

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MARY CUMMINS)	CIVIL ACTION
Plaintiff,)	
)	
vs.)	
AMANDA LOLLAR, DENISE)	
TOMLINSON, DOROTHY HYATT,)	Civil Action No.: 4:12-CV-00560-Y
MICHELLE MCCAULLEY, KATE)	
RUGRODEN, LESLIE STURGES, BAT)	
WORLD SANCTUARY, JOHN DOES 1-10)	
)	
Defendants.)	JURY

**PLAINTIFF’S OBJECTION TO DEFENDANTS’ SUBSTITUTION OF COUNSEL OF
ATTORNEY RANDY TURNER**

Plaintiff Mary Cummins files this Objection to Opposed Motion for Substitution of Counsel, and respectfully shows the Court as follows:

INTRODUCTION

Plaintiff Mary Cummins was involved in another case with Defendants Amanda Lollar and Bat World Sanctuary in Fort Worth, Texas Case # 352-248169-10 filed September 2010. Randy Turner of then law firm Turner & McKenzie was the attorney of record for Defendants in that case. That case is currently in appeal 02-12-00285-CV.

Case 352-248169-10 was a frivolous and malicious lawsuit brought by Defendant Amanda Lollar in retaliation for Plaintiff reporting Lollar to authorities for animal cruelty, animal neglect and violations of the health code besides other things. Even though attorney Randy Turner realized early on that his client’s case was meritless, he continued.

During that case Randy Turner perjured himself in court room testimony and legal filings. In one instance he told Judge William Brigham that Cummins said “isn’t it ironic that Turner’s wife is on the legal ethics committee when he is so unethical” during her deposition which she did not say that ever (Declaration Cummins Exhibit 1). Then Turner cried crocodile tears to try to influence the Judge.

Turner committed motion abuse by intentionally filing motion after motion, setting hearing after hearing to cause Cummins to burn through her savings in the hope she would not be able to reply and lose by default. Turner admitted to this behavior in a late night email (Exhibit 2). There were over 200 filings in that case. Cummins spent well over \$17,000 on that case as a pro se because she was forced to fly back and forth to Texas many times.

Besides committing perjury and abuse of the judicial system Randy Turner also harassed and assaulted Cummins. Before a May 2011 hearing for a temporary injunction Turner came up behind Cummins and stated to the back of her head, “I’ve known this Judge for years. He’ll sign whatever I put in front of him.” Turner did this to frighten Cummins. Cummins stated this to Judge Bonnie Sudderth at a subsequent hearing (Exhibit 3).

The Judge did sign an overly broad injunction against third parties which included prior restraint which Turner had written. Turner did not post a bond making the injunction void. Even though Turner knew it was void he sent threatening letters to various websites with the void injunction demanding that they remove items written by others or else he would add them as a defendant even though he had no legal grounds. The ACLU responded to his threat (Exhibit 4).

After the injunction hearing Turner came up to Cummins in the hallway and stated “you’d better remove all of these links.” Cummins stated it was physically impossible for her to remove

items written and posted by others which she'd never even seen on websites she did not control. Turner stated "if you don't remove them, I will find you in contempt, sanction you and throw you in jail!" while waving the injunction papers in her face. Turner repeatedly threatened to throw pro se Defendant Cummins in jail to frighten her.

Turner would intentionally run after Cummins after hearings in the hallway to harass her. Cummins was forced to contact the Court Coordinator to ask for a head start out the door after the hearings. Cummins was finally forced to have her iPhone video camera on in the hallway (Exhibit 5).

During a court break in the June 2012 trial Turner was in the hallway and intentional walked backwards into Cummins contacting her with his full body. He pretended that it was an accident but it was not. He did similar things on other occasions.

Many times during the court hearings Turner would stare at Cummins' breasts while she handed him exhibits. Cummins asked Turner to stop this inappropriate behavior (Exhibit 6) but he continued. Many times during Lollar's deposition Turner would stare at Cummins' crotch when she stood up from the table (Exhibit 6). He would also stare at her breasts while she sat at the table (Exhibit 6). Turner also closed his eyes during long parts of the deposition refusing to look at any exhibits (Exhibit 7). He even nodded off during his client's deposition (Exhibit 8). He also was either texting or emailing during the deposition (Exhibit 9).

During Cummins' deposition Turner intentionally asked Cummins questions that would have negative answers. He did this because he wanted his client to make many highly edited videos of the deposition to post on YouTube to harass and embarrass Cummins. Defendant Lollar made over 70 highly edited videos which are still on YouTube even though Cummins never gave

permission for the video to be posted publicly (Exhibit 10). These videos share confidential and private information which have caused financial and emotional harm to Cummins.

Turner worked at the law firm of Turner & McKenzie up until January 2012. He abruptly left the firm after Cummins sent an email to his partner asking him to stop acting inappropriately. He then went to the law firm of Bailey & Galyen. Cummins had spoken to attorney Steve Sanderfer at the law firm of Bailey & Galyen early November 2011 about this personal injury case (Exhibit 11). Cummins contacted Sanderfer after she read an article he posted in LinkedIn group Texas Lawyers.

Cummins will be filing a formal complaint about attorney Randy Turner's unethical and unprofessional behavior to send to the Texas Bar Association. Cummins will be filing a restraining order against Randy Turner if he becomes the attorney of record so he will stop harassing and assaulting Cummins whenever she is forced to be in his presence for court.

CONCLUSION

Randy Turner should not represent Defendants in this case because there is a conflict of interest. Cummins already spoke with an attorney at the law firm of Bailey & Galyen about this case revealing all details of this case. Turner is also unethical, unprofessional and has a history of harassing Cummins in court and abusing the judicial process. Defendants have insurance paying for their attorney. They can choose any attorney they like. It is not mandatory for Defendants to be represented by Turner. Cummins believes that Turner wants to substitute in so he can continue to personally harass Plaintiff Cummins.

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PRAYER FOR RELIEF

WHEREFORE, Cummins requests that this court deny Defendants' Motion for Substitution of Counsel of Randy Turner for Defendants. Cummins would not oppose any other attorney at Bailey & Galyen or any another firm being the attorney of record.

DATED: November 20, 2012

Respectfully submitted,



Mary Cummins, Plaintiff

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CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a copy of **PLAINTIFF'S OBJECTION TO DEFENDANTS' SUBSTITUTION OF ATTORNEY** was served on the Defendants' Attorneys of record by CM/ECF, FAX and EMAIL at,

DEAN ROCCO

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Also sent by Email: RoccoD@jacksonlewis.com

SANDRA MCMULLAN

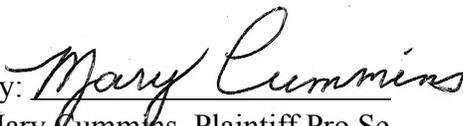
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By: 
Mary Cummins, Plaintiff Pro Se
November 20, 2012