

BAT WORLD SANCTUARY and
AMANDA LOLLAR,

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

§ IN THE DISTRICT COURT

§
§
§
§
§
§
§
§
§
§
§

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

DEFENDANT’S OBJECTION TO PLAINTIFFS’ POST JUDGMENT MOTION FOR CONTEMPT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant Mary Cummins, Defendant Pro se, and objects to Plaintiffs’ Motion for Contempt, and in support shows the following:

I.

September 4, 2013 Plaintiffs filed Post Judgment Motion for Contempt stating Defendant failed and refused to obey an injunction issued by this Court. The Court order (Plaintiffs’ Exhibit 1) states “IT IS ORDERED that Mary Cummins be permanently enjoined and she is ORDERED to immediately and permanently remove from the Internet the following statements which currently appear at” specific URL addresses. Court order was signed and dated August 27, 2012.

II.

June 30, 2012 Defendant removed all items listed in the unsigned court order except from two URLs (Exhibit 1). A month later on August 30, 2012 Plaintiffs faxed the signed court order to Defendant (Exhibit 2). This was the first time Defendant received the signed court order. September 1, 2012 Defendant stated in email to the court that she removed all items the previous day before 5:00 p.m. (Exhibit 3). Defendant complied

1 with the court order and removed the items from the specified URLs. Even though the
2 final court order contains prior restraint which is unconstitutional, Defendant still
3 complied with the order. The items are currently removed from the specific URLs
4 (Affidavit, Cummins).

5 III.

6 Plaintiffs have not shown or attached any evidence or exhibits whatsoever which
7 prove that Defendant did not remove the items. Defendant removed the items. It is
8 Plaintiffs who have reposted the items on the Internet. They posted the court order in
9 many websites and blogs all over the Internet.

10 Defendant is a pro se out of state indigent Defendant. Defendant needs to review
11 any evidence before the hearing. Defendant is requesting a telephonic hearing because
12 Defendant cannot afford to fly to Texas. Defendant also has a back injury which makes
13 flying difficult and painful. Defendant will not be able to view any physical evidence via
14 telephone. Defendant will not be allowed the chance to view or investigate the evidence.
15 Defendant will be denied a fair hearing and due process of law.

16 If Defendant does not receive the evidence with sufficient time before the hearing
17 date, this would involve an element of surprise at the hearing. It would be physically
18 impossible for out of state pro se indigent Defendant to verify the evidence at the
19 hearing. Defendant will need to view the evidence on the Internet as the court order
20 relates to items on the Internet. Defendant would be forced to ask for a continuance so
21 Defendant may have chance to review and investigate any evidence.

22 IV.

23 Defendant believes that Plaintiffs' motion is meritless and frivolous. It has been
24 brought for the purpose of defamation and harassment of Defendant. Defendant
25 believes that Plaintiff Lollar has committed perjury in her sworn statement. Plaintiffs

1 have committed fraud upon the court by lying to the court. Defendant requests
2 sanctions.

3 V.

4 WHEREFORE Defendant prays;

5 That Plaintiffs' Motion for Contempt be denied;

6 That Plaintiffs be held responsible for the costs of this action and any necessary
7 continuance;

8 That Plaintiffs be sanctioned for motion abuse, abuse of process, fraud upon the court,
9 perjury; and

10 That the Court order any and all other relief that the Court finds appropriate.

11 Respectfully submitted,

12 Mary Cummins, Defendant Pro se
13 645 W 9th St, #110-140
14 Los Angeles, CA 90015-1640
15 Phone 310-877-4770
16 Email: mmmaryinla@aol.com

17 By:



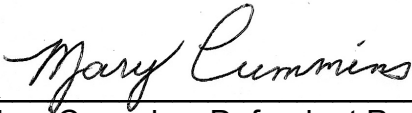
18 Mary Cummins, Defendant Pro Se
19 September 12, 2013
20
21
22
23
24
25

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

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **DEFENDANT'S OBJECTION TO PLAINTIFFS' POST JUDGMENT MOTION FOR CONTEMPT** was served on the Plaintiffs' Attorney of record by FAX and by FIRST CLASS MAIL at

Randy Turner
Bailey & Galyen
1300 Summit Ave. #650
Fort Worth, Texas 76102
this 12th Day of September, 2013



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

Cause No. 352-248169-10

BAT WORLD SANCTUARY and
AMANDA LOLLAR,

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

§ IN THE DISTRICT COURT

§ TARRANT COUNTY, TEXAS

§ 352nd JUDICIAL DISTRICT

FIAT

Defendant's OBJECTION TO PLAINTIFFS' POST JUDGMENT MOTION FOR CONTEMPT was filed on _____, 2013. Defendant requests that the foregoing be set for hearing.

IT IS THEREFORE ORDERED that a telephonic hearing before this court on said Motion be set for the _____ day of _____ at _____ a.m./p.m. in the 352nd District Court of Tarrant County, Fort Worth, Texas.

Date _____.

Judge Presiding

1 **AFFIDAVIT**

2

3 **STATE OF CALIFORNIA**

4 **COUNTY OF LOS ANGELES**

5 BEFORE ME, the undersigned authority, on this day personally appeared Mary
6 Cummins, a person whose identity is known to me. After I administered an oath to her,
7 upon her oath, she said the following:

8 "My name is Mary Cummins. I am over the age of eighteen years, of sound mind, and
9 capable of making this affidavit. This affidavit is made on my personal knowledge and
10 the statements herein are true and correct. I have carefully reviewed the factual
11 allegations in the attached Defendant's Objection to Plaintiffs' Post Judgment Motion for
12 Contempt. The factual allegations contained therein are true and correct."

13 

14 MARY CUMMINS

15

16 SWORN TO and SUBSCRIBED before me by Mary Cummins on the 12th day of
17 September, 2013

18

19

20

21 _____
Notary Public in and for the State of Texas
22 (Will be notarized at a later date)

23

24

25

Cause No. 352-248169-10

BAT WORLD SANCTUARY and
AMANDA LOLLAR,

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

§ IN THE DISTRICT COURT

§
§
§
§
§
§
§
§
§
§
§

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

DEFENDANT’S MOTION FOR TELEPHONIC HEARING

TO THE HONORABLE JUDGE OF SAID COURT:

Mary Cummins, Defendant, files this Motion for Telephonic Hearing, and in support shows the following:

I.

The hearing is for DEFENDANT’S OBJECTION TO PLAINTIFFS’ POST JUDGMENT MOTION FOR CONTEMPT in the above styled cause. Hearing date has not yet been set.

2.

Defendant resides in Los Angeles County, California and their appearance by telephone would be the most expedient method of resolving the issues for all parties involved. Defendant does not have the money to pay for airfare, motel to/from Texas. Defendant has no job or no assets. Because of Plaintiffs’ defamation against Defendant on the Internet, Defendant cannot get work or a job. If defendant is denied telephonic hearing, Defendant will not be able to appear. Defendant will be denied a fair hearing.

3.

No party in this action will suffer any prejudice if Defendant appears telephonically.

1 WHEREFORE, Defendant respectfully requests that the Court grant this Motion for
2 Telephonic Hearing.

3 Respectfully submitted,

4
5 Mary Cummins, Defendant
6 645 W 9th St, #110-140
7 Los Angeles, CA 90015-1640
8 Phone 310-877-4770
9 Email: mmmaryinla@aol.com
10 September 12, 2013

11 By:

12 
13 _____
14 Mary Cummins

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

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **MOTION FOR TELEPHONIC HEARING** was served on the Appellees' Attorney of record by FAX and by FIRST CLASS MAIL at

Randy Turner
Bailey & Galyen
1300 Summit Ave. #650
Fort Worth, Texas 76102
this 12th Day of September, 2013



Mary Cummins
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770
Email: mmmaryinla@aol.com

Cause No. 352-248169-10

BAT WORLD SANCTUARY and
AMANDA LOLLAR,

Plaintiffs,

vs.

MARY CUMMINS,

Defendant Pro se

§ IN THE DISTRICT COURT

§
§
§
§
§
§
§
§
§
§
§

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

FIAT

Defendant's MOTION FOR TELEPHONIC HEARING was filed on _____, 2013.

Defendant requests that the foregoing be set for hearing.

IT IS THEREFORE ORDERED that a telephonic hearing before this court on said Motion be set for the _____ day of _____ at _____ a.m./p.m. in the 352nd District Court of Tarrant County, Fort Worth, Texas.

Date _____.

Judge Presiding