

evidence still exists at the bank. Nothing was destroyed. Defendant ordered the statements from the bank.

Cummins was told by the bank that once the account is closed the online data is deleted. There is no way to access the account online. Cummins has contacted the bank to order the records. Cummins received an estimate of \$5 per monthly statement per account. That would be \$300 per account or \$1,200. The banks closed those accounts because there was no money in them. I have no money or bank account. I can't afford to pay for the statements. The bank has yet to give an exact estimate of the cost. Just now Plaintiffs' attorney Turner agreed to pay the fees.

Cummins just received the court order ordering Cummins to pay \$500 in legal fees. Cummins does not have \$500 and will not be able to pay the fee. Cummins was declared indigent by this court. Cummins is on Medi-Cal which is free health insurance from the government. The State of California has declared Cummins indigent which means they searched for bank accounts, assets and found none. Judge Chupp knew Defendant was penniless when he wrote this order.

At the hearing today Cummins stated she objected to the bank records. Judge Chupp stated that because Cummins did not object in Cummins' responses, Cummins may not object now.

Plaintiffs filed two previous motions to compel the same post judgment discovery, interrogatories. Plaintiffs requested bank records in those two motions. Cummins objected to the production of bank records in both of those replies. Both were denied by operation of law. Cummins did object to bank records. The bank records were already

1 denied by 352nd Court. Cummins meant to state this in the hearing. Again Cummins was
2 temporarily flustered and unable to properly reply during the hearing today.

3 If Defendant still must produce those documents, Defendant will be filing a motion for
4 protective order on the bank records. Defendant will be redacting personal, confidential
5 information of people other than Defendant in the documents. The bank records will
6 show dwindling balances until they were closed by the banks. They will not lead to
7 anything discoverable. Plaintiffs requested these documents for harassment purposes.
8

9 Previously Plaintiffs filed a motion for protective order and redaction of their bank
10 records which was granted. Plaintiffs gave to Defendant two years' worth of bank
11 records redacted. Defendant has never violated that protective order or shared said
12 bank records with anyone. Defendant requests the same protective order and redaction.

13 In the hearing Defendant stated that non-profits don't have to file 990s if their income
14 is less than \$20,000. Defendant meant \$50,000. Again, Cummins was flustered.

15 Defendant asked the Clerk for a signed subpoena which is needed in this case.
16 Clerk stated in email,

17 "Please go to our web site tarrantcounty.com, click government, then District Clerk.
18 Scroll down and click forms. Under civil forms choose subpoena. Please print the form
19 and fill out completely to submit to us with an \$8.00 issuance fee and witness fee which
20 is attached of \$10.00. We will issue the subpoena and return to you so you can have it
21 served."

22 Cummins does not have any money for the subpoena. In another case in Tarrant
23 County Cummins received a signed blank subpoena. No money was ever requested.
24 The court gave Cummins the subpoena. Cummins needs one with the clerk's signature
25 as Cummins is pro se. Cummins is proceeding in this case as indigent. Cummins also
requested the transcript from today's hearing from the court reporter. Cummins needs

this for a motion and appeal. Cummins requests the transcript free of charge or else she will be denied her right to a fair trial.

The Order as stated states Defendant must get the interrogatories notarized. Defendant does not have the \$10 to pay for a notary. Defendant communicated this to Plaintiffs previously. That is the only reason why it was not notarized. Defendant can't get the document notarized.

Judge Chupp stated that any future motion must be heard in Texas in person. Cummins has a back injury and cannot travel. Cummins provided a medical letter to the court. Cummins also does not have money to travel. Besides this Plaintiffs' attorney Turner physically chased Cummins down the hallway after a hearing. Another time he intentionally bumped into her with his entire body. Turner also threatened Defendant in the hallway waving papers in her face stating he will throw her in jail if Cummins does not remove websites she never made, had never seen and did not control (see footnotes 3, 4). That order was declared void. Cummins does not want to ever be in the presence of Plaintiffs' attorney Turner or his clients Lollar, Crittenden for this reason.

If Judge Chupp will not allow a telephonic appearance Defendant will be denied her right to a fair trial. Judge Brigham denied a telephonic appearance for Defendant even though he allowed a previous telephonic appearance. The Court gave notice midday Friday for an early morning hearing in Texas on Monday. Defendant could not appear

1 and lost by default. Defendant appealed that to the Court of Appeals¹. Court of Appeals
2 reversed that order stating the Judge “abused his discretion.”²

3 "Appellant--who resides in California and who was provided notice of the October 15,
4 2012 hearing on the contests on October 12, 2012--filed a motion asking to appear
5 telephonically on October 11, 2012, but the record contains no ruling on the motion.
6 Moreover although the trial court clerk had notified appellant that she could appear
7 telephonically for the previously scheduled October 8, 2012 hearing, the clerk did not do
8 so for the October 15, 2012 hearing. Nevertheless, the trial court sustained the contests
9 without considering the contents of appellant's affidavit, because appellant failed to
10 appear at the hearing."

11 "The purpose of Rule 20.1 of the Texas Rules of Appellate Procedure is to permit
12 parties to proceed without paying filing fees if they are unable to do so, and we construe
13 the rules liberally in favor of preserving appellate rights." "This court's order abating the
14 contests to the trial court stated that "[t]he trial court may arrange for appearances by
15 telephone conference or other alternate means if necessary." Appellant filed a
16 response motion with an affidavit. The Appeals Court stated "if the affidavit provides
17 sufficient information to prove by a preponderance of evidence that the party is unable
18 to pay costs on appeal, the affidavit is sufficient, even if information on each of the
19 twelve items is not included."

20 "Indigency provisions, like other appellate rules, have long been liberally construed in
21 favor of a right to appeal." "The indigency rules are rooted in the principle that "[c]ourts
22 should be open to all, including those who cannot afford the costs of admission."
23 "To require a pro se out-of-state resident asserting indigence to physically appear at a
24 contest hearing to prove the allegations in her affidavit, without reasonably
25 accommodating that party by means such as a telephonic hearing, undercuts the
purpose and spirit of rule 20.1."

"To require a pro se party to object to a late-filed contest to an affidavit of indigence in
order to preserve error--something the party is not likely to know to do--is to eviscerate
the protection Rule 20.1 (f) is intended to afford."

"Accordingly, we reverse the trial court's ruling on the contests to appellant's affidavit of
indigency and remand that issue to the trial court for a new hearing in which appellant is
allowed to appear telephonically to attempt to prove her alleged indigence."

¹ Second Court of Appeals Case <http://www.search.txcourts.gov/Case.aspx?cn=02-12-00285-CV&coa=coa02>

² Court order
http://www.animaladvocates.us/mary_cummins_appeals_bat_world_sanctuary/appeals_court_reversed_order.pdf

The Court ordered the Judge to allow Defendant to appear by phone for the indigent hearing. Defendant appeared by phone and Judge Brigham declared Defendant indigent.

Judge Platt is the sitting Judge for 352nd District. May 27, 2015 Judge Platt wrote an order stating “all parties and or their representatives (must be) physically present and attending in person or in written documents appropriately filed as a part of the Court’s record.” Defendant then filed “DEFENDANT’S RESPONSE TO JUDGE MARK PITTMAN’S COURT ORDER”³ May 27, 2015 in the 352nd Court and Appeals Court. Defendant stated she would be denied her right to a fair trial. Judge Platt then voluntarily recused himself. That is the reason why this case is in this court.

June 8, 2015 I filed an “ADA Accommodation” with Ann Smith the ADA Officer for the Courts. July 8, 2015 Ann Smith approved the ADA accommodation with this court. Smith’s email stated “I spoke with Judge Chupp’s office today. They see no reason why you would not be able to appear via telephone.”

Cummins will be filing a motion to compel Plaintiffs to remove Defendant’s deposition videos from the Internet. Plaintiffs also posted video of Defendant being served twice. Both of those videos were taken on private property upon which the process server trespassed. It was not a house, place of business or public area. Defendant will include those videos in the motion to compel removal of videos. Plaintiffs’ attorney Randy

³ Defendant’s Reply to Court Order
http://animaladvocates.us/defendants_response_court_order_final.pdf

1 Turner has links to those videos in his 35 page single spaced ihatemary page in his
2 business website⁴.

3 Defendant is penniless because of Plaintiffs and Plaintiffs' attorney Turner's actions.
4 Plaintiffs have made over 400 blogs and websites devoted only to attacking, defaming,
5 harassing, cyberstalking Defendant. They intentionally use key words "real estate"
6 "appraiser" "mary cummins" in order to make sure Defendant never makes a penny. If
7 Plaintiffs want Defendant to make any money, they need to take their defamatory,
8 harassing, disgusting blogs and websites down.
9

10 In Turner's page he talks about the size of Defendant's breasts when she was 11
11 besides her "ass" and "crotch." Turner also posts links to lawsuits in which Defendant
12 was never a party. This is unethical and unprofessional conduct which I will be reporting
13 to the proper authorities. Defendant is hereby notifying Judge Chupp and this court of
14 Turner's unethical, unprofessional behavior. Turner has also committed perjury and
15 admitted to committing motion abuse in writing^{5 6}. Judge Chupp has the legal
16 responsibility to report Turner's unethical misconduct to the proper authorities.
17

18 Defendant will also be filing a report about judicial misconduct of Judge Bonnie
19 Sudderth, Randy Turner and Judge William Brigham. Judge Sudderth working with her
20 friend Randy Turner specifically requested visiting Judge William Brigham for the exact
21 hearing and trial day and time as per Judge Jeffrey Walker and the results of
22 Information Act Requests which were submitted with Defendant's motion to strike order.

23 ⁴ Randy Turner ihatemary page
[http://web.archive.org/web/20150317145506/http://www.randyturner.com/index.ph
24 p/randys-cyber-stalker](http://web.archive.org/web/20150317145506/http://www.randyturner.com/index.php/randys-cyber-stalker)

⁵ Objection Substitution of Attorney
[http://www.animaladvocates.us/objection subt attorney.pdf](http://www.animaladvocates.us/objection%20subt%20attorney.pdf)

⁶ Objection Substitution of Attorney Exhibits
<http://animaladvocates.us/exhibit1final.pdf>

Sudderth did not want to rule honestly in favor of Defendant because of her friend Turner. Sudderth also did not want to rule dishonestly because she was up for re-election and wouldn't want this incredibly unjust ruling on her record. Judge William Brigham was intentionally brought in to rule against Defendant to game the system⁷ as he was a senile visiting judge who doesn't have to worry about re-election or appointment. Brigham's own wife posted publicly right after Defendant's trial (translated from Spanish) "My husband doesn't know what's happening. He appears to be embalmed. He doesn't realize the passing of time," (Exhibit 3 in Motion to Strike Order). Exhibit one in same motion showed he could no longer write or think clearly. Defendant believes Judge Sudderth and Turner took advantage of the poor judgment of a senile 84 year old man who signed Plaintiffs' orders without even reading them. Defendant witnessed Judge Brigham sign the six page TRO order without reading it. Previously Turner bragged to Cummins in the court room before the TRO hearing "I've known this judge for many years. He'll sign anything I put in front of him." And he did. Defendant brought this up at the May 11, 2012 hearing with Judge Sudderth on the record. Judge Sudderth stated that she would not have forced Defendant to remove items written by third parties. Some of those links were in Chinese which Defendant does not speak. Sudderth added that she didn't want to rule on an order written by another Judge so she didn't void the order. This shows Sudderth knew Brigham ruled improperly yet Sudderth still requested Brigham for the exact trial date.

None of the elements of defamation or breach of contract were ever shown in the District or Appeals court. Defendant was never even told which statements were

⁷ "Gaming the system" Judge Reform. Eliminate Visiting Judges
http://www.legalreform-now.org/menu2_4.htm

1 defamatory until after the trial in the form of the court order. After Defendant proved in
2 the Appeals court that all those statements were not defamatory, the Appeals court
3 ruled that “everything” Defendant posted was “assumed defamatory” and did not have
4 to be proven. That makes for an impossible situation when Defendant doesn’t know
5 what Plaintiffs feel is defamatory.

6 Plaintiffs admitted they had no proof of any financial damages or causation in trial⁸
7 yet the Judge awarded \$3,000,000 for compensatory damages and \$3,000,000 for
8 exemplary damages. Compensatory damages are to pay for what was actually lost.
9 Plaintiffs admitted in trial there was no proof of any financial loss. Exemplary damages
10 relate to what was lost (zero) and the net worth of Defendant which was zero. Three
11 orders signed by Judge Brigham were void. The Court ruled Brigham “abused his
12 discretion” multiple times in this case, i.e. Temporary Injunction, Trial, Indigence
13 hearing.

14 Defendant is hereby notifying Judge Chupp and this Court of this judicial misconduct
15 in this notice. Judge Chupp has the legal obligation to notify the proper authorities,
16 Judicial Commission of this gross misconduct which has caused this grave injustice. A
17 copy of this motion will be filed in the Appeals and Supreme Court besides being posted
18 online.
19

20
21 **PRAYER**

22 Defendant Cummins respectfully requests that the court add this motion to the
23 record for the hearing on September 18, 2015, strike any incorrect mention of
24 “destroying evidence,” reverse the \$500 sanction, give the transcript and subpoena to
25

⁸ Trial Transcript http://animaladvocates.us/trial_transcript.pdf

Defendant free of charge, allow Defendant to appear telephonically in the future and to report the judicial misconduct and unethical behavior in this case to the proper authorities, Judicial Commission.

A handwritten signature in black ink that reads "Mary Cummins". The signature is written in a cursive style with a large initial "M" and "C".

Mary Cummins, Defendant
645 W 9th St, #110-140
Los Angeles, CA 90015-1640
Phone 310-877-4770

CERTIFICATE OF CONFERENCE

September 18, 2015 I sent an email to Daniel Sullivan Randy Turner's employee asking if he opposed this motion. I stated if I didn't hear back from him, I would assume it is opposed as Turner has opposed all motions in this case.

CERTIFICATE OF SERVICE

I, Mary Cummins, hereby certify that a TRUE COPY of the above **NOTICE OF ERRATA, CLARIFICATION** was served on the Plaintiffs' Attorney of record by FAX and by FIRST CLASS MAIL at

Randy Turner
Bailey & Galyen
1300 Summit Ave Suite 650
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September 18, 2015



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