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**Appeal No. 02-16-00165-CV
County Court Case No. 2015-002259-3**

AMANDA LOLLAR,

COUNTY COURT 3

Plaintiff,

vs.

TARRANT COUNTY, TEXAS

MARY CUMMINS,

Defendant Pro se

APPELLANT'S MOTION FOR EXTENSION, REQUEST FOR COURT RECORDS

Appellant, Mary Cummins, requested the court records in this case July 6, 2016¹ (Exhibit 1). Appellant did not receive the court records as of today. Appellant also requested the court records from County Court 3, County Court 2, County Clerk, Court Coordinator and the Reporter many times in the last few weeks and received no reply.

This morning Appellant contacted the Second Court of Appeals asking for the court records again. The clerk stated there was no request for the court records. Appellant stated the request was made July 6, 2016. The clerk put Appellant on hold for a while then came back and said because they had no records at that time they had nothing to send. Clerk stated Appellant must request the records again. Appellant is hereby requesting all of the court records which were previously requested again. Please, mail them to the below address.

¹ Appellant's Request for Court Records
<http://www.search.txcourts.gov/SearchMedia.aspx?MediaVersionID=0b47907e-0655-43a7-a81a-06722ec4fed8&coa=coa02&DT=Other&MediaID=810b7ccf-ea6c-46a2-9def-f9f58d5e09ae>

1 The records must include all documents in the original case 2015-002259-2.
2 Appellant contacted County Court 2 and the reporter did not receive a request for the
3 transcripts. These records are vital to the appeal.
4

5 In the previous appeal 02-12-00285-CV the records were automatically mailed to
6 Appellant. No one at the Second Court of Appeals advised Appellant on their rights in
7 regard to the court record. The Court merely told Appellant to request the records and
8 Appellants did that. The Court never stated that another request had to be made until
9 five minutes ago when Appellant called the court.

10 Mail takes seven days via USPS to get from the Second Court of Appeals in Fort
11 Worth, Texas to Appellant's mail box in Los Angeles, California. The brief is currently
12 due August 31, 2016 and Appellant can't even start writing it without the court records.
13 Appellant is requesting an extension to file the opening brief of 30 days from the day the
14 records are delivered to Appellant's mailbox in Los Angeles, California.

15 If Appellant is not allowed to have the court records or an extension to file the brief,
16 Appellant would automatically lose my default. Appellant would be deprived of a fair
17 trial.

18 Respectfully submitted.

19 
20

21
22 Mary Cummins, Defendant Pro se
23 645 W 9th St, #110-140
24 Los Angeles, CA 90015-1640
25 Direct: 310 877 4770
August 18, 2016
Fax: 310 494 9395
Email: mmmaryinla@aol.com

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CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **APPELLANT'S MOTION FOR EXTENSION, REQUEST FOR COURT RECORDS** was served on the Plaintiffs' Attorney of record by eFileTexas.gov.

Randy Turner
Law Offices of Randall E Turner PLLC
4255 Bryant Irvin Rd #210,
Fort Worth, Texas
This 18th Day of August 2016



Mary Cummins, Defendant Pro se
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Direct: 310 877 4770
Fax: 310 494 9395
Email: mmmaryinla@aol.com

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July 6, 2016

Per eFileTexas.gov
Plaintiff's Attorney Randy Turner
Shari Steen Court Reporter
Tarrant County Clerk
Judge Mike Hrabal
County Court 3
100 E. Weatherford St, Room 290A
Fort Worth, TX, 76196-0240

RE: Request for Court Record, Transcripts Amanda Lollar vs Mary Cummins,
2015-002259-3, Mary Cummins v Amanda Lollar appeal 02-00185-CV.

I am officially requesting the entire court record for case 2015-002259-2,
2015-002259-3 for my appeal. I am also requesting that the court record for case
352-248169-10 and appeal 02-12-00285-CV¹ be included in the court record. The
reason is that case 2015-002259-2, 2015-002259-3 is an identical copy/paste of case
352-248169-10. These records were referred to and incorporated in my motion to
dismiss. The court does not need to recreate the 352-248169-10, 02-12-00285-CV court
records. I still have my copy and so does Plaintiff as they posted it on the Internet after
the 2012 trial.

I filed an affidavit of indigence in case 2015-002259-2, 2015-002259-3² January 6,
2016. Plaintiff filed a contest. It was set and reset for hearing February 16, 2016. At the
time of hearing Plaintiff did not wish for it to be heard. Judge Jennifer Rymell heard the
motion to dismiss then recused herself as she did not want to rule on it.

¹ Mary Cummins v Amanda Lollar, Bat World Sanctuary Appeal 2012
<http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV&coa=coa02>

² Amanda Lollar v Mary Cummins 2015-002259-3 <https://odyssey.tarrantcounty.com/PublicAccess/default.aspx>

Case was transferred to County Court 3 to Judge Mike Hrabal. It was set for hearing April 4, 2016. Judge Hrabal cancelled the hearing and reset it for May 17, 2016. Plaintiff did not request for the contest to be heard at the May 17, 2016 hearing. It was not heard. The time to contest the 2015-002259-3 affidavit of indigence passed. The contest is therefore denied and Defendant Cummins is legally declared indigent.

The court refused to allow Defendant to file documents or receive minutes without paying. Court reporter Shari Steen refused to give the motion to dismiss hearing transcript to Defendant without a signed and filed court order by Judge Mike Hrabal. Defendant filed a motion requesting a signed and filed court order on indigence. Judge Mike Hrabal refused.

Defendant filed notice of appeal May 17, 2016. June 10, 2016 Defendant filed a new affidavit of indigence for appeal of the motion to dismiss case appeal # 02-16-00165-CV³. Plaintiff and County Clerk filed contests of indigence June 13, 2016. Hearing was scheduled for July 1, 2016. Hearing was cancelled by the Clerk due to conflicting schedule. It was rescheduled by the court reporter for July 11, 2016. After the reporter realized her mistake she frantically tried to schedule the hearing for July 2, 2016 but Defendant was in the hospital the entire day with pre-surgery appointments for a severe back injury. Court reporter nonetheless stated it would be heard July 11, 2016 knowing that would be too late hoping that Defendant didn't realize this.

The contests were not heard per Tex. R. App. P. 20.1(h)(4). Notice shall be given and the hearing shall be held within the deadlines set out in the rules of appellate procedure. See *id.* R. 20.1(i)(1) (trial court must set hearing and notify parties), (2) (hearing must be held *within ten days* of date trial court receives referral of contest), (3) (trial court may extend time for hearing for up to twenty days), (4) (contest is deemed overruled unless trial court signs order sustaining contest within period set for hearing).

The contests had to be heard at the latest 20 days from date of contests June 13, 2016 which was July 3, 2016. The time to hear both the trial court and appeal contests to indigence is long over. Therefore the contests have been over ruled.

I am requesting the court record and transcript of hearing on motion to dismiss free of charge. The court record is already in pdf format. It will be quick and easy to zip the pdfs, burn to disc or email to parties.

In the alternative the trial court can just file an order dismissing this case. Not only did Plaintiff and their attorney Randy Turner forge the evidence including a forged email allegedly by the head of the USDA but they perjured themselves in their sworn affidavits stating the email and exhibits were authentic. New evidence also proves that Plaintiff and their attorney committed perjury and fraud in the original 352-248169-10 case.

³ Mary Cummins v Amanda Lollar Appeal
<http://www.search.txcourts.gov/Case.aspx?cn=02-16-00165-CV&coa=coa02>

Plaintiff was found by the USDA to have committed animal cruelty, abuse, neglect and violated the Animal Welfare Act in 2011⁴. Plaintiff lost their permit before the 2012 trial yet stated in trial they had their permit and were cleared of all wrong doing by all agencies. That is completely false. This allegation was the basis of the entire 352nd case.

Because of the forgery, fraud and perjury involved in the case filings the case should be dismissed outright. Plaintiff's attorney Randy Turner and Plaintiff Amanda Lollar need to be charged and prosecuted for their crimes. Randy Turner needs to be disbarred. The order on the 352-248169-10 case should be reversed. This case must be dismissed because the sworn evidence was forged.

Here is but one of the forged exhibits. They were all exactly like this. Amanda Lollar's forged Exhibit 5⁵. The actual Exhibit 5 in my brief⁶. The actual Exhibit 5 as it resides publicly online⁷. This is an Internet defamation case. The exhibits must be viewed online to compensate for viewer's individual browser differences. There is no comment by "Mary Cummins" or anyone on that date, time. That article and comments were not made by Defendant.

Here are three different versions of the forged email allegedly by the head of the USDA⁸. USDA stated in writing the email does not exist. Randy Turner used this forged email to argue in Plaintiff's reply to motion to dismiss that the 2011 email written by veterinarian Dr Laurie Gage in Colorado is MY defamation in the current case filed in 2015 in Texas years out of the statute of limitation! This "argument" proves that Randy Turner is not fit to practice law. Turner's ihatemary page proves his extreme personal obsession with me. In this page Turner not only defames me with wild allegations of me allegedly suing my grandmother but he talks about the size of my breasts when I was 11⁹.

On top of all of this the case must be dismissed at the minimum as it's copy/paste the 352nd case including reversed claims. Per res judicata it "cannot be pursued further by the same parties." Plaintiff filed this case for malicious intent and harassment purposes only immediately after the opinion on the 352nd case was released. Plaintiff and her attorney merely want get government reports and video of Plaintiff committing animal

⁴ USDA states Amanda Lollar violated Animal Welfare Act, caused "pain, suffering and death."
http://www.marycummins.com/amanda_lollar_bat_world_sactuary_usda_cancelled.pdf

⁵ Plaintiff Lollar Exhibit 5 <http://animaladvocates.us/exhibit%205.pdf>

⁶ Defendant's actual copy of Exhibit 5 http://animaladvocates.us/def_exhibit_5.pdf

⁷ Actual, public, live Exhibit 5 online <https://www.indybay.org/newsitems/2013/02/21/18732538.php>

⁸ Forged USDA emails made by Plaintiff Lollar, sworn by Randy Turner
http://animaladvocates.us/usda_email_forgery_proof.pdf

⁹ Randy Turner's ihatemary page in his business website
<http://web.archive.org/web/20141222203948/http://www.randyturner.com/index.php/randys-cyber-stalker>

cruelty removed from the Internet permanently. Plaintiff is merely embarrassed by Plaintiff's own illegal and cruel behavior. Defendant has never defamed Plaintiff. Plaintiff Lollar and her attorney Randy Turner have defamed and harassed Defendant. If the case proceeds, Defendant will counter sue for defamation and harassment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Cummins". The signature is written in black ink and is positioned above the printed name.

Mary Cummins

cc: Second Court of Appeals
ACLU-NC
Public Citizen