

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](mailto:mmmaryinla@aol.com)

8 UNITED STATES DISTRICT COURT  
9  
10 CENTRAL DISTRICT OF CALIFORNIA  
11  
12 WESTERN DIVISION

11 MARY CUMMINS ) Case No. CV11 08081 DMG (MANx)  
12 Plaintiff )  
13 v. )  
14 AMANDA LOLLAR aka BAT ) PLAINTIFF'S RESPONSE TO  
15 WORLD SANCTUARY an individual ) DEFENDANTS' OPPOSITION TO  
16 person, BAT WORLD SANCTUARY ) EXTEND DISCOVERY TIME  
17 an unknown business entity, JOHN ) PERIODS AND ADD DEFENDANTS  
18 DOES 1-10 ) Date: July 24, 2012  
19 Defendants ) Time 10:00 a.m.  
20 ) Courtroom: 580  
21 ) Magistrate Judge Margaret A. Nagel

22 Plaintiff responds to Defendants' opposition to Plaintiff's motion to extend  
23 discovery time periods and add defendants.

24 **I. INTRODUCTION**

25 Plaintiff is not an attorney but a pro se litigant. Defendants' attorney Stephen  
26 MacPhail wrote the scheduling order which Plaintiff signed. Plaintiff did not fully  
27 understand the nature of all of the deadlines in the order. Because Plaintiff did not get  
28 the results of a subpoena to Google, Plaintiff was forced to file a motion to compel.  
Because Plaintiff still has not received the results of the subpoena, Plaintiff needs more  
time for discovery and to add parties. The data requested in the subpoena is the identity

1 of the John Doe defendants which must be added to this case. Plaintiff believes  
2 Defendant Lollar is one or more of the John Does. For this reason Plaintiff filed a  
3 motion to extend discovery time and add defendants.

## 4 **II. FACTUAL BACKGROUND**

5 Plaintiff filed discovery requests on Defendants February 14, 2012. Defendants  
6 were late in replying. They refused to hand over some documents promised. Plaintiff  
7 was forced to file a motion to compel. Only after Plaintiff filed the motion did  
8 Defendants turn over some of the requested discovery. Plaintiff believes Defendants  
9 did not turn over all documents requested.

10 Plaintiff is not an attorney but a real estate appraiser. While Plaintiff has read the  
11 court rules and regulations, she has not gone to law school. Plaintiff did not correctly  
12 interpret the deadlines in the scheduling order which Defendants' attorney wrote.

13 Plaintiff did make mistakes in the first set of subpoenas which were sent. Plaintiff  
14 then corrected the mistakes and had a process server re-send the subpoenas properly.

15 This complaint is against Amanda Lollar, Bat World Sanctuary AND John Does  
16 1-10. Plaintiff believes one or more of the John Does are Defendant Amanda Lollar.  
17 Plaintiff needs to confirm the identity to attribute the libelous and defamatory  
18 statements to Defendant Lollar. Plaintiff also believes the John Does are witnesses who  
19 are working in direct concert with Defendant Lollar. Allowing Plaintiff to extend  
20 discovery and add parties would not harm or prejudice the rights of Defendants in any  
21 way.

## 22 **II. LEGAL ARGUMENT**

### 23 **A. Good cause for a continuance of a cut-off date to add parties or amend the** 24 **complaint.**

25 Plaintiff believes she has good cause for a continuance. Plaintiff is not an attorney  
26 but a pro se litigant. Plaintiff has been diligent in this case. In fact Plaintiff came before  
27 Judge Nagel via phone hearing and stated she needed to depose Defendant quickly  
28

1 because she was a pro se and may make mistakes. Plaintiff specifically said she fears  
2 she may make a mistake with subpoenas and discovery requests and need more time to  
3 correct the mistakes. This has happened with the subpoenas. The delay is getting the  
4 results of the subpoena was also caused by Google and Defendants.

5 During the course of this case Defendants Lollar and John Does have posted even  
6 more libel and defamation on the Internet. Plaintiff did not know all of the user names  
7 or see all of the libelous posts until after she filed the complaint. To this day Defendant  
8 Lollar and the John Does continue to post libel about Plaintiff on the Internet.

9 Plaintiff would agree to modify all of the dates in the scheduling order so there is no  
10 prejudice against any party.

11 **B. Plaintiff has established good cause for a continuance of the discovery cut-off.**

12 Defendants' attorney Stephen MacPhail wrote the scheduling order. Plaintiff did not  
13 understand all of the cut-off dates. For instance Plaintiff thought that discovery  
14 requests must be sent out by July 3, 2012 and not received by July 3, 2012. Had  
15 Google complied with the subpoena as they promised, the data would have been  
16 received in time. Plaintiff would have added the John Doe defendants in time. Again,  
17 Plaintiff believes that some of the John Does are Defendant Lollar. The others are  
18 friends who are working in direct concert with Defendant Lollar. They are witnesses.  
19 They are not unrelated acts by unrelated persons.

20 **III. CONCLUSION**

21 Based on the foregoing, Plaintiff respectfully requests that the court approves  
22 Plaintiff's motion to extend discovery and add parties.

23  
24 Respectfully submitted,

25  
26 \_\_\_\_\_  
27 Mary Cummins, Plaintiff  
28 Dated: July 5, 2012  
645 W. 9th St. #110-140  
Los Angeles, CA 9001

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 **PLAINTIFF'S RESPONSE TO DEFENDANTS' OPPOSITION TO EXTEND  
9 DISCOVERY TIME PERIODS AND ADD DEFENDANTS**

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

13 **Stephen M. MacPhail**  
14 Bragg & Kuluva  
15 555 S. Flower St., #600  
16 Los Angeles, CA 90071

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

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

20 Executed this day, July 5, 2012, at Los Angeles, California

21 Respectfully submitted,

22  
23 \_\_\_\_\_  
24 Mary Cummins, Plaintiff  
25 Dated: July 5, 2012  
26 645 W. 9th St. #110-140  
27 Los Angeles, CA 90015  
28 In Pro Per  
Telephone: (310) 877-4770

**DECLARATION OF MARY CUMMINS**

I, Mary Cummins, hereby declare:

1. If called upon to testify I could and would testify truthfully as to matters set forth herein.
2. I am a real estate appraiser licensed to practice in California. I am not an attorney.
3. I filed discovery requests on Defendants February 14, 2012.
4. Defendants were late in sending me the documents. They forced me to file a motion to compel. Only after I filed the motion to compel did Defendants turn over two more documents. They did not turn over all documents requested.
5. I believe one or more of the John Does is Defendant Lollar. In one response to subpoena an anonymous poster was found to indeed be Lollar.
6. I believe the other John Does are friends of Lollar working in concert with her to libel and defame me.

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

Dated this 5th day of July 2012 at Los Angeles, California

\_\_\_\_\_  
Mary Cummins