

1 MARY CUMMINS  
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5 In Pro Per  
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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 BAT WORLD SANCTUARY,  
11 AMANDA LOLLAR  
12 *Plaintiff*

13 v.

14 MARY CUMMINS  
15 *Defendant*

) Case No. BS140207

)  
) **DEFENDANT'S REPLY TO**  
) **PLAINTIFFS' OPPOSITION TO**  
) **DEFENDANT'S MOTION TO**  
) **QUASH SUBPOENA FOR BANK**  
) **RECORDS**

) **Date: May 23, 2014**  
) **Time: 8:30**  
) **Dept.: 24**  
) **Judge: Robert Hess**  
)  
)

18  
19 **INTRODUCTION**

20 Plaintiffs seek the bank records from One West Bank where Defendant had an  
21 account. Plaintiffs levied that bank and took every penny in the account. The account  
22 was closed by the bank due to lack of funds. It had a negative balance when closed.  
23 Defendant has no bank accounts, credit cards, debit cards at all. Defendant has no  
24 money, job or assets because of Plaintiffs' defamation and an injury suffered while on  
25 Plaintiffs' property.

26 Defendant applied for state assistance and was approved March 27, 2014.  
27 Defendant will show her Benefits Identification Card to the Judge at the hearing.

28 Defendant was approved after the state searched state and federal records and

**DEFENDANT'S REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO QUASH  
SUBPOENA FOR BANK RECORDS**

1 confirmed that Defendant has no money, job, assets, car or bank accounts. Defendant  
2 was declared indigent by the state.

3 Defendant was also legally declared indigent in her appeal of the Texas case<sup>1</sup>  
4 (Exhibit 1, Declaration) and a California restraining order appeal<sup>2</sup> (Exhibit 2) against  
5 Plaintiff Amanda Lollar. Defendant answered post trial discovery in the Texas case and  
6 again proved Defendant had no assets, job or money.

7 There was \$4,390.75 in the account when it was levied. That money was there at  
8 that time because Defendant's landlord had not cashed two rent checks. The only  
9 reason there was any money in that account at all was because Defendant received an  
10 out of the blue State refund of \$8,000 from a few years old tax return. The state of  
11 California had levied Defendant's previous bank account for that amount. They later  
12 realized that no tax was due so they gave the money back to Defendant. The account  
13 would have been closed if it were not for that check.

14 This matter originates from a Texas Judgment for defamation that was  
15 domesticated. That matter is still in appeal with an opinion due any day. The appeal<sup>3</sup>  
16 was submitted September 9, 2013<sup>4</sup>. An identical case was won on appeal seven and a  
17 half months after it was submitted from the Texas Court of Appeals.

18 Plaintiffs in the Texas case did not show any elements of defamation, breach of  
19 contract, any damages or proof of causation. Defendant didn't even write some  
20 statements. The supposed "defamatory" statements were written by Plaintiff. All of the  
21 other statements came from truthful, fair, privileged reports against Plaintiff for animal  
22 cruelty and abuse. Two very well known freedom of speech and animal rights lawyers  
23  
24

25 \_\_\_\_\_  
26 <sup>1</sup> <http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV>

27 <sup>2</sup> [http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=2&doc\\_id=2058847&doc\\_no=B251854](http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=2&doc_id=2058847&doc_no=B251854)

28 <sup>3</sup> [http://www.marycummins.com/mary\\_cummins\\_appeal.pdf](http://www.marycummins.com/mary_cummins_appeal.pdf)

<sup>4</sup> <http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV>

1 (David Cassellman, Paul Alan Levy of Public Citizen) wrote amicus briefs<sup>5, 6</sup> for  
2 Defendant which were previously submitted in this case.

3 Plaintiffs in this case know and publicly admit that Defendant is indigent. In fact  
4 they are happily posting on over 350 blogs, Facebook pages, websites devoted solely  
5 to Defendant that Defendant is indeed indigent (Exhibit 3). They posted the complete  
6 105 page transcript of the indigence hearing in Texas in Bat World Sanctuary's  
7 website<sup>7</sup>. Plaintiff Lollar as Blogger user Rachel Thompson stated "Too ugly to  
8 prostitute. Traveling broke & hungry," "Mary Scummins," "Moronic Mary," "Dummy  
9 Cummy," "is a complete and total failure - no job, no money, no car, no house, no  
10 family, no husband, no support system, no successes, no earned awards," "Mary  
11 Cummins, DIPSHIDIOT," "the financially illiterate, indigent garbage dumpster baby,"  
12 "Mary Cummins is indigent after claiming to have retired," "owes the IRS thousands  
13 of dollars," "Mary Cummins, SICKO" "has been declared indigent."

14 In the Texas district case Plaintiffs abused discovery many times. They even  
15 violated two protective orders on discovery items, i.e. home address, medical records.  
16 Defendant never violated a protective order ever while Plaintiffs violated every single  
17 one.

18 Plaintiffs accidentally received Defendant's SSN in discovery. Plaintiff Lollar used  
19 that and all the discovery items to try to access Defendant's bank account and the bank  
20 account of a non-profit. The banks recorded the phone calls and played them for  
21 Defendant. Defendant recognized Plaintiff Lollar's voice and filed a police report  
22 which was previously submitted as an exhibit in this case. The banks did not release  
23 anything to Plaintiff Lollar as they know that Defendant Cummins does not have a  
24 Texas accent.

25  
26 \_\_\_\_\_  
27 <sup>5</sup> [http://www.animaladvocates.us/cummins\\_amicus\\_brief.pdf](http://www.animaladvocates.us/cummins_amicus_brief.pdf)

28 <sup>6</sup> [http://www.animaladvocates.us/mary\\_cummins\\_v\\_bat\\_world\\_sanctuary\\_amicus\\_letter.pdf](http://www.animaladvocates.us/mary_cummins_v_bat_world_sanctuary_amicus_letter.pdf)

<sup>7</sup> <http://batworld.org/wp-content/uploads/2013/02/Mary-Cummins-Indigence-Hearing.pdf>

1 Plaintiffs posted every bit of discovery online to harass, oppress and embarrass  
2 Defendant and Defendant's friends and family. They posted over 100 movies made  
3 from Defendant's deposition video which reveal Defendant's finances, bank account,  
4 lack of income, lack of assets, licenses, permits, family members, friends...

5 If Plaintiffs were to receive the bank statements of Defendant they would have the  
6 names, addresses, bank account numbers of her family, friends and ex-clients.  
7 Defendant is positive that Plaintiff will post all of that on the Internet to harm  
8 Defendant's family, friends and ex-clients. Plaintiff would most likely contact all ex-  
9 clients and defame Defendant to them like Plaintiff has done previously. Defendant  
10 hopes to be able to work again with these clients when she is able.

## 11 **ARGUMENT**

### 12 **I. THE BANK STATEMENTS ARE NOT RELEVANT**

13 Defendant has been deemed indigent by the States of Texas and California.  
14 Defendant proceeded in forma pauperis in the Texas and California appeals. There was  
15 a lengthy indigence hearing and the Texas Judge ruled Defendant was indigent.  
16 Defendant provided a copy of her bank statement which showed only the name and  
17 balance which was about \$200 at that time. Defendant provided through discovery of  
18 the Texas case her bank statement again, just the name and balance. That data was then  
19 used to try to illegally access her account when Plaintiff Lollar pretended to be  
20 Cummins. Plaintiffs already have ample proof that Defendant is penniless. In fact  
21 Plaintiff Lollar have admitted this many, many times on the Internet. The bank  
22 statements will not lead to any assets of any kind as there are none.

### 23 **II. RELEASE OF INFORMATION OF OTHERS**

24 The bank statements of Defendant include the names, addresses, bank account  
25 numbers, routing numbers, copies of checks of people, debit card receipts of entities  
26 which are not the subject of the sister state judgment. This would be the names of  
27 people and entities who sent or received funds such as ex-clients, friends, businesses.  
28

1 Plaintiffs have a very long history of abusing discovery. Plaintiffs would use this  
2 information to defame Defendant to clients and friends destroying Defendant's future  
3 ability to find work. Plaintiffs previously received Defendant's SSN in discovery.  
4 Plaintiff Lollar pretended to be Defendant to access Defendant's bank account which  
5 was later levied. Plaintiff also tried to use this information to gain access to the bank  
6 account of a non-profit which is also not the subject of this judgment.

7 **III. ULTERIOR PURPOSE FOR THE REQUEST**

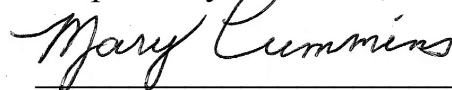
8 Plaintiffs already know that Defendant is indigent. Plaintiffs admitted this  
9 repeatedly in many online statements even bragging that they caused Defendant to  
10 become indigent which is the truth. Defendant offered to give a copy of her Benefits  
11 Identification Card to Plaintiffs' attorney if he promised not to show it to Plaintiff who  
12 would abuse that data to further harm Defendant. That card proves that the State fully  
13 investigated Defendant and found no job, bank accounts or assets. Plaintiffs' sole  
14 purpose for this request is to continue to harass, oppress and abuse Defendant, her  
15 family, friends and ex-clients.

16 **PRAYER**

17 Defendant respectfully requests that this Court grant Defendant's Motion to  
18 quash subpoena for bank records.

19 Such other relief as the Court may deem just and proper.

20 Respectfully submitted,

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Mary Cummins, Defendant

23 Dated: May 12, 2014

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