

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

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BAT WORLD SANCTUARY,  
AMANDA LOLLAR  
*Plaintiff*

v.

MARY CUMMINS  
*Defendant*

) Case No. BS140207

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

) Date: April 15, 2016

) Time: 8:30 a.m.

) Room: Dept 24

) Judge: Honorable Robert Hess

) RES ID: 160216104823

**RELIEF REQUESTED**

Defendant Mary Cummins, (hereinafter “Defendant”) respectfully moves the Court for an order quashing subpoena made by Plaintiffs requesting all financial records of Defendant “Mary Cummins” and parties not part of the underlying complaint from First Bank. These records requested are not reasonably calculated to obtain information pertinent to the matter at hand because Defendant has no assets, bank accounts, job or money. Defendant believes this subpoena would be used for ulterior motives such as harassment of Defendant, Defendant’s family, friends and ex clients. This subpoena is unreasonable and oppressive, including unreasonable violations of the right of privacy of Defendant, her family, friends and other third parties.

1 Plaintiffs have unclean hands in this case as they committed forgery, fraud and  
2 perjury in this case. Defendant just received proof that Plaintiff Lollar and her Texas  
3 attorney forged emails from the head of USDA. They also forged exhibits and a court  
4 order. Defendant will show the court the following based on documents already filed  
5 with this court, attached declaration and exhibits.

### 6 INTRODUCTION

7 Defendant reported Plaintiffs to authorities for animal cruelty, animal neglect,  
8 violations of the Animal Welfare Act, Texas Parks & Wildlife Department, Texas  
9 Health Department, Texas Veterinary Board and Building and Safety (Defendant's  
10 Declaration). Violations were found. The USDA veterinarian stated Plaintiff Lollar  
11 who has not gone past the eighth grade and tries to perform surgery on conscious bats  
12 without pain relief caused bats "pain," "suffering," and "death." The USDA stated she  
13 violated the Animal Welfare Act. Plaintiffs lost their USDA permit.

14 Defendant was maliciously and frivolously sued for defamation and breach of  
15 contract in retaliation for reporting Plaintiffs to authority. Plaintiffs did not show the  
16 elements of defamation, breach of contract, admitted they had no damages and no  
17 proof of any causation in trial. Defendant argued this but the retired visiting Judge  
18 nevertheless ruled in their favor in Texas. This case is in appeal awaiting the Court's  
19 opinion any day.

20 In retaliation for reporting Plaintiff to authorities, Plaintiff has been stalking,  
21 harassing, defaming, threatening Defendant, her family, friends, clients for over the  
22 past three years. Plaintiff's behavior has caused Defendant to be fired from two jobs.  
23 Defendant cannot get work because of Plaintiff's defamation online which states  
24 Defendant is a "convicted criminal," "embezzled money from her grandmother," "sued  
25 the church" and many other totally untrue things. Plaintiff also harassed the lawyers  
26 who wrote amicus briefs for Defendant's appeal.  
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28

In the previous legal case Plaintiff used items received in discovery to further harass Defendant.

- Plaintiff made 100 movies of Defendant's videotaped deposition and posted them on YouTube.<sup>1</sup> The movies were so highly edited that they are defamatory.

- Plaintiff paid a man to pretend to have a dying baby squirrel. The man lured Defendant under false pretenses to drive over an hour to save the baby. That man trespassed onto private property, served Plaintiff with papers and videotaped this including her license plate. Plaintiff could have easily been served in the park where Defendant does pet adoptions every Saturday. Plaintiff posted this video on YouTube (see above).

- Plaintiff accidentally received the social security number and bank name of Defendant in discovery. Plaintiff used that and other information from discovery to call Defendant's banks and illegally pretend to be Defendant to get financial information of Defendant and unrelated non-profit Animal Advocates. Defendant filed a police report March 2013 (previously filed in this case) and motion for contempt as the records were covered by a protective order made by Judge Margaret Nagle.

- Plaintiff illegally obtained Defendant's private home address and posted it on the Internet. Plaintiff has sent people to Defendant's home to go through the trash, bang on the doors/windows/gates, trespass and rummage through contents of garage.

- Plaintiff sent spam to Defendant's email address and home address addressed to "Mary Cumbucket," "Mary Cumstain," "Mary Scummins," "Scummins Dummins" for plus sized clothing, cures for baldness and pornography. These are but a few examples of the harassment by Plaintiff.

Defendant's financial records include the names of Defendant's friends, family, clients including their bank account numbers, home addresses. Defendant is positive

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<sup>1</sup> <http://www.youtube.com/bwsvmc>

1 Plaintiff would contact all of these people and defame Defendant or threaten to harm  
2 or kill these people. Plaintiff has already threatened to kill Defendant in writing.  
3 Plaintiff has already threatened friends and family of Defendant. Plaintiff has already  
4 defamed Defendant to many people.

5 Defendant has no job, home, assets or car. The financial documents would not  
6 lead to anything which would be discoverable to find assets or money.

7 This judgement is in the name of "Mary Cummins." Only bank records with the  
8 name "Mary Cummins" with Defendant's SSN belonged to Defendant. Plaintiffs are  
9 not entitled to bank records of any other third party not part of the original suit.

### 10 **FACTUAL BACKGROUND**

11 February 11, 2016 Defendant received the attached copy of subpoena (Exhibit 1,  
12 Social Security number redacted by Defendant)

13 February 11, 2016 Defendant contacted Plaintiff's attorney David Watts  
14 notifying him that Defendant was filing motion to quash. Defendant also notified the  
15 Gallagher Group the deposition officer.

16 February 11, 2016 Defendant files this motion to quash or modify subpoena,  
17 protective order pursuant to Code of Civil Procedure section 1987.1 and gives notice to  
18 the witness FirstBank and deposition officer Gallagher Group at least five days before  
19 the date set for production which is February 25, 2016.

### 20 **STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY** 21 **SUBPOENA, PROTECTIVE ORDER**

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

23 1. California Code of Civil Procedure Section 1987.1 (a) "If a subpoena requires  
24 the attendance of a witness or the production of books, documents, electronically  
25 stored information, or other things before a court, or at the trial of an issue therein,  
26 or at the taking of a deposition, the court, upon motion reasonably made by any  
27 person described in subdivision (b), or upon the court's own motion after giving  
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counsel notice and an opportunity to be heard, may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare, including protective orders. In addition, the court may make any other order as may be appropriate to protect the person from unreasonable or oppressive demands, including unreasonable violations of the right of privacy of the person.”

This subpoena is unreasonable, oppressive and includes unreasonable violation of the right of privacy of Defendant, Defendant’s family, friends and clients.

"Financial files are within a constitutionally protected zone of privacy, set forth under Article I, Section 1 of California’s Constitution and this protection applies both such records. The standard applicable to general discovery, i.e. that items need only be reasonably calculated to lead to the discovery of admissible evidence, is inapplicable to the discovery of items protected by a right to privacy in which the threshold requirement is that such items must be directly relevant. *Britt v. Superior Court* (1978) 20 Cal.3d 844; *Tylo v. Superior Court* (1997) 55 Cal.App.4th 1379.

2. The subpoena is overly broad requesting “Any and all statements for accounts held on behalf of Debtor Mary Cummins SSN \*\*\*-\*\*-\*\*\*\*.” (SSN redacted). There is no limit to type of records requested, time period requested or account number.

3. The requested financial records requested are not reasonably calculated to obtain information pertinent to the matter at hand. Defendant has no assets, car, job or money. There is nothing left to take from Defendant. Plaintiff’s already know the last balance in the account as they took every cent in the account. The account is closed and has no balance.

4. The requested records would actually release records of people not a party to the case or judgment including Defendant’s family, friends and clients. The subpoena also asks for record of unrelated third parties not a part of this suit.



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 QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER  
on the following interested parties by faxing this document to the following.

David Watts 1260 Lake Blvd #218 Davis, CA 95616
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Gallagher Group 1337 Howe Ave #104 Sacramento, CA 95825
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Witness FirstBank Research-Subpoena Department First Bank Mailcode MI-199-042 P.O. Box 105 Hazelwood, MO 63042
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1 I declare under penalty of perjury, under the laws of the State of California, that the  
2 foregoing is true and correct.

3 Executed this day, February 16, 2016, at Los Angeles, California.

4 Respectfully submitted,

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7 Mary Cummins, Plaintiff  
8 Dated: February 16, 2016  
9 645 W. 9th St. #110-140  
10 Los Angeles, CA 90015

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28 **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 Exhibit 1 is a true and correct copy of the subpoena which I received in the mail.
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. Plaintiff Amanda Lollar posted online that I am a "convicted criminal," "embezzled money from her grandmother," "sued the church" and many other totally untrue things.
5. Plaintiff Amanda Lollar phoned and harassed the lawyers who wrote amicus briefs for my appeal.
6. Plaintiff sent spam to my email address and home address addressed to "Mary Cumbucket," "Mary Cumstain," "Mary Scummins," "Scummins Dummins" for plus sized clothing, cures for baldness, pornography besides other things.
7. Plaintiff has threatened to kill me on the phone and in writing.
8. I'm positive Plaintiff would use any data in any financial records to harass, stalk or harm me, my family, friends and clients.

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

Executed on February 15, 2016 at Los Angeles, California.

By: Mary Cummins  
MARY CUMMINS