

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

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 BAT WORLD SANCTUARY,  
11 AMANDA LOLLAR  
12 *Plaintiff*

13 v.

14 MARY CUMMINS  
15 *Defendant*

) Case No. BS140207

)  
) **AMENDED MOTION FOR ORDER**  
) **TO SHOW CAUSE RE: VACATION**  
) **OF SISTER-STATE JUDGMENTS**  
) **/ORDERS**

) **Date: August 9, 2013**  
) **Time: 8:30**  
) **Dept.: 24**  
) **Judge: Robert Hess**  
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18 **RELIEF REQUESTED**

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20 Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court  
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 Court  
23 should not be granted. Defendant Cummins asks the Court to vacate the following  
24 Orders: Order in favor of Amanda Lollar for approximately \$6,000,000. Order in favor  
25 of Bat World Sanctuary for approximately \$186,700.

26 **INTRODUCTION**

27 Defendant reported Plaintiffs to authorities for animal cruelty, animal neglect,  
28 violations of the Animal Welfare Act, Texas Parks & Wildlife Department, Texas

1 Health Department, Texas Veterinary Board and Building and Safety. Violations were  
2 found. The USDA veterinarian stated Plaintiff Lollar who has not gone past the eighth  
3 grade and tries to perform surgery on conscious bats without pain relief caused bats  
4 “pain,” “suffering,” and “death.” The USDA stated she violated the Animal Welfare  
5 Act. Plaintiffs lost their USDA permit.

6 Defendant was maliciously and frivolously sued for defamation and breach of  
7 contract in retaliation for reporting Plaintiffs to authority. Plaintiffs did not show the  
8 elements of defamation, breach of contract, admitted they had no damages and no  
9 proof of any causation in trial. Defendant argued this but the retired visiting Judge  
10 nevertheless ruled in their favor in Texas.

### 11 **FACTUAL BACKGROUND**

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

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

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

16 April 25, 2013 Plaintiffs filed an abstract of judgment inre Amanda Lollar for  
17 \$6,121,039.42 and Bat World Sanctuary for \$190,877.08.

18 May 18, 2013 Defendant received a copy of the Abstract of Judgements in the  
19 mail. This is the first time Defendant received anything in the mail about this case even  
20 though Plaintiffs had Defendant’s address. Defendant then went online to  
21 lasuperiorcourt.org to search for case information.

### 22 **STATEMENT OF THE CASE AND GROUNDS TO VACATE THE ORDER**

23 The Orders should be vacated for the following reasons.

24 1. California Code of Civil Procedure Section 597: Action is pending in this  
25 case. Defendant Cummins filed motion for new trial and objection to court order<sup>1</sup>  
26 September 9, 2012. The motion has not been heard. The motion states that Plaintiffs  
27

28 <sup>1</sup> [http://www.animaladvocates.us/batWorldLawsuit/amended\\_motion\\_new\\_trial.pdf](http://www.animaladvocates.us/batWorldLawsuit/amended_motion_new_trial.pdf)

1 did not show the elements of defamation or breach of contract. Plaintiffs admitted they  
2 had no financial damages and no proof of any causation. Two important pre-trial  
3 motions were supposed to be heard before the trial which was not heard. A witness  
4 failed to respond to subpoena to show at trial.

5 Defendant filed an appeal in the Second Court of Appeals in Fort Worth, Texas  
6 September 2012<sup>2,3</sup>. Defendant is indigent and was allowed to proceed with the appeal  
7 without paying \$4,000 for minutes. Defendant filed her brief April 1, 2013<sup>4</sup>. The  
8 appeal submission date was extended to September 2013 so that amicus briefs on  
9 behalf of Appellant may be filed.

10 2. California Code of Civil Procedure § 473(b): Mistake, inadvertence, surprise,  
11 excusable neglect or irregularity in obtaining the Judgment/Order: Defendant was not  
12 legally served. Plaintiffs had to serve Defendant within 60 days of filing the Judgment.  
13 That would have been before January 9, 2013. Plaintiffs filed a Declaration of Non-  
14 Service January 4, 2013.

15 February 17, 2013 two men trespassed beyond a closed door onto private  
16 property (Declaration of Cummins). A man approached and told Defendant “we can  
17 either do this here or outside.” Defendant did not know who he was or what he wanted.  
18 Defendant started to walk outside then stopped when she saw another man videotaping  
19 her. Defendant stated she does not allow them to videotape her or post her video on the  
20 Internet. The man continued to videotape. Defendant refused to go farther outside. The  
21 man then hit her with folded up documents.

22 Defendant did not look at the documents until she got home. She then realized  
23 that the documents were filed November 9, 2012. They did not refile the documents.  
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27 <sup>2</sup> <http://www.2ndcoa.courts.state.tx.us/opinions/case.asp?FilingID=26502>

28 <sup>3</sup> <http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV>

<sup>4</sup> [http://www.animaladvocates.us/mary\\_cummins\\_appeal\\_04052013.pdf](http://www.animaladvocates.us/mary_cummins_appeal_04052013.pdf)

1 They did not serve within the 60 day time period. They had to refile then reserve.  
2 Defendant does not believe she was legally served.

3 3. California Code of Civil Procedure § 1710.40 (a): Any other reason justifying  
4 relief from the operation of judgment:

5 Fraud, misrepresentation or other misconduct of an adverse party.

6 Defendant emailed the attorney on the documents and told Richard Evanns that  
7 his process server hit her with the documents. Evanns stated he did not order the  
8 process server, it was not his, he would not do something like that, he filed a  
9 declaration of non-service and had done nothing on the case since then (Exhibit 1). At  
10 that point Defendant was under the impression that the judgment was not actionable.  
11 Defendant also believed that Plaintiffs probably didn't want to waste any more money  
12 trying to collect from Defendant who is indigent.

13 Defendant was not served in a legal manner. Defendant was not served with  
14 viable documents. Defendant did not reply. Defendant did file a police report February  
15 25, 2013 with the LAPD #131506821 (Exhibit 2). Plaintiffs then posted the video of  
16 parts of what happened on Plaintiffs' YouTube channel. Defendant saved a copy. You  
17 can see the documents bouncing off Defendant. The person who hit Defendant with the  
18 documents was Robert Young.

19 Plaintiffs illegally obtained Defendant's social security number from a discovery  
20 item which had a protective order. Defendant is suing Plaintiffs for defamation and  
21 interference with business relations because Plaintiffs defamed Defendant on the  
22 Internet. Plaintiffs stated Defendant is a "convicted criminal" found "guilty of credit  
23 card, forgery and theft," commits "animal cruelty" besides other completely false  
24 things, (Mary Cummins v Amanda Lollar, Bat World Sanctuary case 2:11-CV-08081-  
25 BRO-MANx). Defendant filed a motion for contempt with the court. Plaintiffs also did  
26 not redact Defendant's social security number for the filings in this case.  
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1 Since that happened Plaintiff Amanda Lollar tried to access Defendant's non-  
2 profit bank account and a closed personal account illegally by pretending to be  
3 Defendant. The bank saved the phone conversations and played them for Defendant.  
4 Defendant filed another police report March 19, 2013 (Exhibit 3).

5 Since then people have tried to get a home loan, car loan and tried to get money  
6 from the government using Defendant's social security number. Defendant had to shut  
7 down her bank account and debit card besides filing a report for identity theft with the  
8 FTC.

9 Clerical mistakes in the Judgment.

10 Defendant's address is incorrect in the Judgment. Defendant will not receive  
11 mail if it is addressed only to "645 W. 9th St. #110." That is the address for the entire  
12 block which includes Ralphs market, many stores and over 100 lofts. Defendant's  
13 address is "110-140."

14 Other.

15 Defendant is indigent, does not own any real estate, doesn't own a car, has no  
16 assets and no employment. Defendant responded to post-trial discovery and gave all of  
17 this information to Plaintiffs. If Defendant had any assets or money, she would have  
18 hired an attorney.

19 4. Code of Civil Procedure § 473 (d): The judgment is void. The signed court  
20 order is overly broad and contains prior restraint which is unconstitutional making it  
21 void. The monetary award is excessive to the point of being illegal making it void. See  
22 above motion objecting to court order for legal authorities.

23 Defendant was never properly served with the complaint and summons. No  
24 proof of service was ever filed.

25 The Texas court did not have jurisdiction over Defendant in this case. A motion  
26 to dismissed for lack of jurisdiction was filed.

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1 **PRAYER**

2 Defendant respectfully requests that this Court vacates the following Orders:  
3 Order in favor of Amanda Lollar for approximately \$6,121,039.42. Order in favor of  
4 Bat World Sanctuary for approximately \$190,677.08;

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

6 Respectfully submitted,  
7 *Mary Cummins*

8 \_\_\_\_\_  
9 Mary Cummins, Defendant  
10 Dated: August 8, 2013  
11 645 W. 9th St. #110-140  
12 Los Angeles, CA 90015  
13 In Pro Per  
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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, faxed and emailed.

Richard Evanns 515 S. Flower St. #3656 Los Angeles, CA 90071

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

Executed this day, August 8, 2013, at Los Angeles, California.

Respectfully submitted,

*Mary Cummins*

Mary Cummins, Plaintiff

Dated: August 8, 2013

645 W. 9th St. #110-140

Los Angeles, CA 90015