agree to stipulate to extend discovery.

Finally, my trial scheduled for October 29 was continued until next year yesterday. So I am planning to come to Los Angeles to complete Plaintiff's discovery in a timely fashion as noticed.

ME: I will not be at that deposition. Don't order a court reporter.

--

Real Estate Appraiser, Expert witness for over 30 years

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Se habla Español

Subject: Re: Stipulation to Extend Dates

Date: Tuesday, October 16, 2018 at 1:19:01 PM Eastern Daylight Time

From: Mary Cummins

To: Philip H. Stillman

I will agree to the stipulation but it must include the protective order. All discovery from both of us cannot be shared publicly or with other parties. I'm not turning over docs until there is a protective order. If you refuse to sign one, you will have to file motion to compel discovery. I will reply with motion or protective order. The Judge can then decide. There must be an enforcement clause with the protective order. If you or your clients share any info, your judgment is dismissed.

I will file motion to quash subpoena to Charnofsky. The car is exempt. It's not even in my name. It's also worthless. You are doing that for harassment purposes. Harassing an ill elderly woman is disgusting. You should be ashamed of yourself.

We need to deal with the depositions. If your Russian straw man is in Russia I can't depose him as it's over 100 miles away and I'm not flying to Russia. The same goes with Amanda Lollar and Dottie Hyatt who are clearly closely involved with the judgment. Lollar and Hyatt will be at my deposition telling you what to do. I can depose them at that time. Let's set a depo date when you depose me half day and I depose them second half of the day. Again, I will not be at the depo date. If I see a video camera, I will call the court. If the Judge is there, he can decide. If not, I'm leaving. I also must know the exact name of the person who allegedly currently owns the judgment. If I don't get the name, I can't do any discovery.

On Fri, Oct 12, 2018 at 1:59 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

As discussed, I have drafted a Stipulation for our agreement to extend the existing dates. Please review and if it is approved, please sign and scan/fax the signature page back to me and I will get this filed today, along with a proposed order. Thanks.

Philip H. Stillman | **STILLMAN • ASSOCIATES**
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--



Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

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Fax: (310) 877-4770

Se habla Español

Subject: Re: Reply

Date: Thursday, October 18, 2018 at 4:52:38 PM Eastern Daylight Time

From: Philip H. Stillman

To: Mary Cummins

You are making this extremely difficult. I asked you for alternative dates. You have given me none. The existing date stands until such time as you have provided mutually agreeable dates.

You once again talk about a protective order. I will agree to a protective order only on a category by category basis, for good cause. I will not agree to a blanket protective order in this case and the local rules and case law all say that a blanket order is improper. Other than the tax returns, *what documents or categories of documents are you requesting to be covered by a protective order?*

Please focus on the specific issues.

Philip H. Stillman | **STILLMAN - ASSOCIATES**
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From: Mary Cummins <mmmarycummins@gmail.com>

Date: Thursday, October 18, 2018 at 1:02 PM

To: Philip Stillman <pstillman@stillmanassociates.com>

Subject: Re: Reply

I will agree to a deposition. I need to depose Amanda Lollar, Dottie Hyatt and Alya Michelson at that same time. I will send and serve you the subpoena's now.

I will not give you any other discovery docs until there is a protective order in place. You will have to file a motion to comply. Discovery cut off?

On Wed, Oct 17, 2018 at 12:41 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

1. Regarding your deposition, I'll make a deal with you. If there is a videographer present, you don't have to sit for the deposition. Fair enough? **However, you have not given me any alternative dates. I need alternative dates from you,** and if the Court does not extend the discovery cutoff, we will need court permission to take the deposition outside of that time. That is why I have been pushing you to make a decision – so that we can submit it to the court with plenty of time to make alternate plans.
2. Until we have reached an agreement regarding the above, the date and time for the deposition must stand, unless you give another date on or before October 31.

From: Mary Cummins <mmmarycummins@gmail.com>
Date: Wednesday, October 17, 2018 at 1:35 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Reply

This is point by point reply to your email.

>I'm not sure about what you are referring to with your deposition, but I have been advised that you have used your back injury many times as an excuse to delay your deposition. I take no position on that and regardless, I am happy to accommodate your schedule – whether for a doctor's visit or for some other reason. So if you would like to change the date, I am willing to accommodate you, assuming that you stipulate to the deposition taken after the discovery cutoff. Just give me a date. I have already told you that I am not inclined to videotape the deposition; however, Rule 30(b)(3)(A) gives me the right to do so. I am telling you now that I am not going to do so, not because you don't want to be videotaped, but because I don't think that it is necessary in this case.

ME: Plaintiff knew the Judge in the debtor hearing stated there would be no video. Plaintiff still showed up at the next hearing with full video. Can I believe you?

>As for other depositions that you may want to take, you need to notice the depositions, serve subpoenas on any third parties, and set a date. I have no control over whether third parties are willing to be deposed without a subpoena or where. I will say that as a further accommodation to you, I will stipulate to a you taking a telephonic deposition of persons located outside the state of California.

ME: I will send these to you today. I would like to depose them same day as my depo when they are in LA.

>If you do not agree to the stipulation to extend the discovery cutoff, Plaintiff is under no obligation to respond to your written discovery, so I thought that I was doing you a favor.

ME: I agree to stipulate to extend discovery.

Finally, my trial scheduled for October 29 was continued until next year yesterday. So I am planning to come to Los Angeles to complete Plaintiff's discovery in a timely fashion as noticed.

ME: I will not be at that deposition. Don't order a court reporter.

--

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--



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Se habla Español

Subject: Re: Your Deposition

Date: Monday, October 22, 2018 at 5:17:04 PM Eastern Daylight Time

From: Mary Cummins

To: Philip H. Stillman

I will not be there on the 26th. I told you that. I told you not to make any travel arrangements for you and Amanda Lollar. If you want to depose me, you must allow me to depose Lollar, your client that same day, place. I must depose first so they don't just run out of the room after my deposition. I need all items requested in discovery and via subpoena before the deposition. I will not hand over any more discovery to you until you give me what I requested first. You also must agree not to harass Charnofsky. I don't own the car. You have the agreement. There's no equity in it. The trustee agreed that it's exempt.

I realize your dad is dead but how would you like someone to do this to your mother for no reason? I assume you wouldn't like it. Again, not a threat. Just a rhetorical question.

On Mon, Oct 22, 2018 at 11:32 AM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

You have stated that you cannot make your deposition on October 26, but have refused to provide any alternate dates prior to October 31. Of course, if the discovery cutoff is continued, you can pick a date farther out. Would October 29 work better for you? Since my trial was continued, that date works for me.

You have stated several times that you are not appearing for your deposition on October 26. Please confirm whether you intend to appear on October 26 or not, as I need to make travel plans and do not want to show up for the deposition only to find out that you are actually refusing to appear. Similarly, I don't want to assume, based on your prior statements that you will not appear, only to have you show up on that date.

Philip H. Stillman | **STILLMAN - ASSOCIATES**
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Se habla Español

1 Q And what is the address that you're
2 staying?

3 A 2657.

4 Q I'm sorry?

5 A 2657 Van Buren, V-A-N, new word,
6 B-U-R-E-N.

7 Q Is that a single family residence?

8 A Yes.

9 Q And what city is that in?

10 A Los Angeles.

11 Q Do you know the zip code?

12 A 90007.

13 Q And who is the owner of that property?

14 A Leslie Evans.

15 Q And is that a male or a female?

16 A Male.

17 Q And what is Mr. Evans' relationship to
18 you, if any?

19 A We're just friends.

20 Q Okay. And how long have you been living
21 at Mr. Evans' house? Let me back up for a minute. I
22 made an assumption.

23 Do you know if Mr. Evans owes this house or is
24 he renting it, if you know?

25 A I believe he owns it.

1 Q Okay. And how long have you been living
2 with Mr. Evans?

3 A Since 2015.

4 Q Without meaning to pry into your personal
5 life, this is the only issue I'm going to ask about it.
6 Is this just a friend or is this just somebody that
7 you're involved with?

8 A No. It's just a friend.

9 Q Friend. Okay. And so it's your testimony
10 that you've been living at Mr. Evans' house
11 continuously since 2015 to date?

12 A Yes.

13 Q And it's your testimony under oath that
14 you have not lived at 645 West Ninth Street, Los
15 Angeles, California 90015 at any time within the last
16 five years; correct?

17 A Correct.

18 Q Okay. But as we established that was the
19 address you gave the DMV when you got your license
20 renewed in 2014; correct?

21 A Yes.

22 Q So is it your testimony that you knowingly
23 gave the DMV a false residential address at the time
24 you renewed your license?

25 A It's not false. It's the mailing address.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

BAT WORLD, INC.)
)
Plaintiff,)
)
vs.) Case No. BS 140207
)
MARY CUMMINS,)
)
Defendant.)
_____)

VOLUME I

JUDGMENT DEBTOR EXAMINATION OF
MARY CUMMINS, taken on behalf of the
Plaintiff, at 111 North Hill Street,
Department 44, Los Angeles, California
90012, commencing at 8:56 a.m., Wednesday,
October 25, 2017, before Monica Castaneda,
Certified Shorthand Reporter No. 10323.

Subject: Re: Stipulation to Extend Dates

Date: Tuesday, October 16, 2018 at 2:15:30 PM Eastern Daylight Time

From: Philip H. Stillman

To: Mary Cummins

I'm sorry, but that is unacceptable. I will not repeat what I already have said.

1. I have agreed to a protective order regarding the tax returns. I have also indicated that I would agree to a protective order on any similarly identified and truly confidential documents. I will not agree to a general protective order, which is improper in any event as I have patiently explained. Given the acrimonious history with prior counsel and the prior judgment creditor, and apparently with all of the documents floating around from the Texas case, it was be insane for me to agree to a new protective order so that you could open up an entirely new front of litigation claiming that I am responsible for releasing various documents that others apparently already have. A protective order – even in your wildest dreams -- would never include a dismissal of the action in the case of a violation, anyway.
2. You are the debtor. You have a duty to your creditors and one of those duties is to produce financial records.
3. You have brought Ms. Charnofsky into this case by claiming that she is a secured creditor on a car which I have strong reason to believe is a false claim. You may move to quash the deposition if you want to, but *you* have put her, the car and the alleged loan at issue in your Schedules. The deposition is not harassment, but discovery.
4. I am not sure what there is to “deal with” regarding the depositions. I have duly noticed my depositions within the discovery cutoff now set. I am fine. In the spirit of good faith and compromise, I offered to continue the discovery cut-off so that (a) you could propound timely discovery and (b) apparently take depositions if that is what you choose to do. In fact, if you want to take depositions, that is your prerogative. Just be aware of the fact that if you desire to take a deposition of Amanda Lollar, for example, you will have to go to Texas, absent an agreement from her to come to Los Angeles.
5. I'm not sure about what you are referring to with your deposition, but I have been advised that you have used your back injury many times as an excuse to delay your deposition. I take no position on that and regardless, I am happy to accommodate your schedule – whether for a doctor's visit or for some other reason. So if you would like to change the date, I am willing to accommodate you, assuming that you stipulate to the deposition taken after the discovery cutoff. Just give me a date. I have already told you that I am not inclined to videotape the deposition; however, Rule 30(b)(3)(A) gives me the right to do so. I am telling you now that I am not going to do so, not because you don't want to be videotaped, but because I don't think that it is necessary in this case.
6. As for other depositions that you may want to take, you need to notice the depositions, serve subpoenas on any third parties, and set a date. I have no control over whether third parties are willing to be deposed without a subpoena or where. I will say that as a further accommodation to you, I will stipulate to a you taking a telephonic deposition of persons located outside the state of California.
7. If you do not agree to the stipulation to extend the discovery cutoff, Plaintiff is under no obligation to respond to your written discovery, so I thought that I was doing you a favor.

8. Finally, my trial scheduled for October 29 was continued until next year yesterday. So I am planning to come to Los Angeles to complete Plaintiff's discovery in a timely fashion as noticed.

I suggest that you reconsider your position. I am trying to not only be accommodating to you but reasonable as well. I have been waiting for you to execute the stipulation since Friday, October 12, when you agreed to do so. Then you wanted to review it over the weekend. Now, on Tuesday morning, you are trying to make and tie in either improper or unreasonable demands when I am trying very hard to be professional, courteous and accommodating. Within reason, I am perfectly willing to go out of my way to be accommodating, but I cannot do so in the face of unreasonable demands.

Philip H. Stillman | **STILLMAN - ASSOCIATES**

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From: Mary Cummins <mmmarycummins@gmail.com>

Date: Tuesday, October 16, 2018 at 1:19 PM

To: Philip Stillman <pstillman@stillmanassociates.com>

Subject: Re: Stipulation to Extend Dates

I will agree to the stipulation but it must include the protective order. All discovery from both of us cannot be shared publicly or with other parties. I'm not turning over docs until there is a protective order. If you refuse to sign one, you will have to file motion to compel discovery. I will reply with motion or protective order. The Judge can then decide. There must be an enforcement clause with the protective order. If you or your clients share any info, your judgment is dismissed.

I will file motion to quash subpoena to Charnofsky. The car is exempt. It's not even in my name. It's also worthless. You are doing that for harassment purposes. Harassing an ill elderly woman is disgusting. You should be ashamed of yourself.

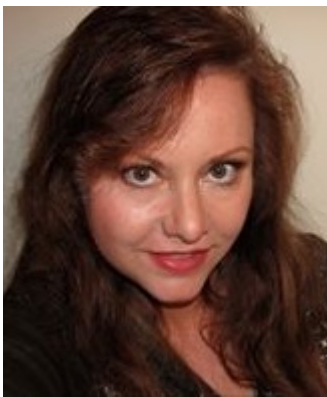
We need to deal with the depositions. If your Russian straw man is in Russia I can't depose him as it's over 100 miles away and I'm not flying to Russia. The same goes with Amanda Lollar and Dottie Hyatt who are clearly closely involved with the judgment. Lollar and Hyatt will be at my deposition telling you what to do. I can depose them at that time. Let's set a depo date when you depose me half day and I depose them second half of the day. Again, I will not be at the depo date. If I see a video camera, I will call the court. If the Judge is there, he can decide. If not, I'm leaving. I also must know the exact name of the person who allegedly currently owns the judgment. If I don't get the name, I can't do any discovery.

On Fri, Oct 12, 2018 at 1:59 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

As discussed, I have drafted a Stipulation for our agreement to extend the existing dates. Please review and if it is approved, please sign and scan/fax the signature page back to me and I will get this filed today, along with a proposed order. Thanks.

Philip H. Stillman | **STILLMAN • ASSOCIATES**
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Se habla Español

Subject: Re: You're doing the same dirty tricks, fake service, lying as JJ
Date: Monday, October 22, 2018 at 5:11:43 PM Eastern Daylight Time
From: Mary Cummins
To: Philip H. Stillman

Will you continue to harass an elderly disabled woman? Are you enjoying that? You are as sick and disturbed as JJ. I'm filing a complaint against the bar. Faking service and harassing an elderly disabled non-party just to be mean to me is illegal, unethical and unprofessional.

On Mon, Oct 22, 2018 at 1:13 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

Mary, focus on one thing for now: Are you signing the Stipulation or not?

From: Mary Cummins <mmmarycummins@gmail.com>
Date: Monday, October 22, 2018 at 3:43 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: You're doing the same dirty tricks, fake service, lying as JJ

Your process server lied on his proof of service. I am reporting your process server. He lied under oath on his proof of service paper. You did not serve Charnofsky timely. Then you faked service. Even the fake service date is too late. You're as disgusting as JJ. Your process server is going to lose his license.

If I am to be deposed, Amanda Lollar must be deposed on the same day. I depose her first so you can't make up an excuse and leave. I can't afford a court reporter so I will have to videotape it. Unlike your client, I won't post the video online like she did of my deposition. I will need to make sure I get all discovery and depo documents before the depo.

Here you state JoAnn shouldn't have to appear for a debtor exam because she's an old lady while you try to drag an elderly woman with TBI to a hearing just to harass me. You are as cruel as your client Lollar. You are really disgusting.

I already answered the questions you proposed to Charnofsky. You have the car doc.

--

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Se habla Español

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 09/26/17

DEPT. 44

HONORABLE EDWARD B. MORETON, JR., JUDGE

J. FLETES

DEPUTY CLERK

HONORABLE JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

#X4

W. YOUNG, JR., C.A. Deputy Sheriff

NONE

Reporter

8:30 am

BS140207

Plaintiff BENJAMIN FALCIONI (X)

Counsel

BAT WORLD SANCTUARY ET AL

Defendant N/A

VS

Counsel

MARY CUMMINS

NO FILE

NATURE OF PROCEEDINGS:

EX-PARTE HEARING FOR ORDER ISSUING AND RELEASING WARRANT

After an in-chambers review, the court makes the following ruling:

Ex-parte application is granted in part.

It is hereby ordered that a bench warrant for Mary Cummins will be held until October 25, 2017 at 8:30a.m.

Plaintiff is to give notice.

09/26/17

MINUTES ENTERED
09/26/17
COUNTY CLERK