

1 MARY CUMMINS
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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 MARY CUMMINS) Case No. BS143169
11)
12 *Petitioner*)
13 v.) MOTION TO RECONSIDER
14) DENIAL OF CIVIL RESTRAINING
15 AMANDA LOLLAR) ORDER, LAWYER’S COSTS AND
16) FEES
17)
18) Date:
19) Time:
20) Dept:
21) Room:

22
23 Petitioner Mary Cummins (“Cummins”) moves this Court to reconsider her request
24 for restraining order against Respondent Amanda Lollar (“Lollar”) and order to pay
25 Respondent’s legal costs and fees.

26 **I. INTRODUCTION**

27 **SUMMARY OF RELEVANT FACTS**

28 Cummins has gone through the police academy, Humane Academy to become a
Humane Officer. Cummins is on the Humane Society of the United States animal
cruelty and rescue team which investigates and reports animal cruelty.

Cummins was invited to intern with Lollar at Bat World Sanctuary in Texas.
Cummins went to Texas June 19 to June 28, 2010. Instead of learning advanced bat

1 care she witnessed and documented animal cruelty, animal neglect, violations of the
2 Animal Welfare Act and other violations.

3 Cummins left early and reported Lollar to authorities giving them photos and videos
4 besides the result of an investigation to authorities. Lollar was investigated. Violations
5 were found. A USDA veterinarian stated in writing that Lollar caused bats “pain,
6 suffering” and “death.” USDA stated in writing she violated the Animal Welfare Act.
7 Texas Parks & Wildlife Department also stated in writing that Lollar violated their
8 regulations.

9 In retaliation for Cummins reporting Lollar to authorities, Lollar has been
10 harassing, cyberstalking, defaming, libeling, slandering, threatening, inciting others to
11 harass, paying others to harass and assault, filing false reports with government
12 agencies against Cummins ... since July 2010 to the present.

13 Lollar hired Robert Young to pretend to serve legal documents on Cummins
14 February 17, 2013. There were no documents that needed to be served upon Cummins.
15 Lollar filed a notice of inability to serve January 3, 2013. Cummins was preparing a
16 private hall for the LA City Mayoral Convention. Young trespassed into the closed
17 private room, tried to lure Cummins out of the room under false pretense, videotaped
18 Cummins against her will openly and also with a hidden camera then struck Cummins
19 with documents. Lollar then posted the edited video online without Cummins’
20 permission. It was removed by YouTube as a “depiction of violence.” Cummins
21 retained a copy. Cummins filed a police report against Lollar and Young for assault
22 report # 131506821. Young admitted to the police he was paid by Lollar to do this.

23 Since then Lollar tried to access Cummins’ bank accounts pretending to be
24 Cummins using her social security number and personal identifying information
25 obtained illegally. The bank denied Lollar access and played the audio tape of the
26 phone call to Cummins who recognized Lollar’s voice. Cummins filed another police
27 report for identity theft report # 130108757.
28

1 Prior to these incidents a molotov cocktail and an M-80 were found under
2 Cummins' car within weeks of each other but the perpetrator could not be identified.
3 Cummins suspects this was ordered by Lollar but has no proof.

4 Lollar posted a death threat against Cummins online which was included in the
5 original petition. Lollar is encouraging her 40,000 Facebook fans to attack Cummins.
6 Lollar is inciting her fans to commit violence against Cummins. Her fans have made
7 death threats. People have showed up at Cummins' home address which is not public.
8 This behavior caused Cummins to send a few cease and desist emails to Lollar's
9 attorneys instructing them to keep Lollar away from her. Cummins has informed
10 Lollar's attorneys that Cummins has a loaded permitted gun and will defend herself to
11 the full extent of the law if anyone trespasses upon her property and tries to harm her.

12 Lollar has continued harassing Cummins with a knowing and willful course of
13 conduct directed at Cummins that seriously alarms, annoys, harasses Cummins and
14 that serves no legitimate purpose. The course of conduct has caused Cummins and
15 would cause a reasonable person to suffer substantial emotional distress.

16 Three LAPD officers, two LAPD detectives and an LAPD attorney all told
17 Cummins that she qualified for and should get a restraining order against Lollar. LAPD
18 stated an order would prevent Lollar from assaulting Cummins directly and also
19 prevent Lollar from ordering other people to assault, harass, stalk, threaten Cummins
20 on her behalf. LAPD gave Cummins printed directions to obtain a restraining order.
21 Cummins went to the restraining order clinic and they told Cummins she qualifies for
22 and should get the restraining order. They read and approved Cummins' signed forms.

23 Cummins applied for a TRO against Lollar May 24, 2013 and received it #
24 BS143169. Court Commissioner Carol Jane Hallowitz who became an attorney in
25 1977 signed the order. Cummins had Lollar served in Texas May 28, 2013.

26 Instantly Lollar admitted she was served with the TRO then started violating the
27 restraining order by communicating directly with Cummins and continuing her
28

1 harassment. Lollar violated the TRO over 100 times during the first two weeks alone.
2 Cummins filed two violation of restraining order reports with LAPD with exhibits.
3 LAPD instructed Cummins to keep a log of the violations which she did.

4 June 14, 2013 was the restraining order hearing. The assigned Judge was not in
5 attendance. The Court Coordinator Sharon Charles stated an experienced attorney
6 would hear the cases that day. Cummins signed a form stating that she agreed to have
7 Judge pro tem Marjorie A. Marenus oversee the case. Marenus lists as one of her main
8 specialities in her website "Civil Harassment Restraining Orders." Marnenus has over
9 25 years of experience. Lollar did not show but her attorney Dean Rocco showed.
10 Rocco requested a two week extension so Lollar could arrange to "personally appear."
11 Lollar received the extension with a new hearing date of July 1, 2013. The TRO was
12 also extended by Marjorie Marenus.

13 Lollar continued to violate the restraining order at least another 50 times. If
14 anything the restraining order caused Lollar to increase her harassment by ten times.
15 Cummins continued to keep a log of the violations.

16 Lollar's attorney Dean Rocco filed a response to Cummins' request for restraining
17 order. The response included unsigned documents, an unsworn statement by Lollar and
18 an unsworn statement by an unknown attorney Katherine M. McSweeney. At least
19 70% of what was stated in the responsive documents was completely false, misleading,
20 besides inadmissible in court.

21 Cummins filed a reply to their response noting the falsities with attached exhibits as
22 proof. Judge Goodson quickly flipped through Cummins' 13 page reply with 12
23 exhibits within a minute right before the case was heard July 1, 2013. Judge Carol Boa
24 Goodson oversaw the hearing and called the case.

25 The court order Exhibit 1 states "Oral argument taken from the petitioner."
26 **Petitioner Cummins was NOT allowed to give oral argument.** Cummins came
27 prepared with videos and a two inch stack of evidence of over 150 violations of the
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1 temporary restraining order. She had another two inch stack of paper evidence and
2 videos of past harassment, threats and the assault. The Judge instantly ruled without
3 allowing Cummins to present her case or any evidence. Judge stated in court she ruled
4 based on the TRO application alone which was only a summary.

5 Judge Goodson instantly stated that the events happened in 2010 so it's too late to
6 do anything. Cummins replied that her application for TRO stated the events started in
7 2010 and were ongoing to the present.

8 Judge Goodson then allowed Lollar's attorney to plead his response without
9 allowing Cummins to first plead her case. Attorney Rocco mentioned a previous case
10 between Cummins and Lollar. Cummins stated "objection" because that case is
11 inadmissible as evidence in this case as it is not related. Judge Goodson ignored
12 Cummins' objection completely, did not even say "over ruled" or "sustained."

13 Attorney Rocco then referred to the unsworn statements in his reply. Cummins
14 again objected as hearsay. They were not even sworn statements. Neither Lollar nor the
15 other attorney appeared in the case. Even if attorney Katherine M. McSweeney
16 appeared she was not a witness to anything. Again, Judge Goodson did not even
17 acknowledge Cummins' objections.

18 Attorney Rocco then mentioned a search for the common name "Cummins" in legal
19 filings in all of LA County. Rocco tried to infer that Petitioner "Mary Katherine
20 Cummins-Cobb" was every "Cummins" in the search results to make it appear that
21 Petitioner is litigious. Cummins again tried to object because Petitioner is not every
22 person in the search results. Previous litigation is also inadmissible as it is not related.
23 Rocco tried to portray Cummins in false light by making it seem that she is not only
24 litigious but also loses most lawsuits which is not true.

25 Rocco told the court that Cummins tried to get a restraining order on her neighbor
26 but was denied. Cummins did indeed get a restraining order on her neighbor after he
27 assaulted her multiple times. Rocco's own exhibit shows Cummins received the
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1 restraining order. Rocco, McSweeney and Lollar all committed fraud upon the court in
2 their false written and oral statements to the Court.

3 Judge Goodson then stated to Cummins that she finds her application for restraining
4 order “annoying.” Judge Goodson also said that Cummins was “annoying.” Judge
5 Goodson stated that restraining orders are only for people who are “stabbed with a
6 knife” or “hit with a two by four.” Cummins then quoted Cal. Cod of Civ. Proc. §
7 527.6 (b)(3) which states the criteria for a civil harassment restraining order i.e.
8 **“Harassment’ is unlawful violence, a credible threat of violence, or a knowing
9 and willful course of conduct directed at a specific person that seriously alarms,
10 annoys, or harasses the person, and that serves no legitimate purpose. The court
11 of conduct must be such as would cause a reasonable person to suffer substantial
12 emotional distress.”**

13 Judge Goodson then stated that Cummins did not show substantial emotional
14 distress. Cummins tried to plead her case of emotional distress but was denied.
15 Cummins has suffered severe emotional distress as a result of Lollar’s harassment.
16 Evidence of this was even included in the application for TRO. Cummins stated that
17 Lollar paid a man to pretend to serve her documents who instead hit her with the
18 documents after trespassing. Judge Goodson said paraphrased “that was legal service.
19 Things get a little physical with service.” **It was NOT legal service.** No documents
20 needed to be served upon Cummins at that time. Lollar’s own attorney stated in writing
21 attached as exhibit in the application for TRO that he didn’t order the service, would
22 never have approved of it and the case ended over a month earlier. Judge Goodson
23 seems to have only read Respondent’s reply and not Petitioner’s response to
24 Respondent’s reply which proves their allegations false.

25 Cummins then asked Judge Goodson for permission to ask a question and was
26 allowed. Cummins asked “if I had no grounds for a restraining order, why did the
27 police officers, detectives, LAPD lawyer tell me to get a restraining order? Why did
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1 the restraining order clinic state that I should get the restraining order and my
2 documents looked fine? Why did the Commissioner allow the TRO? Why did the
3 judge pro tem agree for an extension?"

4 Judge Goodson then stated "The restraining order clinic is run by a bunch of law
5 students who don't know anything. Commissioners approved the TRO and extension.
6 They approve all TRO's. They don't know anything."

7 Judge Goodson denied Cummins' request for restraining order. Judge Goodson then
8 ordered Cummins to pay \$6,350 in Lollar's legal fees. Judge Goodson added "you
9 better get out there and start working to pay the judgement! It will follow you for 20
10 years! 20 YEARS!!!! Mr. Rocco, make sure you give Cummins your address so she
11 can send you the check within ninety days" while sneering directly at Cummins.

12 Immediately after returning home from the hearing Cummins called the court to
13 request a transcript of the proceedings. Cummins was then informed there is no audio
14 or written transcript because there are no court reporters.

15 **II. ARGUMENT**

16 **A. RESPONDENT DID NOT APPEAR**

17 Respondent Lollar did not appear for the hearing. Lollar through her attorney
18 requested and received a two week continuance in order to arrange to "appear
19 personally." Lollar's attorney Dean Rocco appeared. Rocco was not a witness in the
20 case. Petitioner was not allowed to examine respondent. Petitioner was relying on
21 Respondent appearing to argue her case.

22 **B. PETITIONER WAS NOT ALLOWED TO GIVE ORAL ARGUMENT OR** 23 **SHOW EVIDENCE TO THE COURT AT THE HEARING**

24 Cummins was not allowed to give oral argument or show physical evidence at the
25 hearing. Cummins was prepared to show physical evidence of harassment, assault and
26 emotional distress in the form of videos, emails, online posts, police reports, false
27 reports to authorities by Lollar and more. Cummins also had physical evidence of over
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1 150 violations of the TRO. LAPD sent the police reports for violation of TRO to the
2 City Attorney. Cummins was not allowed to show video evidence to the court.
3 Cummins had video of the assault and harassment. Lollar paid Robert Young to email
4 Cummins that he had a baby squirrel that would die if Cummins did not drive 1.5
5 hours in a heat wave to the parking lot of a shuttered Motel 6 to pick it up. This was
6 yet another set up to harass Cummins which was again videotaped. Lollar also posted
7 this video online to harass Cummins. For these reasons and more Cummins did not
8 receive a fair trial. Cummins has the right to a fair trial.

9 **C. RESPONDENT PRESENTED THE COURT WITH UNSWORN**
10 **STATEMENTS WHICH ARE HEARSAY AND INADMISSIBLE**

11 Lollar through her attorney gave the court written statements made by Lollar and an
12 unrelated attorney. Cummins objected in court as hearsay. Judge did not even
13 acknowledge the objection. The unsworn statements were inadmissible and should be
14 stricken.

15 **D. JUDGE CAROL BOAS GOODSON DID NOT READ CUMMINS' REPLY**
16 **TO RESPONDENT'S REQUEST FOR CIVIL RESTRAINING ORDER**

17 Cummins witnessed Judge Goodson merely flip through her reply immediately
18 before the hearing in less than a minute. Cummins' reply was 13 pages not including
19 12 exhibits. Cummins' reply and exhibits prove that 70% of what Lollar and her
20 attorneys wrote was a total fabrication. Rocco stated that Cummins applied for a
21 restraining order against her neighbor and did not receive it. Cummins did indeed
22 receive the restraining order as evidenced by Rocco's own Exhibit C which Rocco
23 misquotes. Lollar stated she never contacted Cummins which is completely untrue.
24 Lollar sent many, many emails and comments to Cummins which Cummins brought to
25 the hearing but was not allowed to present. Lollar stated she did not post a death threat
26 yet in sworn deposition Cummins submitted as an Exhibit Lollar admitted that she did.
27 Lollar stated that documents were dropped at Cummins' feet when Cummins was
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1 actually hit with the documents as evidenced by video which Cummins linked to in her
2 TRO application but was not allowed to present at the hearing. Lollar was not even a
3 witness to the event. McSweeney stated Cummins accused attorney Randy Turner of
4 placing an incendiary device under Cummins' car. Cummins NEVER stated this.
5 McSweeney's Exhibit L clearly shows Cummins never stated this and McSweeney
6 misquoted the court transcript which is fraud.

7 **E. CUMMINS PRODUCED EVIDENCE AND CAN PRODUCE MORE**
8 **EVIDENCE THAT SHE IS LEGALLY ENTITLED TO A RESTRAINING**
9 **ORDER AGAINST LOLLAR**

10 Cal. Cod of Civ. Proc. § 527.6 (b)(3) states the criteria for a civil harassment
11 restraining order i.e. "Harassment' is unlawful violence, a credible threat of violence,
12 or a knowing and willful course of conduct directed at a specific person that seriously
13 alarms, annoys, or harasses the person, and that serves no legitimate purpose. The
14 court of conduct must be such as would cause a reasonable person to suffer substantial
15 emotional distress."

16 Cummins produced evidence in her application for TRO and was willing to present
17 more evidence at the hearing that she is legally entitled to a restraining order against
18 Lollar as per Cal. Cod of Civ. Proc. § 527.6.

19 **F. CUMMINS SHOULD NOT OWE LEGAL FEES TO RESPONDENT**

20 Cummins is legally entitled to a restraining order against Lollar. Therefore she
21 should not owe legal fees to Lollar. Cummins was not even allowed to respond to the
22 legal fees at the hearing.

23 Rocco stated he is paid \$350 per hour and stated he did \$6,350 worth of work
24 which would be 18 hours including two hours at the hearings. Cummins is not an
25 attorney but a pro se. Cummins was able to read and respond to all claims in Rocco's
26 response in two hours. Because Cummins is a pro se researching and responding to
27 legal documents takes much longer than an attorney. Rocco's estimate of time spent on
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1 this case is unreasonable. Most of the paper in his response are lengthy and
2 unnecessary exhibits.

3 Because of Lollar's harassment Cummins was fired from her job. Cummins'
4 employer stated in writing that he fired her because of what Lollar wrote about
5 Cummins on the Internet. Lollar posted on the Internet that Cummins is a convicted
6 criminal which is not true. Lollar also emails this to Cummins' friends and colleagues.
7 Because of Lollar's relentless harassment Cummins cannot get a new job, is indigent,
8 does not own a home or car, has no assets, cannot afford to pay for a lawyer for herself
9 let alone the unreasonable legal fees of Lollar. Lollar is insured by Chubb insurance
10 who is paying the legal fees for Lollar.

11 **III. CONCLUSION**

12 For the foregoing reasons and others which will be presented at a hearing, the Court
13 should grant the restraining order against Lollar. In the alternative allow Cummins a
14 new hearing to present her case, give oral argument, examine the respondent and
15 present evidence. Because Respondent has committed fraud upon the court and
16 presented Petitioner in false light, Petitioner believes Judge Goodson is now biased
17 against Cummins. Petitioner requests a different Judge and can file a motion to recuse
18 if necessary. If Petitioner is allowed a new hearing, Petitioner gives notice that she will
19 audio and/or video record the proceedings because there are no court reporters.

21 Respectfully submitted,

22 

23 Cummins, Petitioner

24 Dated: July 16, 2013

25 645 W. 9th St. #110-140

26 Los Angeles, CA 90015

27 In Pro Per

28 Telephone: (310) 877-4770

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

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

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

8 **PETITIONER'S MOTION TO RECONSIDER DENIAL OF CIVIL**
9 **RESTRAINING ORDER, LAWYER'S COSTS AND FEES**

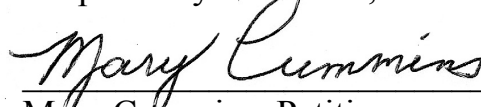
10 by fax and email to

11 **Rocco Dean**
12 Jackson & Lewis
13 725 S. Figueroa Blvd, #2500
14 Los Angeles, CA 90017

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

17 Executed this day, July 16, 2013, at Los Angeles, California

18
19 Respectfully submitted,

20 

21 Mary Cummins, Petitioner

22 Dated: July 16, 2013

23 645 W. 9th St. #110-140

24 Los Angeles, CA 90015

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26 Telephone: (310) 877-4770