

Cause No. 2015-002259-3

<p>AMANDA LOLLAR, Plaintiff, vs. MARY CUMMINS, Defendant Pro se</p>		<p>IN THE COUNTY COURT OF LAW NUMBER 3 TARRANT COUNTY, TEXAS</p>
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DEFENDANT'S UNOPPOSED OBJECTION TO HEARING ON MOTION FOR TEMPORARY INJUNCTION WHICH WAS NEVER FILED OR SERVED

TO THE HONORABLE MIKE HRABAL,
COUNTY COURT AT LAW NO. 3:

Defendant files this objection to the injunction hearing scheduled for June 10, 2016 then rescheduled to June 14, 2016 without giving up Defendant's right to appeal the May 17, 2016 Motion to Dismiss. Defendant will file a Notice of Appeal as soon as the Judge signs and serves the order on Defendant. Defendant denies every claim in Plaintiff's original complaint. Defendant will also file a Motion to Dismiss this frivolous complaint due to statute of limitations, lack of jurisdiction, improper venue, forged exhibits, perjured affidavits and the breach of contract claim was reversed in the Appeals Court. These were in the May 17, 2016 Motion to Dismiss¹ but Judge Mike Hrabal only mentioned the Defamation Mitigation Act and Citizen Participation Act at the hearing.

¹ Defendant's Motion to Dismiss (minus exhibits)
http://animaladvocates.us/DEFENDANT_motion_dismiss.pdf

Cummins is a disabled indigent out of state pro se Defendant. Cummins has already been declared disabled by the Tarrant County courts. Cummins sent a letter in 2015 to the ADA representative requesting telephonic appearances. Cummins has been granted telephonic appearances by the Tarrant County court system.

Cummins requests that if there is a hearing on the temporary injunction she be allowed to appear by phone as she has in all previous hearings. Cummins will file a motion for telephonic hearing identical to the ones already filed in this case.

Cummins has been declared indigent in Texas case and appeal 352-248169-10, 02-12-00285-CV². Cummins has been declared indigent in California in 2013, 2014, 2015 and 2016 by the Courts in cases with same Plaintiff.

Defendant filed an Affidavit of Indigence. A contest was filed and a hearing was scheduled and rescheduled. Plaintiff did not request it to be heard by the court before the motion to dismiss. Defendant's indigence is therefore affirmed.

INTRODUCTION

Defendant incorporates everything in Defendant's Motion To Dismiss in this filing.

May 17, 2016 Defendant's Motion to Dismiss inre Defamation Mitigation Act, Citizen Participation Act, Et cetera Doc ID#26 was heard. Court denied Defendant's motion to dismiss. Defendant stated Defendant would appeal and requested the minutes in the hearing.

A Contest of indigence was supposed to have been heard on that date but Plaintiff did not request it. Defendant is therefore indigent in this case as no contest was heard before the motion to dismiss.

² Amanda Lollar, Bat World Sanctuary vs Mary Cummins - Appeal Second Court of Appeals <http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV&coa=coa02>

1 Defendant requested the minutes of the hearing and the audio recording from Shari
2 Steen court reporter as an indigent. Steen refused to write or deliver the minutes without
3 payment of \$125 made before the transcription begins. Steen demanded a signed order
4 on Defendant's indigence before starting transcription without pay.

5 Defendant sent a request for signed order on indigence with a proposed order May
6 18, 2016 on a fee waiver. The Court accepted then rejected the filing May 19, 2016
7 stating the \$2 fee was not paid and would not be waived without the signed order on
8 indigence, Catch 22. Defendant then tried to pay with one gift card which bounced the
9 \$2 fee. Defendant found another and paid the \$2 filing fee.

10 May 18, 2016 Plaintiff's attorney Randy Turner sent a fax giving Defendant notice
11 that a hearing will be held on temporary injunction (Exhibit 1). Plaintiff has not filed a
12 motion for temporary injunction or any evidence per the docket (Exhibit 2). Plaintiff also
13 included directions on how to physically be present at the hearing in Texas knowing full
14 well that this is impossible for Defendant. Defendant is awaiting back surgery and
15 cannot travel. Plaintiff hopes to win by default as they have no case.

16 Defendant objects to the injunction hearing as Plaintiff has not filed a motion for
17 injunction. Defendant can't defend herself without the motion and exhibits. Plaintiff must
18 file and serve the motion with all exhibits at least 21 days before a hearing. As
19 Defendant can only appear by phone Defendant must have all the documents ahead of
20 the hearing. Previously Defendant gave notice to Plaintiff to be sure to give all exhibits
21 not already filed to be used in any hearings along with arguments to Defendant a week
22 before any hearing. Plaintiff has also appeared by phone.
23
24
25

Plaintiff's attorney Randy Turner has a long history of abusing judges, courts and gaming the court system. This case is an exact copy/paste of the previous 2010 case. Plaintiff even included the breach of contract claim which was reversed in the appeals court. In the identical previous case 352-248169-10 Turner came up to Defendant in the 352nd courtroom May 4, 2011 for a hearing on temporary injunction and stated "I've known this judge for years. He'll sign anything I put in front of him." Turner had gamed the system by filing this exact cause with the false breach of contract clause to get this case in his friend Judge Bonnie Sudderth's court. Turner further gamed the system³ by having Sudderth request vacation for the exact time of this hearing and the trial date. Defendant did not even know there was a different judge that day. The court gave no notice. Plaintiff did not even file or give Defendant a copy of the motion, exhibits or proposed order before the hearing.

Defendant viewed the exhibits in court and stated Defendant did not write or post the items. There was no proof provided to show that Defendant wrote or posted the items or controlled the websites. Defendant had not even seen those websites before the hearing.

Plaintiff did not show any of the elements of defamation at the hearing. Plaintiff did not prove that (1) Defendant wrote, posted the statements of fact in question, (2) the statements were false and defamatory, (3) the statements were about Plaintiff, (4) the statements were made without privilege, (5) Defendant acted negligently writing, posting the statements or (6) physical evidence showing that Plaintiff was and will continue to

³ How Texas Lawyers Game the Legal System
http://web.archive.org/web/20110110030653/http://www.legalreform-now.org/menu2_4.htm

1 be damaged by the statements. Nonetheless Judge William Brigham a visiting, retired
2 Judge signed the six page single spaced court order without even reading it directly in
3 front of Defendant. That order contained prior restraint which is unconstitutional. It was
4 void as a bond was not posted. It was void as Defendant did not post the items.
5 Defendant still obeyed the court order.

6
7 The order stated Defendant must remove the websites, posts, comments made by
8 others on websites Defendant had not even seen and did not control. Some sites were
9 in Chinese which Defendant does not read or write. Some of the items were written by
10 Plaintiff, written by known others, written by unknown others, made by robots, were
11 copies of Defendant's fair and privileged reports to authorities or videos, photos taken
12 with written and oral permission by Plaintiff.

13 After the hearing Plaintiff's attorney Turner ran after Defendant, cornered her and
14 waved the court order in Defendant's face while angrily stating paraphrased "You better
15 remove all these links or I'll find you in contempt, sanction you and throw you in jail!!!!"
16 Defendant replied "I don't control those websites. I didn't write or post all those links. I
17 can't remove other people's websites." Turner replied "then you're going to jail, jail!!!!"
18

19 Plaintiff is again trying to abuse the court and judge to get the same unjust temporary
20 injunction over Defendant. Any proposed order would include unconstitutional prior
21 restraint as Turner even included it in the final court order after specifically stating he
22 would not. Both the temporary and final orders were reversed as they were
23 unconstitutional.

24 Defendant objects to the hearing, the unseen motion for injunction and any order on
25 motion for temporary injunction. Defendant knows Defendant has never defamed

Plaintiff. Every item Defendant did post is 100% the truth backed up by government documents, photos, videos and physical evidence.

PRAYER

Defendant asks the court to deny the injunction hearing and deny the injunction. In the alternative Defendant requests to receive the motion for temporary injunction and all evidence to be presented at the hearing at least 21 days before the hearing as per Texas Rules of Civil Procedure. Defendant requests to appear telephonically.

Respectfully submitted,

Mary Cummins, Defendant Pro se
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: mmmaryinla@aol.com
Date May 19, 2016



By: _____

Mary Cummins, Defendant Pro Se

1 **CERTIFICATE OF CONFERENCE**

2 May 18, 2016 I filed a notice via eFileTexas.gov served on Randy Turner stating I object
3 to the hearing on motion for temporary injunction as it was never filed. I received no
4 reply or opposition.

5 **CERTIFICATE OF SERVICE**

6 I, Mary Cummins, hereby certify that a TRUE COPY of the above **DEFENDANT'S**
7 **UNOPPOSED OBJECTION TO HEARING ON MOTION FOR TEMPORARY**
8 **INJUNCTION WHICH WAS NEVER FILED OR SERVED**
9 was served on the Plaintiffs' Attorney of record by efiletexas.gov at

10 **Randy Turner**
11 **Law Offices of Randall E. Turner, PLLC**
12 4255 Bryant Irvin Rd. Suite 210
13 Fort Worth, TX 76109
14 Tel.: 817-420-9690
15 Fax: 817-887-5717
16 randy@randyturner.com
17 this 19th day of February 2016

18 

19 _____
20 Mary Cummins, Defendant Pro se
21 645 W 9th St, #110-140
22 Los Angeles, CA 90015-1640
23 Phone 310-877-4770
24 Email: mmmaryinla@aol.com
25 -

LAW OFFICES OF
RANDALL E. TURNER, PLLC

Randall E. Turner
Board Certified
Personal Injury Trial Law and
Civil Trial Law by the
Texas Board of Legal Specialization

Direct: 817-420-9690
Fax: 817-796-1414
randy@randyturner.com
www.randyturner.com

May 18, 2016

Via fax to (310) 494-9395

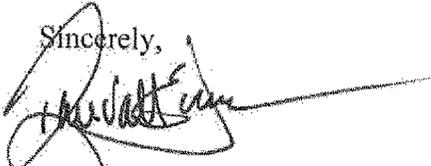
Mary Cummins
645 W. 9th Street, #110-140
Los Angeles, CA 90015-1640

Re: Cause No. 2015-002259-2
Amanda Lollar, et al. v. Mary Cummins

Dear Ms. Cummins:

You are advised that the date of hearing on the Plaintiff's request for a temporary injunction in the above-referenced cause has been changed. **It is now set for hearing on June 14, 2016 at 1:15 p.m.** in County Court at Law No. 3. The court is located on the second floor at 100 West Weatherford, Fort Worth, Texas 76196.

Sincerely,



Randall E. Turner

EXHBIT 1

01/06/2016 **Copy Doc ID# 20**
01/06/2016 **Record - Other**
01/07/2016 **Record - From Outside Jurisdiction**
01/07/2016 **Record - Other**
01/07/2016 **Record - From Outside Jurisdiction**
01/07/2016 **Record - From Outside Jurisdiction**
01/21/2016 **Letter Requesting Setting for Trial Doc ID# 21**
01/26/2016 **Motion**
01/27/2016 **Response Doc ID# 23**
01/27/2016 **Order Doc ID# 25**
01/28/2016 **Notice of Hearing / Trial Doc ID# 24**
02/08/2016 **Motion to Dismiss Doc ID# 26**
02/10/2016 **Motion**
02/10/2016 **Motion**
02/10/2016 **Motion**
02/10/2016 **Motion**
02/11/2016 **Motion**
02/11/2016 **Motion**
02/15/2016 **Supplemental Doc ID# 28**
02/15/2016 **Letter Doc ID# 29**
02/15/2016 **Response Doc ID# 30**
02/15/2016 **Supplemental Doc ID# 31**
02/16/2016 **Motion to Dismiss (9:45 AM) (Judicial Officer Rymell, Jennifer)**
02/18/2016 **Notice Doc ID# 32**
02/23/2016 **Notice Doc ID# 33**
02/23/2016 **Order of Recuse Doc ID# 35**
02/24/2016 **Order of Assignment Doc ID# 36**
03/03/2016 **Order of Assignment Doc ID# 37**
03/03/2016 **Letter Doc ID# 38**
03/10/2016 **Letter Doc ID# 39**
03/24/2016 **Letter Doc ID# 40**
04/04/2016 **CANCELED Hearing (1 Hour) (1:15 PM) (Judicial Officer Hrabal, Mike)**
Per Judge
04/04/2016 **Supplemental Doc ID# 41**
05/17/2016 **Hearing (1 Hour) (1:15 PM) (Judicial Officer Hrabal, Mike)**
05/17/2016 **Notice of Appeal Doc ID# 42**
05/18/2016 **Notice of Appeal Doc ID# 43**
06/14/2016 **Hearing (1:15 PM) (Judicial Officer Hrabal, Mike)**
06/10/2016 Reset by Court to 06/14/2016