

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

8 UNITED STATES DISTRICT COURT  
9  
10 CENTRAL DISTRICT OF CALIFORNIA  
11  
12 WESTERN DIVISION  
13

11 MARY CUMMINS  
12 *Plaintiff*

14 v.

16 AMANDA LOLLAR, DENISE  
17 TOMLINSON, DOROTHY HYATT,  
18 MICHELLE MCCAULLEY, BAT  
19 WORLD SANCTUARY an unknown  
20 business entity, REBECCA  
21 DMYTRYK, REBECCA DMYTRYK  
22 aka WILDRESCUE, WILDRESCUE an  
23 unknown business entity, JOHN DOES  
24 1-10  
25 *Defendants*

) Case No. CV12-04902-GHK (MRWx)  
)  
) FIRST AMENDED COMPLAINT  
) FOR:  
)  
) (1) NEGLIGENCE;  
) (2) NEGLIGENT INTERFERENCE  
) WITH PROSPECTIVE  
) ECONOMIC ADVANTAGE;  
) (3) NEGLIGENT INFLICTION OF  
) EMOTIONAL DISTRESS  
) (4) INTENTIONAL INFLICTION OF  
) EMOTIONAL DISTRESS;  
) (5) DEFAMATION;  
) (6) DEFAMATION PER SE;  
) (7) INTENTIONAL INTERFERENCE  
) WITH BUSINESS RELATIONS;  
) (8) INTENTIONAL INTERFERENCE  
) WITH PROSPECTIVE  
) ECONOMIC ADVANTAGE;  
) (9) HARASSMENT  
)  
) DEMAND FOR JURY TRIAL

25 Plaintiff in pro per Mary Cummins ("Cummins") alleges as follows:

26 **INTRODUCTION**

27 1. Cummins is a California licensed real estate appraiser and expert witness with over  
28 25 years of experience. Cummins devotes a substantial portion of her time and

1 resources to philanthropic endeavors such as California non-profit organization  
2 Animal Advocates.

3 2. May 2010 Cummins was forwarded a notice of internship from someone in  
4 California.

5 3. May 2010 Amanda Lollar President of Bat World Sanctuary via email to Cummins  
6 in California asked Cummins to be an intern at Bat World Sanctuary. Cummins took  
7 time away from her real estate appraisal business and non-profit to intern at Bat  
8 World Sanctuary.

9 4. While Cummins was at Bat World Sanctuary Amanda Lollar instructed Cummins to  
10 enter the "wild sanctuary" building at 115 N.E. 1st St., Mineral Wells, Texas.  
11 Cummins was instructed to put on a hair net/hat, booties and a head lamp to enter  
12 the darkened building to clean guano and check for ill, injured and orphaned bats.  
13 Cummins was further instructed to climb up a step stool to climb through a window  
14 to go out onto the roof of the building to look for bats outside. While Cummins  
15 attempted to climb through the window on June 23, 2010 she hit her head on a piece  
16 of wood. Cummins then fell backward injuring both her head and back passing out  
17 onto the hard floor. Cummins did not know that the building did not have an  
18 occupancy permit and was not up to code at the time she entered the building.

19 5. Cummins left the internship early. Immediately upon her return she visited doctors  
20 and medical practitioners to receive medical attention

21 6. After Plaintiff was injured and returned to California Defendants harassed and  
22 ridiculed Plaintiff on the Internet falsely stating Plaintiff merely "bumped" her head  
23 and was demanding "\$2,500 for a cat-scan."

24 7. After Cummins returned to California Cummins reported Amanda Lollar for animal  
25 cruelty, animal neglect, violations of the health code, violations of Texas Parks &  
26 Wildlife regulations, violations of the Animal Welfare Act.

1 8. In retaliation for reporting Lollar, Lollar libeled and defamed Cummins. Plaintiff  
2 sued Lollar for that libel, defamation on September 2011.

3 9. In retaliation for suing Lollar for libel, defamation, Lollar and and now her friends  
4 John Does 1-10 defamed and harassed Plaintiff even more.

5 a. Defendants falsely posted "Mary Cummins uses googlebomb to spread defamation,"  
6 July 6, 2012 on Twitter, "Mary Cummins is charged with criminal contempt of court"  
7 July 8, 2012 on Twitter, "@MMMARYINLA how to commit defamation without  
8 getting caught. ME: unfucking believable" July 6, 2012 retweeted by Amanda Lollar's  
9 friend Eric Shupps @eshupps (Exhibit 1). They have also posted links to defamatory  
10 websites such as laanimalpals.blogspot.com and mary-cummins-animal-advocates-  
11 crackpo.blogspot.com which state that Plaintiff "has a criminal record," Plaintiff was  
12 "convicted" of "theft of property, forged name on credit card," Plaintiff is a  
13 "cyberstalker," "cybersquatter," Plaintiff was "picked up by police," Plaintiff "hacked  
14 into our website" and "email list," Plaintiff was "picked up by the LAPD anti-terrorism  
15 task force," Plaintiff "posts pornography in children's chat rooms," Plaintiff "commits  
16 animal cruelty," Plaintiff "tortures animals," and Plaintiff is a "whore." Plaintiff sent  
17 cease and desist emails to Defendants stating the items were false yet Defendants  
18 continue to state these things.

19 b. Defendants started harassing Plaintiff by posting many websites, blogs and Twitter  
20 accounts directed only toward Plaintiff posting libelous and harassing things about  
21 Plaintiff including private information from her California Driver's License (Exhibit 1)  
22 and highly edited videos from her deposition (Exhibit 2) which reveal confidential and  
23 personal information about Plaintiff's finances and permits. The websites include but  
24 are not limited to marycumminss.wordpress.com, marycumminsgooglebomb.com,  
25 marycumminslawsuits.com, victimsofmisscummins.blogspot.com, amandalollar.com,  
26 amandalollar.net, marycumminslorsttoranafdyturnerattorney.com. There are at least 30  
27 websites and blogs made by Defendants within the last two months only about  
28

1 Plaintiff. They serve no other purpose but to harass and defame Plaintiff. Defendants  
2 are trying to spam the search engines so that if anyone searches for "Mary Cummins"  
3 they end up at Defendants' defamatory websites instead in the hopes of destroying  
4 Plaintiff's business and source of income. Defendants posted 70 highly edited videos  
5 of Plaintiff's deposition on YouTube without Plaintiff's consent. They even placed ads  
6 on these videos. These videos are edited, titled and described to the point of being  
7 defamatory. They contain such false statements as "bats escaping," "spreading  
8 defamation to thousands," "encouraging others to spread defamation," "CA Fish and  
9 Game reprimand trouble," "suspicious hacking," "terrorist-cyberstalking  
10 statements" (Exhibit 2). All of this behavior has caused severe emotional distress and  
11 financial damages to Plaintiff.

#### 12 PARTIES

13 10. Plaintiff Mary Cummins is a resident of Los Angeles County who also maintains  
14 her principal place of business here as well.

15 11. Bat World Sanctuary President Amanda Lollar is a resident of Palo Pinto County,  
16 Texas.

17 12. Bat World Sanctuary Treasurer Denise Tomlinson is a resident of Port Charlotte,  
18 Florida.

19 13. Bat World Sanctuary Vice President Dorothy Hyatt is a resident of Roanoke, Texas.

20 14. Bat World Sanctuary Secretary Michelle McCaulley is a resident of Corrales, New  
21 Mexico.

22 15. Bat World Sanctuary is an unknown business entity located in Palo Pinto County,  
23 Texas.

24 16. Rebecca Dmytryk is a resident of Monterey, California.

25 17. Rebecca Dmytryk aka WildRescue is a resident of Monterey, California.

26 18. WildRescue, an unknown business entity, in Monterey, California.  
27  
28

1 19. Cummins is unaware of the names and true capacities of defendants, whether  
2 individual, corporate and/or partnership entities, named herein as DOES 1 through 10,  
3 inclusive, and therefore sues them for their fictitious names. Cummins will seek leave  
4 to amend this complaint when the true names and capacities of DOES 1 through 10,  
5 inclusive, are ascertained. Cummins is informed and believes, and based thereon  
6 alleges than the above-listed defendants and DOES 1 through 10, inclusive, are in  
7 some manner responsible for the wrongs alleged herein, and that at all times referenced  
8 each was the agent and servant of the other defendants and was acting within the  
9 course and scope of said agency and employment.

10 20. Cummins is informed and believes, and based thereon alleges, that at all relevant  
11 times herein, each of the defendants, including DOES 1 through 10, inclusive  
12 (collectively "Defendants") directly knew or reasonably should have known of the acts  
13 and behavior alleged herein and the damages caused thereby, and by their actions and/  
14 or inaction directed, ratified and encouraged such acts and behavior. Cummins further  
15 alleges that Defendants had a non-delegable duty to prevent such acts and the behavior  
16 described herein, which duty Defendants failed and/or refused to perform.

### 17 JURISDICTION AND VENUE

18 21. This court has subject matter jurisdiction based on complete diversity of citizenship  
19 pursuant to 28 U.S.C. § 1332. Defendants are located in Texas, Florida, California and  
20 New Mexico. John Doe defendants may be located in other states. Damages resulting  
21 from the matter exceed \$75,000 exclusive of costs. Plaintiff requests exemplary and  
22 punitive damages in the amount of \$500,000.

23 22. Venue in this district is proper under 28 U.S.C. § 1391(a) because a substantial part  
24 of the events or omissions giving rise to the damages occurred in this district and  
25 Cummins is a resident of Los Angeles County, California. Plaintiff has been harassed,  
26 defamed and financially damaged in California.

1 23. Venue is proper in this Court because at least four of the witnesses are residents of  
2 Los Angeles County, California and two of the Defendants are in states other than  
3 California or Texas.

4 24. Venue is proper in this Court because the John Does may be located in states other  
5 than California or Texas.

6 25. Cummins was approached by Amanda Lollar, Bat World Sanctuary via email sent  
7 to her in Los Angeles County, California.

8 26. Cummins was first introduced to Bat World Sanctuary via their California location  
9 in San Diego called "Bat World San Diego."

10 **FIRST CAUSE OF ACTION**

11 **NEGLIGENCE**

12 **Against All Defendants**

13 27. Cummins incorporates by reference each of the allegations contained in paragraphs  
14 1 through 26, inclusive, in this claim for relief.

15 28. Defendants owed a duty to exercise the use of ordinary care to prevent injury to  
16 others, including Cummins.

17 29. Defendants breached their duty to Cummins by failing to act in a manner consistent  
18 with the standard of care exercised by the average reasonable person.

19 30. Defendants' negligent acts or omissions were a substantial factor in bringing about  
20 Cummins' injury. Defendants did not tell Cummins that the building did not have an  
21 occupancy permit, was not up to code, the premises were dangerous and the step stool  
22 was unstable.

23 31. As a direct and legal result of said conduct, Cummins has suffered substantial  
24 injury causing damages in an amount according to proof at trial, but in no event  
25 less than the jurisdictional minimums of this Court.

26 ///

27 ///

1 SECOND CAUSE OF ACTION

2 NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC  
3 ADVANTAGE

4 **Against All Defendants**

5 32. Cummins incorporates by reference each of the allegations contained in  
6 paragraphs 1 through 26, inclusive, in this claim for relief.

7 33. Cummins had work booked for her return to California following her internship at  
8 Bat World Sanctuary.

9 34. Defendants owed a duty of care to Cummins based on the existence of a special  
10 relationship between the parties.

11 35. Defendants wrongfully interfered with the relationship between Cummins and her  
12 clients. Cummins was not able to work as a result of her injury. Cummins lost clients  
13 and employment.

14 36. As an actual and foreseeable result of Defendants' negligent interference, Cummins  
15 has suffered damages in an amount to be proven at the time of trial, but in no event less  
16 than the jurisdictional minimums of this Court.

17 THIRD CAUSE OF ACTION

18 NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

19 **Against All Defendants**

20 37. Cummins incorporates by reference each of the allegations contained in paragraphs  
21 1 through 26, inclusive, in this claim for relief.

22 38. Defendants' conduct was outrageous.

23 39. Defendants' negligence caused Plaintiff emotional distress. Defendants acted with  
24 reckless disregard of the rights, privileges and economic advantages of Plaintiff.

25 40. As a direct consequence of Defendants' actions as described herein, Plaintiff  
26 suffered and continues to suffer severe emotional distress.

1 41. Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional  
2 distress.

3 **FOURTH CAUSE OF ACTION**

4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

5 **Against All Defendants**

6 42. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
7 through 18 of this complaint, as though fully set forth herein.

8 43. Defendants' conduct was outrageous.

9 44. Defendants intended to cause Plaintiff emotional distress and they acted with  
10 reckless disregard of the rights, privileges and economic advantages of Plaintiff.

11 45. As a direct consequence of Defendants' actions as described herein, Plaintiff  
12 suffered and continues to suffer severe emotional distress.

13 46. Defendants' conduct was a substantial factor in causing Plaintiff's severe  
14 emotional distress.

15 **FIFTH CAUSE OF ACTION**

16 **DEFAMATION**

17 (California Civil Code §§ 44, 45a, and 46)

18  
19 47. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
20 through 26 of this complaint, as though fully set forth herein.

21 48. Defendants knowingly published false statements of fact such as but not  
22 limited to Plaintiff "has a criminal record," Plaintiff was "convicted" of "theft of  
23 property, forged name on credit card," Plaintiff is a "cyberstalker," "cybersquatter,"  
24 Plaintiff was "picked up by police," Plaintiff "hacked into our website" and "email  
25 list," Plaintiff was "picked up by the LAPD anti-terrorism task force," Plaintiff "posts  
26 pornography in children's chat rooms," Plaintiff "commits animal cruelty," Plaintiff  
27 "tortures animals," and Plaintiff is a "whore." Defendants knew or should have known  
28 that the statements of fact made against Plaintiff were false.



1 49. Defendants were not privileged to publish false statements about Plaintiff.

2 50. The false statements published by Defendants have a natural and inherent  
3 tendency to injure Plaintiff's reputation and expose Plaintiff to public ridicule and  
4 shame.

5 51. Defendants acted with malice, oppression and fraud in publishing the false  
6 statements of fact as described herein.

7 52. As a direct result of Defendants' conduct set forth herein, Plaintiff has  
8 suffered and will continue to suffer lost income, damages to reputation, shame,  
9 humiliation, and emotional suffering.

10 **SIXTH CAUSE OF ACTION**

11 **DEFAMATION PER SE**

12 (California Civil Code § 45a)

13  
14 53. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
15 through 26 of this complaint, as though fully set forth herein.

16 54. Defendants knowingly published false statements of fact such as but not  
17 limited to Plaintiff "has a criminal record," Plaintiff was "convicted" of "theft of  
18 property, forged name on credit card," Plaintiff is a "cyberstalker," "cybersquatter,"  
19 Plaintiff was "picked up by police," Plaintiff "hacked into our website" and "email  
20 list," Plaintiff was "picked up by the LAPD anti-terrorism task force," Plaintiff "posts  
21 pornography in children's chat rooms," Plaintiff "commits animal cruelty," Plaintiff  
22 "tortures animals," and Plaintiff is a "whore." Defendants knew or should have known  
23 that the statements of fact made against Plaintiff were false.

24 55. Defendants were not privileged to publish false statements about Plaintiff.

25 56. The false statements published by Defendants have a natural and inherent  
26 tendency to injure Plaintiff's reputation and expose Plaintiff to public ridicule and  
27 shame.

1 57. Defendants acted with malice, oppression and fraud in publishing the false  
2 statements of fact as described herein.

3 58. The false statements of fact published by Defendants constitute defamation  
4 per se, i.e. broadcast or written publication of a false statement about another which  
5 accuses him/ her of a crime, immoral acts, inability to perform his/her profession,  
6 having a loathsome disease or dishonesty in business.

7 59. As a direct result of Defendants' conduct set forth herein, Plaintiff has  
8 suffered and will continue to suffer lost income, damages to reputation, shame,  
9 humiliation, and emotional suffering.

10 **SEVENTH CAUSE OF ACTION**

11 **INTENTIONAL INTERFERENCE WITH BUSINESS RELATIONS**

12 (California Business and Professions Code § 17200)

13  
14 60. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
15 through 26 of this complaint, as though fully set forth herein.

16 61. Plaintiff has a real estate appraisal business and non-profit organization.

17 62. Defendants intended to damage and have damaged Plaintiff personally,  
18 Plaintiff's real estate business and non-profit organization Animal Advocates.

19 **EIGHTH CAUSE OF ACTION**

20 **INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC**  
21 **ADVANTAGE**

22 (California Business and Professions Code § 17200)

23  
24 63. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
25 through 26 of this complaint, as though fully set forth herein.

26 64. Defendants' wrongful conduct are a substantial factor in causing injury to  
27 Plaintiff's existing and future economic relationships.

28 ///

1 **NINTH CAUSE OF ACTION**

2 **HARASSMENT**

3 (California Civil California Code of Civil Procedure § 527.6(b))

4 65. Plaintiff realleges and incorporates herein the allegations of paragraphs 1  
5 through 26 of this complaint, as though fully set forth herein.

6 66. Defendants' wrongful conduct are a substantial factor in causing injury to  
7 Plaintiff. Defendants' knowing and willful course of conduct directed at Plaintiff  
8 seriously alarms, annoys, and harasses Plaintiff. Defendants' conduct has caused  
9 Plaintiff to suffer substantial emotional distress.

10 **REQUEST FOR PERMANENT INJUNCTION**

11 Upon final trial of the merits of this cause, Plaintiff requests that this Court enter  
12 an order permanently enjoining Defendants from allowing the false statements  
13 described above to remain on the Internet, be reposted on the Internet or  
14 communicated in any form. Plaintiff further requests that Defendants be ordered to  
15 *stop harassing Plaintiff and to remove harassing items from the Internet.*

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Cummins requests the following judgment against Defendants, and  
18 each of them, jointly and severally, for:

- 19 1. For an order of compensatory, special, consequential and incidental damages caused  
20 by the negligent conduct of Defendants, and each of them, in an amount to be  
21 proven at trial but in no event less than the jurisdictional minimums of this Court  
22 \$75,000;
- 23 2. Economic loss and loss of other benefits due as a result of defendants' wrongful  
24 conduct in an amount to be determined at trial;
- 25 3. Damages of pain, suffering and emotional distress, in an amount to be determined at  
26 trial;
- 27 4. For an order of exemplary and punitive damages of \$500,000;
- 28

- 1 5. For interest, reasonable attorneys fees and costs of suit;  
2 6. Such other and further relief as the Court deems just and proper.

3  
4 Respectfully submitted,

5 

6 

---

Mary Cummins, Plaintiff

7 Dated: July 9, 2012

8 645 W. 9th St. #110-140

9 Los Angeles, CA 90015

10 In Pro Per

11 Telephone: (310) 877-4770

12 Email: [mmmaryinla@aol.com](mailto:mmmaryinla@aol.com)

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 **FIRST AMENDED COMPLAINT**


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

12 DAVID E. BURKE  
13 10982 Roebling Avenue #553  
14 Los Angeles, CA 90024

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, July 9, 2012, at Los Angeles, California

18 Respectfully submitted,

19   
20 Mary Cummins, Plaintiff

21 Dated: July 9, 2012

22 645 W. 9th St. #110-140

23 Los Angeles, CA 90015

24 In Pro Per

25 Telephone: (310) 877-4770

# Tweets



3h Sun Tzu @truthaboutmary

@MMMARYInLA Mary Cummins Illegally using temporary address on California drivers license  
[truthaboutmary.wordpress.com/2012/07/09/mar...](http://truthaboutmary.wordpress.com/2012/07/09/mar...)

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[laanimalpals.blogspot.com/2006/11/mary-c...](http://laanimalpals.blogspot.com/2006/11/mary-c...) "ME: unfucking believable"

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Exhibit 1



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[@MMMaryInLA](#) Mary Cummins' attorney withdraws after she makes bizarre accusations:  
[victimsofmisscummins.blogspot.com](http://victimsofmisscummins.blogspot.com)

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[@MMMaryInLA](#) Mary Cummins tells how to commit defamation without getting caught (guess it didn't work this time): [laanimalpals.blogspot.com/2006/11/mary-c...](http://laanimalpals.blogspot.com/2006/11/mary-c...)

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[@MMMaryInLA](#) Mary Cummins admits to being involved over 20 lawsuits and being sued 4 times for defamation: [ycumminslosttorandyturnerattorney.com](#)

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**About BWS v MC**

Videos of defendant, President of AnimalAdvocates Inc. in her court-ordered deposition before filing the lawsuit. Mary Cummins' deposition was found to be "egregious, intentional and malicious." She was ordered to pay \$1-million in damages to AnimalAdvocates Inc.

- [Lawsuit Details](#)
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- [Defendant's Attorney Withdraws \(pdf\)](#)
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Exhibit 2



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3:33

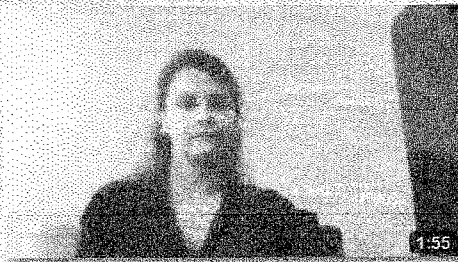


### sending robots to websites.wmv

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7:16



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1:55

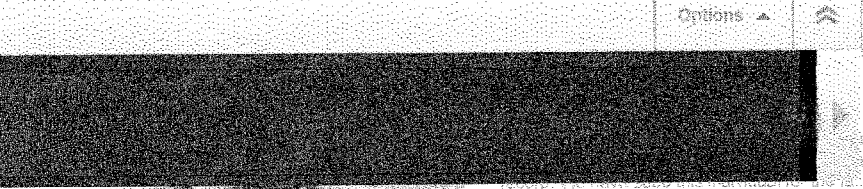


### encouraging others to spread defamation.w

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3:58



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2:18

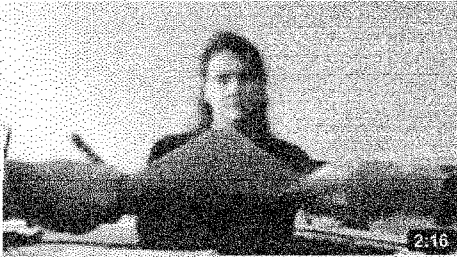




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