

MARY CUMMINS
Defendant
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per
Telephone: (310) 877-4770
Email: mmmaryinla@aol.com

FILED
Los Angeles Superior Court

NOV 22 2016

Sherri P. Carter, Executive Officer/Clerk
By *Dawn Alexander* Deputy
Dawn Alexander

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BAT WORLD SANCTUARY,
AMANDA LOLLAR
Plaintiff

v.

MARY CUMMINS
Defendant

Case No. BS140207

AMENDED MOTION TO QUASH,
MODIFY SUBPOENA, PROTECTIVE
ORDER CCP 1987.1

Date: December 16, 2016
Time: 8:30 a.m.
Room: Dept 24
Judge: Honorable Robert Hess
Reservation: 161107172170
Fee Waiver: August 5, 2014

RELIEF REQUESTED

Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court for an order quashing subpoenas (Exhibit 1) made by Plaintiffs requesting all First Bank bank records of Defendant "Mary Cummins," any account where Defendant is a signatory, non-party Animal Advocates, non-party Animal Advocates Society for the Prevention of Cruelty to Animals and other non-parties from December 1, 2015 to the present. Defendant requests a protective order over all records obtained as Plaintiffs have a long history of posting confidential social security numbers, bank account numbers, bank routing numbers....in public filings and on the internet. Defendant will

MOTION TO QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER CCP 1987.1

1 show the court the following based on documents already filed with this court,
2 attached declaration (Pg 7) and exhibits.

3 INTRODUCTION

4 Defendant never defamed Plaintiffs. Plaintiffs did not show any element of
5 defamation, damages or malice. The breach of contract claim, attorney fees, liquidated
6 damages were all reversed in appeal. Plaintiff Bat World Sanctuary was denied any
7 claim.

8 Plaintiff through subpoenas and bank authorization already have all bank
9 records of Defendant Cummins from 2010 to the present. Defendant has no bank
10 accounts. Defendant's last bank account was closed November 2013 by levy from this
11 court. There are no bank records which could lead to anything discoverable. The
12 subpoenas are for harassment purposes only.

13 Defendant objects to Plaintiffs using the Animal Advocates bank records which
14 are under seal. The Animal Advocates bank records, all PayPal records which Plaintiff
15 previously procured are inadmissible as they were obtained through fraud and were
16 never authorized or authenticated. The bank authorization Defendant signed (Exhibit
17 2) was only for "bank records" of Defendant Cummins. It was not for financial
18 institution PayPal. Nowhere on the authorization does it state that it includes any
19 account where Defendant was a "signatory." Plaintiff committed perjury when Plaintiff
20 made that statement in their previous filing.

21
22 The judgement is only against Defendant Cummins, not Animal Advocates.
23 Animal Advocates is a standalone corporation with its own EIN 48-1287089.

24 The subpoenas are overly broad requesting all documents of any organization by
25 the name of "Animal Advocates." There are many organizations by the name of
26 "Animal Advocates" including but not limited to "Animal Advocates" in
27
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Massachusetts¹, "Animal Advocates" in Minnesota² to name but two. If Plaintiff were allowed the records of "Animal Advocates" it should only be for "Animal Advocates" with the EIN of 48-1287089.

Defendant is fine with Plaintiffs obtaining all records of "Mary Cummins," "Mary Cobb" only in combination with SSN ***-**-5115. Plaintiff already have all of these records as Defendant does not have a bank account. Defendant again objects to Plaintiff obtaining records of all "Mary Cummins," "Mary Cobb" as overly broad. Per "How Many of Me"³ there are 318 "Mary Cummins" and 1009 "Mary Cobb." If the Court allows Plaintiff to have the records of all "Mary Cummins" and "Mary Cobb" in the US, they would be obtaining the records of 1,327 people other than Defendant.

Defendant requests that the Court limit the subpoenas to only Defendant's records and grant a protective order identical to the previous one this Court granted May 5, 2016 (Exhibit 3)

Plaintiffs' attorney filed the subpoenas merely to harass Defendant, Defendant's friends, donors to Animal Advocates and rack up a bill for Plaintiff. They should be sanctioned for wasting the Court and Defendant's time and costs.

Defendant would like the Court to note that in the previous motion to quash Judge Robert Hess stated there was no declaration or affidavit in the motion. That was false. There was indeed a signed declaration, affidavit. The Court denied that motion stating the reason was because there was no declaration or affidavit. Defendant requests that order be reversed. Defendant filed an appeal of that motion.

**STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY
SUBPOENA, PROTECTIVE ORDER**

The subpoena should be quashed or modified for the following reasons:

¹ Animal Advocates Inc <http://www.animaladvocatesma.org/>

² Animal Advocates Inc Minnesota <https://www.animalhumanesociety.org/animaladvocates>

³ How Many of Me <http://howmanyofme.com/search/>

1 1. Plaintiffs already have all bank statements of "Mary Cummins," "Mary Cobb"
2 with SSN (redacted) from January 2010 to January 2016. There are no other bank
3 statements as Defendant does not have a bank account.

4 2. The subpoenas are overly broad requesting the following:

5 "1. Any and all DOCUMENTS relating to or associated with accounts held in the
6 name of, on behalf of, or otherwise associated with EIN 48-1287089, from December
7 1, 2015 to the present.

8 2. Any and all DOCUMENTS relating to or associated with accounts held in the name
9 of, on behalf of, or otherwise associated with "Animal Advocates" or Animal
10 Advocates for the Prevention of Cruelty to Animals," from December 1, 2015 to the
11 present.

12 3. Any and all DOCUMENTS relating to or associated with accounts held in the name
13 of on behalf of, or otherwise associated with Mary Cummins, also known as Mary
14 Cobb, SSN ***-**-5115, from December 1, 2015 to the present, including, but not
15 limited to, those in which she is a signatory."

16
17 The subpoena should only be for "bank statements" in the name of "Mary
18 Cummins," "Mary Cobb" combined with Defendant's SSN (redacted). The Texas
19 court Judge specifically denied any documents of Animal Advocates. Plaintiffs have a
20 very long history of abusing discovery for harassment purposes only. Plaintiffs could
21 merely state they feel an account is being held on behalf of Defendant with absolutely
22 no proof. They could access any bank account of any person with such an open
23 subpoena.

24 3. If the court signs an order stating Plaintiff can obtain the bank records via
25 subpoena to the listed entities, the order must be very specific for only the records of
26 Defendant, in Defendant's name and SSN. They should not include the records of
27 Animal Advocates. Defendant must get a copy of all documents directly from the bank
28 and not Plaintiffs. The documents must be under a protective order. They cannot be

11/28/2016

filed in a lawsuit, shared with anyone other than Plaintiff and her lawyers in the case, posted online or shared with the public. Previously Plaintiff publicly filed hundreds of people's PayPal names, accounts and the email addresses that control those accounts.

PRAYER

Defendant respectfully requests that this Court quash this subpoenas for bank records. In the alternative Defendant requests that the subpoenas be limited to only Defendant's "bank records" with Defendant's SSN and name together. Plaintiff should not be allowed to ask for bank records of unrelated third party Animal Advocates. Defendant requests a protective order over any financial documents stating the contents of the records and the records themselves must never be shared with anyone other than Plaintiff and her lawyers in this case. They may never be given to anyone else. They may never be posted online, shared publicly or attached to a legal filing.

Defendant also requests sanctions against Plaintiff's lawyers. The subpoenas were not necessary. It was filed to waste the Court and Defendant's time. It was maliciously filed to try to illegally get the bank records of Animal Advocates which the Judge in the underlying case did not authorize.

Defendant also requests that Plaintiffs email a copy of all filings in this case to mmmaryinla@aol.com Defendant is permanently, legally disabled, has no car, cannot get to the p.o. box, cannot pay for a ride and cannot afford to buy the documents online. Defendant requests that the Court orders Plaintiffs to serve their documents by email. Such other relief as the Court may deem just and proper.

Respectfully submitted,



Mary Cummins, Defendant

Dated: November 7, 2016

11/28/2016

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CERTIFICATE OF CONFERENCE

Per Los Angeles Superior Court local rule 5.6 Defendant has met and conferred with Plaintiff about filing this motion via email November 7, 2016. Plaintiff did not reply.

PROOF OF SERVICE
(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 QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER

on the following interested parties by emailing, faxing this document to First Bank.

Christian Molner
Ashley Hunt
12400 Wilshire #1180
Los Angeles, CA 90025

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

Executed this day, November 7, 2016, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: November 7, 2016

11/28/2016

DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Attached to DEFENDANT'S MOTION TO QUASH SUBPOENA, MODIFY SUBPOENA, PROTECTIVE ORDER as exhibits are true and correct copies of the original documents.
3. Everything in DEFENDANT'S MOTION TO QUASH SUBPOENA, MODIFY SUBPOENA, PROTECTIVE ORDER was written by me and is the truth to the best of my knowledge.
4. I'm positive Plaintiff would use any data in any financial records to harass, stalk or harm me, my family, friends, clients and donors.

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

Executed on November 7, 2016 at Los Angeles, California.

By: *Mary Cummins*

MARY CUMMINS

11/28/2016

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christian Molnar (SBN 177665); Ashley Conlogue (SBN 292083) 12400 Wilshire Boulevard, Suite 1180 Los Angeles, California 90025 TELEPHONE NO.: (310) 820-9900 FAX NO.: (310) 820-9926 E-MAIL ADDRESS: aconlogue@arendsenlaw.com ATTORNEY FOR (Name): Plaintiff, Amada Lollar</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse</p>	
<p>PLAINTIFF/PETITIONER: Amanda Lollar DEFENDANT/RESPONDENT: Mary Cummins</p>	
<p>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</p>	<p>CASE NUMBER: BS140207</p>

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Custodian of Records, First Banks, Inc., 11835 West Olympic Boulevard, Los Angeles, CA 90064


1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

<p>To (name of deposition officer): Christian S. Molnar Law Corporation On (date): November 21, 2016 At (time): 9:00 AM Location (address): 12400 Wilshire Boulevard, Suite 1180, Los Angeles, California 90025</p> <p style="text-align: center;">Do not release the requested records to the deposition officer prior to the date and time stated above.</p>

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
 see Attachment 3
- Continued on Attachment 3.
4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: October 25, 2016
 Ashley M. Conlogue, Esq.
(TYPE OR PRINT NAME)


(SIGNATURE OF PERSON ISSUING SUBPOENA)
 Attorney for Plaintiff Amada Lollar
(TITLE)

(Proof of service on reverse)

11/28/2016

PLAINTIFF/PETITIONER: Amanda Lollar	SUBP-010
DEFENDANT/RESPONDENT: Mary Cummins	CASE NUMBER: BS140207

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (name): _____

b. Address where served: _____

c. Date of delivery: _____

d. Time of delivery: _____

e. (1) Witness fees were paid.

Amount: _____ \$

(2) Copying fees were paid.

Amount: _____ \$

f. Fee for service: _____ \$

2. I received this subpoena for service on (date): _____

3. Person serving:

a. Not a registered California process server.

b. California sheriff or marshal.

c. Registered California process server.

d. Employee or independent contractor of a registered California process server.

e. Exempt from registration under Business and Professions Code section 22350(b).

f. Registered professional photocopier.

g. Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number: _____

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date: _____

Date: _____

1/25/2011

(SIGNATURE)

(SIGNATURE)

ATTACHMENT 3

1
2 1. Any and all DOCUMENTS relating to or associated with accounts held in the name of,
3 on behalf of, or otherwise associated with EIN 48-1287089, from December 1, 2015 to the present.

4 2. Any and all DOCUMENTS relating to or associated with accounts held in the name of,
5 on behalf of, or otherwise associated with "Animal Advocates" or Animal Advocates for the
6 Prevention of Cruelty to Animals," from December 1, 2015 to the present.

7 3. Any and all DOCUMENTS relating to or associated with accounts held in the name of,
8 on behalf of, or otherwise associated with Mary Cummins, also known as Mary Cobb, SSN
9 5115, from December 1, 2015 to the present, including, but not limited to, those in which she is a
10 signatory.

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CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY and
AMANDA LOLLAR
Plaintiffs,

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§

IN THE DISTRICT COURT

v.

352ND JUDICIAL DISTRICT

MARY CUMMINS,

TARRANT COUNTY TEXAS

AMENDED ORDER GRANTING MOTION FOR BANK RECORDS AUTHORIZATION

On the 17th of December the Court heard the motion for Bank Records Authorization filed by Plaintiff, Amanda Lollar. Plaintiff appeared by and through her attorney by telephone. Defendant appeared by telephone.

After considering the motion and the arguments of the parties the Court finds the motion should be granted.

IT IS THEREFORE ORDERED that Defendant, Mary Cummins shall execute a Bank Records Authorization in the following form which shall include Defendant's Social Security Number in the space indicated.

BANK RECORDS AUTHORIZATION

TO ALL BANKS AND FINANCIAL INSTITUTIONS:

I hereby authorize all banks and financial institutions to furnish to Randall E. Turner, Attorney at Law, all account statements, account summaries, copies of cancelled checks, records of deposits and withdrawals, and any other records pertaining to any account of mine under my Social Security Number [redacted] during the period from August 27, 2010 to the present. See date below

I agree that a copy of this authorization may serve as an original.

SIGNED this 27th day of December, 2015.

This is page one of a two page document. Not valid without page two.

Mary Cummins
Mary Cummins

12-21-15
EMAILED
Randy Turner, Esq.
Mary Cummins

Court Minutes
Transactions # 452

11/28/2015

IT IS FURTHER ORDERED that Defendant, Mary Cummins, shall sign the Bank Records Authorization and cause it to be delivered to Randall E. Turner at 1300 Summit Ave., Suite 600, Fort Worth, Texas 76102 no later than seven (7) days after receiving the authorization from Randall E. Turner by fax or mail.

IT IS FURTHER ORDERED that Defendant is entitled to copies of all records obtained with this authorization.

SIGNED this 18 day of December, 2015.

Mary Cummins is to get a copy of all communications to/from banks.

Mary Cummins
645 W 9th St. #110-140
Los Angeles, CA 90015
(310) 877 4770
Mary@MaryCummins.com



JUDGE PRESIDING

11/28/2015

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 05/10/16

DEPT. 24

HONORABLE Robert L. Hess

JUDGE

G. Charles

DEPUTY CLERK

HONORABLE #12

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

B. Bell

C/A

Deputy Sheriff

None

Reporter

8:33 am

BS140207

Plaintiff
Counsel

Ashley Hunt

(x)

BAT WORLD SANCTUARY ET AL

Defendant
Counsel

Mary Cummins
(by telephone)

(x)

VS

MARY CUMMINS

NATURE OF PROCEEDINGS:

MOTION TO MODIFY PROTECTIVE ORDER

The cause is called for hearing.

The Court will treat Ms. Cummins' papers filed May 4, 2016 as a reply.

With respect to the subpoena, the protective order is granted to the following extent:

1. The requesting party is limited to account holder.
2. The time frame is limited to July 1, 2012 and subsequently.

Plaintiff may seek records under the Cummins or Cobb names, and/or by Social Security Number.

When these records are received, they are not to be published or disclosed to any person who is not a party to this suit, or an attorney for a party, or an attorney's staff. These documents are not to be filed in court except under seal.

A copy of the minute order is sent via U.S. mail to plaintiff, who is to give notice.

Ashley Hunt

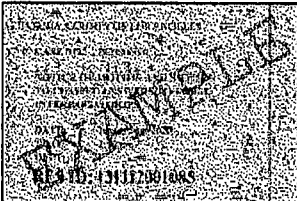
MINUTES ENTERED 05/10/16 COUNTY CLERK

11/28/2016

THIS IS YOUR CRS RECEIPT

INSTRUCTIONS

Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.



RESERVATION INFORMATION

Reservation ID: 161107172170
Transaction Date: November 7, 2016 1:34 PM
Case Number: BS140207
Case Title: BAT WORLD SANCTUARY ET AL VS MARY CUMMINS
Party: CUMMINS MARY (Defendant & Defendant in Pro Per)
Courthouse: Stanley Mosk Courthouse
Department: 24
Reservation Type: Motion to Quash
Date: 12/16/2016
Time: 08:30 am

FEE INFORMATION (Fees are non-refundable)

First Paper Fee: Party asserts first paper was previously paid.

Description	Fee
Motion to Quash	\$60.00
Total Fees:	\$60.00

PAYMENT INFORMATION

Special Condition: FEE WAIVED - Gov. Code § 69630 et seq.
 The reserving party asserts possession of a valid fee waiver, approved by the court on 08/05/2014. (Validity must be confirmed at the time of filing the motion/document. Proof of

<https://www.jacourt.org/mrs/ut/printablereceipt.aspx?id=undefined>

11/28/2016

11/7/2016

Reservation Printout-BS140207-161107172170

granted fee waiver may be requested by the Clerk.
Waived fees are recoverable (plus an administrative fee and any fees associated with the recovery of previously waived fees).

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
MOTION/DOCUMENT FACE PAGE.**

<https://www.jacourt.org/gtrms/ut/printablereceipt.aspx?id=undefined>

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15:50:08 2016-11-22