

II.

Defendants argue and falsely assume that Plaintiff has been sitting at a desk, typing, going to various places. Their reasoning is based on Internet posts of unknown origin. Defendants have Plaintiff's medical records which show a herniated disc, lists of medications and treatment. Defendants also have Plaintiff's responses to discovery which state it is difficult and painful for Plaintiff to sit or stand more than a few minutes at a time.

Defendants stated in their reply that the postings are over three months old (Doc 137 item 5). Over three months ago Plaintiff was able to sit for 20 minutes at a time. Plaintiff can no longer do this.

Defendants make many very broad assumptions which are totally inaccurate in their reply. Most of them are also totally irrelevant to this case. Defendants include posts from the Facebook page of Animal Advocates which is not a party in this case. They do not include posts from Plaintiff's personal Facebook page. Plaintiff is not the author of all the posts on Animal Advocates' page. There are a few administrators of that page. The posts are not signed by Plaintiff's name. There is no way for Defendant or anyone to know who made those posts.

Defendants include this post (Doc 137 pg 3 item 6) "Spent all day reuniting baby squirrels and getting birds nest back up into trees." Plaintiff gave phone advice to people telling them how to reunite babies and get birds and nests back into trees. There is no way Plaintiff could physically climb a tree to put birds or nests back into a tree.

Defendants include this post (Doc 137 p 2 item 5), "Time for another round of feeding, cleaning, medication animals." Plaintiff did not make that post. A volunteer made that post.

Defendants include this post (Doc 137 p 3 item 8) dated February 19, 2015 stating Plaintiff “had sat through quite a few of the proceedings.” The proceedings in question were in 2014. Plaintiff did attend some of the proceedings but had to keep getting up and down because of her back. Plaintiff even brought a gel pillow seat to use at the proceeding.

Defendants include a post from February 2015. That post stated that someone drove and took two photos. In February Plaintiff could drive and take a photo from the window of the car.

Defendants bring up a completely unrelated issue in this present lawsuit which was a defamation, breach of contract lawsuit by Defendants against Plaintiff. This has nothing to do with Plaintiff’s back injury or motion to stay. Defendants include it to continue to attack Plaintiff. Nevertheless Plaintiff will respond.

Defendants falsely state that the order was upheld. The Appeals Court reversed the breach of contract, liquidated damages, legal fees and court order in that case. Only the defamation claim was affirmed. Every word Plaintiff stated about Defendant in that case was 100% the truth and came from fair and privileged reports to authorities. The government agencies investigated and violations were found consistent with Plaintiff’s truthful reports. Plaintiff is appealing the defamation claim.

Defendants next bring up a post from a blog. Plaintiff has some blogs. Some posts are public, others are private. The privacy setting was somehow changed and a private post became public. It was only public for a very short time. That post was intended for Plaintiff’s friends only who keep asking for updates.

Plaintiff stated that Plaintiff believed the judge committed perjury in the opinion. The Judge who wrote the opinion stated that Plaintiff never stated Plaintiff had a negative net worth until

after the trial. That is totally false. Plaintiff in Plaintiff's motion for rehearing cited two different instances where Plaintiff clearly testified Plaintiff had a negative net worth. It was also stated many times in many hearings. Plaintiff believes that if someone lies in a legal document that is "perjury." Defendants admitted in trial they had no evidence of any loss or causation by Plaintiff. For that reason Plaintiff argued that exemplary damages of \$3,000,000 were excessive. On top of this Defendants have been posting on the Internet in their over 400 blogs and websites devoted solely to Plaintiff for the last few years that Plaintiff has a negative net worth. Defendants and Defendants' attorney Randy Turner have devoted most of their time to harassing, attacking and defaming Plaintiff since 2010 in their own business websites¹, blogs, pages and others. They even make disgusting, revolting references to my "breasts," "vagina" and "ass."

Defendants falsely state that the criminal history posted was not the criminal history of someone's son but someone with a similar name. It was indeed the same person as the birth date, exact name in the police reports and mug shots match the birth record of the son. Plaintiff would never post anything without thoroughly researching the issue. That post was a private post which was accidentally public for a very short period of time. It is no longer public.

Defendants bring up a post about a Judge's age. Plaintiff needed to find out the age to accurately determine when the Judge would retire to understand the motivation behind the opinion. It was then noted that the Judge misstates her age on social media. That is the truth.

Plaintiff's doctor signed a medical form stating that Plaintiff was not physically able to perform jury duty. Plaintiff provided a copy in discovery. Defendants know full well that Plaintiff cannot sit or stand more than a few minutes. In fact this was stated in the Animal Advocates

¹ Defendants' attorney Randy Turner's web page devoted solely to Plaintiff in his business website <http://www.randyturner.com/index.php/randys-cyber-stalker>

Facebook page but Defendant did not include these posts in their exhibits. Attached (Exhibit 2) are posts made on Animal Advocates' Facebook page which clearly show Plaintiff is laid up with a back injury awaiting surgery.

PRAYER

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

DATED: May 3, 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 difficulty 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. I was told by my GP and pain specialists 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 was an Emergency Medical Technician I and II and worked in the emergency room of a hospital. I have basic medical knowledge.
13. My doctor signed a letter releasing me from jury duty due to my back injury.
14. 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 May 3, 2015 at Los Angeles, California.

By: 

MARY CUMMINS

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
May 5, 2015

From: Mary Cummins <mmmaryinla@aol.com>
Subject: 4:12-cv-00560-Y re: Document No. 136 - Plaintiff's motion to stay case
Date: April 15, 2015 12:17:35 PM PDT
To: Judge Terry Means <Means_orders@txnd.uscourts.gov>
Cc: Dan Sullivan <dsullivan@galyen.com>, Randy Turner <rturner@galyen.com>
▶ 2 Attachments, 24.9 KB



Attached please find Plaintiff's order on Plaintiff's motion to stay case for medical reasons.

I no longer have a printer which works and can't afford to buy one. A friend will print it out for me and mail it to you with official copies. Thanks.

Mary Cummins
MMMARYinLA@AOL.COM



[proposed_or...doc \(19.5 KB\)](#)



Animal Advocates

Posted by Mary Cummins [?] · April 18 at 8:16pm · 🌐

Animal Advocates is the only licensed wildlife rehabilitation facility in the City of Los Angeles. We are permitted for all mammals. We've applied for our marine mammal permit but have been told they are too busy with the sea lion die off to inspect us until next year. Mary Cummins who generally runs the org is flat on her back with a back injury awaiting surgery. She generally cares for most of the animals. Please, don't leave threatening emails, voice mail calling us nasty names because we can't pick up all the dying baby sea lions. We can't until our permit is finalized.



Animal Advocates

Posted by Mary Cummins [?] · April 6 at 3:07pm · 🌐

Mary Cummins is flat on her back because of a back injury. Volunteers will be taking over the page, blogs, website, social media, sanctuary, animal duties.... She'll be back after she has surgery. Thanks.



Animal Advocates

Posted by Mary Cummins [?] · March 26 · 🌐

Until Mary Cummins has back surgery we won't be taking in adult coyotes, bobcats, raccoons as our large enclosures are at her place. We will continue to take smaller animals which are going to volunteers. Thanks.