

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

8 UNITED STATES DISTRICT COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA
11
12 WESTERN DIVISION

11 MARY CUMMINS
12 *Plaintiff*

13 v.

14 AMANDA LOLLAR aka BAT
15 WORLD SANCTUARY an individual
16 person, BAT WORLD SANCTUARY
17 an unknown business entity,
18 REBECCA DMYTRYK, ERIC
19 SHUPPS, TIFFANY KROG,
ANNETTE STARK

20 *Defendants*

) Case No. CV11 08081 DMG (MANx)

) **SECOND AMENDED**
) **COMPLAINT FOR DAMAGES**

) (Defamation, Defamation per se,
) Interference with Business Relations,
) Interference with Prospective Economic
) Advantage, Infliction of Emotional
) Distress)

) **DEMAND FOR JURY TRIAL**

21 Plaintiff Mary Cummins, (hereinafter "Plaintiff") alleges as follows:

22 **INTRODUCTION**

23 1. This is a diversity action against defendants Amanda Lollar, Bat World
24 Sanctuary, Rebecca Dmytryk, Eric Shupps, Tiffany Krog and Annette Stark, asserting
25 claims for defamation, defamation per se, interference with business relations,
26 interference with prospective economic advantage and infliction of emotional distress.
27 Plaintiff's action arises out of knowingly false and fraudulent statements about
28 Plaintiff and other misconduct by Defendants Amanda Lollar aka Bat World Sanctuary,

1 Bat World Sanctuary an unknown business entity, Rebecca Dmytryk, Eric Shupps,
2 Tiffany Krog and Annette Stark (hereinafter “Defendants”) resulting in financial
3 damage, public ridicule and emotional distress.

4 **JURISDICTION**

5 2. This court has subject matter jurisdiction based on complete diversity of
6 citizenship pursuant to 28 U.S.C. §1332. Damages resulting from the matter exceed
7 \$75,000 exclusive of costs.

8 **VENUE**

9 3. Venue in this district is proper under 28 U.S.C. §1391(a) because a substantial
10 part of the events or omissions giving rise to the damages occurred in this district in
11 Los Angeles County and Plaintiff lives in this district.

12 **PARTIES**

13 4. Plaintiff Mary Cummins is an individual, a resident and citizen of Los
14 Angeles County, California.

15 5. Plaintiff is associated with Animal Advocates, a non-profit corporation with a
16 principal place of business in Los Angeles County, California.

17 6. Defendant Amanda Lollar is a resident of Palo Pinto County, Texas. Amanda
18 Lollar conducts business as Bat World Sanctuary; accordingly Bat World Sanctuary is
19 the alter ego of Defendant Amanda Lollar.

20 7. Defendant Bat World Sanctuary is a unknown business entity with its
21 principal place of business in Palo Pinto County, Texas.

22 8. Defendant Rebecca Dmytryk aka WildRescue is a resident of Monterey
23 County, California.

24 9. Defendant Eric Shupps is a resident of Tarrant County, Texas.

25 10. Defendant Tiffany Krog is a resident of Los Angeles County, California.

26 11. Defendant Annette Stark is a resident of Los Angeles County, California.
27
28

STATEMENT OF FACTS

1
2 12. Plaintiff is the founder of non-profit organization Animal Advocates located
3 in California. Plaintiff is permitted under license by the United States Department of
4 Agriculture (USDA) and the California Department of Fish & Game (CADFG) to
5 possess, rescue and rehabilitate ill, injured and orphaned native wildlife for release
6 back to the wild. Plaintiff is trained, experienced and permitted under licenses to care
7 for coyotes, bobcats, foxes, raccoons, opossums, skunks and all other small mammals
8 including bats.

9 13. Plaintiff has published manuals on wildlife rehabilitation and gives classes to
10 wildlife rehabilitators, veterinarians and animal care professionals.

11 14. Plaintiff has been trained at the Rio Hondo Police Academy and the
12 California State Humane Association Animal Law Enforcement Academy to
13 investigate animal cruelty and neglect. Plaintiff is currently on the Humane Society of
14 the United States (HSUS) National Disaster Animal Response Team which handles
15 animal cruelty and neglect cases.

16 15. Plaintiff's greatest asset is Plaintiff's personal business reputation and the
17 Defendants alleged herein have made every effort to destroy Plaintiff's reputation.

18 16. Defendants have posted defamatory comments and articles about Plaintiff on
19 the Internet and have emailed same to Government agencies and clients of Plaintiff.
20 Defendants have falsely posted the following statements;

- 21 • Plaintiff "has a criminal record,"
 - 22 • Plaintiff was "convicted" of "theft of property, forged name on credit card,"
 - 23 • Plaintiff is a "cyberstalker," "cybersquatter,"
 - 24 • Plaintiff was "picked up by police,"
 - 25 • Plaintiff "hacked into our website" and "email list,"
 - 26 • Plaintiff was "picked up by the LAPD anti-terrorism task force,"
 - 27 • Plaintiff "posts pornography in children's chat rooms,"
- 28

- 1 • Plaintiff “commits animal cruelty,”
- 2 • Plaintiff “tortures animals,”
- 3 • Plaintiff is a “whore.”

4 All of these statements and more are false and were made with malicious intent
5 to destroy the personal and business reputation of Plaintiff, and to destroy Plaintiff’s
6 relationship with business contacts besides cause emotional distress. Here are but a few
7 examples.

8 16 a. On May 10, 2011 Defendant Amanda Lollar posted on then public Yahoo
9 group “worldbatline” (<http://pets.groups.yahoo.com/group/worldbatline>) posting as
10 Yahoo user name “batworldsanctuary” using her Bat World Sanctuary email address of
11 sanctuary@batworld.org (Exhibit 1) that Plaintiff “has a criminal record,” was found
12 guilty of theft and forgery, “Case Number LAW95W00B78-01 Count 1 484E(A) PC
13 PTY THFT:ACQ CRED CRD W/O CONS Count 2 484F(B) PC FORGE NAME ON
14 CREDIT CARD Count 3 484G(A) PC THEFT BY FORG/INVALID CRED CAR
15 Count 4 484(A) PC THEFT OF PROPERTY.” Defendant also posted that Plaintiff was
16 involved in “cybersquatting,” and is “in contempt” of court. (Exhibit 2)

17 Plaintiff was never charged with or found guilty of petty theft, forgery, acquiring
18 credit card without authorization, theft of property, cybersquatting or any other crime
19 ever. Defendant was never found in contempt of court ever. Defendant accused
20 Plaintiff of committing criminal acts which is libel, defamation per se. Defendant’s
21 libel and defamation per se are harming Plaintiff’s business relations and causing
22 injury to Plaintiff’s existing and future economic relationships besides inflicting
23 emotional distress.

24 16 b. August 23, 2011 Defendant Amanda Lollar posted on her website [http://](http://www.amandalollar.com)
25 www.amandalollar.com owned by Amanda Lollar (Exhibit 3) that Plaintiff made false
26 complaints to government agencies about Defendant, “Mary Cummins has made false
27 complaints about Bat World Sanctuary to Texas Parks and Wildlife, the USDA, the
28

1 Texas Veterinary Medical Board, the Texas Department of Health, USFWS, the
2 Mineral Wells Department of Health, the City Manager, the Fire Marshal, Code
3 Enforcement, the Chief of Police and we suspect the IRS.” (Exhibit 4)

4 Plaintiff did not file false complaints, reports with government agencies. It is a
5 crime to file a false complaint to a government agency. Defendant accused Plaintiff of
6 committing criminal acts which is libel, defamation per se. Defendant’s libel and
7 defamation per se are harming Plaintiff’s business relations and causing injury to
8 Plaintiff’s existing and future economic relationships besides inflicting emotional
9 distress.

10 16 c. May 2, 2011 Defendant Amanda Lollar posted on then public Yahoo group
11 “worldbatline” (<http://pets.groups.yahoo.com/group/worldbatline>) posting as Yahoo
12 user name “batworldsanctuary” using her Bat World email address of
13 sanctuary@batworld.org that Plaintiff “has a history of stalking and harassment,” and
14 that Plaintiff had “claimed that she bumped her head while she was with us and that we
15 owed her \$2,500 for a cat-scan. We refused to pay, of course, and now here we
16 are.” (Exhibit 5)

17 Stalking is a State and/or Federal crime. Plaintiff has never been charged with or
18 convicted of stalking or any other criminal act. Defendant has accused Plaintiff of
19 extortion. Plaintiff never demanded \$2,500 from Defendant for a cat-scan. Defendant
20 accused Plaintiff of committing criminal acts which is libel, defamation per se.
21 Defendant’s libel and defamation per se are harming Plaintiff’s business relations and
22 and causing injury to Plaintiff’s existing and future economic relationships besides
23 inflicting emotional distress.

24 16 d. May 2, 2011 Defendant Amanda Lollar posted on then public Yahoo group
25 “worldbatline” (<http://pets.groups.yahoo.com/group/worldbatline>) posting as Yahoo
26 user name “batworldsanctuary” using her Bat World email address of
27
28

1 sanctuary@batworld.org that Plaintiff “hacked into my email address last night as
2 well.” (Exhibit 6)

3 Hacking is a Federal crime. Plaintiff has never been charged with or convicted
4 of hacking or any other criminal act. Defendant accused Plaintiff of committing
5 criminal acts which is libel, defamation per se. Defendant’s libel and defamation per se
6 are harming Plaintiff’s business relations and causing injury to Plaintiff’s existing and
7 future economic relationships besides inflicting emotional distress.

8 16 e. May 17, 2011 Defendant Amanda Lollar emailed from her email address
9 sanctuary@batworld.org to the government agencies USDA, Texas Parks & Wildlife,
10 City of Mineral Wells and others that “we are being stalked and harassed by a woman
11 named Mary Cummins who has contacted numerous law enforcement officials over
12 the last 10 months, making false and malicious claims against Bat WorldSanctuary and
13 me. She is also targeting individuals whom I work closely with, including my
14 attorney.” (Exhibit 7)

15 Plaintiff has never been charged with or convicted of stalking or any other
16 criminal act. Stalking is a State and/or Federal crime. Plaintiff did not file false
17 complaints, reports with government agencies. It is a crime to file a false complaint to
18 a government agency. Defendant accused Plaintiff of committing criminal acts which
19 is libel, defamation per se. The USDA oversees Plaintiff’s permits. Plaintiff does
20 business with the USDA. Defendant’s libel and defamation per se are harming
21 Plaintiff’s business relations and causing injury to Plaintiff’s existing and future
22 economic relationships besides inflicting emotional distress.

23 16 f. May 8, 2011 Defendant Rebecca Dmytryk posted on Victims of Miss
24 Cummins blog <http://victimsofmisscummins.blogspot.com> that Plaintiff commits
25 “animal cruelty.” (Exhibit 8)

26 Animal cruelty is a crime. Plaintiff has never been charged with or found guilty
27 of animal cruelty or any other crime. Defendant accused Plaintiff of committing a
28

1 criminal act which is libel, defamation per se. Defendant's libel and defamation per se
2 are harming Plaintiff's business relations and causing injury to Plaintiff's existing and
3 future economic relationships besides inflicting emotional distress.

4 17. Plaintiff sent two cease and desist emails on May 2 and May 11, 2011 to
5 Defendant Amanda Lollar and Bat World Sanctuary in care of their attorney Randy
6 Turner of Turner & McKenzie in Fort Worth, Texas instructing Defendant to cease and
7 desist from libeling and defaming Plaintiff. (Exhibits 9, 10) Plaintiff stated that
8 Defendant was committing libel and defamation per se. The libel and defamation was
9 not removed from the Internet. Defendant did not stop emailing, posting the libel and
10 defamation.

11 18. Defendants published a death threat against Plaintiff and extorted her on the
12 Internet.

13 19. Defendant Rebecca Dmytryk is instructing people to file false reports of
14 "animal cruelty" and "animal torture" to the CADFG. Defendants have and are
15 continuing to instruct people via posts on blogs to demand that CADFG take away
16 Plaintiff's permits and shut down Plaintiff's animal rescue group Animal Advocates.

17 20. Defendants defamed Plaintiff on websites located in California including but
18 not limited to Indymedia.org, YouTube.com, Yahoo.com, Google.com, Blogger.com
19 and Facebook.com. These statements were posted by Defendants with malicious intent
20 to harm Plaintiff's reputation, Plaintiff's business relations and Plaintiff's animal
21 rescue group Animal Advocates.

22 21. Defendants sent emails and letters to various Governmental agencies and
23 others making similar false statements. These agencies are the USDA, CADFG, Texas
24 Parks and Wildlife Department, City of Mineral Wells, Bat Conservation International,
25 friends of Plaintiff and many others. Most if not all of Defendants' statements are
26 defamatory and have injured Plaintiff's reputation, thereby exposing Plaintiff to public
27 hatred, contempt or ridicule, and financial injury.
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

CLAIM ONE
(Defamation)
(California Civil Code §§ 44, 45a, and 46)

Plaintiff realleges and incorporates herein the allegations of paragraphs 1 through 21 of this complaint, as though fully set forth herein.

Defendants knowingly published false statements of fact such as but not limited to Plaintiff “has a criminal record,” Plaintiff was “convicted” of “theft of property, forged name on credit card,” Plaintiff is a “cyberstalker,” “cybersquatter,” Plaintiff was “picked up by police,” Plaintiff “hacked into our website” and “email list,” Plaintiff was “picked up by the LAPD anti-terrorism task force,” Plaintiff “posts pornography in children's chat rooms,” Plaintiff “commits animal cruelty,” Plaintiff “tortures animals,” and Plaintiff is a “whore.” Defendants knew or should have known that the statements of fact made against Plaintiff were false.

Defendants were not privileged to publish false statements about Plaintiff.

The false statements published by Defendants have a natural and inherent tendency to injure Plaintiff’s reputation and expose Plaintiff to public ridicule and shame.

Defendants acted with malice, oppression and fraud in publishing the false statements of fact as described herein.

As a direct result of Defendants’ conduct set forth herein, Plaintiff has suffered and will continue to suffer lost income, damages to reputation, shame, humiliation, and emotional suffering.

CLAIM TWO
(Defamation Per Se)
(California Civil Code § 45a)

Plaintiff realleges and incorporates herein the allegations of paragraphs 1 through 21 of this complaint, as though fully set forth herein.

1 Defendants knowingly published false statements of fact such as but not limited
2 to Plaintiff “has a criminal record,” Plaintiff was “convicted” of “theft of property,
3 forged name on credit card,” Plaintiff is a “cyberstalker,” “cybersquatter,” Plaintiff was
4 “picked up by police,” Plaintiff “hacked into our website” and “email list,” Plaintiff
5 was “picked up by the LAPD anti-terrorism task force,” Plaintiff “posts pornography
6 in children's chat rooms,” Plaintiff “commits animal cruelty,” Plaintiff “tortures
7 animals,” and Plaintiff is a “whore.” Defendants knew or should have known that the
8 statements of fact made against Plaintiff were false.

9 Defendants were not privileged to publish false statements about Plaintiff.

10 The false statements published by Defendants have a natural and inherent
11 tendency to injure Plaintiff’s reputation and expose Plaintiff to public ridicule and
12 shame.

13 Defendants acted with malice, oppression and fraud in publishing the false
14 statements of fact as described herein.

15 The false statements of fact published by Defendants constitute defamation per
16 se, i.e. broadcast or written publication of a false statement about another which
17 accuses him/ her of a crime, immoral acts, inability to perform his/her profession,
18 having a loathsome disease or dishonesty in business.

19 As a direct result of Defendants’ conduct set forth herein, Plaintiff has suffered
20 and will continue to suffer lost income, damages to reputation, shame, humiliation, and
21 emotional suffering.

22 **CLAIM THREE**

23 (Intentional Interference with Business Relations)
24 (California Business and Professions Code § 17200)

25 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
26 through 21 of this complaint, as though fully set forth herein.

27 Plaintiff has a real estate appraisal business and non-profit organization.
28

1 Defendants intended to damage and have damaged Plaintiff personally,
2 Plaintiff's real estate business and non-profit organization Animal Advocates.

3 **CLAIM FOUR**

4 (Intentional Interference with Prospective Economic Advantage)
5 (California Business and Professions Code § 17200)

6 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
7 through 21 of this complaint, as though fully set forth herein.

8 Defendants' wrongful conduct are a substantial factor in causing injury to
9 Plaintiff's existing and future economic relationships.

10 **CLAIM FIVE**

11 (Intentional Infliction of Emotional Distress)

12 Plaintiff realleges and incorporates herein the allegations of paragraphs 1
13 through 21 of this complaint, as though fully set forth herein.

14 Defendants' conduct was outrageous.

15 Defendants intended to cause Plaintiff emotional distress and they acted with
16 reckless disregard of the rights, privileges and economic advantages of Plaintiff.

17 As a direct consequence of Defendants' actions as described herein, Plaintiff
18 suffered and continues to suffer severe emotional distress.

19 Defendants' conduct was a substantial factor in causing Plaintiff's severe
20 emotional distress.

21 **REQUEST FOR PERMANENT INJUNCTION**

22 Upon final trial of the merits of this cause, Plaintiff requests that this Court enter
23 an order permanently enjoining Defendants from allowing the false statements
24 described above to remain on the Internet, be reposted on the Internet or
25 communicated in any form.

26 ///

27 ///

1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants, and each of them,
3 jointly and severally, for:

4 General and special damages, in an amount to be determined at trial;

5 Economic loss and loss of other benefits due as a result of defendants' wrongful
6 conduct in the amount of \$250,000;

7 Damages of pain, suffering and emotional distress, in an amount to be
8 determined at trial;

9 Exemplary and punitive damages;

10 Reasonable costs of suit and attorney fees if any; and

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

12
13 Respectfully submitted,

14
15 _____
16 Mary Cummins, Plaintiff
17 Dated: September 27, 2012
18 645 W. 9th St. #110-140
19 Los Angeles, CA 90015
20 In Pro Per
21 Direct: (310) 877-4770
22 Direct Fax: (310) 494-9395
23 mmmaryinla@aol.com
24
25
26
27
28

1 PROOF OF SERVICE BY MAIL
2 (FRCivP 5 (b)) or
3 (CCP 1013a, 2015.5) or
4 (FRAP 25 (d))

5 I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles,
6 California 90015-1640. I am over the age of eighteen years.

7 I further declare that on the date hereof I served a copy of:

8 **PLAINTIFF'S SECOND AMENDED COMPLAINT**

9 on the following by placing a true copy thereof enclosed in a sealed envelope
10 addressed as follows for collection and mailing at 645 W. 9th St. #110-140, Los
11 Angeles, CA 90015-1640.

12 **Dean A. Rocco**
13 Jackson Lewis LLP
14 725 South Figueroa, Suite 2500
15 Los Angeles, CA 90017-5408

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

18 **Sandra McMullan**
19 Jackson Lewis LLP
20 725 South Figueroa, Suite 2500
21 Los Angeles, California 90017-5408

22 I also emailed a copy to Sandra.McMullan@jacksonlewis.com

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

25 Executed this day, September 27, 2012, at Los Angeles, California.

26 Respectfully submitted,

27 _____
28 Mary Cummins, Plaintiff
Dated: September 27, 2012
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per