

1 MARY CUMMINS
2 Appellant In Pro Per
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 Direct: (310) 877-4770
6 Fax: (310) 494-9395
7 Email: mmmaryinla@aol.com

8 COURT OF APPEALS

9 SECOND APPELLATE DISTRICT

10 MARY CUMMINS

11 *Appellant*

12 v.

13 AMANDA LOLLAR, BAT WORLD
14 SANCTUARY

15 *Appellee*
16

) Case No. B258027
)
)
)

) MOTION TO VACATE DISMISSAL,
) REINSTATE APPEAL, REQUEST
) FOR EXTENSION OF TIME TO FILE
) CASE DOCUMENTS

17 Appellant Mary Cummins (“Cummins”) moves this Court to vacate the dismissal,
18 reinstate the appeal, requests for extension of time to file designation and/or accept
19 filed designation, and will show the court the following:

20 **I. INTRODUCTION**


21 Cummins severely injured her back. An MRI report showed Cummins ruptured disc
22 L5/S1 which has caused limited mobility, pain and sciatica (Declaration Cummins).
23 Cummins has been bed ridden off and on for the last 12 months and has been unable to
24 retrieve her mail at her mail box. Cummins also does not own a car making travel even
25 more difficult. For this reason Cummins was not able to get to her mail box and has
26 only been receiving emailed notices. Cummins called the court and was instructed to
27 file a motion to vacate dismissal which she has done.
28

1 Cummins requests 14 days extension to file case documents. In the alternative
2 Cummins asks that court accept the designation filed today.

3 **II. PRAYER**

4 For the foregoing reasons Appellant Cummins requests that the dismissal be
5 vacated, the appeal be reinstated and requests an extension to file the needed case
6 documents.

7
8 Respectfully submitted,

9 

10 Mary Cummins

11 Appellant

12 Dated: September 19, 2014

13 645 W. 9th St. #110-140

14 Los Angeles, CA 90015

15 In Pro Per

16 Telephone: (310) 877-4770

1 **DECLARATION OF PLAINTIFF MARY CUMMINS**

2 I, MARY CUMMINS, declare as follows:

- 3 1. I am Mary Cummins Appellant in pro per. I make this declaration on my
4 personal knowledge of the facts set forth herein.
- 5 2. I injured my back herniating disc L5/S1. This has caused sciatica, pain and
6 difficult walking.
- 7 3. For the past twelve months off and on I have been bed ridden and had great
8 difficulty walking sometimes being in bed for two days straight.
- 9 4. I was not able to get to my mailbox to receive mailed documents and did not
10 know the designation needed to be filed.
- 11 5. I instantly phoned the Court who told me to file a motion which I have done.
- 12 6. I filed the designation today.

13

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

16 Executed on September 19, 2014 at Los Angeles, California.

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18 By: *Mary Cummins*

19 MARY CUMMINS

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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 DISMISSAL, REINSTATE APPEAL, REQUEST FOR EXTENSION OF TIME TO FILE CASE DOCUMENTS

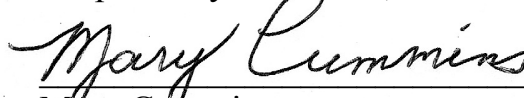
by fax and email to

David C. Watts
1260 Lake Blvd #218
Davis, CA 95616

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 19, 2014, at Los Angeles, California

Respectfully submitted,



Mary Cummins
Appellant In Pro Per
Dated: September 19, 2014
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Los Angeles, CA 90015
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