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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1 MARY CUMMINS
2 Plaintiff
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 In Pro Per
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV11 08081 DMG

(MAN)

9 MARY CUMMINS
10 Plaintiff

) Case No.

COMPLAINT FOR DAMAGES

11 v.

) (Defamation, Defamation per se,
) Interference with Business Relations,
) Interference with Prospective Economic
) Advantage, Infliction of Emotional
) Distress)

12
13 AMANDA LOLLAR aka BAT
14 WORLD SANCTUARY an individual
15 person, BAT WORLD SANCTUARY
16 an unknown business entity, JOHN
17 DOES 1-10
18 Defendants

) DEMAND FOR JURY TRIAL

IS
21

19 Plaintiff Mary Cummins, (hereinafter "Plaintiff") alleges as follows:

INTRODUCTION

20 1. This is a diversity action against defendants Amanda Lollar, Bat World
21 Sanctuary and John Does 1-10, asserting claims for defamation, defamation per se,
22 interference with business relations, interference with prospective economic advantage
23 and infliction of emotional distress. Plaintiff's action arises out of knowingly false and
24 fraudulent statements about Plaintiff and other misconduct by Defendants Amanda
25 Lollar aka Bat World Sanctuary, Bat World Sanctuary an unknown business entity and
26 John Does 1-10 (hereinafter "Defendants") resulting in financial damage, public
27 ridicule and emotional distress.

CLAIM ONE

(Defamation)

(California Civil Code §§ 44, 45a, and 46)

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4 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
5 through 17 of this complaint, as though fully set forth herein.

6 Defendants knowingly published false statements of fact such as but not limited
7 to Plaintiff "has a criminal record," Plaintiff was "convicted" of "theft of property,
8 forged name on credit card," Plaintiff is a "cyberstalker," "cybersquatter," Plaintiff was
9 "picked up by police," Plaintiff "hacked into our website" and "email list," Plaintiff
10 was "picked up by the LAPD anti-terrorism task force," Plaintiff "posts pornography
11 in children's chat rooms," Plaintiff "commits animal cruelty," Plaintiff "tortures
12 animals," and Plaintiff is a "whore." Defendants knew or should have known that the
13 statements of fact made against Plaintiff were false.

14 Defendants were not privileged to publish false statements about Plaintiff.

15 The false statements published by Defendants have a natural and inherent
16 tendency to injure Plaintiff's reputation and expose Plaintiff to public ridicule and
17 shame.

18 Defendants acted with malice, oppression and fraud in publishing the false
19 statements of fact as described herein.

20 As a direct result of Defendants' conduct set forth herein, Plaintiff has suffered
21 and will continue to suffer lost income, damages to reputation, shame, humiliation, and
22 emotional suffering.

CLAIM TWO

(Defamation Per Se)

(California Civil Code § 45a)

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26 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
27 through 17 of this complaint, as though fully set forth herein.
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JURISDICTION

2. This court has subject matter jurisdiction based on complete diversity of citizenship pursuant to 28 U.S.C. §1332. Damages resulting from the matter exceed \$75,000 exclusive of costs.

VENUE

3. Venue in this district is proper under 28 U.S.C. §1391(a) because a substantial part of the events or omissions giving rise to the damages occurred in this district in Los Angeles County and Plaintiff lives in this district.

PARTIES

4. Plaintiff Mary Cummins is an individual, a resident and citizen of Los Angeles County, California.

5. Plaintiff is associated with Animal Advocates, a non-profit corporation with a principal place of business in Los Angeles County, California.

6. Defendant Amanda Lollar is a resident of Palo Pinto County, Texas. Amanda Lollar conducts business as Bat World Sanctuary; accordingly Bat World Sanctuary is the alter ego of Defendant Amanda Lollar.

7. Defendant Bat World Sanctuary is a unknown business entity with its principal place of business in Palo Pinto County, Texas.

8. Plaintiff does not know the true names and capacities of Defendants sued herein as DOES ONE through TEN, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereupon alleges that each of such fictitiously named Defendant is either an employee, volunteer, member, and or agent of Defendants, and is negligently and intentionally responsible in some manner for the occurrences herein alleged; and that Plaintiff's injuries as herein alleged were caused by these Defendant DOES' acts.

STATEMENT OF FACTS

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2 9. Plaintiff is the founder of non-profit organization Animal Advocates located
3 in California. Plaintiff is permitted under license by the United States Department of
4 Agriculture (USDA) and the California Department of Fish & Game (CADFG) to
5 possess, rescue and rehabilitate ill, injured and orphaned native wildlife for release
6 back to the wild. Plaintiff is trained, experienced and permitted under licenses to care
7 for coyotes, bobcats, foxes, raccoons, opossums, skunks and all other small mammals
8 including bats.

9 10. Plaintiff has published CADFG approved manuals on wildlife rehabilitation
10 and instructs CADFG accredited classes to wildlife rehabilitators, veterinarians and
11 animal care professionals.

12 11. Plaintiff has been trained at the Rio Hondo Police Academy and the
13 California State Humane Association Animal Law Enforcement Academy to
14 investigate animal cruelty and neglect. Plaintiff is currently on the Humane Society of
15 the United States (HSUS) National Disaster Animal Response Team which handles
16 animal cruelty and neglect cases.

17 12. Plaintiff's greatest asset is Plaintiff's personal business reputation and the
18 Defendants alleged herein have made every effort to destroy Plaintiff's reputation.

19 13. Defendants have posted defamatory comments and articles about Plaintiff on
20 the Internet. Defendants have falsely posted the following statements;

- 21 • Plaintiff "has a criminal record,"
- 22 • Plaintiff was "convicted" of "theft of property, forged name on credit card,"
- 23 • Plaintiff is a "cyberstalker," "cybersquatter,"
- 24 • Plaintiff was "picked up by police,"
- 25 • Plaintiff "hacked into our website" and "email list,"
- 26 • Plaintiff was "picked up by the LAPD anti-terrorism task force,"
- 27 • Plaintiff "posts pornography in children's chat rooms,"

1 • Plaintiff “commits animal cruelty,”

2 • Plaintiff “tortures animals,”

3 • Plaintiff is a “whore.”

4 All of these statements and more are false and were intentionally made with
5 malicious intent to destroy the personal and business reputation of Plaintiff, and to
6 destroy Plaintiff’s relationship with business contacts.

7 14. Defendants published a death threat against Plaintiff and extorted her on the
8 Internet.

9 15. Defendants are instructing people to file false reports of “animal cruelty”
10 and “animal torture” to the CADFG. Defendants have and are continuing to instruct
11 people via posts on blogs to demand that CADFG take away Plaintiff’s permits and
12 shut down Plaintiff’s animal rescue group Animal Advocates.

13 16. Defendants defamed Plaintiff on websites located in California including but
14 not limited to Indymedia.org, YouTube.com, Yahoo.com, Google.com, Blogger.com
15 and Facebook.com. These statements were posted by Defendants with malicious intent
16 to harm Plaintiff’s reputation, Plaintiff’s business relations and Plaintiff’s animal
17 rescue group Animal Advocates.

18 17. Defendants sent emails and letters to various Governmental agencies and
19 others making similar false statements. These agencies are the USDA, CADFG, Texas
20 Parks and Wildlife Department, City of Mineral Wells, Bat Conservation International,
21 friends of Plaintiff and many others. Most if not all of Defendant’s statements are
22 defamatory and have injured Plaintiff’s reputation, thereby exposing Plaintiff to public
23 hatred, contempt or ridicule, and financial injury.

1 Defendants knowingly published false statements of fact such as but not limited
2 to Plaintiff "has a criminal record," Plaintiff was "convicted" of "theft of property,
3 forged name on credit card," Plaintiff is a "cyberstalker," "cybersquatter," Plaintiff was
4 "picked up by police," Plaintiff "hacked into our website" and "email list," Plaintiff
5 was "picked up by the LAPD anti-terrorism task force," Plaintiff "posts pornography
6 in children's chat rooms," Plaintiff "commits animal cruelty," Plaintiff "tortures
7 animals," and Plaintiff is a "whore." Defendants knew or should have known that the
8 statements of fact made against Plaintiff were false.

9 Defendants were not privileged to publish false statements about Plaintiff.

10 The false statements published by Defendants have a natural and inherent
11 tendency to injure Plaintiff's reputation and expose Plaintiff to public ridicule and
12 shame.

13 Defendants acted with malice, oppression and fraud in publishing the false
14 statements of fact as described herein.

15 The false statements of fact published by Defendants constitute defamation per
16 se, i.e. broadcast or written publication of a false statement about another which
17 accuses him/ her of a crime, immoral acts, inability to perform his/her profession,
18 having a loathsome disease or dishonesty in business.

19 As a direct result of Defendants' conduct set forth herein, Plaintiff has suffered
20 and will continue to suffer lost income, damages to reputation, shame, humiliation, and
21 emotional suffering.

22 CLAIM THREE

23 (Intentional Interference with Business Relations)
24 (California Business and Professions Code § 17200)

25 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
26 through 17 of this complaint, as though fully set forth herein.

27 Plaintiff has a real estate appraisal business and non-profit organization.
28

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3 forged name on credit card," Plaintiff is a "cyberstalker," "cybersquatter," Plaintiff was
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27 Plaintiff has a real estate appraisal business and non-profit organization.
28

1 Defendants intended to damage and have damaged Plaintiff personally,
2 Plaintiff's real estate business and non-profit organization Animal Advocates.

3 **CLAIM FOUR**

4 (Intentional Interference with Prospective Economic Advantage)
5 (California Business and Professions Code § 17200)

6 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
7 through 17 of this complaint, as though fully set forth herein.

8 Defendants' wrongful conduct are a substantial factor in causing injury to
9 Plaintiff's existing and future economic relationships.

10 **CLAIM FIVE**

11 (Intentional Infliction of Emotional Distress)

12 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
13 through 17 of this complaint, as though fully set forth herein.

14 Defendants' conduct was outrageous.

15 Defendants intended to cause Plaintiff emotional distress and they acted with
16 reckless disregard of the rights, privileges and economic advantages of Plaintiff.

17 As a direct consequence of Defendants' actions as described herein, Plaintiff
18 suffered and continues to suffer severe emotional distress.

19 Defendants' conduct was a substantial factor in causing Plaintiff's severe
20 emotional distress.

21 **REQUEST FOR PERMANENT INJUNCTION**

22 Upon final trial of the merits of this cause, Plaintiff requests that this Court enter
23 an order permanently enjoining Defendants from allowing the false statements
24 described above to remain on the Internet, be reposted on the Internet or
25 communicated in any form.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV11- 8081 DMG (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

PRAYER FOR RELIEF

1
2 Wherefore, Plaintiff prays for judgment against Defendants, and each of them,
3 jointly and severally, for:

4 General and special damages, in an amount to be determined at trial;

5 Economic loss and loss of other benefits due as a result of defendants' wrongful
6 conduct in the amount of \$250,000;

7 Damages of pain, suffering and emotional distress, in an amount to be
8 determined at trial;

9 Exemplary and punitive damages;

10 Reasonable costs of suit and attorney fees if any; and

11 Such other relief as the Court may deem just and proper.

12
13 Respectfully submitted,

14 *Mary Cummins*
15 _____
16 Mary Cummins, Plaintiff

17 Dated: September 28, 2011

18 645 W. 9th St. #110-140

19 Los Angeles, CA 90015

20 In Pro Per

21 Telephone: (310) 877-4770
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