

Defendant never defamed Plaintiffs. Defendant proved with Defendant's and Plaintiffs' evidence that every word posted by Defendant is the absolute truth. Defendant never even received a list of any allegedly defamatory statements until after the 2012 trial in the form of the court order. In Appeal Defendant proved that none of those statements in the order were defamatory. The Appeals court then ruled that "defamation is assumed. It does not have to be proven." Appeals court ruled that the jist of all Defendant's posts were defamatory even though Plaintiffs never made a jist claim. Plaintiffs admitted in court they had no proof of any financial damages whatsoever. Plaintiffs admitted in court they had no proof of any causation of any damages from Defendant. Plaintiffs knew Defendant had a negative net worth in sworn deposition in 2011. There is no legal basis for any monetary damages.

1. The Date Range for the Bank Statements is Overly Broad

In the order written by Plaintiffs which Judge Chupp did not edit Plaintiffs request all bank records from January 1, 2010 to the present. Defendant was served with this case November 2010. The Judge signed the court order (which is void as Judge William Brigham had no jurisdiction over this case) August 27, 2012. September 18, 2015 Judge John Chupp signed a court order ordering Defendant to turn over bank statements to Plaintiffs from August 27, 2010 to the present. Defendant complied with the order and ordered those bank statements which were at the bank. Plaintiffs agreed to pay for them but never did. The bank then gave some of the statements to Defendant for free as a favor. Defendant mailed them to Plaintiff but Plaintiff stated December 4, 2015 that they do not want the statements to come from Defendant. They only want them from the bank so Defendant cancelled the package.

1 The date range of the bank statements should be at the earliest from August 27,
2 2012. Defendant would agree with the previous order which stated August 27, 2010 to
3 the present. Presently Defendant does not have a bank account. Defendant has not had
4 a bank account since 2013 when Plaintiffs levied the account and took every penny.
5 The bank statements will not lead to anything discoverable. They don't show where the
6 deposits came from. They only show expenditures of normal bills. This request is made
7 only for harassment purposes.
8

9 **2. The Request for Statements should come from California Sister State
10 Judgment**

11 Plaintiffs filed a California Sister State Judgment in 2012 Case BS140207 attorney
12 David Watts. Plaintiffs requested these same documents in that case. They have a
13 court subpoena for the same records. There is an intermediary subpoena service which
14 already requested these records i.e Jeff McCallum. That case has jurisdiction over
15 California bank records. Defendant has never had any assets in Texas. The subpoenas,
16 requests for records should be done through a California intermediary subpoena service
17 to make sure Plaintiffs do not continue to abuse discovery. Plaintiffs have a long history
18 of abusing discovery and violating court orders. Defendant had to file a police report
19 against Plaintiffs when they stole Defendant's identity to try to illegally access bank
20 records of an unrelated third party non-profit organization. The California sister-state
21 judgment case has jurisdiction in this discovery request as the Texas court does not
22 have the authority to direct the actions of the County Marshal in California. Only a
23 County Marshall can levy a bank account in California at the order of a Los Angeles
24 County, California Judge.
25

3. Defendant Must Get a Copy of all Bank Communications and Statements

Plaintiffs have a long history of abusing discovery, forging documents, committing fraud upon the court, perjury and destruction of evidence. Defendant must get a copy of all communications with the banks and any resulting bank statements. Defendant must get a copy of all statements from the bank.

4. All Communications with Bank must be in Writing only

Plaintiffs have a long history of abusing discovery. In the last case Defendants/Plaintiffs requested ALL medical records of Plaintiffs/Defendant Cummins including gynecological and breast records for a back injury case. Judge Terry Means specifically stated Defendants/Plaintiffs can only have medical records relating to Defendant's back injury. This was in the written order. Defendants/Plaintiffs' attorney Randy Turner then called up Cummins' 75 year old doctor and demanded gynecological and breast records. Defendants/Plaintiffs threatened to throw Cummins' doctor in jail, destroy him if he did not hand over those records. Cummins' doctor then handed over every single record the doctor had. Turner was not satisfied as there were no gynecological or breast records. Turner again threatened the doctor on the phone. The doctor left a long voice mail crying saying he handed every record as Turner threatened him with jail. The doctor in question was Cummins' GP and not her gynecologist. The doctor did not have any gynecological or breast records. For this reason the order must state all communications with the bank must be in writing and a copy sent to Defendant.

5. The Court Order can never be shared publicly or posted online

The final order Defendant will sign will have Defendant's social security number. That document must be under a protective order as Plaintiffs have a long history of

1 posting confidential, private, financial documents of Defendant and others online.
2 Plaintiffs even posted a check signed by Defendant's attorney online making the
3 attorney susceptible to identity theft and bank theft. Defendant's attorney had to
4 demand that Plaintiff remove the check. Plaintiffs did not remove the check. They only
5 redacted his account number.

6 **6. The Order as Signed is Open Ended, Should have an End Date.**

7
8 The order as written has no end date. As written Plaintiffs could request bank
9 statements for the rest of the life of Defendant. This is overly broad. There should be an
10 end date of three months from the date of signing.

11 **PRAYER**

12 Defendant Cummins respectfully requests that this court alter the order. The order
13 should be for (1) statements from August 27, 2010 to the present, (2) the California
14 Sister-State case has jurisdiction in this matter and the bank statements should be
15 requested through that case, (3) Defendant should get a copy of all bank record
16 requests, communications with banks and all bank statements, data received (4) the
17 Order must be under a protective order and (5) there should be an end date of three
18 months from the signing of the order by Defendant. Defendant will call the court to set a
19 telephonic hearing.
20

21 Mary Cummins, Defendant
22 645 W 9th St, #110-140
23 Los Angeles, CA 90015-1640
24 Phone 310-877-4770

25 

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. This motion was written by me, Mary Cummins, a pro se who is not an attorney.
3. Every statement in the motion is the absolute truth to the best of my knowledge.

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

Executed on December 8, 2015 at Los Angeles, California.



By: _____

MARY CUMMINS

1 **CERTIFICATE OF CONFERENCE**

2 Defendant faxed Plaintiffs a letter asking if they would agree to Defendant's objections
3 to the proposed court order and edit the order. Plaintiffs did not reply signifying they
4 object to the edits.

5 **CERTIFICATE OF SERVICE**

6 I, Mary Cummins, hereby certify that a TRUE COPY of the above **DEFENDANT'S**
7 **OBJECTIONS TO ORDER GRANTING MOTION FOR BANK RECORDS**
8 **AUTHORIZATION** was served on the Plaintiffs' Attorney of record by eFileTexas

9 Randy Turner
10 Bailey & Galyen
11 1300 Summit Ave Suite 650
12 Fort Worth, Texas 76102
13 December 8, 2015



14 Mary Cummins, Defendant Pro se
15 645 W 9th St, #110-140
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December 6, 2015

Per Telefax
Randy Turner
Galyen

RE: 352-248169-10

I would like to meet and confer in regard to your proposed order. I don't agree with all of it. I'd like some changes. They are as follows:

1. My contact information must be on the order so the banks can contact me if they receive your subpoena for bank records, request for bank records. I fear you will edit, forge the name, SSN on the release after I sign it to try to extort money from people with a similar name. I will not sign it with my digital signature. This is only way that I can tell you didn't forge the document.
2. I must get a copy of all records you receive directly from the bank. You and your client have committed perjury, identity theft, attempted bank theft of an unrelated non-profit, destroyed evidence and forged documents in this case. I fear you will edit, forge, fabricate documents.
3. The subpoenas, requests for records should be done through a California intermediary subpoena service to make sure you don't again abuse discovery. We also have different laws here in California. There is already one in the sister state case trying to get these same documents.
4. You are not allowed to communicate with the bank on the phone. It can only be in writing and I must get a copy of all bank communications. You are not allowed to send the request then call them up and ask for things which aren't in the order like you did with my doctors. The order must state that it includes everything and no phone or in person communications are allowed.
5. The last four numbers of my SSN must be typed in the court order. This is to ensure you don't just write in someone else's SSN instead to try to access their money. That order must be sealed and not made public. You must agree to protective order on the sealed document. It can't be shared or made public.
6. You can only request bank records from the date of the signing of the court order which was

August 27, 2012. You can't go back to 2010. I wasn't even served with the lawsuit until November 2012. January 2010 date makes no sense at all. The original court order for these documents was for August 27, 2010 and even that was too long ago. I still state that the order is void as the judge had no jurisdiction over the case. I will be filing a new motion.

Would you agree to make these changes or should I file an objection to your court order? If I don't receive a reply by tomorrow morning, I will file my objections with the court. If I am forced to file an objection I will move this issue to California where the sister state judgment resides. I will swear as judgment-debtor I do not possess property in Texas subject to execution, Tex. Civ. Prac. & Rem. Code Ann. §63.001(3). If you were to get any bank records which showed any money, Texas court does not have the authority to direct the actions of the County Marshal in California. Because my two banks are only in California, I'm in California, this should all actually be handled by the California sister state judgment instead of in Texas District court. The sister state judgment lawyer is doing discovery here in California for the exact same items. This is a waste of Texas court's time.

I will also ask for post trial discovery. I believe you got the information about one bank illegally. I believe you and your client committed criminal acts to get and then illegally use that information. You and/or your client can go to prison for identity theft and attempted interstate bank theft. I will also file motion for perjury by you and your client and destruction of evidence. Judge Sudderth told you to give me the entire wide angle deposition video. You filed protective order and lost. I filed motion to compel and won. Right after Sudderth ordered you to give me the video you said you destroyed, lost it, it was corrupted...

The quotes I gave you for bank statements were for reduced amounts as a favor to me. You will have to pay full price which is \$35/month plus a research fee. I mailed the bank statements before the Friday hearing. After the hearing I cancelled the delivery as you said you don't want records from me. That means it'll take a few weeks for them to be downloaded and printed again. You will have to pay for both printings as you stated you would. This will be over \$1,000 and it won't lead to one penny.

I can assure you I have no bank accounts or money in any bank. I have no money at all. There is nothing in any bank statement which will show where the money came from anyway. I looked at the First Bank statements. They only show money spent not deposited. It just says "deposit" and the amount. This "discovery" is only for harassment purposes. I claimed all exemptions in the sister state judgment. Plaintiffs only objected to one bank account.

Sincerely,

A handwritten signature in cursive script that reads "Mary Cummins".

Mary Cummins