

1 MARY CUMMINS
2 Appellant In Pro Per
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
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8 COURT OF APPEALS

9 SECOND APPELLATE DISTRICT

10 MARY CUMMINS) Case No. B251854
11)
12 *Appellant*) MOTION FOR SANCTIONS CCP
13 *v.*) §128.5(a), §128.7(b)
14)
15 AMANDA LOLLAR)
16 *Appellee*)

17 Appellant Mary Cummins (“Cummins”) moves this Court to sanction Appellee and
18 their attorney Dean Rocco under §128.5(a), §128.7(b)(2) , and will show the court the
19 following:

20 **I. INTRODUCTION**

21 May 2, 2014 Appellant Pro Se Cummins timely filed Appellant’s opening brief.
22 Appellee had until May 3, 2014 to respond. May 2, 2014 Appellee asked for a 60 day
23 extension. Appellee stated the only purpose of the extension was because this case
24 involved complex issues of law which would take more time. No other reason was
25 given. Appellee clearly stated the purpose was not to delay or harass. Court granted the
26 extension. Appellee’s reply brief was due July 3, 2014.
27
28

1 July 1, 2014 Appellee asked for an additional extension. Appellant never received a
2 copy of that motion for extension. Court granted an additional extension for a total of
3 120 days. Appellee's reply brief was then due August 29, 2014.

4 Appellee has not filed their brief. Appellant asked Appellee if they would file a
5 reply brief with no response. September 9, 2014 Court notified Appellee of their
6 failure to file their reply brief. Appellee did not respond or file a reply brief as of
7 September 20, 2014. September 24, 2014 is Court's deadline for Appellee to respond
8 to notice of failure to file their reply brief.

9 Appellee never had any intention whatsoever of ever filing a reply brief. Appellee
10 asked for two extensions merely to delay proceedings to continue to harass and cause
11 serious emotional, physical and financial harm to Appellant.

12 **II. BACKGROUND**

13 This is an appeal from the denial of a restraining order. Appellant was never
14 allowed by the Superior Court Judge to present her case. Appellee Amanda Lollar has
15 been harassing, defaming, stalking, cyberstalking Appellant Cummins, her non-profit
16 Animal Advocates and her business as a real estate appraiser to try to cause as much
17 physical, emotional and financial harm as possible. Appellee went so far as to pay a
18 man to follow Cummins, trespass onto private property, videotape Appellant on private
19 property and hit Appellant.
20

21 Appellee and her attorney Dean Rocco of Wilson, Elser, Moskowitz, Edelman and
22 Dicker maliciously and fraudulently filed the motions for extensions so their client
23 Lollar could continue her relentless harassment, defamation, cyberstalking, stalking
24 and assaults against Appellant Cummins, her business and non-profit. Appellee Lollar
25 has continued her reign of terror by making over 400 blogs, websites, Facebook pages
26 devoted solely to attacking Appellant, her business and non-profit by posting libel per
27 se and defamation besides truly disgusting things of a sexual nature. Most of the
28 Facebook pages were removed as "hate speech," "threats of physical violence,"

1 “obscurity,” “sharing private information” and “harassment.” The blogs and websites
2 remain.

3 Appellee Lollar went so far as to assume the identity of Appellant to try to access
4 Appellant’s bank account and the account of a non-profit. Police reports were filed.
5 Appellee was identified as the perpetrator.

6 Appellee Lollar has posted that Appellant is a “convicted criminal,” who “murdered
7 animals,” “commits animal cruelty,” “murdered her neighbor,” “sued the Catholic
8 church,” “embezzled from her grandmother,” “tortures animals,” “is not a legal non-
9 profit,” “is not a legal corporation,” “has no Fish & Game permit” and other totally
10 false and truly disgusting things which are too revolting to even mention here.

11 Appellee is a **58 year old female** who has not gone past the 8th grade who has a 20
12 year plus history of severe mental instability, stalking, defaming, and harassing
13 doctors, scientists, politicians, neighbors, government agencies, officials, peace
14 officers, ex-lovers, ex-friends and experts. Appellant believes that Lollar is seriously
15 mentally ill besides dangerous. Lollar for some unknown reason continues to post
16 about Appellant in a sexual manner talking about “owning” her “tits,” “crotch,” and
17 “ass.” Appellant and Appellee were never friends or even colleagues and only met
18 briefly.
19

20 Appellee Lollar goes so far as to take photos of Appellant and photoshop semen on
21 Appellant’s face. Lollar has even photoshopped a photo of a Judge projectile vomiting
22 on Appellant’s face in a court of law. Appellee also partakes in extremely childish
23 name calling, calling Appellant whose name is “Mary Cummins” such names as “Mary
24 Scummins Dummins,” “Mary the dipshitidiot,” “Mary Cumbucket,” “Mary
25 Cumstain,” “FATTY FATTY FATTY FATSO” and “Mary is a butt fugly nigger nosed
26 dirty Mexican.” Appellant is part Mexican.

27 Appellee Lollar also attacks Appellant’s entire family, all friends, clients, associates
28 and files false reports to government agencies. All of this revolting juvenile behavior

1 has caused great emotional, financial and physical harm to Appellant. Appellee
2 requested the extensions not to file their reply but to merely continue to harass
3 Appellee and cause as much damage as possible which Appellee has done.

4 **III. ARGUMENT**

5 **A. Court may sanction a party under CCP §128.5 (a) for bad-faith actions**

6 128.5 (a) “Every trial court may order a party, the party's attorney, or both to pay
7 any reasonable expenses, including attorney' s fees, incurred by another party as a
8 result of bad-faith actions or tactics that are frivolous or solely intended to cause
9 unnecessary delay.” "Frivolous" means (A) totally and completely without merit or (B)
10 for the sole purpose of harassing an opposing party.”

11 **B. Court may sanction a party under CCP §128.7 (b)for bad-faith actions**

12 128.7(b) “By presenting to the court, whether by signing, filing, submitting, or later
13 advocating, a pleading, petition, written notice of motion, or other similar paper, an
14 attorney or unrepresented party is certifying that to the best of the person's knowledge,
15 information, and belief, formed after an inquiry reasonable under the circumstances, all
16 of the following conditions are met:

- 17 (1) It is not being presented primarily for an improper purpose, such as to harass or to
18 cause unnecessary delay or needless increase in the cost of litigation.
19 (2) The claims, defenses, and other legal contentions therein are warranted by existing
20 law or by a non-frivolous argument for the extension, modification, or reversal of
21 existing law or the establishment of new law.”
22

23 **IV. CONCLUSION**

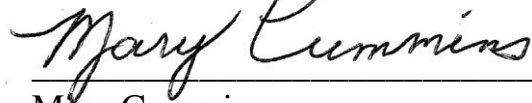
24 Appellee Lollar and her attorney Dean Rocco have clearly violated CCP 128.5(a)
25 and 127 (b) (2) by filing, signing frivolous and meritless motions for extensions when
26 they never had any intention of ever filing a reply brief. Appellee merely filed the
27 extensions so Appellee Lollar could continue her reign of terror, harassment, stalking
28 and assaults upon Appellant Cummins, her business and non-profit. Appellant believes

1 Appellee never filed a reply brief as they know they will lose the appeal and did not
2 want to expend the cost to reply even though Appellee have more than sufficient funds
3 for legal fees besides insurance.

4 **IV. PRAYER**

5 For the foregoing reasons Appellant Cummins requests that the Court sanction
6 Appellee Amanda Lollar and her attorney Dean Rocco for all costs, fees and financial
7 and other damages done to Appellant during the extensions and also punitive
8 sanctions for their outrageous, frivolous and malicious actions.

9
10 Respectfully submitted,

11 

12

Mary Cummins

13 Appellant

14 Dated: September 20, 2014

15 645 W. 9th St. #110-140

16 Los Angeles, CA 90015

17 In Pro Per

18 Telephone: (310) 877-4770

- 1 7. Appellee Lollar has caused considerable emotional, financial and physical harm
2 to me, my business, non-profit, family, friends, clients and business associates.
3 8. Appellee Lollar has filed false reports against me to government agencies
4 including but not limited to USDA and Fish & Wildlife.

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

7 Executed on September 20, 2014 at Los Angeles, California.

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9 By: Mary Cummins
10 MARY CUMMINS
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1 PROOF OF SERVICE BY MAIL
2 (FRCivP 5 (b)) or
3 (CCP 1013a, 2015.5) or
4 (FRAP 25 (d))

5 I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles,
6 California 90015-1640. I am over the age of eighteen years.

7 I further declare that on the date hereof I served a copy of:

8 **MOTION FOR SANCTIONS**


9 by USPS, fax and email to

10 **Rocco Dean**
11 **Dean.rocco@wilsonelser.com**
12 Wilson Elser Moskowitz Edelman & Dicker LLP
13 555 S. Flower Street - Suite 2900
14 Los Angeles, CA 90071-2407

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

17 Executed this day, September 20, 2014, at Los Angeles, California

18
19 Respectfully submitted,

20 
21 _____

22 Mary Cummins

23 Appellant In Pro Per

24 Dated: September 20, 2014

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