

MARY CUMMINS
 Defendant
 645 W. 9th St. #110-140
 Los Angeles, CA 90015
 In Pro Per
 Telephone: (310) 877-4770
 Email: mmmaryinla@aol.com

FAX FILED

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BAT WORLD SANCTUARY,
 AMANDA LOLLAR
Plaintiff

v.

MARY CUMMINS
Defendant

) Case No. BS140207

) AMENDED MOTION TO QUASH,
) MODIFY SUBPOENA, PROTECTIVE
) ORDER CCP 1987.1

) Date: August 26, 2016
) Time: 8:30 a.m.
) Room: Dept 24
) Judge: Honorable Robert Hess
) Reservation # 160713142795

RELIEF REQUESTED

Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court for an order quashing subpoenas made by Plaintiffs requesting all bank records of Defendant "Mary Cummins" and parties not part of the underlying complaint. **Plaintiff already has all of Defendant's bank records.** Plaintiffs also have unclean hands as they committed forgery, fraud and perjury in this case. Defendant received proof that Plaintiff Lollar and her Texas attorney forged emails from the head of USDA. They also forged almost all exhibits and a court order. Motion is pending in the underlying case in Tarrant County, Texas. Defendant will show the court the following based on documents already filed with this court, attached declaration and exhibits.

INTRODUCTION

1
2 Defendant never defamed Plaintiffs. Plaintiffs did not show any element of
3 defamation, damages or malice. The breach of contract claim, attorney fees, liquidated
4 damages were all reversed in appeal. Plaintiff Bat World Sanctuary was denied any
5 claim.

6 Plaintiff through subpoenas and bank authorization already have all bank
7 records of Defendant Cummins from 2010 to the present. Defendant has no bank
8 accounts. Defendant's last bank account was closed November 2013 by levy from this
9 court.

10 Plaintiff's Texas attorney also demanded the bank records of non-party "Animal
11 Advocates" from First Bank. The Animal Advocates bank account at First Bank is not
12 in the name of Defendant. It is not in the SSN of Defendant. The account was merely
13 opened 14 years ago by Defendant on behalf of Animal Advocates. Defendant resigned
14 from Animal Advocates October 2012. Public 990's of Animal Advocates show that
15 Animal Advocates has no assets and receives barely any donations which don't cover
16 expenses.

17
18 Judge John Chupp in the underlying case stated on the record that Plaintiff was
19 not allowed to have the bank records of Animal Advocates as they were and have
20 never been a party in the case (Exhibit 4 previously submitted).

21 Plaintiff filed these new subpoenas on JP Morgan Chase Bank, Allgate
22 Financial, American California Bank, American Cal Financial Services, Tinker Federal
23 Credit Union and Wells Fargo Bank. Copies of the subpoenas will have to be filed
24 separately as Defendant does not own a scanner and is too disabled to get to a Fedex.
25 Defendant is filing this by fax as Defendant can't physically get to the court building.

26 Plaintiff already has a signed bank authorization. Plaintiff could get the bank
27 records from JP Morgan Chase Bank, Wells Fargo Bank, America California Bank
28

with that bank authorization. The subpoenas are not needed. Defendant has not and currently does not have a bank account at those banks.

Defendant has to Defendant's best knowledge never had accounts with the other companies named in the subpoenas. Defendant does not know if Animal Advocates does business with those entities. The judgement is only against Defendant Cummins, not Animal Advocates. Animal Advocates is a stand alone corporation with it's own EIN. Defendant does not own Animal Advocates.

Plaintiffs filed the subpoenas merely to harass Defendant and rack up a bill for Plaintiff. They should be sanctioned for wasting the Court and Defendant's time and costs.

**STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY
SUBPOENA, PROTECTIVE ORDER**

The subpoena should be quashed or modified for the following reasons:

1. Plaintiffs already have all bank statements of "Mary Cummins," "Mary Cobb" with SSN (redacted) from January 2010 to January 2016. The banks in question only keep records for five years. There are no other bank statements. In the Texas case Defendant signed a bank authorization for all "bank records" in the name of "Mary Cummins" "Mary Cobb" with SSN redacted. Plaintiff received statements of four bank accounts all of which have been closed for at least two years. The banks closed all of the accounts due to the bank levy and negative balances. Defendant does not have a bank account and receives Medi-cal medical insurance from the government. If Defendant were to ever have a bank account in the future, that account would be exempt from levy up to a certain limited amount as Defendant receives government aid. Defendant also claimed every exemption in response to the bank levy. Plaintiff did not contest any other exemption except that one One West bank account. This court only allowed Plaintiff to have \$4,300 from the only remaining bank account in 2013.
2. The subpoena is overly broad requesting the following:

- 1 "1. Any and all DOCUMENTS relating to or associated with accounts held in the
2 name of, on behalf of, or otherwise associated with Mary Cummins from July 1, 2012
3 to the present, including , but not limited to, those in which she is a signatory.
4 2. Any and all DOCUMENTS relating to or associated with accounts held in the name
5 of, on behalf of, or otherwise associated with Mary Cobb from July 1, 2012 to the
6 present, including , but not limited to, those in which she is a signatory.
7 3. Any and all DOCUMENTS relating to or associated with accounts held in the name
8 of, on behalf of, or otherwise associated with SSN ***-**-**** from July 1, 2012 to
9 the present, including , but not limited to, those in which she is a signatory.
10 4. Any and all DOCUMENTS relating to or associated with accounts held in the name
11 of, on behalf of, or otherwise associated with "Animal Advocates" or "Animal
12 Advocates Society for the Prevention of Cruelty to Animals" from July 1, 2012 to the
13 present."

14 The subpoena should only be for "bank statements" in the name of "Mary
15 Cummins," "Mary Cobb" combined with Defendant's SSN (redacted). The Texas
16 court Judge specifically denied any documents of Animal Advocates. Plaintiffs have a
17 very long history of abusing discovery for harassment purposes only. Plaintiffs could
18 merely state they feel an account is being held on behalf of Defendant with absolutely
19 no proof. They could access any bank account of any person with such an open
20 subpoena.
21

22 Plaintiff requested all accounts "associated with SSN" (redacted). Defendant was
23 the founder of non-profit Animal Advocates in 2002 14 years ago. Defendant opened
24 up a bank account in the name of only "Animal Advocates" with only EIN 48-1287089
25 in 2002. Defendant was a signatory on that account years ago. Defendant made sure
26 Defendant's name was no longer on that account in any way. The bank confirmed this.
27 Defendant's SSN was never on that account. The Judge in the underlying case ruled
28 that Plaintiffs are not allowed to have the records of Animal Advocates.

3. If the court signs an order stating Plaintiff can obtain the bank records via subpoena to the listed entities, the order must be very specific for only the records of Defendant, in Defendant's name and SSN. They should not include the records of Animal Advocates. Defendant must get a copy of all documents directly from the bank and not Plaintiffs. The documents must be under a protective order. They cannot be filed in a lawsuit, shared with anyone other than Plaintiff and her lawyers in the case, posted online or shared with the public.

PRAYER

Defendant respectfully requests that this Court quash this subpoenas for bank records. In the alternative Defendant requests that the subpoenas be limited to only Defendant's "bank records" with Defendant's SSN and name together. Plaintiff should not be allowed to ask for bank records of unrelated third party Animal Advocates. Defendant requests a protective order over any financial documents stating the contents of the records and the records themselves must never be shared with anyone other than Plaintiff and her lawyers in this case. They may never be given to anyone else. They may never be posted online, shared publicly or attached to a legal filing.

Defendant also requests sanctions against Plaintiff and their two new lawyers. The subpoenas were not necessary. It was filed to waste the Court and Defendant's time. It was maliciously filed to try to illegally get the bank records of Animal Advocates which the Judge in the underlying case did not authorize.

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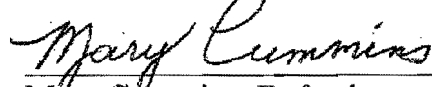
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Defendant also requests that Plaintiffs email a copy of all filings in this case to mmmaryinla@aol.com Defendant is permanently, legally disabled, has no car, cannot get to the p.o. box, cannot pay for a ride and cannot afford to buy the documents online. Defendant requested Plaintiffs to email their documents but they refused

Such other relief as the Court may deem just and proper.

Respectfully submitted,



Mary Cummins, Defendant

Dated: July 13, 2016

PROOF OF SERVICE
(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:

MOTION TO QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER

on the following interested parties by emailing, faxing this document to the following and JP Morgan Chase Bank, Allgate Financial, American California Bank, American Cal Financial Services, Tinker Federal Credit Union and Wells Fargo Bank.

Christian Molner Ashley Hunt 12400 Wilshire #1180 Los Angeles, CA 90025

Gallagher Group 1337 Howe Ave #104 Sacramento, CA 95825

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

Executed this day, May 4, 2016, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: July 13, 2016

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DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Attached to DEFENDANT’S MOTION TO QUASH SUBPOENA, MODIFY SUBPOENA, PROTECTIVE ORDER as exhibits are true and correct copies of the original documents.
3. Everything in DEFENDANT’S MOTION TO QUASH SUBPOENA, MODIFY SUBPOENA, PROTECTIVE ORDER was written by me and is the truth to the best of my knowledge.
4. I’m positive Plaintiff would use any data in any financial records to harass, stalk or harm me, my family, friends and clients.

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

Executed on July 13, 2016 at Los Angeles, California.

By: *Mary Cummins*
MARY CUMMINS

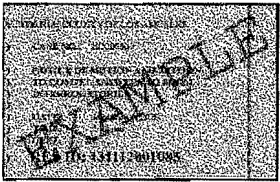
7/13/2016

Reservation Printout-BS140207-160713142795

CRS RECEIPT

INSTRUCTIONS

Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.



The image shows a document with a stamp that reads 'RESERVATION ID: 160713142795'. The document is partially obscured by a large, diagonal watermark that says 'EXAMPLE'.

RESERVATION INFORMATION

Reservation ID: **160713142795**
 Transaction Date: July 13, 2016 9:14 AM
 Case Number: BS140207
 Case Title: BAT WORLD SANCTUARY ET AL VS MARY CUMMINS
 Party: CUMMINS MARY (Defendant & Defendant in Pro Per)
 Courthouse: Stanley Mosk Courthouse
 Department: 24
 Reservation Type: **Motion to Quash**
 Date: 8/28/2016
 Time: 08:30 am

FEE INFORMATION (Fees are non-refundable)

First Paper Fee: Party asserts first paper was previously paid.

Description	Amount
Motion to Quash	\$60.00
Total Fees:	\$60.00

PAYMENT INFORMATION

Special Condition: **FEE WAIVED** Code: 568630ense1
 The reserving party asserts possession of a valid fee waiver approved by the court on 07/13/2016. Validity must be confirmed at the time of filing the motion/document. Proof of

7/13/2016

Reservation Printout-BS140207-160713142795

granted fee waiver may be requested by the Clerk.
Waived fees are recoverable, plus an administrative fee and any fees associated with the recovery of previously waived fees.

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
MOTION/DOCUMENT FACE PAGE.**