T/CASE: BS140207

		A CARTAGORIA CONTRA		
	1	MARY CUMMINS Defendant	FILED	
	2	645 W. 9th St. #110-140	Superior Court of California County of Los Angeles	
	3	Los Angeles, CA 90015	JUL 2 3 2015	
	4	In Pro Per Telephone: (310) 877-4770	Sherri R. Carter, Executive Officer/Clerk	
	5	Email: mmmaryinla@aol.com	By Nancy Alvarez Deputy	
7		SUPERIOR COURT OF CALIFORNIA		
		COUNTY O	Y OF LOS ANGELES	
	10	BAT WORLD SANCTUARY,	Case No. BS140207	
	11	AMANDA LOLLAR Plaintiff	MOTION FOR ORDER TO SHOW	
	12		MOTION FOR ORDER TO SHOW CAUSE RE: VACATION OF	
	13	v.	SISTER-STATE JUDGMENTS /ORDERS	
	14	MARY CUMMINS		
	15	Defendant	Date: August 3, 2015 Time: 8:30 a.m. Room:	
	16		Judge: Robert Hess	
	17			
	18		′	
	19	RELIEF REQUESTED		
	20	Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court		
21	21	for an order requiring Plaintiffs Amanda Lollar and Bat World Sanctuary to appear and		
	22	show cause why the Motion to Vacate sister-state Judgement/Orders of the Courte H		
استدا	23	should not be granted. Defendant Cummins asks the Court to vacate the order in flavor		
① ~	24	of Amanda Lollar, Bat World Sanctuary for approximately \$6,000,000 percendant.		
Tenga Santa	25	Appellant Cummins filed an appeal in the case and just won in part reversing the court		
N 4	26	order, monetary award and eliminating party Bat World Sanctuary (Exhibit 1).		
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VП		MOTION TO VACATE SISTER-STATE JUDGMENTS/ORDERS O		

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INTRODUCTION

Defendant was sued for defamation and breach of contract. Defendant never defamed or breached a contract. The court nevertheless signed the judgment in 2012. Since then Defendant filed an appeal July 15, 2012. After 18 months the Second Court of Appeals of Texas finally released their opinion April 9, 2015 (Exhibit 1). The Appeals Court reversed part of the judgment namely all causes related to breach of contract, attorney fees, liquidated damages and party Bat World Sanctuary. The Court also reversed the court order as they deemed it unconstitutional.

Defendant is filing a motion for rehearing on the remaining cause for very strong reasons. Every word Defendant stated was the absolute truth. All items stated came from honest, fair and privileged reports to authorities backed up by physical evidence. The remaining items were stated by Plaintiff, others or government agencies. A few items had nothing to do with Plaintiff. If Defendant doesn't win the rehearing, Defendant will appeal to the Supreme Court of Texas.

FACTUAL BACKGROUND

November 9, 2012 the Orders to be vacated were entered.

January 4, 2013 Declaration of Non-service was filed by Plaintiffs.

March 27, 2013 Plaintiffs filed proof of service of notice re sister state judgment docs.

April 25, 2013 Plaintiffs filed an abstract of judgment inre Amanda Lollar for \$6,121,039.42 and Bat World Sanctuary for \$190,877.08.

April 9, 2015 Second Court of Appeals released their opinion striking part of the order, reversing part of the judgment and eliminating party Bat World Sanctuary completely.

STATEMENT OF THE CASE AND GROUNDS TO VACATE THE ORDER

The Orders should be vacated for the following reasons.

¹ http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV&coa=coa02

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1. Civil Rule 60(b)(5): The judgment has been reversed in the Appeals Court. Applying it prospectively is no longer equitable. The original court order and judgment were void. The signed court order was overly broad and contained prior restraint which is unconstitutional making it void. The Appeals Court ruled that it was unconstitutional. The monetary award is excessive to the point of being illegal making it void.

Civil Rule 60(b)(11): Action is pending in this case. Defendant is filing a motion for rehearing within the next few days. If Defendant loses, Defendant will file a petition for review with the Supreme Court. Defendant will file an amended motion to vacate in the next few days as soon as she files the petition for rehearing in the Appeals Court.

2. Civil Rule 60(b)(11): Any other reason justifying relief from the operation of judgment. Defendant is indigent, does not own any real estate, doesn't own a car, has no assets and no employment. Defendant responded to post-trial discovery and gave all of this information to Plaintiffs. If Defendant had any assets or money, she would have hired an attorney. Defendant is now receiving Medi-cal, i.e. free government health insurance besides aid. If Defendant had any bank accounts, which she doesn't, they would be exempt.

PRAYER

Defendant respectfully requests that this Court vacates the court order and return the approximately \$4,300 taken from Defendant's bank account.

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

Respectfully submitted,

ary Cummins, Defendant

Dated: April 21, 2015 645 W. 9th St. #110-140

Los Angeles, CA 90015

In Pro Per

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⊬ Ul 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:

MOTION TO VACATE SISTER-STATE JUDGMENTS/ORDERS

on the following interested parties 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.

Plaintiffs' Attorney David C Watts 1260 Lake Blvd #218 Davis, CA 95616

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 21, 2015, at Los Angeles, California.

Respectfully submitted,

Mary Cummins, Plaintiff Dated: April 21, 2015 645 W. 9th St. #110-140 Los Angeles, CA 90015