

BAT WORLD SANCTUARY et al

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se



TARRANT COUNTY, TEXAS

DEFENDANT’S AMENDED REPLY TO PLAINTIFF’S MOTION TO CLARIFY PERMISSIBLE USE OF BANK RECORDS

TO THE HONORABLE JUDGE OF 141st COURT:

Defendant Mary Cummins (“Cummins”) replies to Plaintiff’s Motion to Clarify Permissible use of Bank Records and respectfully shows the Court as follows:

INTRODUCTION

Plaintiff requested bank statements from August 27, 2010 to October 2015. Defendant filed a motion for protective order over any bank statements which was granted October 8, 2015. From the hearing, Judge John Chupp: (To Turner) You're not gonna put them (bank statements) online, are ya? Randy Turner: No, your honor. We won't share with anyone outside this lawsuit. Judge John Chupp: (To Defendant) If they violate the order, they will be in big trouble. The order states, “On October 8, 2015, the Court heard the Motion for Protective Order filed by Mary Cummins. Amanda Lollar’s attorney appeared by telephone. Mary Cummins appeared by telephone.

IT IS ORDERED that all financial information and documents obtained by the parties in this cause, including bank records, shall not be published or disclosed to any person or otherwise made public to any person who is not a party to this suit, an attorney for a party, or an attorney's staff. The statements or any information in the statements can never be shared with anyone other than Plaintiff and her attorney.” (Exhibit 1).

Turner wrote the order. Plaintiff signed it agreeing to form and returned it to Turner and then to the Court. (Exhibit 2).

Defendant then emailed the court and Plaintiff’s attorney Daniel Sullivan stating Defendant did not refuse to sign the order. Defendant was only concerned there was no enforcement clause, i.e. If, when Plaintiff shared bank statements under the protective order, there was no penalty that would ensure the records would not be shared. Plaintiff and her attorney Turner so far have violated every single protective order in this case and others and no action was taken against them by the court.

They can only be used for discovery in the 352nd case. They can never be filed in a legal document, made public or posted online. Plaintiff’s attorney Randy Turner told Judge John Chupp that he would never share or post them outside of this case in the hearing and in the order Plaintiff wrote. Defendant requested Judge Chupp to sign the order. Defendant requested the order from the court twice.

Defendant contacted First Bank and One West banks, the only two banks where Defendant has had a bank account in the last ten years. Defendant asked for absolutely all bank statements in the name of “Mary Cummins” aka “Mary Cobb” or any combination and Defendant’s social security number. Defendant specifically asked for absolutely every single bank account which could be obtained in that name and SSN. First Bank stated there were only two bank accounts which had been closed for years

1 with dwindling balances. First Bank stated there was no "Animal Advocates" account
2 with the name of Defendant or Defendant's SSN. "Animal Advocates" only has Animal
3 Advocates EIN number. One West stated there were only two bank accounts which had
4 been closed for years with dwindling balances. One account was levied and closed by
5 Plaintiff in 2013. That was the last bank account Defendant had. Defendant has not had
6 a bank account since October 2013 when the account was levied.

7
8 Plaintiff is committing fraud and perjury by stating there is a bank account which
9 proves Defendant has money or an income. That is totally false. Defendant is awaiting
10 back surgery and receiving Medi-cal. Medi-cal is free government health insurance for
11 people who have no assets, job or income. If Defendant had any assets or income, the
12 government would have been able to find it during their thorough investigation to
13 approve Medi-cal. Plaintiff and their attorney have also been posting all over the Internet
14 since 2012 that Defendant is "penniless," lives in a "run down shack," lives in a "dirty
15 litter box,"... This proves Plaintiff is doing this for harassment purposes only.

16 Defendant ordered the bank statements from the bank. Plaintiff stated they would
17 pay for the statements as Defendant has no money to pay for the statements. The bank
18 statements have been at the bank in paper form since October 2015. Plaintiff refused to
19 pay for them or pick them up. The banks stated the statements can only be picked up in
20 paper form in person with ID. Plaintiff refused to pay for them or pick them up.

21
22 Plaintiff then filed a motion for bank authorization against Defendant. Plaintiff stated
23 the "sole" purpose was to get "Defendant's" bank statements which Defendant already
24 ordered directly from the bank. Plaintiff stated they feared Defendant would forge the
25 bank statements if Defendant mailed them to Plaintiff. That was the only purpose to get

the statements of “Mary Cummins,” “Mary Cobb” from the bank directly per Plaintiff. Defendant told Plaintiff there were four closed bank accounts, two at First Bank, two at One West. They were closed a long time ago by the bank as they had no funds. Plaintiff stated they requested an authorization to get those specific bank statements of Defendant. Plaintiff did not request an authorization to get the bank statements of “Animal Advocates.”

Defendant told Judge Chupp that Plaintiff would use the bank statement to get documents of other people and non-profit Animal Advocates who are not a party to this case. Defendant stated Plaintiff’s attorney would send the order then call the bank, threaten the bank and demand other records not in the order. Judge Chupp stated, Judge John Chupp: If he does that, I'll lock him up for a very long time. (To Turner) You're not gonna do that, are you?"

Mr Turner (Plaintiff’s attorney): "Of course not."

Judge John Chupp signed “Order Granting Motion for Bank Records Authorization” December 18, 2015 and emailed it to Defendant December 21, 2015 (Exhibit 1 Motion Contempt). Defendant was ordered to sign and send the “Bank Authorization” signed by Judge Chupp within seven days of Randy Turner faxing the order to Defendant. Defendant signed the order and bank authorization authorizing the banks to give the bank statements of only Defendant in the name of Mary Cummins, Mary Cobb, in the SSN of Defendant only to Plaintiff under a protective order (Exhibit 2 Motion for Contempt).

The order states that Plaintiff can receive the bank records of Defendant from August 27, 2010 to the date of signature on the authorization December 2015. Plaintiff can only

1 receive bank statements for banks “in the name of Mary Cummins” and with “Cummins’
2 social security number only.” Defendant sent the authorization to the banks with a letter
3 stating same. The letter to First Bank specifically stated they are not authorized to have
4 statements of Animal Advocates. Both letters stated they are not allowed to talk to
5 Plaintiff or their attorney. They are not allowed to do or give anything other than what is
6 in the letter and authorization.
7

8 Plaintiff sent the order to the banks then called the banks and demanded the records
9 of “Animal Advocates” who is not a party to this case. The Animal Advocates account is
10 only in the name of “Animal Advocates” with a completely different EIN 48-1287089 i.e.
11 business social security number. Defendant’s name and social security number are not
12 on the account. First Bank stated this in the letter they sent to Randy Turner (Exhibit 5).
13 Defendant **did not and could not** authorize the banks to give the records of others to
14 Plaintiffs. Animal Advocates was started by a board of directors in 2002 and is run by a
15 board of directors. Plaintiff was one signatory on the account 14 years ago! Because of
16 Defendant’s back injury Defendant resigned from all active duties of Animal Advocates
17 last year.
18

19 In Plaintiff’s request for clarification of records Plaintiff’s attorney Turner stated he
20 never requested the records of “Animal Advocates” with their business EIN or account
21 number. That is false as there is no other way to find those records. Plaintiff tried to
22 illegally access the Animal Advocates account in March 2013 by giving the identification
23 information of Defendant. That information did not match the information on the account
24 as the account is not owned by Defendant.
25

Plaintiff stated he never requested the documents of Animal Advocates. Plaintiff should have immediately returned them when they saw the name "Animal Advocates" at the top of the page. Plaintiff should not have even looked at the documents. Plaintiff should have notified the bank that they received documents they never requested. Plaintiff should have returned the documents.

Instead Plaintiff tries to use this "mistake" to use the illegally obtained documents of others for harassment purposes. Randy Turner feels that he controls the court and can use the Judge and judicial system to get whatever he wants.

Plaintiff lied when they stated there is a bank account which proves Defendant has money and is not indigent. That is totally false. Plaintiff's attorney Turner once again threatened the clerk and committed fraud and theft. Randy Turner committed fraud and perjury when Turner stated he never requested the statements of "Animal Advocates." There is no way to get those statements without requesting them specifically as Defendant's name, SSN is not on the account. The signature doesn't even match. Attorney Randy Turner needs to be disbarred and charged with forgery, fraud, perjury and theft.

In a personal injury case in Texas Mary Cummins v Amanda Lollar, Bat World Sanctuary 4:12-CV-00560-Y, Turner did the exact same thing with a fraudulent subpoena and forged authorization for medical records. Turner sent subpoenas to Cummins' doctors for medical records for all records from December 17, 1965 the day Cummins was born to the then present 2015 for all medical, psychological, gynecological records for all parts of the body from any doctor, nurse, any person in the entire world. The case was for a 2010 back injury of L5/S1 only.

1 Cummins filed motion to quash subpoena to limit it to only medical records from five
2 years before the injury to the present i.e. 2005-2015 which related to the injury or injury
3 site. Turner demanded all records for all time including gynecological and breast
4 records. Cummins prevailed and Judge signed the order.

5 Turner ignored the court order and sent the exact same subpoena demanding
6 everything. Cummins filed another motion. Turner filed motion for medical records
7 authorization. This is the exact same thing Turner has done in this case! Judge Terry
8 Means again limited the records to 2005-2015 for records related to that part of the
9 body, the back.

10
11 Turner ignored the court order and sent the same authorization for Cummins to sign.
12 Turner threatened to find Cummins in contempt stating the Judge stated the
13 authorization must be in the same "form." Turner stated the "form" means it must be
14 identical. Cummins refused to sign that authorization but signed an authorization for
15 only the exact records Judge Terry Means allowed in his order.

16 Cummins sent the actual court order to the doctors instructing them to only give
17 records in the court order. Turner called up Cummins' GP Dr Samuel Berkman a 75
18 year old doctor in Los Angeles and demanded gynecological, breast, AIDs tests, STD
19 tests, blood tests....of Cummins. Turner threatened to find Dr Berkman in contempt and
20 throw him in jail, sue him, file complaints against him if Berkman did not give every
21 single medical record from 2005 – 2015. Dr Berman left a phone message (will be
22 played in court) saying that Turner called him and demanded all records with no
23 exclusions. Dr Berkman finally stated he is going to just give Turner every single record
24 because Turner threatened to throw him in jail and destroy his medical practice if he
25

didn't. Fortunately Cummins had no gynecological, breast, STD, blood tests with that doctor. Cummins only requested the exemption of those records in case any of those records were ever sent to that doctor. They weren't. If Cummins had a gynecological/breast exam, it would have ended up on the Internet even though the medical records were supposed to be protected. Turner violated the order and allowed his client to post the medical record authorization on the internet (Exhibit 3a). Plaintiff Lollar also falsely posted online "Mary Cummins" "AIDs, herpes, std, gonorrhea, syphilis..." (Exhibit 3b). Defendant has never had any STD.

Turner has used the exact same illegal trickery, fraud, forgery to circumvent Judge John Chupp's order to illegally obtain the records of unrelated parties. The bank records which Plaintiff could have legally obtained from the banks show that Defendant has no bank account, assets or income and hasn't since at least 2013, three years ago. Plaintiff only wants to use any bank records to harass, oppress, attack and try to harm Defendant and unrelated Animal Advocates. Plaintiff Lollar and her attorney Turner have been doing everything in their power to harm Defendant, Defendant's family, friends, colleagues, board members, attorneys doctors... Plaintiff's true goal is to use discovery for the sole purpose to harass, oppress and damage Defendant and others. Turner was warned twice by Judge Terry Means to stop abusing discovery in the injury case. Turner did not stop. Defendant had to dismiss the case to protect Defendant's doctors from continued harassment. That is the sole reason Defendant dismissed the very strong injury case.

Plaintiff Lollar and her attorney Turner have viciously attacked Public Citizen and their main attorney Paul Alan Levy because they wrote an amicus brief for Defendant in

1 this case. Levy has been a freedom of speech attorney for over 40 years. Cummins has
2 known Levy in regard to freedom of speech lawsuits for over 20 years. Plaintiff also
3 attacked the number one animal rights attorney in the US David Casselman because he
4 also wrote an amicus for Defendant. Plaintiff Lollar also attacks the USDA Dr who wrote
5 the email stating Plaintiff caused bats “pain, suffering, death, violated the Animal
6 Welfare Act.” Evidence is included in the motion for contempt. Plaintiff has been
7 committing motion and discovery abuse in this case for years. Plaintiff and their attorney
8 Turner stated their true goal is to cause Defendant to be financially, physically unable to
9 reply so Defendant will lose by default. Turner stated his goal is for Defendant to not
10 reply to false motions for contempt so Defendant would be arrested and thrown in jail.

12 Defendant objects to Plaintiff using any bank statements obtained through the false
13 bank authorization and forged court order. At the very least Plaintiff should only be
14 entitled to bank statements which were authorized for Defendant in the name of “Mary
15 Cummins” “Mary Cobb” with Defendant’s SSN from August 27, 2010 to December 27,
16 2015. Those records can only be used in this case as they are under a protective order.

18 Defendant absolutely objects to any bank statements received from those banks
19 being used in this case and/or hearing. The bank stated Defendant never authorized the
20 release of all those statements. Defendant never authorized the release. The affidavit
21 which Allen Novack signed was rescinded along with the bank statements by the bank
22 when the bank demanded them back (Exhibits, Motion Contempt). Turner refused to
23 return or destroy the statements as ordered by the bank. Even if the affidavit were valid,
24 it is hearsay as Allen Novack will not be at the hearing so he may be cross examined.
25 Because of this situation Allen Novack will most likely be fired from First Bank and his

banking career destroyed. Therefore those records will never be able to be authenticated by the bank. Defendant was supposed to receive a copy of the statements "from the bank." Instead Plaintiff mailed some pdfs on a thumb drive to Defendant. Those documents could have been forged or edited by Plaintiff as they have a long history of forgery and fraud. Defendant never had these bank statements which is why they had to be ordered by the bank. Defendant was only able to view and print ten pages before the thumb drive crashed the port. Defendant believes Plaintiff's attorney Turner put a virus on the thumb drive which caused the crash. There is no way Defendant can ever authenticate the statements. They are inadmissible.

Plaintiff's attorney Randy Turner has been making a mockery of this court and Judge Chupp's orders. Turner has done exactly what Defendant specifically warned Judge Chupp he would do. Judge Chupp stated Turner would be in "big trouble" and be sent "to jail for a long time" if he violated the court order in this way. Turner has done exactly that believing that he Randy Turner is above the law, court and Judge Chupp's orders. Turner previously bragged in 352nd court "I've known this judge for years. He'll sign anything I put in front of him." Judge William Brigham signed the orders written by Turner without reading or editing. Because Brigham is dead, this case is now in this court. Plaintiff and their attorney Randy Turner should be sent to jail immediately for contempt of court.

ARGUMENT

Plaintiff and their attorney Randy Turner are in contempt of the protective order and bank authorization order per motion to be heard this same day. They also committed forgery, fraud, theft and perjury. For all these reasons which are further explained in the

1 Motion for Contempt, Fraud, Forgery, Perjury, this case must be dismissed. Plaintiff
2 should be sanctioned, the August 27, 2012 Judgment should be reversed, Defendant
3 should be awarded all costs, fees and damages. Plaintiff and their attorney Randy
4 Turner should be charged with the crimes of perjury, fraud, forgery and theft. Randy
5 Turner should be immediately disbarred and lose his license to practice law as he has
6 abused his privilege.
7

8 **PRAYER**

9 Defendant Cummins respectfully requests that this court finds Plaintiff and their
10 attorney Mr Turner in contempt. Defendant requests that Attorney Randy Turner be
11 sanctioned, reported to the Judicial Commission, State Bar of Texas, Tarrant County
12 Bar Association, District Attorney, ordered to for forgery, fraud, perjury. Defendant
13 requests that this entire case and judgment be dismissed.
14

15 

16 Mary Cummins, Defendant
17 645 W 9th St, #110-140
18 Los Angeles, CA 90015-1640
19 Phone 310-877-4770
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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 March 28, 2016 at Los Angeles, California.



By: _____

MARY CUMMINS

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CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **DEFENDANT'S AMENDED REPLY TO PLAINTIFF'S MOTION FOR CLARIFICATION** was served on the Plaintiffs' Attorney of record by eFileTexas

Randy Turner
Law Offices of Randall E Turner PLLC
4255 Bryant Irvin Rd #210,
Fort Worth, TX 76109
March 28, 2016



Mary Cummins, Defendant Pro se
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Phone 310-877-4770
Email: mmmaryinla@aol.com



Bailey & Galyen

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October 9, 2015

VIA FACSIMILE (310) 494-9395

Mary Cummins, Plaintiff Pro Se
645 W. 9th Street, #110-140
Los Angeles, CA 90015-1640

RE: Cause No. 352-248169-10; Amanda Lollar, Bat World Sanctuary vs. Mary Cummins

Dear Ms. Cummins:

Attached is a proposed Protective Order which has been prepared. If the Order meets with your approval as to form, please sign in the space indicated and it will be forwarded to the court for signature. Please advise if you want to make any changes to the form of the Order.

If an agreement is not reached on the form of the order Mr. Turner will file the proposed Order and request another hearing with the court.

Sincerely,

Kathy Miller
Paralegal to Randy Turner

Enclosure

CAUSE NO. 352-248169-10

AMANDA LOLLAR, BAT WORLD
SANCTUARY
Plaintiffs

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IN THE DISTRICT COURT

352ND JUDICIAL DISTRICT

vs.

MARY CUMMINS,
Defendant Pro Se

TARRANT COUNTY, TEXAS

PROTECTIVE ORDER

On October 8, 2015, the Court heard the Motion for Protective Order filed by Mary Cummins. Amanda Lollar's attorney appeared by telephone. Mary Cummins appeared by telephone.

IT IS ORDERED that all financial information and documents obtained by the parties in this cause, including bank records, shall not be published or disclosed to any person or otherwise made public to any person who is not a party to this suit, an attorney for a party, or an attorney's staff.

SIGNED this ____ day of _____, 2015.

JUDGE PRESIDING

APPROVED AS TO FORM:

RANDALL TURNER

MARY CUMMINS

CAUSE NO. 352-248169-10

AMANDA LOLLAR, BAT WORLD
SANCTUARY
Plaintiffs

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IN THE DISTRICT COURT

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vs.

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SIGNED this ____ day of _____, 2015.

JUDGE PRESIDING

APPROVED AS TO FORM:

RANDALL TURNER



MARY CUMMINS