

FILED

2012 SEP 12 AM 11:19

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY



1 MARY CUMMINS
2 Plaintiff
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

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

11 MARY CUMMINS) Case No. CV11 08081 DMG (MANx)
12 Plaintiff)
13 v.) **PLAINTIFF'S RESPONSE TO**
14) **DEFENDANTS' OBJECTIONS TO**
15 AMANDA LOLLAR aka BAT) **DECLARATION OF MARY**
16 WORLD SANCTUARY an individual) **CUMMINS AND EXHIBITS**
17 person, BAT WORLD SANCTUARY) **THERE TO**
18 an unknown business entity, JOHN
DOES 1-10
Defendants



1 Plaintiff MARY CUMMINS submits her response to Defendants' objections to
2 Declaration of Mary Cummins and Exhibits submitted as follows:

3 Objection No. 1.

4 Plaintiff authenticated this exhibit. It is a still of a video taken from Defendant's
5 YouTube channel BWSvMC. Plaintiff downloaded this still July 25 2012.

6 Objection No. 2.

7 This is an email written by Plaintiff sent to Randy Turner. It is not hearsay as it
8 was written only by Plaintiff Mary Cummins.

9 Objection No. 3.

10 Plaintiff witnessed Defendant Lollar cutting a bat's vagina with scissors.
11 Plaintiff witnessed Defendant Lollar pulling the umbilicus out of a then pregnant bat
12 causing the uterus and vagina to be pulled down. The pup was born dead. The mother
13 later died. Plaintiff found a dead bat under Defendant Lollar's desk. It had been dead
14 for days as evidenced by its condition. Defendant Lollar allows her bats to breed. It is
15 against Texas Parks & Wildlife Department regulations to allow rehab and
16 unreleasable animals to breed. Defendant Lollar did not provide proper veterinary care
17 to the bats in her care. She did not seek the help of a veterinarian when a bat was
18 having difficult giving birth. She did not seek the help of a veterinarian when a bat
19 needed to be sutured.

20 Objection No. 4.

21 Plaintiff injured her head and back at Bat World Sanctuary. Doctors verified this
22 injury.

23 Objection No. 5.

24 Plaintiff did receive treatment for her injuries in California. Plaintiff was
25 prescribed physical therapy and medication for her injuries by her doctors. Plaintiff's
26 doctors have told her that she needs surgery.

27 ///

~~27~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Objection No. 6.

Plaintiff has never posted false attacks about others.

Objection No. 7.

June 2010 Plaintiff witnessed Defendant Lollar try to suture a bat and try to do an episiotomy. Defendant Lollar admitted in deposition that she has not gone past the ninth grade, has never received training in animal care and is not a veterinarian.

Objection No. 8.

Defendants have posted false statements of fact about Plaintiff.

Objection No. 9.

Defendants stated May 2011 that Plaintiff was convicted of the crimes of forgery, theft, credit card fraud.

Objection No. 10.

Defendants' actions have caused financial damages to Plaintiff

Objection No. 11.

Plaintiff has suffered emotional distress as evidenced by physical symptoms.

Objection No. 12.

Plaintiff is indeed a private individual in relation to these claims of defamation.

The claims of defamation have nothing to do with Plaintiff's areas of expertise.

Objection No. 13.

Plaintiff wrote two emails to attorney Randy Turner. Plaintiff wrote all of the emails. There is no hearsay.

Objection No. 14.

Plaintiff witnessed Defendant Lollar try to do an episiotomy on a bat. Lollar cut the bat's vagina with scissors three times. The baby was born dead. Mother later died. Defendant Lollar admitted in deposition she is not a veterinarian.

///

///

1 Objection No. 15.

2 While Plaintiff was at Bat World June 2010 she witnessed bats dying under the
3 care of Defendant Lollar.

4 Objection No. 16.

5 Plaintiff found a dead bat under Defendant Lollar's desk while she was at Bat
6 World June 2010.

7 ///

8 Objection No. 17.

9 Plaintiff mis-typed the sentence. It should read "I arrived at Bat World June 19,
10 2012 and left after ten days on June 28, 2012."

11 Objection No. 18.

12 The Texas Department of Health sent a long list of instructions that Defendants
13 must follow in regard to caring for bats. Bats can carry rabies.

14 Objection No. 19.

15 Defendants were found to be in violation of Texas Parks & Wildlife Department.
16 Defendant Lollar was allowing her bats to breed which is a violation of her wildlife
17 rehabilitation permit. Plaintiff received the results of public information act requests.
18 One such result was a communication from TPWD stating that Defendant Lollar was
19 in violation of her permit for allowing bats to breed.

20 Objection No. 20.

21 Plaintiff has never posted defamatory items about herself.

22 Objection No. 21.

23 Adding the John Does is relevant to Plaintiff's response to Motion for Summary
24 Judgment. Some of the defamation was posted by the Does. Plaintiff believes that
25 Defendant Lollar may even be one of more of the Does.

26 ///

27 ///

28

1 Objection No. 22.

2 Defendant Lollar stated in the Texas trial that she has been communicating with
3 the Does.

4 Objection No. 23.

5 Plaintiff sent her second set of discovery requests to Defendants. This is relevant
6 because the responses will provide proof that Defendant posted the defamatory items.

7 Objection No. 24.

8 The Judge in the Texas trial never signed an order that said Plaintiff was in
9 “criminal contempt of court.”

10 Objection No. 25.

11 Plaintiff’s Texas deposition was not court ordered. It was by “notice.” Copy of
12 the deposition agreement was provided in the exhibits.

13 Objection No. 26.

14 The dates on Google blog posts can be changed. Plaintiff proved this in the
15 hearing for temporary injunction. The dates had been changed on the blogs. Plaintiff
16 provided further example by changing a blog post date to the year 1976. Google,
17 Blogger, the Internet as we know it today did not exist at this time.

18 Objection No. 27.

19 Plaintiff proved in her temporary injunction hearing that the dates had been
20 changed. Two printouts of the same blog on different dates showed different blog
21 posts. The blog posts were posted within the last year but Does changed the dates to
22 make them appear to be posted over a year ago, i.e. outside of the statute of limitations
23 for defamation.

24 Objection No. 28.

25 The Texas injunction was void. Plaintiff’s Texas attorney stated this to the
26 Judge. Defendants tried to cure the issue by filing a bond soon after. The injunction
27

28

1 was still void because it contained prior restraint which is unconstitutional, it did not
2 have a trial date and it was against third parties.

3 Objection No. 29.

4 Plaintiff did not defame Plaintiffs in the two previous defamation cases. Plaintiff
5 did report them for securities fraud.

6 Objection No. 30.

7 Exhibit 6 is an article written by an independent entity which shows that
8 Plaintiff Cummins reported a company for securities fraud. Plaintiff Cummins was in
9 retaliation sued for defamation. Plaintiff Cummins prevailed in the action. Members of
10 the entity were sentenced to prison for their actions.

11
12
13 Respectfully submitted,

14
15 
16 _____
17 Mary Cummins, Plaintiff

18 Dated: July 28, 2012
19 645 W. 9th St. #110-140
20 Los Angeles, CA 90015
21 In Pro Per
22 Telephone: (310) 877-4770
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

**PLAINTIFF'S RESPONSE TO DEFENDANTS' OBJECTIONS TO
DECLARATION OF MARY CUMMINS AND EXHIBITS THERETO**

on the following 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.

Dean A. Rocco
Jackson Lewis LLP
725 South Figueroa, Suite 2500
Los Angeles, CA 90017

I also emailed a copy to Dean Rocco at RoccoD@jacksonlewis.com
I also faxed a copy to Dean Rocco at (213) 689-0430.

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

Executed this day, September 13, 2012, at Los Angeles, California

Respectfully submitted,

/s/ Mary Cummins
Mary Cummins, Plaintiff
Dated: September 13, 2012
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per

~~2~~ 7