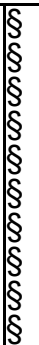


Cause No. 2015-002259-3

<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 AMENDED UNOPPOSED REPLY, OBJECTION TO HEARING ON MOTION FOR TEMPORARY INJUNCTION, 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 hereby gives this court notice that Defendant will appeal any oral or written order on the motion for temporary injunction. Defendant denies every claim in Plaintiff's original complaint. Defendant already filed notice of appeal of the Motion to Dismiss.

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. It's included in the court file.

**DEFENDANT'S UNOPPOSED OBJECTION TO HEARING ON MOTION FOR TEMPORARY INJUNCTION WHICH WAS NEVER FILED OR SERVED**

Defendant requests that if there is a hearing on the temporary injunction, Defendant be allowed to appear by phone as Defendant has in all previous hearings. Defendant filed a Motion for Telephonic hearing May 24, 2016 which was accepted by the Court.

Defendant filed a notice to the court and fax to the court June 10, 2016 requesting again the telephonic appearance and hearing. Defendant did not receive a reply.

Defendant has been declared indigent in Texas case and appeal 352-248169-10, 02-12-00285-CV<sup>1</sup>. Defendant has been declared indigent in California in 2013, 2014, 2015 and 2016 by the Courts in cases with same Plaintiff. Defendant does not have any money to travel to Texas for a hearing. Defendant is not physically able to travel at all.

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 in this case.

### **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, Forgery, Fraud, Perjury, Lack of Jurisdiction, Statute of Limitations Doc ID#26 was heard. Court denied Defendant's motion to dismiss. Defendant stated Defendant would appeal and requested the minutes in the hearing. No court order was signed. Defendant appealed the motion to dismiss.

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.

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<sup>1</sup> 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>  
**DEFENDANT'S UNOPPOSED OBJECTION TO HEARING ON MOTION FOR TEMPORARY INJUNCTION WHICH WAS NEVER FILED OR SERVED**

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  
11 May 18, 2016 Plaintiff's attorney Randy Turner sent a fax giving Defendant notice  
12 that a hearing will be held on temporary injunction. Plaintiff has not filed a motion for  
13 temporary injunction or any evidence per the docket as of June 11, 2016. Plaintiff also  
14 included directions on how to physically be present at the hearing in Texas knowing full  
15 well that this is impossible for Defendant. Defendant is awaiting back surgery and  
16 cannot travel. Plaintiff hopes to win by default as they have no case. DEFENDANT HAS  
17 NEVER DEFAMED PLAINTIFF!

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

arguments to Defendant a week before any hearing. Plaintiff has also appeared by phone.

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 352-248169-10. 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 352<sup>nd</sup> 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 system<sup>2</sup> by having Sudderth request vacation for the exact time of that 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

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<sup>2</sup> How Texas Lawyers Game the Legal System  
[http://web.archive.org/web/20110110030653/http://www.legalreform-now.org/menu2\\_4.htm](http://web.archive.org/web/20110110030653/http://www.legalreform-now.org/menu2_4.htm)

1 statements were made without privilege, (5) Defendant acted negligently writing, posting  
2 the statements or (6) physical evidence showing that Plaintiff was and will continue to  
3 be damaged by the statements. Nonetheless Judge William Brigham a visiting, retired  
4 Judge signed the six page single spaced court order written by Randy Turner without  
5 even reading it directly in front of Defendant. That order contained prior restraint which  
6 is unconstitutional. It was void as a bond was not posted. It was void as Defendant did  
7 not post the items. Defendant still obeyed the court order as best as possible.  
8

9 The order stated Defendant must remove the websites, posts, comments made by  
10 known and unknown third parties on websites Defendant had not even seen and did not  
11 control. Some sites were in Chinese which Defendant does not read or write. Some of  
12 the items were written by Plaintiff, written by known others, written by unknown others,  
13 made by robots, were copies of Defendant's fair and privileged reports to authorities,  
14 were legal documents with litigation privilege or were privileged videos, photos taken  
15 with written and oral permission by Plaintiff.  
16

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

22 Plaintiff is again trying to abuse the court and judge to get the same unjust temporary  
23 injunction over Defendant. The Appeals court ruled the previous court order was void  
24 and unconstitutional. Any proposed order would include unconstitutional prior restraint  
25 as Turner even included it in the final court order after specifically stating he could not

and would not. Both the temporary and final orders were reversed as they were unconstitutional.

Plaintiff's attorney Randy Turner took the previous temporary injunction and sent it to third parties demanding they remove the items written by people other than Defendant on sites not controlled by Defendant. ACLU-NC replied to one take down request by stating they do not have to legally remove the items (Letter from ACLU attorney to Randy Turner)<sup>3</sup>. The court order is not against ACLU-NC or IndybayMedia. They did not remove the item.

Randy Turner then illegally threatened to sue Google if they did not remove the items from search engine results. Google removed the items from search engine results. They can only be found using any search engine except Google.

Defendant removed everything in the court order even though Defendant knew it was void, unconstitutional and nothing was defamatory. Defendant did not replace the items ever.

Even after the Appeals Court reversed the order, Randy Turner took the void order and threatened to sue Google again if they did not remove all of Defendant's blogs which did not even include the name of Plaintiff. Google removed the blogs. Defendant sent the opinion to Google who then stated they would not remove the blogs again but were unable to return the blogs. The blogs were eight years old and contained 1,100 articles and none were about Plaintiff. They were educational or research articles besides obituaries of people. Defendant did not have a copy of the blogs never thinking

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<sup>3</sup> ACLU tells Randy Turner they will not remove the items.  
[https://www.aclunc.org/sites/default/files/asset\\_upload\\_file985\\_9987.pdf](https://www.aclunc.org/sites/default/files/asset_upload_file985_9987.pdf)

1 blogs about wildlife and obituaries would ever be removed. Randy Turner demanded  
2 them removed for harassment purposes only.

3 The purpose of the last and this injunction is not to remove “defamation” as there is  
4 none. It is to remove criminal evidence of Plaintiff’s commission of animal cruelty,  
5 animal abuse, animal neglect, violations of the Animal Welfare Act, Texas Health Dept  
6 regulations, Texas Parks & Wildlife, donor fraud, tax fraud and now forgery, fraud and  
7 perjury. Randy Turner also used the void court order to remove negative items written  
8 about himself by unrelated journalists and writers.  
9

10 Randy Turner’s other purpose for the injunction is to harass and harm Defendant as  
11 much as possible psychologically and financially. Randy Turner ordered Google to  
12 remove a press release about Defendant’s appeal<sup>4</sup> from search engine results. That  
13 was not in any court order yet Randy Turner threatened to sue Google if they did not  
14 remove it. You can only find it now using Yahoo. That means \$300 was wasted on the  
15 press release which no one can find.  
16

17 Randy Turner then took the unconstitutional and void court order and demanded that  
18 Google remove parts of Defendant’s business and ex-non-profit websites from search  
19 engine results. Entire directories are now excluded. Defendant is positive that Randy  
20 Turner will again abuse the court system to get a void and unconstitutional injunction  
21 with prior restraint to continue to harm Defendant and others.

22 In this case the court NEVER stated which items were defamatory. The opinion  
23 stated that Defendant should have requested a list of the alleged defamatory items and  
24 didn’t. There was never a specific list of items which were declared by the court as

25 <sup>4</sup> Mary Cummins appeals case prweb  
<http://www.prweb.com/releases/2012/6/prweb9611186.htm>

defamatory. It is not in the trial court order. The word defamation is not even in the order. Plaintiffs never stated at trial what they felt was defamatory. The final trial court order was just a take down order. It included items written by Plaintiff, government agencies, not about Plaintiff, made by others....

As no specific items have been declared defamatory by the court, no injunction on any items can be made as they have not been declared defamatory by the court.

Defendant objects to the hearing, the unseen motion for injunction and any order on 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, witness statements and physical evidence. Defendant requests a continuation of the hearing so Defendant can read the motion and investigate the exhibits. If the hearing is not continued and Defendant is not allowed to appear by phone, Defendant requests that Defendant can appear by this brief.

### **ARGUMENT**

Defendant objects to any court order as to items which do not show ALL of the elements of defamation against Defendant. Plaintiff must prove with independent third party evidence that Defendant wrote, posted the items on sites controlled by Defendant. Defendant objects to the removal of the 2011 USDA email written by Dr Laurie Gage in Colorado stating Plaintiff Lollar caused bats “pain, suffering and death,” “violated the Animal Welfare Act.” Plaintiff must prove the items are false and defamatory. Defendant objects to the removal of deposition transcript in which Plaintiff Lollar admits she is uneducated. Plaintiff must prove the items are about Plaintiff Lollar and no other. Bat World Sanctuary is not a Plaintiff in this case. Items about Bat World Sanctuary, other



1 members of Bat World Sanctuary, items about Plaintiff's attorney Randy Turner can't be  
2 included in an injunction.

3 Defendant objects to any order which does not specifically identify the alleged  
4 defamatory items by specific words and links. The order cannot be to remove all of  
5 Defendant's blogs, websites and pages. That would cause great damage to Defendant.  
6 Plaintiff Amanda Lollar is not mentioned in any blog or Facebook page written or  
7 controlled by Defendant. Defendant has not updated the litigation webpage since April  
8 2013. The items removed by the court order were never replaced. The entire directory is  
9 still excluded by Google search engine.  
10

11 Defendant objects to any item not first written or posted within the one year statute of  
12 limitations for defamation in Texas or which are identical to items which are not within  
13 the statute of limitations. That would be items written, posted within one year of the April  
14 2015 filing of this case i.e. April 2014. Items written or posted before April 2014 cannot  
15 be included in any injunction as they can never be defamation due to statute of  
16 limitations. Most of the government complaints Defendant posted about Plaintiff are  
17 over 15-20 years old.  
18

19 Defendant objects to any court order demanding the removal of privileged photos or  
20 videos taken with oral and written consent by Plaintiff. This includes the video of Plaintiff  
21 trying to perform an episiotomy on a bat and holding a rabid bat in Plaintiff's bare hand.  
22 In trial Plaintiff stated that no video or photos were defamatory.

23 Defendant objects to any order which would include the removal of legal filings,  
24 documents, items from the filings in this case. They are protected by litigation privilege  
25 and can never be defamation. The legal filings are also footnoted in Defendant's

appeals and motions. Links in Defendant's legal filings are included as part of litigation privilege as they are included in the legal filings.

Defendant objects to any order which would include the removal of Defendant's fair and privileged reports to authorities or items from those reports. Privileged reports to authorities can never be defamation. Plaintiff's attorney Randy Turner admitted this in trial.

Defendant objects to any order with prior restraint as it is unconstitutional. The Second Court of Appeals stated that prior restraint in the court order was unconstitutional. Plaintiff's attorney Randy Turner admitted that prior restraint was unconstitutional and could not be included in the order during closing arguments of the trial. Randy Turner still included prior restraint in the court order he wrote and sent to the Judge.

Defendant objects to any court order against third parties. Defendant Cummins is the only Defendant in this case. There are no John Does or other Defendants. The court order cannot be against Google, Blogger, Facebook, YouTube, Twitter or anyone other than Defendant.

Defendant demands that Plaintiff must show actual independent third party proof that Plaintiff will be damaged if the items are not removed.

Defendant demands that a \$100,000 bond be posted to cover damages caused by removal of items in any court order. A bond is mandatory in temporary injunctions.

### **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

**DEFENDANT'S UNOPPOSED OBJECTION TO HEARING ON MOTION FOR TEMPORARY INJUNCTION  
WHICH WAS NEVER FILED OR SERVED**

1 evidence to be presented at the hearing at least 21 days before the hearing as per  
2 Texas Rules of Civil Procedure. If Defendant is not allowed to view the documents  
3 before the hearing, Defendant requests a 28 day continuance. If a continuance is not  
4 given, Defendant requests to appear telephonically and by brief. In the alternative  
5 Defendant requests to appear by this brief.  
6

7 Respectfully submitted,

8 Mary Cummins, Defendant Pro se  
9 645 W 9th St, #110-140  
10 Los Angeles, CA 90015-1640  
11 Phone 310-877-4770  
12 Email: mmmaryinla@aol.com  
13 Date June 11, 2016

14 

15 By: \_\_\_\_\_

16 Mary Cummins, Defendant Pro Se  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CERTIFICATE OF CONFERENCE**

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

**CERTIFICATE OF SERVICE**

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

**Randy Turner**  
**Law Offices of Randall E. Turner, PLLC**  
4255 Bryant Irvin Rd. Suite 210  
Fort Worth, TX 76109  
Tel.: 817-420-9690  
Fax: 817-887-5717  
randy@randyturner.com  
this 11<sup>th</sup> day of June 2016



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