

SEP 30 2015

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Filing recalled
and rejected
for lack of
proper service

COURT OF APPEAL - SECOND DIST.

FILED
ELECTRONICALLY

SEP 30, 2015
JOSEPH A. LANE, Clerk
KLEWIS Deputy Clerk

CANCELLED

1 MARY CUMMINS
2 Appellant In Pro Per
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 Direct: (310) 877-4770
6 Fax: (310) 494-9395
7 Email: mmmaryinla@aol.com

SEP 30 2015

on opposing counsel

COURT OF APPEALS

SECOND APPELLATE DISTRICT

SEP 30 2015

10 MARY CUMMINS)
11 *Appellant*)
12 v.)
13 AMANDA LOLLAR, BAT WORLD)
14 SANCTUARY)
15)
16 *Appellees*)

Case No. B258027

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

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

20 **I. INTRODUCTION**

21 Cummins severely injured her back. An MRI report showed Cummins ruptured disc
22 L5/S1 which has caused limited mobility, pain and sciatica (Declaration Cummins).
23 Cummins has been bed ridden off and on for the last 24 months and has been unable to
24 retrieve her mail at her mail box. Cummins also does not own a car making travel even
25 more difficult. For this reason Cummins was not able to get to her mail box and has
26 only been receiving emailed notices. Cummins did not see the Renewed Motion to
27 Quash, Dismiss. Cummins replied to the first almost identical motion and would have
28

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

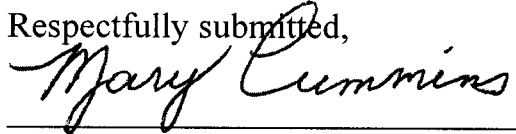
CASE DOCUMENTS

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

4 **II. PRAYER**

5 For the foregoing reasons Appellant Cummins requests that the dismissal be
6 vacated, the appeal be reinstated and requests an extension to file the needed Reply.
7

8 Respectfully submitted,

9 

10

Mary Cummins

11 Appellant

12 Dated: September 10, 2015

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

14 Los Angeles, CA 90015

15 In Pro Per

16 Telephone: (310) 877-4770
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DECLARATION OF PLAINTIFF MARY CUMMINS

I, MARY CUMMINS, declare as follows:

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

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

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

By: Mary Cummins

MARY CUMMINS

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

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

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

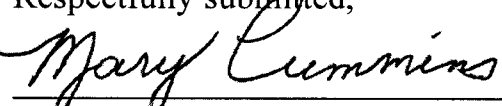
MOTION TO VACATE DISMISSAL, REINSTATE APPEAL, REQUEST FOR EXTENSION OF TIME TO FILE REPLY

by fax and email to

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

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

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

Respectfully submitted,


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