

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

MARY CUMMINS)	CIVIL ACTION
Plaintiff,)	
)	
vs.)	
AMANDA LOLLAR, BAT WORLD)	Civil Action No.: 4:12-CV-00560-Y
SANCTUARY, JOHN DOES 1-10)	
)	
Defendants.)	
)	
)	JURY

MOTION FOR STAY OF PROCEEDINGS FOR MEDICAL EMERGENCY

Plaintiff in the above-referenced matter moves this Court to stay proceedings and toll court deadlines because of Plaintiff’s severe medical issues caused by the accident which prompted the filing of this complaint. The purpose is not to delay but to allow plaintiff the ability to seek medical treatment, and surgery for her back injury. This back injury has caused Plaintiff the inability to sit or stand more than a few minutes at a time (Declaration Cummins). Plaintiff is a pro se and must research, write her own legal documents, respond to discovery and sit for depositions. Plaintiff is unable to do this at the moment due to her back injury. A stay would not unduly prejudice the non-moving party or present a clear tactical advantage for the moving party. If anything, it will harm Plaintiff’s case. If the stay is denied, Plaintiff will not be able to sit for a deposition, respond to discovery, request discovery, receive a fair trial and would lose by default.

Absent factors counseling against permitting the stay- such as dilatoriness in filing, bad faith, or efforts to cause undue delay in the pending proceedings - stays for medical emergencies should be permitted. None of the factors counseling against permitting the requested stay is

present here. No hearing has been set on any of the matters already in issue. No trial date has been set. Plaintiff has advised Defendants of her worsening medical condition for the past two months.

Based upon the foregoing matters, Plaintiff urges the Court to grant this motion and allow a stay of six months to nine so Plaintiff may receive medical treatment.

DATED: April 13, 2015

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Cummins". The signature is written in black ink and is positioned above a horizontal line.

Mary Cummins, Plaintiff
645 W. 9th St. #110-140
Los Angeles, CA 90015-1640
In Pro Per
Direct: (310) 877-4770

DECLARATION OF PLAINTIFF MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Plaintiff in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. I suffered a head and back injury at Bat World Sanctuary June 2010 as per my original complaint.
3. As per my MRI report which Defendants have a copy I herniated my L5/S1 disc in the fall and part of the disc broke off and fell down my spine 1.2 cm pressing on my sciatic nerve.
4. My private health insurance never paid for any medical treatment due to a high deductible. For this reason I had to pay cash for minimal care.
5. When I was finally penniless because of this injury I applied for Medi-Cal which is free state health insurance for people with no money or assets and received it after they verified I had no money or assets.
6. Medi-Cal insurance approval procedures as one can imagine are very lengthy and involved. One must have an initial visit with GP. GP must diagnose and prescribe medication. If that doesn't work, GP refers to pain specialist. Pain specialist must diagnose then prescribe an initial epidural. Insurance takes six weeks to approve the appointment then the procedure. It takes another six to eight weeks to schedule the procedure. If that doesn't work, patient has to contact pain specialist and request insurance approval for follow up visit. This takes six weeks to approve the visit. It takes another six to eight weeks to schedule the visit. Another two epidurals must be given before patient is referred to surgeon. If an insurance approval expires before an appointment can be had, patient has to request insurance approval for a doctor visit to request another insurance approval for the procedure.

7. I have only had one epidural and am still in severe pain unable to sit or stand more than a few minutes at a time. None of the medication I've been given has provided any relief from the constant pain and inability to move, sit or stand.
8. I'm awaiting an appointment for another epidural. It takes three months to schedule each one because of the lengthy insurance approval process.
9. My GP and pain specialists both stated that I will need surgery no matter what.
10. I need two more epidurals then will need a new MRI, two appointments with surgeon then will need to schedule surgery. This will take at least six months at this rate of six to 12 weeks per approval of appointment or procedure.
11. I have been told I will need at least four weeks to heal post surgery.
12. I am therefore requesting a minimum of six to nine months stay in the proceedings.

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

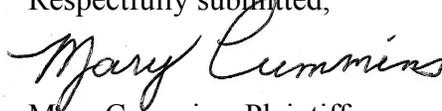
Executed on April 13, 2015 at Los Angeles, California.

By: 
MARY CUMMINS

CERTIFICATE OF CONFERENCE

On April 2-6, 2015, I conferred with Daniel Sullivan attorney for Plaintiffs Amanda Lollar, Bat World Sanctuary. There was no mutually agreed upon and signed stay.

Respectfully submitted,

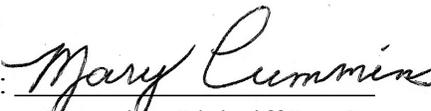


Mary Cummins, Plaintiff
645 W. 9th St. #110-140
Los Angeles, CA 90015-1640
April 13, 2015

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a copy of **MOTION FOR STAY OF PROCEEDINGS FOR MEDICAL REASONS** was served on the Defendants' Attorneys of record by CM/ECF, FAX and EMAIL at,

Randy Turner
Daniel Sullivan
Bailey & Galyen
1300 Summit Ave. #650
Fort Worth, Texas 76102
rturner@galyen.com
dsullivan@galyen.com

By: 
Mary Cummins, Plaintiff Pro Se
April 13, 2015