

1 MARY CUMMINS
2 Plaintiff
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 In Pro Per
6 Direct: (310) 877-4770
7 Email: mmmaryinla@aol.com

FILED
2013 APR 16 PM 1:38
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 MARY CUMMINS
12 Plaintiff

) Case No. CV11 08081 DMG (MANx)

13 v.

) MOTION FOR CONTEMPT

14 AMANDA LOLLAR aka BAT
15 WORLD SANCTUARY an individual
16 person, BAT WORLD SANCTUARY
17 an unknown business entity,
18 Defendants

) Judge Margaret Nagle
) Court: 580
) Date: May 14, 2013
) Time: 10:00 am.

19 **FACTS**

20 Defendants in discovery sent subpoenas to Plaintiff's medical doctors to receive all
21 of Plaintiff's medical records. Plaintiff Cummins filed a motion to quash the
22 subpoenas. September 5, 2012 a hearing was held in front of Judge Margaret Nagle.

23 The Court granted in part and denied in part Plaintiff's Motion, Document 98,
24 "Defense counsel shall be provided with plaintiff's subpoenaed medical records for the
25 limited period from August 1, 2007, until the present for attorney's eyes only,
26 following entry of a proposed Protective Order, which will be prepared by defense
27 counsel and submitted to plaintiff for review. The proposed Protective Order shall be
28 lodged with the Court and a courtesy copy shall be submitted to chambers, by no later

1 than 3:00 p.m. on Friday, September 7, 2012. Plaintiff's medical records shall not be
2 disclosed to anyone other than defense counsel absent further order of the Court.
3 Additionally, plaintiff's medical records shall not be used for any purpose other than to
4 refute plaintiff's claims in this litigation. Once this case has been terminated, defense
5 counsel shall return to plaintiff, medical records, received pursuant to the subject
6 subpoenas to her."

7 November 6, 2012 Judge Margaret Nagle signed a Protective Order Governing
8 Production and Use of Plaintiff's Medical Records Document #102. Item #4 states
9 "The Subject Medical Records shall be disclosed only to: (1) the Court; (2) plaintiff
10 and Defendants' Counsel (including the paralegal, clerical, and secretarial staff); (3)
11 experts or consultants retained by the parties in this Action; (4) any other person to
12 whom the parties agree in writing; and (5) court reporters and witnesses during any
13 proceeding in the case in connection with which the Court has ordered or the parties
14 have agreed the documents may be disclosed."

15 Plaintiff's medical doctors turned over the records in question to Defendants.

16 During this same time Texas Defendant Amanda Lollar was trying to get ahold of
17 Plaintiff's social security number and financial records in another case through
18 discovery. Defendant already received Plaintiff's driver's license, name of her bank,
19 mother's maiden name, date of birth and place of birth in discovery. Plaintiff refused to
20 give Defendant her social security number or other financial records stating she feared
21 identity theft. Defendant filed a motion to compel production of her social security
22 number, Plaintiff replied. The Judge in that case refused to hear the matter. Plaintiff did
23 not give Defendant her social security number.

24 November 20, 2012 Plaintiff requested a copy of her own medical records from her
25 doctors. Plaintiff noticed that one of her doctors included her social security number
26 and bank account information in the records turned over pursuant to the court order.
27 Plaintiff immediately emailed Defendants' attorneys Dean Rocco and Sandra
28

1 McMullen instructing them to redact her social security number and bank account
2 information November 22, 2012 (Declaration of Plaintiff, Exhibit 1, Email, Exhibit 2)
3 "I just received a copy of the medical records my chiro gave to you. His secretary
4 forgot to redact my social security number and debit card number. Please, instantly
5 redact these items. Do not give these records to Amanda Lollar or any of the other
6 defendants. They will surely post them on the Internet causing me even more damage."

7 March 18, 2013 Plaintiff's bank emailed her asking Plaintiff to call them
8 immediately, Exhibit 3. Plaintiff's bank told her a woman with a Texas accent called
9 and demanded to know Plaintiff's account balance. The woman gave the bank the
10 social security number of Plaintiff, date of birth, place of birth, driver's license number
11 and mother's maiden name. Plaintiff never uses her real place of birth or mother's
12 maiden name as a security question because she knows Defendant has this information.
13 The teller also knew that Plaintiff does not have a Texas accent. Defendant Lollar
14 definitely has a Texas accent. When the teller denied her the information the woman
15 called back pretending to have an English accent and again pretending to be Plaintiff.
16 The teller denied her again. Defendant Lollar has not gone past the ninth grade and is
17 not savvy about the law or banking customs.

18 Plaintiff's bank instructed Plaintiff to file a police report which she did March 19,
19 2013, Exhibit 4. Plaintiff also had to spend a few days changing accounts, putting
20 holds on her credit report, ordering copies of her report, filing a report with the FTC
21 besides many other things. During this time automatic payments bounced and Plaintiff
22 was charged fees. Plaintiff also had to use cash to buy debit cards which charge a 5%
23 fee.

24 March 25, 2013 Plaintiff received a letter from the bank where she has an account
25 for her non-profit organization, First Bank, Exhibit 5. Plaintiff called the bank and was
26 told she must go into the branch. When she arrived, showed proper ID, was ID'd by
27
28

1 the tellers, she was told someone was trying to access her non-profit's account days
2 earlier.

3 Banks always record phone calls when someone tries to access account information.
4 The bank played the audio tape for Plaintiff. It was again an older woman with a very
5 familiar Texas accent using Plaintiff's social security number, driver's license number,
6 birth date, birth place and mother's maiden name to try to gain access to the account.
7 Defendant Lollar received in discovery Plaintiff's place of birth, mother's maiden
8 name, birth date and a copy of her driver's license. The IRS number for Plaintiff's non-
9 profit is public information. Plaintiff added this new claim to her police report.

10 Plaintiff stated during the motion to quash hearing that Defendant is very unethical
11 and would share her medical records. Judge Margaret Nagle assured Plaintiff that the
12 attorneys would dare not share her personal information with Defendant. Plaintiff
13 stated that there would be no way to show who leaked the information. Again, Judge
14 Nagle assured Plaintiff that they would not do that for fear of losing their license. They
15 have clearly done that causing great harm to Plaintiff.

16 Through discovery Plaintiff received Defendant's bank records under court order
17 not to share them. Plaintiff also accidentally received Defendant's social security
18 number through an information act request. Plaintiff also has a copy of Defendant's
19 driver's license. Plaintiff has not shared any of Defendant's confidential information or
20 information under court order.

21 **PRAYER FOR RELIEF**

22 Plaintiff requests this Court to find Defendants' attorneys Dean Rocco and
23 Sandra McMullen in contempt of course for sharing Plaintiff's medical records which
24 included her social security number and banking information with Defendant Lollar.
25 Plaintiff also requests that the Judge file a report with the bar association against
26 Rocco and McMullen. Plaintiff will be filing a complaint against them.

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Plaintiff also requests sanctions and repayment of all costs necessary to safeguard Plaintiff's identity, financial records, offset any damages and any other relief as the Court may deem just and proper.

Respectfully submitted,

Mary Cummins

Mary Cummins, Plaintiff

Dated: April 15, 2013

645 W. 9th St. #110-140

Los Angeles, CA 90015

In Pro Per

Direct: (310) 877-4770

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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 FOR CONTEMPT

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640.

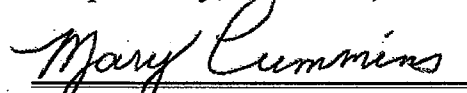
Dean A. Rocco
Sandra McMullen
Jackson Lewis LLP
725 South Figueroa, Suite 2500
Los Angeles, CA 90017

I also emailed a copy to Dean Rocco at RoccoD@jacksonlewis.com

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

Executed this day, April 15, 2013, at Los Angeles, California

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: April 15, 2013

645 W. 9th St. #110-140

Los Angeles, CA 90015

In Pro Per

DECLARATION OF MARY CUMMINS

I, MARY CUMMINS, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I could and would testify thereto as herein if called upon to do so, based upon my personal knowledge of the facts set forth herein.

1. Exhibit 1 attached to Plaintiff's Motion for Contempt is my sworn affidavit.
2. Exhibit 2 attached to Plaintiff's Motion for Contempt is a true and correct copy of an email I sent to Defendants' attorneys November 22, 2012 telling them to redact my social security number and banking information.
3. Exhibit 3 attached to Plaintiff's Motion for Contempt is a true and correct copy of an email I received from my bank asking me to contact them.
4. Exhibit 4 attached to Plaintiff's Motion for Contempt is a true and correct copy of a police report I filed against Defendant with the LAPD.
5. Exhibit 5 attached to Plaintiff's Motion for Contempt is a true and correct copy of a letter I received from my bank in regard to my non-profit's account.
6. Defendant's sent subpoenas to my medical doctors for all of my medical records.
7. I filed a motion to quash subpoena.
8. Judge Margaret Nagle oversaw the hearing allowing in part and denying in part my motion.
9. Judge Nagle allowed them to have certain of my medical records.
10. Judge Nagle wrote a protective order for my medical records stating Defendants' attorneys can not share my information with Defendants or anyone else.
11. My medical records were not used in this case at all in any hearing, deposition or written documents.

Exhibit 1

12. There is no current case between Plaintiff and Defendants Amanda Lollar and Bat World Sanctuary.
13. The protective order stated they had to give me back my medical records but they have not done this.
14. I have not publicly shared my social security number with anyone other than authorities or financial institutions.
15. I received a copy of my medical records given to Defendants from my chiropractor Thomas Marinaro. His secretary did not redact my social security number or banking information.
16. I immediately contacted Defendants' attorneys Dean Rocco California Bar Association number 210481 and Sandra McMullan State Bar Association number 264264 on November 22, 2013 and told them to redact my social security number and banking information.
17. March 18, 2013 my old bank where I have a closed account sent me an email advising me to contact them.
18. I contacted them and they told me some older woman with a Texas accent giving my social security number, mother's maiden name, place of birth, date of birth and driver's license number tried to access my account but was denied because she couldn't answer the security questions.
19. March 18, 2013 I emailed Defendants' attorneys and told them their client tried to access my account.
20. I was advised to file a police report which I did March 19, 2013.
21. I was also advised to contact the FTC to file a report, contact the credit unions, get a copy of all of my credit reports, cancel my debit card, change all of my passwords and put a lock on my credit report.
22. March 25, 2013 I received a letter from First Bank which has my non-profit Animal Advocates' account.

23. The letter told me to contact them. I called them on the phone and they told me I must come into the branch which I did.
24. The branch manager told me an older woman with a Texas accent tried to access the account giving my social security number, driver's license number, date of birth, place of birth and mother's maiden name.
25. The manager played the audio tape of the person trying to access my account. It was the same voice that tried to access my closed account at OneWest Bank.
26. They did not give out any information as they could not answer the security questions.
27. April 5, 2013 I emailed Defendants' attorneys and told them I wanted to confer about me filing a motion for contempt against them.

Executed on April 15, 2013 in Los Angeles, California

By: Mary Cummins
Mary Cummins

EXHIBIT 1

From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Cummins v Lollar - please redact confidential information**
Date: November 22, 2012 7:40:58 AM PST
To: Dean Rocco <roccod@jacksonlewis.com>, Sandra McMullen <Sandra.McMullan@jacksonlewis.com>
▶ 1 Attachment, 5.4 KB



I just received a copy of the medical records my chiro gave to you. His secretary forgot to redact my social security number and debit card number. Please, instantly redact these items. Do not give these records to Amanda Lollar or any of the other defendants. They will surely post them on the Internet causing me even more damage.

Mary Cummins
MMMARYinLA@AOL.COM



Exhibit 2

From: "Galstyan, Sarah" <Sarah.Galstyan@owb.com>
Subject: **Urgent From OneWest Bank PLEASE CALL OFFICE**
Date: March 18, 2013 3:51:22 PM PDT
To: "mmaryinla@aol.com" <mmaryinla@aol.com>

Hello Ms. Cobb,

My name is Sarah and I'm trying to get in contact with you. I'm from OneWest Bank The Bel Air Office I am the personal Banker. Can you please give me a call or call the office at 310-475-4594 this is in regards to your account. The phone number we have on file in a business phone number and I don't want to leave a message there. Please call ASAP this is in regards to your account.

Sarah Galstyan
OneWest Bank
Personal Banker
310-475-4594

Exhibit 3

03.01.00 (05/12)

Los Angeles Police Department
INVESTIGATIVE REPORT

COMBINED EVID. REPORT
 MULTIPLE DRGS ON THIS REPORT

CTS/OB
MAJOR
CRIMES

SHOTS
FIRED

USE OF FORCE

MARCOTICS
STOLEN -
GND

GND/RT

FIREARM STOLEN/
LOST - DSDV & REI
CRIME PROPERTY TT SUPPR:

CHILD ABUSE
JUVENILE DIV.

EXTRA COPIES

CASE SCREENING FACTOR(S) <input type="checkbox"/> SUSPECT/VEHICLE NOT SEEN <input type="checkbox"/> PRINTS OR OTHER EVIDENCE NOT PRESENT <input type="checkbox"/> NO MOT DISTINCT <input checked="" type="checkbox"/> PROPERTY LOSS LESS THAN \$5,000 <input checked="" type="checkbox"/> NO SERIOUS INJURY TO VICTIM <input checked="" type="checkbox"/> ONLY ONE VICTIM INVOLVED		REPORT OF: IDENTITY THEFT INVEST DIV. CCD 18319002871 PR # 1301 08157																																	
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NARRATIVE USE THE FOLLOWING HEADINGS TO DOCUMENT ALL INFORMATION REGARDING THE INVESTIGATION: ADDITIONAL PERSONS INVOLVED (separated by type); SOURCE OF ACTIVITY; INVESTIGATION; ARREST; INJURY/MEDICAL TREATMENT; PHOTOGRAPHS; BOOKING; EVIDENCE; ADDITIONAL; COLLISION SUMMARY; PROPERTY STOLEN/LOST/RECOVERED/DAMAGED; AND COURT INFORMATION. NOTE: ANY OF THESE HEADINGS MAY BE OMITTED IF NOT APPLICABLE. SEE FIELD NOTEBOOK DIVIDER "GENERAL REPORTING INSTRUCTIONS, FORM 18.30.00 AND FIELD NOTEBOOK DIVIDER - IR, FORM 18.30.01 FOR FURTHER INFORMATION.																																			
VICTIM INDEMNIFICATION INFORMATION (IF APPLICABLE) IS ANY OF THE VICTIM'S PROPERTY MARKED WITH AN OWNER APPLIED IDENTIFICATION NUMBER? IF YES, EXPLAIN IN NARRATIVE. YES <input type="checkbox"/> NO <input type="checkbox"/>																																			
APPROVAL AND REVIEW SUPERVISOR APPROVING DATE & TIME REPRODUCED 03-19-13		DETECTIVE SUPERVISOR REVIEWING SERIAL NO. 22050 CENT 1850 OIMD																																	

Exhibit 4

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO. 2/3		TYPE OF REPORT Identity Theft				BOOKING NO.	DR NO. 1301 08157
ITEM NO.	QU AN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE

Source of Activity

On 03/19/13, I, Officer Tyler was working Central Division front desk.

Investigation

Victim-Mary Cummins advised that on 03/18/13 at 1550 hrs, she received an email from her bank (One West, 2920 Beverly Glen Circle, Bel Air, CA 90077, telephone 310 475-4594). The bank employee, Sarah Galstyan (Witness) wrote in the email to victim to contact her immediately regarding an urgent matter. Victim then called Galstyan who advised her that she just received a telephone call from a female with a Texas accent asking for the balance of her (victim's) bank account. The female said her name was Mary Cummins and provided a social security number, date of birth (that belongs to victim). Galstyan told victim that the female was asked the security question and could not answer it. Galstyan remembered Cummins (victim) as a customer, knew she did not have a Texas accent and became suspicious. Galstyan did not release any information to the female (suspect) and contacted victim. The female (suspect) later called back to the bank with a different accent trying to obtain the same information (victim's bank account balance). Galstyan spoke with the female (suspect) the second time and again did not release any information.

Victim advised that she is currently involved in a lawsuit with Amanda Lollar, who has a Texas accent. Lollar has victim's social security number, date of birth and knows where victim's bank account is. Some of the information was obtained by Lollar during the deposition and the other information was contained in the court documents. Victim believes that it was Lollar that called her bank. Amanda Lollar, 217 N. Oak Ave Mineral Wells, TX 76067, DOB:09/30/55, TX Driver's License: 07698000, telephone 940 325-3404.

Injury/Medical- None

Photos- None

Evidence-None

Canvassing-None

Property Taken

Victim's Social Security Numbe

Court Information-I can testify to this report.



03/25/2013

Animal Advocates
C/O: Mary Katherine Cummins-Cobb
645 W 9TH ST # 110-140
Los Angeles, CA 90015-1640

Re: Account #:

Dear Mary Katherine Cummins-Cobb,

We have been trying to reach you regarding recent activity on the above referenced account. Please contact the branch at your earliest convenience. I included my contact information below for easy reference.

Sincerely,

Katerina Karagiannides
Sr. Branch Manager
First Bank
9145 Wilshire Blvd.
Beverly Hills, CA 90210
T: 310-887-0101
O: 310-777-1900
F: 310-273-2068
Katerina.Karagiannides@FBOL.com

First Bank of Long Beach, a California State Bank, is a member of the FDIC. All services provided by First Bank of Long Beach are subject to credit review. For more information, please contact your branch manager. © 2013 First Bank of Long Beach. All rights reserved.

Exhibit 5

From: Mary Cummins <mmmaryinla@aol.com>
Subject: **Your client is committing crimes**
Date: March 18, 2013 4:20:17 PM PDT
To: Dean Rocco <roccod@jacksonlewis.com>, Sandra McMullen <Sandra.McMullan@jacksonlewis.com>, Dan Sullivan <dsullivan@galyen.com>, Randy Turner <rturner@galyen.com>
* 1 Attachment, 5.4 KB



Dean, Sandra, Turner,

A female with a Texas accent called from Texas to someone in California pretending to be me. She gave them my social security number and other identifying information. You received my social security number by accident through my medical records. As per the court order you were not allowed to share those documents with anyone. You obviously shared them with Lollar. I will be notifying the Judge. The Judge stated if you share that information, you could lose your license to practice law.

I'm filing another criminal report against your client. Your client did not go past the ninth grade. You need to teach her a little about the law before she ends up in jail.

Mary Cummins
MMMARYinLA@AOL.COM

