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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-4902-GHK (MRWx)	Date	July 30, 2012
Title	<i>Mary Cummins v. Amanda Lollar, et al.</i>		

Presiding: The Honorable**GEORGE H. KING, U. S. DISTRICT JUDGE**

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order to Show Cause

On June 5, 2012, Plaintiff Mary Cummins (“Plaintiff”) filed this Complaint asserting claims for negligence, negligent interference with prospective economic advantage, and negligent infliction of emotional distress against Defendants Amanda Lollar (“Lollar”) and Bat World Sanctuary (“Bat World” and, collectively, “Defendants”). The claims are based on Plaintiff’s allegations that while an intern at Bat World in Mineral Wells, Texas, Plaintiff hit her head on a piece of wood, fell, and injured her head and back. On July 6, 2012, we issued an Order to Show Cause (“OSC”) why this action should not be dismissed or transferred for improper venue.

On July 9, 2012, Plaintiff filed a First Amended Complaint (“FAC”).¹ In addition to the claims asserted in the first Complaint, Plaintiff’s FAC now also asserts claims for negligent infliction of emotional distress, defamation, defamation per se, intentional interference with business relations, intentional interference with prospective economic advantage, and harassment. These additional claims are based on a different factual predicate – Plaintiff’s allegations that after she returned to California, Defendants harassed and ridiculed her on the internet. The FAC also now asserts that venue is proper because “Plaintiff has been harassed, defamed and financially damages in California.” (FAC ¶ 22).

The claims Plaintiff adds in the FAC – the only claims in the FAC that appear to be tethered to this venue – and the factual predicate for those claims appear to be identical to claims already pending in this district before Judge Dolly M. Gee. *See Mary Cummins v. Amanda Lollar, et al.*, CV 11-8081, Dkt. No. 21. Accordingly, it appears that Plaintiff filed her FAC in bad faith – in an effort to establish venue in this action over Plaintiff’s claims arising out of her injuries that occurred at Bat World in Mineral Wells, Texas. We view such tactics with disfavor. Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE**, in writing, **within seven (7) days hereof**, why the new claims and factual allegations asserted in the FAC should not be dismissed. Plaintiff’s failure to timely and adequately show cause

¹ Plaintiff’s FAC was filed as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(B), because it was filed within twenty-one days of Defendants’ Motion to Dismiss or Transfer for Improper Venue.

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will be deemed her admission that these claims were improperly added. In that event, we will dismiss these claims, without prejudice, and transfer this action to the U.S. District Court for the Northern District of Texas.

IT IS SO ORDERED.

Initials of Deputy Clerk

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