

*Lodged Proposed Order*

FILED

1 MARY CUMMINS  
2 Plaintiff  
3 645 W. 9th St. #110-140  
4 Los Angeles, CA 90015  
5 In Pro Per  
6 Telephone: (310) 877-4770  
7 Email: mmmaryinla@aol.com

2012 JUN 26 AM 11:02

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

BY AP

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 MARY CUMMINS

) Case No. CV11 08081 DMG (MANx)

12 *Movant*

13 v.

) NOTICE OF MOTION, AND  
) MOTION TO COMPEL  
) COMPLIANCE WITH SUBPOENA,  
) REQUEST FOR PRODUCTION

15 GOOGLE INC.,

16 *Respondent*

) *Date: July 29, 2012*  
) *10:00 a.m.*  
) *580 Royal*  
) *Judge Nagle*

19 NOTICE is hereby given of the filing of this motion pursuant to Rule 45(c)(2)(B) of  
20 the Federal Rules of Civil Procedure by Mary Cummins, Plaintiff in the case Mary  
21 Cummins v. Amanda Lollar, Bat World Sanctuary and John Does 1-10. This motion  
22 seeks to compel the Respondent, Google Inc. ("Google"), to comply with the subpoena  
23 that Mary Cummins has issued to it, and to produce the materials specified in that  
24 subpoena. Pursuant to Local Civil Rule 37-1(a), the undersigned represents that she  
25 has attempted to confer with counsel for Google with respect to this motion. Google  
26 had refused to respond until June 20, 2012 after Cummins emailed a copy of this  
27 proposed motion to Google Legal. Google has chosen to refuse to comply with the  
28

NOTICE OF MOTION, AND MOTION TO COMPEL COMPLIANCE WITH SUBPOENA, REQUEST FOR PRODUCTION

1 subpoena. In support of this motion, Mary Cummins is also filing the Declaration of  
2 Mary Cummins with exhibits attached.

3 This motion seeks an order from this Court directing Google to comply with the  
4 subpoena, and to produce the materials described therein. As will be explained in  
5 greater detail below, those materials would be of assistance to Plaintiff in its  
6 preparation of its case Mary Cummins v. Amanda Lollar, Bat World Sanctuary and  
7 John Does 1-10 No 11-CV-08081.

### 8 BACKGROUND

9 Plaintiff Mary Cummins filed suit against Amanda Lollar, Bat World Sanctuary and  
10 John Does 1-10 for libel, defamation on September 2011. Plaintiff did not have the  
11 identity of the John Does who had posted libel and defamation about her on the  
12 Internet on sites owned by Google. Cummins needs this information to add the John  
13 Does Defendants. Plaintiff also believes they are vital witnesses.

14 Plaintiff sent a notice of subpoena to Defendants on April 27, 2012 (Exhibit 1).

15 Plaintiff sent a subpoena via process server to Google on April 27, 2012 (Exhibit 2).  
16 Google responded via letter April 27, 2012 received May 3, 2012 (Exhibit 3) stating  
17 they would give Plaintiff the requested documents and data unless Google is notified  
18 that the users object or they intend to file a motion to quash. Google stated they would  
19 give the users 20 days then would give the data to Plaintiff by May 17, 2012.

20 Plaintiff has not received the documents and data requested. Plaintiff sent emails as  
21 instructed by Google to Google legal to inquire about the subpoena. Google had not  
22 responded until June 20, 2012 (Exhibit 4). Google stated that Stephen MacPhail  
23 attorney only representing Defendants Amanda Lollar, Bat World Sanctuary objects to  
24 the subpoena on the John Does.

25 Plaintiff contacted Defendants' attorney Stephen MacPhail. MacPhail stated he  
26 would file a motion to quash the subpoenas. MacPhail has not filed a motion to quash  
27 the subpoena.


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DISCUSSION

The identity of the John Does is vital to this case. Plaintiff cannot add the true names of the unknown parties without this information. Plaintiff also believes they are witnesses. Plaintiff believes that Defendants' Amanda Lollar, Bat World Sanctuary attorney MacPhail has been stalling so Plaintiff may miss a deadline. The identities must be known quickly because of the scheduling order time limits on adding parties and discovery. Plaintiff needs to immediately file an amended complaint with the entities' names. Plaintiff also needs the names in order to get a temporary injunction. Plaintiff is entitled to this information as the subpoena was served properly and legally. Google has given no objections to this subpoena.

CONCLUSION

For the foregoing reasons, the Movant, Mary Cummins, respectfully requests that this motion be granted and that the Respondent, Google, be compelled to comply with the subpoena issued to it. A proposed order is attached for the Court's convenience.

Respectfully submitted,  
  
Mary Cummins, Plaintiff  
Dated: June 24, 2012  
645 W. 9th St. #110-140  
Los Angeles, CA 90015  
In Pro Per  
Telephone: (310) 877-4770

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PROOF OF SERVICE BY MAIL  
(FRCivP 5 (b)) or  
(CCP 1013a, 2015.5) or  
(FRAP 25 (d))

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

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

**NOTICE OF MOTION, AND MOTION TO COMPEL COMPLIANCE WITH  
SUBPOENA, REQUEST FOR PRODUCTION**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640.

**Stephen M. MacPhail**  
Bragg & Kuluva  
555 S. Flower St., #600  
Los Angeles, CA 90071

I also faxed a copy to Stephen M. MacPhail at (213) 612-5712.  
I also emailed a copy to smacphail@braggkuluva.com

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

Executed this day, June 24, 2012, at Los Angeles, California

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: June 24, 2012

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

Los Angeles, CA 90015

In Pro Per

Telephone: (310) 877-4770

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PROOF OF SERVICE BY MAIL  
(FRCivP 5 (b)) or  
(CCP 1013a, 2015.5) or  
(FRAP 25 (d))

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

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

**NOTICE OF MOTION, AND MOTION TO COMPEL COMPLIANCE WITH  
SUBPOENA, REQUEST FOR PRODUCTION**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640.

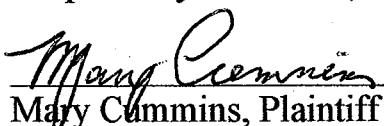
**Google Inc.**  
Legal Department  
1600 Amphitheatre Parkway  
Mountain View, California 94043

I also faxed a copy to (650) 887 1673  
I also emailed a copy to google-legal-support@google.com

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

Executed this day, June 24, 2012, at Los Angeles, California

Respectfully submitted,

  
Mary Cummins, Plaintiff


Dated: June 24, 2012  
645 W. 9th St. #110-140  
Los Angeles, CA 90015  
In Pro Per  
Telephone: (310) 877-4770

1 MARY CUMMINS  
2 Plaintiff In Pro Per  
3 645 W. 9th St. #110-140  
4 Los Angeles, CA 90015-1640  
5 Telephone: (310) 877-4770  
6 Email: [mmmaryinla@aol.com](mailto:mmmaryinla@aol.com)

7 UNITED STATES DISTRICT COURT  
8  
9 CENTRAL DISTRICT OF CALIFORNIA

9	MARY CUMMINS	)	Case No. CV11 08081 DMG (MANx)
10	<i>Plaintiff</i>	)	
11	v.	)	
12	AMANDA LOLLAR aka BAT	)	PLAINTIFF'S NOTICE OF
13	WORLD SANCTUARY an individual	)	SUBPOENA
14	person, BAT WORLD SANCTUARY	)	
15	an unknown business entity, JOHN	)	
16	DOES 1-10	)	
	<i>Defendants</i>	)	

17 PLEASE TAKE NOTICE, pursuant to Federal Rule of Civil Procedure 45, that the  
18 Plaintiff Mary Cummins intends to serve a Subpoena, in the forms attached hereto on  
19 Google/YouTube/Blogger, Yahoo, Great Non-Profits, Facebook, United States  
20 Department of Agriculture, California Department of Fish & Game (CADFG),  
21 CADFG Commission, City of Mineral Wells and Texas Parks & Wildlife Department  
22 on April 27, 2012 or as soon thereafter as service may be effectuated.

23 Respectfully submitted,  
24   
25 Mary Cummins, Plaintiff in Pro Per  
26 Dated: April 27, 2012  
27 645 W. 9th St. #110-140  
28 Los Angeles, CA 90015-1640

PLAINTIFF'S NOTICE OF SUBPOENA

*Exhibit 1*

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**PROOF OF SERVICE BY MAIL**  
(FRCivP 5 (b)) or  
(CCP 1013a, 2015.5) or  
(FRAP 25 (d))

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

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

**PLAINTIFF'S NOTICE OF SUBPOENA**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640.

**Stephen M. MacPhail**  
Bragg & Kuluva  
555 S. Flower St., #600  
Los Angeles, CA 90071

I also faxed a copy to Stephen M. MacPhail at (213) 612-5712.

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

Executed this day, April 27, 2012, at Los Angeles, California

Respectfully submitted,



Mary Cummins, Plaintiff  
Dated: April 27, 2012  
645 W. 9th St. #110-140  
Los Angeles, CA 90015-1640  
In Pro Per  
Telephone: (310) 877-4770

AU 555 (REV. 06/09) Subpoena to produce documents, information, or objects or to permit inspection of premises in a civil action

UNITED STATES DISTRICT COURT

for the

Central District of California

Mary Cummins

Plaintiff

Amanda Lollar aka Bat World Sanctuary, Bat World Sanctuary an unknown business entity and John Does

1-10

Defendant

Civil Action No. 2:11-cv-08081-DMG-MANx

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

Google Legal Investigations Support To: 1600 Amphitheater Parkway Mountain View, CA 94043

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material All documents, information, files that are sufficient to allow Plaintiff to identify the following Google, Blogger, YouTube user names, and users who control certain blogs. List of user names, blogs, accounts attached.

Place: 645 W. 9th St. #110-140, Los Angeles, CA 90015-1640 or email to mmmaryinla@aol.com Date and Time: Within 30 days

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: April 24, 2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Mary Cummins Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Mary Cummins - Plaintiff, who issues or requests this subpoena, are:

Mary Cummins, Plaintiff pro se, 645 W 9th St. #110-140, Los Angeles, CA 90015-1640 (310) 877-4770 mmmaryinla@aol.com Suit is for defamation and libel

Exhibit 2



Mary Cummins  
645 W. 9th St. #110-140  
Los Angeles, CA 90015-1640  
(310) 877-4770  
mmaryinla@aol.com

**SUBPOENA REQUEST**

Google, Blogger, YouTube user names, blogs

1. Blogger user names

A.Lollar

<http://www.blogger.com/profile/05067116935373479694>

LA Cyberstalker

<http://mary-cummins-animal-advocates-crackpo.blogspot.com/>

LLLoonyinla

<http://laanimalpals.blogspot.com>

Cyber-patrol

<http://thecyberstalker.blogspot.com/>

Mary Cummins

<http://www.blogger.com/profile/17166530864730724685>

2. Blogs

<http://victimsofmisscummins.blogspot.com>

<http://laanimalfriends.blogspot.com/>

<http://laanimal-friends.blogspot.com>

<http://laanimalpals.blogspot.com>

<http://annetestark.blogspot.com/>

<http://mary-cummins-animal-advocates-crackpo.blogspot.com>

<http://animal-nutz.blogspot.com>

<http://marycummins.blogspot.com>

<http://civil-lawsuit-los-angeles.blogspot.com>

<http://thecyberstalker.blogspot.com/>

<http://anetestark.blogspot.com/>

<http://maryispoor.blogspot.com/>

3. YouTube user names

batworldsanctuary

<http://www.youtube.com/batworldsanctuary>

brittonbearclaw  
<http://www.youtube.com/brittonbearclaw>

batfriendify  
<http://www.youtube.com/batfriendify>

bwsvmc  
<http://www.youtube.com/bwsvmc>

wingedsonar  
<http://www.youtube.com/wingedsonar>

msjryan72  
<http://www.youtube.com/msjryan72>

clara24CA  
<http://www.youtube.com/clara24CA>

Mandy01601  
<http://www.youtube.com/Mandy01601>

MrAngelfish43  
<http://www.youtube.com/MrAngelfish43>

PhrynosomaTexas  
<http://www.youtube.com/PhrynosomaTexas>

kerrykesler  
<http://www.youtube.com/kerrykesler>

Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043



Fax: 650.887.1673  
google-legal-support@google.com  
www.google.com

April 27, 2012

*Via Express Courier Only*

Mary Cummins  
645 W 9th St #110-140  
Los Angeles, California 90015-1640  
310-877-4770

**Re: Mary Cummins v. Amanda Lolla aka Bat World Sanctuary, Bat World  
Sanctuary and John Does 1-10, US District Court, Central District of California,  
2:11-cv-08081-DMG-MANx (Internal Ref. No. 225871)**

Dear Mary Cummins:

We have received your subpoena for documents, dated April 24, 2012, in the above-referenced matter. As we understand it, you are seeking documents related to multiple Blogger, YouTube accounts.

This letter is to advise you that Google has forwarded notice of this matter, including your name and contact information, to the users at the email address provided by the user. Unless Google is informed of the user's objection and/or intent to file a motion to quash, Google will respond to the subpoena 20 days from the date of notification. Please note that Google reserves the right to object to the subpoena in its response.

Google objects to the requests in the subpoena to the extent they seek information already in Plaintiff's possession or available to Plaintiff from some other source that is more convenient, less burdensome or less expensive, including information available to Plaintiff from public sources. This means that if you are seeking account or other information from Google that is equally available from a party in the litigation, Google objects to that request on that basis. Google also objects to the requests to the extent they seek information containing confidential financial, proprietary or trade secret information, or any information subject to a confidentiality agreement or protective order. While Google does not require a protective order for production of its non-confidential information, Google will only produce information it deems confidential pursuant to a confidentiality agreement or protective order that it deems suitable for the protection of its confidential information. Please provide a confidentiality agreement or protective order if you intend to seek confidential documents of Google in your requests, as we will not produce confidential information without entry of a protective order that we deem suitable to protect the confidentiality of our documents.

Google further objects to the requests to the extent they seek information protected by any privilege, including the attorney-client privilege, work product immunity doctrine, common interest privilege, or any other applicable privilege, immunity, or restriction on discovery. We also object to the requests to the extent that they are irrelevant, overly broad, vague, ambiguous, unlimited in time or scope, fail to identify the information sought with reasonable particularity, or impose an undue burden on Google. Google objects to the requests to the extent that they seek information that is not relevant or reasonably likely to lead to the discovery of admissible evidence.

*Exhibit 3* | *legal-civil@google.com*  
*legal-support@*  
*google.com* (650) 249 3429 box  
(650) 253 3425

Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, California 94043



Fax: 650.887.1673  
google-legal-support@google.com  
www.google.com

If you have any questions, please feel free to contact the Legal Support Department at  
GOOGLE-LEGAL-SUPPORT@GOOGLE.COM. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ted Charlton".

Ted Charlton  
Legal Investigations Support

From: "Google Legal Support" <google-legal-support@google.com>  
Subject: **Re: Subpoena - Internal Ref. No. 225871 - motion to compel productionsubpoena**  
Date: June 20, 2012 2:14:50 PM PDT  
To: "Mary Cummins" <mmmaryinla@aol.com>

---

Dear Ms. Cummins,

I just tried to reach you at the number you provided and was only able to leave a voice message.

Sincerely,  
Ted

Original Message Follows:

---

From: Mary Cummins <mmmaryinla@aol.com>  
Subject: Subpoena - Internal Ref. No. 225871 - motion to compel production subpoena  
Date: Wed, 20 Jun 2012 13:05:46 -0700

I will be filing a motion to compel Google to produce the documents requested in the legally served subpoena. Attached is a copy of the motion. This is legal notice of a request to meet and confer. I have contacted you three times and have not heard back. I will file tomorrow morning. I have not received a motion to quash from anyone. I need these documents and data immediately due to time limits in the scheduling order. Thanks. 310 877 4770

Mary Cummins  
MMMARYinLA@AOL.COM

Exhibit 4