

Cause No. 352-248169-10

**BAT WORLD SANCTUARY and
AMANDA LOLLAR,**

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

DEFENDANT'S MOTION OBJECTING TO PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Mary Cummins, Defendant Pro se, files this Objection to Plaintiffs' Motion for Protective Order, and in support shows the following:

I.

December 15, 2011 Defendant gave Plaintiffs Defendant's fourth request for production (Exhibit 1). Defendant asked for the following two items:

1. All financial documents of Bat World Sanctuary for the last two years including but not limited to monthly bank statements of all accounts, PayPal, credit card transactions. Items are needed to see if there have been any financial damages as stated by Plaintiff in her supplemental response to disclosure.

2. All real estate documents related to the properties located at 217 N. Oak St., Mineral Wells, Texas and 115 N.E. 1st St., Mineral Wells, Texas including improvements and mortgage information. Items are needed to verify valuation stated by Plaintiff in her supplemental response to disclosure.

2.

January 17, 2012 Plaintiffs filed Motion for Protective Order (Exhibit 2). Plaintiffs stated that the request is "overbroad," "unduly burdensome" and "highly personal, private and proprietary." Plaintiffs state that "defendant intends to contact everyone with whom the plaintiffs have done business and to further defame and disparage the

1 plaintiffs and/or to publish the documents on the internet." Plaintiffs state that
2 "documents pertaining to real property are not discoverable in this case because they
3 are not reasonably calculated to lead to the discovery of admissible evidence."

4 3.

5 Defendant clearly requested "bank statements, PayPal, credit card transactions" and
6 "real estate documents" for the two properties in question. Plaintiffs have stated that
7 Defendant has financially damaged Plaintiffs to the tune of approximately \$4,000,000 in
8 their First Supplemental Response to Disclosure (Exhibit 3). Defendant has the right to
9 see if there has been any financial damage. Defendant whole heartedly believes there
10 has been no financial damage. Bat World Sanctuary donations and sales are up since
11 Defendant visited Bat World in June 2010.

12 Defendant clearly asked for all documents related to the two properties in question.
13 Defendant must appraise the two properties because Plaintiffs included a value for sale
14 of the properties in question in their First Supplemental Response to Disclosure.
15 Plaintiffs also mentioned their mortgages but did not list the balances.

16 Defendant does not need to see account numbers, donor names, credit card
17 numbers or anything that would be private or confidential. Defendant would accept
18 redacted copies of financial statements. Defendant has no intention to contact donors
19 or post the documents on the Internet. Defendant would agree not to post the
20 documents on the Internet or use them in any way other than in this lawsuit.

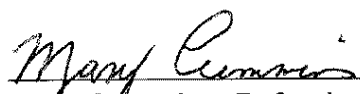
21 Defendant's request is not "unduly burdensome." Defendant has a PayPal and bank
22 account for Defendant's own non-profit organization. One can easily click one button to
23 print out a two year statement online. Defendant has attached a PayPal summary for
24 two months for Defendant's organization with redacted names (Exhibit 4). Defendant
25 would be satisfied with this format.

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WHEREFORE DEFENDANT RESPECTFULLY PRAYS this court will deny Plaintiffs' Motion for Protective Order. If Plaintiffs refuse to give Defendant these items, Defendant requests that this case be dismissed with prejudice. Defendant would further request that Plaintiffs pay all costs, fees and expenses Defendant has incurred in this lawsuit including travel expenses.

Respectfully submitted,


Mary Cummins, Defendant Pro se
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: mmmaryinla@aol.com

By: 
Mary Cummins, Defendant Pro Se

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CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **DEFENDANT'S MOTION OBJECTING TO PLAINTIFFS' MOTION FOR PROTECTIVE ORDER** was served on the Plaintiffs' Attorney of record by FAX and by FIRST CLASS MAIL at Randy Turner
Bailey & Galyen
1901 W. Airport Freeway
Bedford, Texas 76021
Tel: 817-276-6000
Fax: 817-276-6011
Email: rturner@galyen.com
this 20th Day of January, 2012



Mary Cummins, Defendant Pro se
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: mmmaryinla@aol.com

Cause No. 352-248169-10

**BAT WORLD SANCTUARY and
AMANDA LOLLAR,**

Plaintiffs,

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

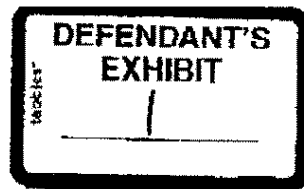
FIAT

Defendant's MOTION OBJECTING TO PLAINTIFFS' MOTION FOR PROTECTIVE ORDER was filed on January 17, 2012. Defendant requests that the foregoing be set for hearing.

IT IS THEREFORE ORDERED that a hearing before this court on said Motion be set for the _____ day of _____ at _____ a.m./p.m. in the 352nd District Court of Tarrant County, Fort Worth, Texas.

Date _____

Judge Presiding



Cause No. 352-248169-10

BAT WORLD SANCTUARY and
AMANDA LOLLAR,

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

DEFENDANT MARY CUMMINS' FOURTH REQUEST FOR PRODUCTION TO PLAINTIFFS

To: Plaintiffs Bat World Sanctuary and Amanda Lollar by and through their attorney of record:

Randall E. Turner
LAW OFFICE OF TURNER & MCKENZIE
1800 N. Norwood Drive, Suite 100
Hurst, Texas 76054

NOW COME DEFENDANT in the above entitled and numbered cause, pursuant to Rules 192 and 196, Texas Rules of Civil Procedure, and file this Request for Production on Plaintiff, Bat World Sanctuary and Amanda Lollar, to furnish for inspection, photographing and/or copying the following documents (including papers, books, accounts, drawings, graphs, charts, photographs, electronic or videotape recordings, and any other data compilations from which information can be obtained and translated, if necessary, by the person or party to whom this request is directed), or other tangible things to Defendant Pro Se Mary Cummins at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640, by hand delivery or United States Mail copies of the requested documents if such original documents are not to be inspected, photographed or copied at such offices. Please be advised that under Rule 196 that possession, custody or control of a requested item includes constructive possession such that the person or Party need not have actual physical possession. As long as the person or party to whom this Request is directed has a superior right to compel production from a third party or person (including an agency, authority or representative), the person or party to whom this Request is directed has possession, custody, or control. Rule 196 also requires reasonable supplementation to your Response to Request for Production. Defendant has substantial need of the materials being sought, as they are unable without undue hardship to obtain the substantial equivalent of the materials by other

means. An objection to any request shall be deemed a refusal to agree for purposes of satisfying any requirement for a pre-motion or pre-hearing conference under any applicable local rules, unless otherwise noted in your response.

You are hereby requested to produce the following items.

ITEMS TO BE PRODUCED

1. All financial documents of Bat World Sanctuary for the last two years including but not limited to monthly bank statements of all accounts, PayPal, credit card transactions. Items are needed to see if there have been any financial damages as stated by Plaintiff in her supplemental response to disclosure.

2. All real estate documents related to the properties located at 217 N. Oak St., Mineral Wells, Texas and 115 N.E. 1st St., Mineral Wells, Texas including improvements and mortgage information. Items are needed to verify valuation stated by Plaintiff in her supplemental response to disclosure.

Respectfully submitted,

Mary Cummins, Defendant Pro se
645 W 9th St. #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: Mary@AnimalAdvocates.us

By: _____
Mary Cummins, Defendant Pro Se

From: B172681563

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CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY and	§	IN THE DISTRICT COURT
AMANDA LOLLAR,	§	
<i>Plaintiffs</i>	§	
	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
	§	
MARY CUMMINS,	§	
<i>Defendant</i>	§	352nd JUDICIAL DISTRICT

PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

The plaintiffs, Bat World Sanctuary and Amanda Lollar, file this Motion for Protective Order under Rule 192.6 of the Texas Rules of Civil Procedure and in support of this motion show the following:

I.

The defendant served the plaintiffs with her fourth request for production of documents seeking "all financial records of Bat World Sanctuary for the last two years including but not limited to monthly bank statements of all accounts, PayPal, credit card transactions (sic)."

The defendant further requested "all real estate documents related to the properties located at 217 N. Oak St., Mineral Wells, Texas and 115 N.E. 1st St., Mineral Wells, Texas including improvements and mortgage information."

II.

The request for "all financial records" is overbroad and does not sufficiently identify those records being requested other than bank statements and records pertaining to PayPal and credit

From:8172681563

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#556 P.003/004

card transactions. The defendant should be required to identify with specificity those records being requested.

Bat World Sanctuary's bank statements contain highly personal, private, and proprietary information, including account numbers, identities of vendors, and other information that is not reasonably calculated to lead to the discovery of admissible evidence. The defendant intends to contact everyone with whom the plaintiffs have done business and to further defame and disparage the plaintiffs and/or to publish the documents on the internet.

There are voluminous PayPal and credit card records and it would be unduly burdensome for the plaintiffs to produce these records. Additionally, they are not reasonably calculated to lead to the discovery of admissible evidence. The same information is in the bank records.

The PayPal and credit card records contain the names, card numbers, and contact information of people who have donated money to the plaintiffs. This information is highly private and personal and is not reasonably calculated to lead to the discovery of admissible evidence. Disclosing this information would constitute an invasion of privacy of those donors. The defendant intends to contact Bat World's donors and commit further defamation. The defendant further intends to publish the documents on the internet.

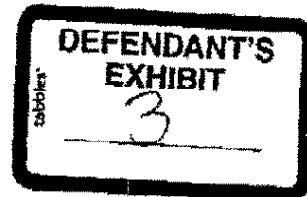
Documents pertaining to real property are not discoverable in this case because they are not reasonably calculated to lead to the discovery of admissible evidence.

III.

The plaintiffs move the court to enter an order protecting the plaintiffs from the discovery sought in the defendant's fourth request for production.

WHEREFORE, the plaintiffs move the Court to enter an order protecting the plaintiffs from the discovery sought.

Respectfully submitted,



FIRST SUPPLEMENTAL RESPONSE TO DISCLOSURE

a. The correct names of the parties to the lawsuit.

Response: Parties named correctly.

b. The name, address, and telephone number of any potential parties.

Response: Plaintiffs' are unaware of other potential parties.

c. The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

Response: The defendant breached her contract with the plaintiffs' by publishing photographs, videotapes and information on the internet concerning Bat Worlds' techniques, results, data and anecdotal information with Bat World's permission. The defendant committed defamation by posting on the internet false statements of facts concerning the plaintiffs'

d. The amount and method of calculating economic damages.

Response: Plaintiffs' seek \$3,980,000.00 plus attorney's fees at \$300.00 per hour.

\$2m in lost revenue over the next 10 years (\$200,000 per year x 10 yrs)
 \$2m dollars to build a new Bat World. This includes the land and buildings.
 Defendant has made it impossible for Plaintiffs' to remain in Mineral Wells because of her rampage of complaints to the city and the health dept. We had 2 buildings to house BWS in Mineral Wells. The worth of those buildings, minus the mortgages that we had to take out to stay afloat, is \$70,000, \$50,000 for a new wild sanctuary to relocate the wild population

\$2,000,000	lost revenue
\$2,000,000	new Bat World
\$ 50,000	wild sanctuary
<u>\$4,050,000.00</u>	
- 70,000.00	sale of property
\$3,980,000.00	FINAL COMPENSATION figure

It was necessary for Plaintiffs' to secure the services of Randall E. Turner, a licensed attorney, to preserve and protect the Plaintiffs rights. Defendant should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of this attorney and against Defendant. Plaintiff requests postjudgment interest as allowed by law.

e. The name, address, and telephone number of persons having knowledge of relevant facts, and brief statements of each identified person's connection with the case.

Response: Amanda Lorraine Lolla



History PayPal

Payments received - Jan 1, 2011 to Jan 1, 2012

Date	Type	Name/Email	Payment status	Order status/Actions	Gross	Fee	Net amount
Feb 1, 2011	Donation From		Completed		5100.00	52.50	5047.50 USD
Feb 9, 2011	Payment From		Completed		525.00	50.85	474.15 USD
Jan 28, 2011	Donation From		Completed		510.00	50.52	459.48 USD
Jan 21, 2011	Donation From		Completed		510.00	50.52	459.48 USD
Jan 14, 2011	Payment From		Completed		55.00	50.41	4.59 USD
Jan 12, 2011	Donation From		Completed		5100.00	52.50	5047.50 USD
Jan 12, 2011	Donation From		Refunded		51.00	50.33	50.67 USD
Jan 6, 2011	Payment From		Completed		550.00	51.40	498.60 USD