

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ORIGINAL

MARY CUMMINS,)

Plaintiff,)

vs.)

AMANDA LOLLAR aka BAT WORLD)
SANCTUARY, an individual)
person, BAT WORLD SANCTUARY,)
an unknown business entity,)
JOHN DOES 1-10,)

Defendants.)

CASE NO.
CV11 08081 DMG (MANx)

VIDEOTAPED DEPOSITION OF AMANDA LORRAINE LOLLAR

Los Angeles, California

Friday, April 6, 2012

Reported By:
Teri E. Lingenfelter
CSR No. 5369

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARY CUMMINS,)
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Plaintiff,)
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vs.) CASE NO.
) CV11 08081 DMG (MANx)
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AMANDA LOLLAR aka BAT WORLD)
SANCTUARY, an individual)
person, BAT WORLD SANCTUARY,)
an unknown business entity,)
JOHN DOES 1-10,)
)
Defendants.)
_____)

Videotaped deposition of AMANDA LORRAINE
LOLLAR, taken on behalf of the Plaintiff, at
355 South Grand Avenue, Suite 2450, Los Angeles,
California beginning at 8:31 a.m. and ending at
2:23 p.m. on Friday, April 6, 2012 before
TERI E. LINGENFELTER, Certified Shorthand Reporter
No. 5369.

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APPEARANCES:

For Plaintiff Mary Cummins:

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Telephone (213) 612-5335
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Email smacphail@braggkuluva.com

Also Present:

Dottie Hyatt

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08:27:10

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Los Angeles, California, Friday, April 6, 2012

8:31 a.m. - 2:23 p.m.

MS. CUMMINS: Here begins the videotaped deposition of Amanda Lollar, tape one, volume one in the matter of Mary Cummins versus Amanda Lollar, Bat World Sanctuary and John Does 1 to 10.

Today's date is April 6th, 2012 and the time on the video monitor is 8:33.

The video operator is Mary Cummins and the court reporter is Hahn & Bowersock Court Reporters.

Today's deposition is being taken on behalf of the plaintiff and is taking place at the offices of Hahn & Bowersock at 355 South Grand Avenue, Suite 2450, Los Angeles, California 90071.

Counsel, please introduce yourselves and state whom you represent.

Mary Cummins, plaintiff pro se.

MR. MACPHAIL: Stephen M. MacPhail, counsel for defendants Bat World Sanctuary and Amanda Lollar.

MS. CUMMINS: Would the court reporter please swear in the witness.

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08:27:10

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AMANDA LORRAINE LOLLAR,

having been first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MS. CUMMINS:

Q Ms. Lollar, please state your full name for the
record.

A Amanda Lorraine Lollar.

Q Is English your main language?

A Yes.

Q Do you have any problems speaking, reading or
understanding English?

A No.

08:31:35

Q Are you represented by counsel today?

A Yes.

Q Is Mr. MacPhail your counsel here today?

A Yes.

Q Do you understand that if you lie in your
deposition you will be committing perjury?

A Yes.

Q If you commit perjury in the State of California
you can be sentenced to two to four years in state prison,
formal probation, fine, community service.

Do you understand that?

08:31:46

1 A Yes.

2 Q Please make sure you don't make any hand motions
3 or head gestures when you answer, please reply orally so
4 the court reporter can record you and please answer yes or
5 no when applicable.

6 What is your net worth?

7 MR. MACPHAIL: Objection under California Civil
8 Code 3294. Financial information is confidential until a
9 motion has been brought to the court.

10 BY MS. CUMMINS:

11 Q Do you have any documents which would show your
12 net worth?

13 MR. MACPHAIL: Are you talking about present with
14 her?

08:32:35

15 MS. CUMMINS: No. In her possession in Texas.
16 Anywhere.

17 MR. MACPHAIL: Okay. I will allow her to answer
18 in terms of whether such documents exist but to the
19 extent, nature and contents thereof I object as violative
20 of Civil Code 3294 and 95.

21 BY MS. CUMMINS:

22 Q Did Bat World Sanctuary receive a \$25,000 grant?

23 A Yes.

24 Q When did you receive that grant?

25 A I believe it was in December 2011.

08:33:13

1 Q Did you receive a check?

2 A Yes.

3 Q How much money did Bat World Sanctuary get from
4 Bonnie Bradshaw's rehab group last year?

5 A I'm not positive. I believe it was around
6 14,000.

7 Q Do you remember in your last deposition when I
8 asked you how much money you received you said 10,000?

9 A We received two separate checks.

10 Q Do you remember that you stated in your last
11 deposition you received two separate checks which were for
12 10,000?

13 A I don't believe I said that.

08:33:48

14 Q Do you remember in your last deposition that I
15 asked you if you received \$14,000 and you said no?

16 A I don't believe I have said that either.

17 Q Do you or Bat World Sanctuary own a Honda
18 Element?

19 A Yes.

20 Q Who owns the Honda Element?

21 MR. MACPHAIL: Objection. I'm just trying to
22 understand. What is the significance of assets owned to
23 the claims?

24 MS. CUMMINS: Well I don't know how much the
25 insurance policy is for. I need to see what type of

08:34:19

1 assets she has.

2 MR. MACPHAIL: Well I don't know if you
3 understand. Texas law may be different but in California
4 3294 and 3295 of the Civil Code provide that information
5 basically related to -- I mean if you're talking about for
6 purposes of a judgment we're not there and you're not
7 entitled to information.

8 I don't know how much inquiry -- I may allow a
9 little bit just to get things going but if we're going to
10 go over all assets owned by my client that's not relevant
11 and it's further right of privacy and it violates 3294 and
12 95 of the Civil Code.

08:35:02

13 MS. CUMMINS: Okay. Well I haven't read 3295 of
14 the Civil Code so I may have to redepose her later if I do
15 have the right to that information.

16 MR. MACPHAIL: Well in fact the procedure is that
17 you apply to the court to prove that you have basically
18 shown a prima facie case for entitlement of punitive
19 damages and then some circumstances and then you can
20 obtain information about net worth and financial
21 wherewithal of the defendant.

22 MS. CUMMINS: Okay.

23 BY MS. CUMMINS:

24 Q Who prepares the tax returns for Bat World
25 Sanctuary?

08:35:39

1 MR. MACPHAIL: Again I'm going to object. Tax
2 returns under California law are privileged.

3 MS. CUMMINS: Bat World Sanctuary is a 5013(c).
4 They're public documents.

5 MR. MACPHAIL: Okay. Yeah. That's true. Sorry.

6 MS. CUMMINS: They're on GuideStar. 990s.

7 MR. MACPHAIL: Go head. You can answer the
8 question.

9 THE WITNESS: It's an accountant in
10 Mineral Wells, Texas.

11 BY MS. CUMMINS:

12 Q What's the person's name?

13 A Patricia Hewett.

14 Q H-e-w-e-t-t?

08:36:06

15 A I believe that's correct.

16 Q What insurance policy is paying for Mr. MacPhail?

17 A Chubb Insurance.

18 Q Is that insurance that Bat World Sanctuary has?

19 A Yes.

20 Q Is it a liability policy or umbrella?

21 A It's a D&O.

22 Q D&O? Directors & Officers?

23 A Yes.

24 Q What is the limit on that policy?

25 A I don't remember.

08:36:48

1 Q How much do you pay a year for that policy?

2 MR. MACPHAIL: Objection. Relevance.

3 BY MS. CUMMINS:

4 Q What else is covered under that policy?

5 A I actually do not recall. I don't have the
6 document in front of me.

7 MR. MACPHAIL: Late objection. Relevance.

8 BY MS. CUMMINS:

9 Q Do you have any liability insurance on the
10 building at 115 Southeast or Northeast First Street?

11 MR. MACPHAIL: Objection. Are you talking about
12 any kind of liability insurance or liability insurance
13 that pertains to this claim?

14 MS. CUMMINS: Liability that pertains to this
15 claim.

08:37:22

16 MR. MACPHAIL: Okay. You can answer that.

17 THE WITNESS: No.

18 BY MS. CUMMINS:

19 Q Do you remember in your deposition in Texas that
20 you told me that you had liability insurance on the
21 building at 115 Southeast First Street?

22 A We do not have liability insurance any longer.

23 Q I asked you at your deposition if you had
24 liability insurance. You said yes. Your deposition was
25 November 8th, 2011.

08:37:58

1 So you had liability insurance at that time?

2 A Yes, we did.

3 Q I also asked you if you had liability insurance
4 when I was there in June of 2010.

5 A I do not recall. I don't recall what I said in
6 the deposition.

7 Q Do you remember saying yes?

8 A No. I don't remember.

9 Q Who paid for you to stay at the Biltmore Hotel
10 yesterday?

11 MR. MACPHAIL: Objection. You're entitled to
12 know the amount because it may be a recoverable cost.

13 MS. CUMMINS: Okay.

14 BY MS. CUMMINS:

08:38:39

15 Q What was the amount?

16 A I actually don't have that in front of me. I'd
17 have to look at the documents.

18 Q What was the amount of your airfare?

19 A I don't actually remember that either.

20 Q So if I were to ask you for the receipt for the
21 Biltmore Hotel would you be able to provide that to me?

22 A Yes. At some point I'm sure I can.

23 Q And so I will ask for the receipt for the
24 Biltmore Hotel and you will be able to give me that
25 receipt?

08:39:13

1 A Yes.

2 Q And if I asked you for the receipt for your
3 airfare for you and Dottie will you be also able to give
4 me that receipt?

5 A Yes.

6 Q What user names do you have on Facebook?

7 A I have Bat World Sanctuary and Lorraine Kurtz.

8 Q Does your husband have an account on Facebook?

9 A Yes.

10 Q What is his user name?

11 A I'm not sure that's -- I think that's probably
12 private information. He's not involved in this lawsuit.

13 Q You stated under oath in a court hearing that he
14 is a volunteer and works with Bat World Sanctuary.

08:40:11

15 A His name is Larry Crittenden.

16 Q And his Facebook user name is Larry Crittenden?

17 A Yes.

18 Q What is your user name on Google?

19 A amandalollar.

20 Q Do you have a blogger user name?

21 A No. Not that I recall.

22 Q Is your blogger user name a.l-o-l-l-a-r?

23 A I don't believe it is.

24 Q What is your Yahoo user name?

25 A batworldsanctuary.

08:40:50

1 Q Do you have any other user names?

2 A I have one. Yes. I have bootsana.

3 b-o-o-t-s-a-n-a.

4 I believe that's it.

5 Q Do you have a user name on care2?

6 A No.

7 Q Have you ever made any posts on care2?

8 A No.

9 Q What is your user name for the Bat World
10 Sanctuary message board?

11 A I don't have a Bat World Sanctuary message board.

12 Q I'm going to show you defendants' Exhibit No. 2.
13 What are these user names on your batworld.org
14 page?

08:41:50

15 A This is -- these are people that have commented
16 on our website but this is not a message board. This is a
17 website.

18 Q Okay. Can you hand that back?

19 A (Witness complies.)

20 MR. MACPHAIL: The Post-It there -- the yellow
21 one --

22 MS. CUMMINS: Do you want me to take it off?

23 MR. MACPHAIL: Yeah. It doesn't belong.

24 BY MS. CUMMINS:

25 Q Then I will rephrase the question.

08:42:27

1 What is your user name so you can post on
2 batworld.org?

3 A batworld.

4 Q What are your user names on YouTube?

5 A I have two. One is batworldsanctuary and the
6 other one is bootsana.

7 A Actually the user name is bwsvmc.

8 Q What is your user name on Twitter?

9 A batworldsanctuary or batworld. I'm not sure
10 which one it is.

11 Q What is your husband's user name on YouTube?

12 A I don't believe he has a user name on YouTube.

13 Q Is sanctuary@batworld.org your e-mail address?

14 A Yes.

08:43:42

15 Q Are you the only person who has a password for
16 it?

17 A No.

18 Q Who else has a password?

19 A Anyone that I allow access to my office and my
20 e-mail when I'm not there.

21 Q Could you give me a list of those people?

22 A That would be Dottie Hyatt and Kate Rugroden and
23 my husband Larry Crittenden and that's all I can recall at
24 the time.

25 Q What other e-mail addresses do you use?

08:44:25

1 A I use bootsana2007@yahoo.com.

2 Q Any others?

3 A batworldsanctuary@yahoo.com.

4 Q Any others?

5 A And bwsanctuary@gmail.com.

6 Q Do you own the domain names amandalollar.com,
7 amandalollar.info and amandalollar.org?

8 A Yes.

9 Q Do you own the domain name batworld.org?

10 A Yes.

11 Q Do you own any other domain names?

12 A I believe amandalollar.info. I'm not sure if
13 that's one you named.

14 Q Yes.

08:45:18

15 A I may have amandalollar.us. I'm not sure.

16 Q Where have you posted about me or referred to me
17 in any way?

18 Have you posted about me on Facebook?

19 A I don't believe so.

20 Q You have never posted on your Facebook Bat World
21 Sanctuary page links to information about your lawsuit
22 against me?

23 A You just said Facebook, not Bat World Sanctuary.

24 Q Oh. I mean -- yeah. On Facebook.

25 A On Bat World Sanctuary's Facebook page about the

08:46:01

1 lawsuit?

2 Q Yes.

3 A We have -- yes. We have a notification called
4 "Victims of Harassment" that references the lawsuit in
5 Texas where you have harassed us.

6 Q So you have posted on Facebook links to your
7 Bat World website which reference the lawsuit against
8 me?

9 A Yes.

10 Q Have you mentioned my name on Facebook?

11 A I don't believe so.

12 Q Have you referenced me as batvocate?

13 A No.

14 Q Have you referred to me as animal advocate?

08:46:43

15 MR. MACPHAIL: Objection. On Facebook? The
16 Bat World Sanctuary Facebook page?

17 MS. CUMMINS: On the Bat World Sanctuary Facebook
18 page.

19 MR. MACPHAIL: Okay.

20 THE WITNESS: I don't remember actually. I don't
21 recall.

22 BY MS. CUMMINS:

23 Q Have you posted about me on your personal
24 Facebook page?

25 A No.

08:47:01

1 Q Have you ever posted on my Facebook Animal
2 Advocates page?

3 A No.

4 Q Have you ever posted on any other Facebook walls
5 or pages about me?

6 A No.

7 Q Have you ever posted on Google about me?

8 A No.

9 Q Have you ever posted on Blogger about me?

10 A No.

11 Q Are you the moderator for the Yahoo Group World
12 Bat Line?

13 A Yes.

14 Q Does anyone else moderate it?

08:47:48

15 A Yes.

16 Q Who?

17 A Leslie Sturges.

18 Q Could you repeat that?

19 A Leslie Sturges.

20 Q Anyone else?

21 A No.

22 Q Do you have to approve every post on World Bat
23 Line?

24 A No.

25 Q In May of 2011 did you have to approved the posts

08:48:10

1 on World Bat Line?

2 MR. MACPHAIL: For foundation purposes which
3 posting are you talking about?

4 MS. CUMMINS: May 21st. The one where I'm a
5 convicted criminal.

6 MR. MACPHAIL: Okay. That's in the exhibits
7 here?

8 MS. CUMMINS: Yes.

9 MR. MACPHAIL: Can we identify it? I just want
10 to make sure the record is real clear.

11 MS. CUMMINS: Okay.

12 MR. MACPHAIL: That was which website?

13 MS. CUMMINS: That's it.

14 MR. MACPHAIL: Okay.

08:48:57

15 BY MS. CUMMINS:

16 Q I'm going to show you defendants' Exhibit 31.
17 Can you tell me what that is?

18 A That is a post to World Bat Line.

19 Q Did you make that post?

20 A I made a post similar to this. This one looks
21 like it's been altered.

22 Q Who altered it?

23 A I have no idea.

24 Q Who has the authority to alter it?

25 A Anyone who would have access to Photoshop and the

08:49:31

1 ability to manipulate the text on the post. It's a hard
2 copy. Anybody could alter that.

3 Q So you're telling me you did not post that on
4 Yahoo Group World Bat Line?

5 A I didn't post it as it reads.

6 Q Do you realize you're under oath?

7 A Yes, I do.

8 Q Are you stating that that post was never on
9 World Bat Line?

10 A It appears this post has been altered and that
11 particular post was not on World Bat Line.

12 Q How can you prove that it was altered?

13 A I can't.

14 Q How do you know?

08:50:09

15 A Because I did not make that statement.

16 Q On May 21st did you have to approve all posts
17 that were made to the Yahoo Group World Bat Line?

18 A Not all the posts.

19 Q What posts do you have to approve?

20 A I approve posts by new members only.

21 Q When did you make World Bat Line private?

22 A I'm not sure of the exact date.

23 Q Was it in July?

24 A I believe it was right after I found out that you
25 were in the listserv and e-mailing people who had been

08:51:16

1 speaking about you and threatening them with lawsuits.

2 Q You believe I was in your listserv?

3 A I believe you still are in our listserv.

4 Q What do you mean by that?

5 A I believe you created a fake e-mail address and
6 joined because anyone can join that listserv.

7 Q You believe I am a member of Yahoo Group World
8 Bat Line?

9 A Yes. I do believe you are.

10 Q Am I listed as a member?

11 A If you created a fake i.d. address how would I
12 know that?

13 Q You're stating that I sent e-mails in a fake i.d.
14 address?

08:51:55

15 A I didn't state you sent e-mails. I stated that
16 you were a member.

17 Q So you're stating I'm a member and I'm in your
18 listserv?

19 A Yes. I'm stating that's what I believe.

20 Q So you have no proof of this?

21 A No. I just believe it.

22 Q You stated I was sending e-mails to people in
23 your list?

24 A Yes.

25 Q What was the user name that sent those e-mails?

08:52:23

1 A The user name of the people that you threatened
2 or the user name of the person who threatened them?

3 I'm not understanding.

4 Q What was the user name of the person who
5 threatened them?

6 A I'm not sure.

7 Q Was it marycummins@yahoo.com?

8 A I just said I'm not sure. I only know that
9 people e-mailed me and e-mailed the list and said that you
10 had contacted them and said that you were going to sue
11 them if they didn't stop talking about you.

12 Q So they told you that I threatened to sue them?

13 A Yes.

14 Q How did they know it was me?

08:53:02

15 A Because -- probably because you identified
16 yourself. I have no idea because I wasn't part of that
17 conversation.

18 They only posted that you had contacted them and
19 you had threatened them with a lawsuit if they said
20 anything else about you. That's what they said. I have
21 no idea --

22 Q Who said this?

23 A Debbie Cottrell. Dr. Cottrell.

24 Q Did she forward to you the e-mail address that I
25 sent to her?

08:53:26

1 A I believe she forwarded it to World Bat Line so
2 everybody could see it.

3 Q If I'm going to request this e-mail which was
4 forwarded from Debbie Cottrell to World Bat Line what
5 would I call that document?

6 A Exactly what you just said.

7 Q Okay. I'm going to request the supposed
8 e-mail --

9 A You actually already have it.

10 Q I have an e-mail?

11 A Yes. You have it. You have it in these
12 documents where you accessed one of the archives. You
13 have a snippet of that document where it references
14 Debbie Cottrell saying that you had sent her an e-mail.

08:54:15

15 So you already have it. I've actually deleted
16 all of those e-mails from the list. They no longer exist.

17 Q Have you posted about me on any You-Tube
18 channels?

19 A Yes.

20 Q Which ones?

21 A BWSVMC.

22 Q Any others?

23 A No.

24 Q Did you send me a message on YouTube from your
25 user name bwsvmc?

08:55:00

1 A No.

2 Q You never sent me a message that said "look at
3 me"?

4 A No.

5 Q Have you ever posted about me on care2?

6 A No.

7 Q Have you posted about me on raisethefist?

8 A I believe I did. I made one post on
9 raisethefist.

10 Q In your discovery documents you sent me a few
11 posts.

12 A I wouldn't know unless I actually saw those
13 documents. I don't have them in front of me.

14 Q So you're stating you only made one post about me
15 on raisethefist?

08:56:14

16 A I'm stating I believe I only made one post. I
17 don't recall actually. I don't have the original
18 documents in front of me.

19 Q So you could be wrong?

20 A I could be wrong.

21 Q Did you post about me on IndyMedia?

22 A Yes.

23 Q How many posts did you make about me?

24 A I believe --

25 Q Articles.

08:56:33

1 A Did you have to finish your questions?

2 Q How many articles did you write about me on
3 IndyMedia?

4 A I don't recall.

5 Q In your discovery you gave me five.

6 Do you believe you wrote five articles about me
7 on IndyMedia?

8 A I need to look at my actual documents and my
9 actual -- the actual posts. I'm not sure what you have in
10 front of you.

11 Q Did you post about me on IndyBay?

12 A I don't recall.

13 Q Have you posted about me on Twitter?

14 A No.

08:57:13

15 Q Has user name batworldsanctuary posted about me
16 on Twitter?

17 A No.

18 Q The YouTube videos posted on the YouTube channel
19 BWSVMC -- who made those videos?

20 A I did.

21 Q Did you edit them?

22 A No.

23 Q Did you make the movies that you posted?

24 A Yes.

25 Q Did you add the titles?

08:57:50

1 A Yes.

2 Q So you added on the title that it was a court
3 ordered deposition?

4 A Yes.

5 Q Did you upload the videos to that channel?

6 A Yes.

7 Q Are comments moderated on that channel?

8 A No.

9 Q So anyone can make a comment and it will
10 automatically show up?

11 A Yes.

12 Q Have they ever been moderated?

13 A I believe I moderated them at first.

14 MR. MACPHAIL: You're talking about comments on
15 the YouTube channel?

08:58:34

16 MS. CUMMINS: Yes.

17 MR. MACPHAIL: It's vague and ambiguous as to the
18 term they. I just want to make sure you're clear.

19 MS. CUMMINS: Okay. I'm sorry.

20 BY MS. CUMMINS:

21 Q So in the beginning the comments had to be
22 approved?

23 A I believe so.

24 Q But they don't have to be approved now?

25 A No.

08:58:53

1 MS. CUMMINS: Let me just check the camera.

2 BY MS. CUMMINS:

3 Q Have you ever deleted any posts from that
4 channel?

5 A I don't recall.

6 Q Have you ever not approved of any posts on that
7 channel?

8 A Yes.

9 Q About how many comments have you not approved?

10 A I believe there was one.

11 Q Was that from me?

12 A That would be unusual but maybe it was. I have
13 no idea who made the post.

14 Q Do you have ads on the videos on that channel?

08:59:38

15 A Yes.

16 Q Do you believe you have the right to make money
17 off those videos?

18 MR. MACPHAIL: Objection. Argumentative as to
19 make money off the videos.

20 The money is derived from the advertisements.

21 MS. CUMMINS: Which are on the videos. If there
22 were no videos there would be no ads.

23 MR. MACPHAIL: Well also I'm not sure it's either
24 admissible nor reasonably calculated to lead to the
25 discovery of admissible evidence but you can answer the

09:00:04

1 question.

2 THE WITNESS: Answer the question?

3 MR. MACPHAIL: Yes.

4 THE WITNESS: Okay. Do I believe that I should
5 make money off the videos?

6 BY MS. CUMMINS:

7 Q Do you have ads on the videos?

8 A Yes.

9 I answered that.

10 Q Why do you have ads on the videos?

11 A Because the money goes into Bat World Sanctuary's
12 account because you defamed us so badly and we lost so
13 much money that we need to make money in any way, shape or
14 form to stay afloat.

09:00:28

15 MS. CUMMINS: Please just answer my questions.

16 BY MS. CUMMINS:

17 Q The comments that are posted on the batworld.org
18 website -- are those moderated?

19 A Yes.

20 Q Have you ever deleted any comments?

21 A Yes.

22 Q Have you spoken on the phone to the California
23 Department of Fish & Game about me?

24 A No.

25 Q Have you sent an e-mail to the California

09:01:06

1 Department of Fish & Game about me?

2 A Yes.

3 Q How many did you send?

4 A I sent one e-mail asking Nicole if she thought it
5 was appropriate for a wildlife rehabilitator that she
6 permitted to jeopardize the life of 50,000 bats in another
7 town by making false claims of them all being rabid and
8 being a public health threat.

9 Q Do you have a copy of that e-mail?

10 A I believe I supplied it.

11 Q No. You said you were going to give it to me
12 plus a copy of the insurance.

13 MR. MACPHAIL: Okay. I don't have that
14 documentation. I'll get that to you.

09:01:42

15 MS. CUMMINS: Okay.

16 BY MS. CUMMINS:

17 Q Did Nicole reply back?

18 A No.

19 Q What else did you say in that e-mail?

20 A I don't recall. I thought that was bad enough
21 that a wildlife rehabilitator would be threatening wild
22 animals and jeopardizing an entire healthy bat colony just
23 because she was disgruntled.

24 Q Did you send any letters or faxes to the
25 California Department of Fish & Game about me?

09:02:17

1 A No unless you count that e-mail as a letter which
2 is one and the same. There was one e-mail.

3 Q Did you send any e-mails to the USDA about me?
4 The United States Department of Agriculture.

5 A I sent e-mails in response to your defamation and
6 to your false claims of animal abuse and animal cruelty
7 and animal neglect which we then proved completely without
8 merit. All of those claims are completely false.

9 Q Excuse me, please. Don't interrupt me.
10 Have you ever inquired about my USDA permits?

11 A No.

12 Q Has anyone from Bat World Sanctuary inquired
13 about my USDA permits?

14 A I believe -- I believe we did a FOIA.

09:03:04

15 Q Who did that?

16 A That was Kate Rugroden.

17 Q Did you also do an Information Act Request to the
18 California Department of Fish & Game?

19 A I believe so.

20 Q Who made that?

21 A That would be Kate Rugroden.

22 Q Did you speak to anyone on the phone at USDA
23 about me?

24 A Yes.

25 Q Whom did you speak to about me?

09:03:38

1 A Legal investigation. After your false claims
2 were made they called to make an appointment for an
3 inspection.

4 Q What person did you speak to?

5 A I believe his name was Kevin McGowen. He did a
6 five hour legal investigation of our facility after your
7 false claims.

8 Q Kevin McGowen went to your Bat World Sanctuary
9 and was there for five hours?

10 A Yes, he was.

11 Q What time of day was he there?

12 A I believe it was around 11:00 a.m.

13 Q Around 11:00 a.m. most of your bats are sleeping,
14 aren't they?

09:04:16

15 A Yes.

16 Q Did he look at the bats?

17 A Yes.

18 Q How did he look at the bats?

19 A With his eyes.

20 Q In their roosts?

21 A Yes.

22 Q Have you spoken on the phone to anyone at
23 Texas Parks & Wildlife Department about me?

24 A No.

25 Q Have you e-mailed anyone at Texas Parks &

09:04:47

1 Wildlife Department about me?

2 A I responded to your allegations of abuse.

3 Q Did you do that via e-mail?

4 A Yes.

5 Q Did you send any letters or faxes?

6 A I replied to your false allegations with an
7 e-mail.

8 Q So you sent no letters or faxes?

9 A No.

10 Q When Kevin McGowan from the USDA was at Bat World
11 Sanctuary for five hours did you talk to him about me?

12 A Yes.

13 Q What did you tell him about me?

14 A That you had made -- that you left our internship
09:05:28 15 disgruntled and claimed to have injured yourself even
16 though you continued to work five days -- five to six days
17 after -- and that you left cage doors open and bats
18 escaped, that babies under your care died and that you
19 didn't -- you failed to do any of your duties during the
20 internship and that you made false complaints against me
21 of animal abuse and neglect and cruelty.

22 Q What do you mean by disgruntled?

23 A You left unhappy.

24 Q Which cage doors do you think I left open?

25 A You left the rehab room that -- the netted cages

09:06:12

1 with the foliage roosting bats open on several occasions.
2 We had to continue to remind you to close them.

3 Q You're telling me I left the cage for the red
4 tree bats -- baby red tree bats open?

5 A Oh yes. Several times.

6 Q Do you have any proof?

7 A I have witnesses.

8 Q You have witnesses that would be willing to
9 testify that they saw me leave the cage doors open?

10 A Yes.

11 Q Have you spoken to anyone from the City of
12 Mineral Wells about me?

13 A Yes.

14 Q Whom did you speak with?

09:07:09

15 A The city manager, the chief of police, the health
16 inspector and code enforcement.

17 Q Was this on the phone?

18 A No. I had a meeting with them.

19 Q In person?

20 A Yes. That's how you normally have a meeting.

21 Q What did you tell them about me?

22 A That you had made false complaints of Bat World
23 being a public health threat, animal cruelty, animal
24 abuse, illegal drug use.

25 Q Excuse me. What do you mean by illegal drug use?

09:07:59

1 A You claimed that I was using drugs illegally on
2 the -- medications on the bats illegally. That I had them
3 illegally.

4 Q What else did you tell them about me?

5 A That you -- I believe I said -- I'm not sure if I
6 told them about your alleged head bump or not. I don't
7 recall that.

8 Q Back to the head bump.

9 You stated a few moments ago that I bumped my
10 head and continued to work for six days.

11 Is that what you said?

12 A Uh-huh. Yes.

13 I believe it was six days. It could have been
14 four.

09:08:37

15 Q Again how many days was I at Bat World Sanctuary?

16 A I believe you were there six full days.

17 Q You don't believe I was there 10 days?

18 A We've gone over this before.

19 Q I just want to --

20 A You may have been in Texas 10 days but you were
21 only at the Bat World facility for six full days. I don't
22 know where you were when you weren't at Bat World.

23 Q Do you have proof that I was only there for six
24 full days?

25 A Yes.

09:09:02

1 Q What is the proof?

2 A I have witnesses.

3 Q What witnesses?

4 A I have my husband. I believe that's all that I
5 have right now.

6 You were there. You should know.

7 Q When did I leave Bat World Sanctuary?

8 A You left in the morning -- early in the
9 morning -- but I don't recall exactly what day it was.

10 Q If you don't know what day it was how do you know
11 I was only there six days?

12 A Because we've had this discussion several times
13 and I've added it up.

14 Q Can you tell me what day I arrived?

09:09:40

15 A I don't recall the exact day.

16 Q So you don't know when I arrived and you don't
17 know when I left?

18 A If you're asking me for the exact day and time of
19 the day almost two years ago no. I do not remember the
20 exact day that you arrived or the exact day that you
21 left.

22 Q Then how could you know the exact number of days
23 that I was there?

24 A Because I counted them up. At the time I counted
25 them up I had a calendar in front of me. I don't have a

09:10:14

1 calendar in front of me right now and I don't have your
2 internship application or the itinerary for all of the
3 other interns.

4 Q Did you speak to anyone at the City of Moorpark
5 about me?

6 A No.

7 Q Did you speak to John Brand of Moorpark about
8 me?

9 A No.

10 Q Did you speak to anyone in the City of Moorpark
11 about me?

12 A No.

13 Q Did you speak to any homeowner in the City of
14 Moorpark about me?

09:10:58

15 A No.

16 Q Did you speak to the homeowner who had the rabid
17 bats in their roof about me in Moorpark?

18 A No. No.

19 Q Did you speak to anyone in the City of Moorpark
20 about the rabid bats?

21 A Yes.

22 Q With whom did you speak?

23 A I don't believe we spoke with or I spoke with
24 John Grant. I spoke with someone at the city at that time
25 but I'm not sure. I don't recall his name.

09:11:38

1 Q Did you e-mail anyone at the City of Moorpark
2 about me?

3 A No.

4 Q Did you speak to the health department about the
5 rabid bats?

6 A I believe I did. I didn't speak to them. I
7 e-mailed them.

8 Q Did you speak to someone who was the senior
9 analyst at the City of Moorpark about me?

10 A No, I did not.

11 Q Are you sure you didn't speak to John Brand about
12 me?

13 A I'm positive.

14 Q Yesterday you stated that Ady Gil was a member.
15 Is Ady Gil a member of Bat World?

09:12:23

16 MR. MACPHAIL: Object to the first question.

17 MS. CUMMINS: I'm going to retract the first
18 question.

19 MR. MACPHAIL: All right.

20 BY MS. CUMMINS:

21 Q Is Ady Gil a member of Bat World?

22 A No.

23 Q Have you given me all e-mail conversations that
24 you had with Ady Gil?

25 A Yes.

09:12:52

1 Q How many e-mails did you send him?

2 A I never sent him an e-mail. I sent him a message
3 through his web forum. I don't have his e-mail address.

4 Q How many of those did you send?

5 A One.

6 Q Have you spoken on the phone to Rebecca Dimetrick
7 about me?

8 A Yes.

9 Q What did you tell her about me?

10 A That you were -- we were suing you because you
11 were harassing us over the Internet.

12 Q What else did you tell her about me?

13 A That you were cyberstalking me.

14 Q What does cyberstalking mean to you?

09:13:37

15 A It means someone following someone else on a
16 daily basis watching every move they make and posting
17 about it on their website every single day or almost ever
18 other day.

19 Terrorizing that person. Sending e-mails to that
20 person's friends and family and professional acquaintances
21 trying to ruin them over the Internet because they're
22 disgruntled or have an agenda.

23 Q Have I ever sent an e-mail to your family?

24 A No.

25 Q You just said -- that's your definition of

09:14:09

1 cyberstalking.

2 Have you ever e-mailed Rebecca Dimetrick?

3 A Yes.

4 Q Have you ever e-mailed Rebecca Dimetrick about
5 me?

6 A I don't believe so.

7 Q Were you communicating with Rebecca Dimetrick
8 about the rabid bats in Moorpark?

9 A Yes.

10 Q Did you ever mention me?

11 A I don't recall.

12 Q Do you ever remember telling the senior analyst
13 of Moorpark that I'm not a bat expert. I have to look
14 things up on the Internet?

09:15:12

15 MR. MACPHAIL: Objection. Lack of foundation. I
16 don't believe she testified that she spoke to the senior
17 analyst. She said she spoke to somebody at the City of
18 Moorpark.

19 MS. CUMMINS: Okay.

20 BY MS. CUMMINS:

21 Q If you were to go back home and look through your
22 records would you be able to find out whom you spoke with
23 at the City of Moorpark?

24 A No.

25 Q Do you have telephone records?

09:15:30

1 A No.

2 Q What is the name of your telephone service?

3 A Sunlink.

4 Q Do they also provide your Internet services?

5 A Yes.

6 Q What name is the bill in?

7 A I believe it's in my name.

8 Q If I were to request a copy of your Sunlink
9 Internet and telephone bill how would I identify that
10 document?

11 A Just exactly like what you just said.

12 Q Would you happen to know if you have a static IP
13 or one that changes?

14 A I don't know.

09:16:36

15 Q Do you access the Internet through DSL or
16 cable?

17 A I actually don't know.

18 Q Have you ever been arrested?

19 A No.

20 Q Have you ever been charged with a crime of any
21 type?

22 A No.

23 Q Have you ever filed for bankruptcy?

24 A No.

25 Q Have you ever been foreclosed upon?

09:17:10

1 A No.

2 Q Have you along with your ex-husbands ever been
3 foreclosed upon?

4 A No.

5 Q Do you have a Ph.D.?

6 A No.

7 Q Do you have a Master's degree?

8 A No.

9 Q Do you have a college degree?

10 A No.

11 Q Do you have a high school education?

12 A I received my GED at 15.

13 Q What's the last grade of school that you
14 finished?

09:17:29

15 A Ninth.

16 Q Do you remember in your November 8th deposition
17 you stated the last grade you finished was tenth?

18 A I said the last grade I attended was the tenth.

19 Q All right. I believe it was finished but I'll
20 look at the --

21 A As I stated I have a GED which is a general
22 equivalency diploma which is the same thing as a high
23 school diploma. I received it when I was 15.

24 Q Why didn't you complete high school?

25 A I had family issues and other things that I

09:18:03

1 needed to deal with.

2 Q What issues did you have?

3 A That's private information.

4 Q Do you remember in your November 8th, 2011
5 deposition that you stated you just wanted to get on with
6 life?

7 A Yes, I do. That involves the family issues as
8 well.

9 Q Do you have a veterinary license?

10 A No.

11 Q Do you have a vet tech license?

12 A No.

13 Q Did you ever recommend freezing bats to death in
14 your 1994 manual?

09:18:41

15 A I recommended it for comatose bats only. Bats
16 that were already either agonal or comatose. In other
17 words, unconscious or in the process of dying an agonizing
18 death.

19 And that was only bats that already are torpid
20 which means they're in semi-hibernation which means
21 they're already cold so freezing would not --

22 I also recommended it if no other reasonable
23 method could be found. It was a last resort.

24 Q So if you had a non-comatose bat and you had no
25 other means of euthanizing it would you freeze it?

09:19:18

1 A Absolutely not.

2 Q Have you ever posted on the Facebook page
3 Animal Advocates and the truth?

4 A No.

5 Q Has user name batworldsanctuary ever posted on
6 Facebook page Animal Advocates And The Truth?

7 A Animal Advocates and the truth? Is that what
8 you're saying?

9 I'm not sure. I don't recall. I mean I can't
10 understand what you're saying.

11 MR. MACPHAIL: Maybe while you're searching for
12 that can we take one minute?

13 MS. CUMMINS: Go ahead.

14 We're off the record.

09:20:41

15 (A recess was taken from 9:21 a.m. to 9:25 a.m.)

16 MS. CUMMINS: It's 9:25 and we're back on the
17 record.

18 BY MS. CUMMINS:

19 Q Have you ever posted on the Facebook page
20 Animal Advocates and the truth?

21 A I'm not sure what site you're talking about.

22 Q It's a page on Facebook.

23 A I don't recall.

24 Q Have you ever posted as Lorraine Kurtz on Animal
25 Advocates and the truth?

09:23:35

1 A I don't recall.

2 Q Have you ever posed as Bat World Sanctuary on
3 Animal Advocates and the truth?

4 A I don't recall that website or that Facebook page
5 at all so I wouldn't recall posting to it.

6 MS. CUMMINS: What is the last exhibit?

7 THE REPORTER: We're starting with 48.

8 MS. CUMMINS: Starting with 48?

9 THE REPORTER: Yes. We marked 47 yesterday as
10 the last one.

11 MS. CUMMINS: Exhibit 48.

12 BY MS. CUMMINS:

13 Q Could you please look at Exhibit 48.

14 What does it say at the top of the page?

09:24:17

15 What is the name of the page on Facebook?

16 A Oh. It says "Animal Advocates and the truth."

17 Q Do you see the two posts that are circled there?

18 A Uh-huh.

19 Q Can you tell me if you made those two posts?

20 A Yes, I did.

21 Q Did you just say you didn't a few minutes ago?

22 A I said I don't recall a few minutes ago.

23 Q So you don't recall making those posts?

24 A I do now.

25 Q Could there be other posts that you've made that

09:24:44

1 you just don't recall?

2 A I assume that's true of anybody.

3 Q I asked you earlier all the places where you've
4 posted about me.

5 Have you posted about me on the Internet anywhere
6 other than Facebook, Google, Blogger, Yahoo, YouTube,
7 batworld.org, Raise The Fist, IndyMedia, IndyBay or
8 Twitter?

9 A I don't believe I've posted to all the sites you
10 just named. I can't really answer the question.

11 Q Does your Facebook Bat World Sanctuary page
12 automatically post all your updates to Twitter?

13 A Yes.

09:26:39

14 Q Then would you agree with me that Bat World
15 Sanctuary is then posting to Twitter?

16 A There's a direct feed into Twitter.

17 Q So the posts from Facebook end up on Twitter?

18 A Yes.

19 Q So your posts end up on Twitter?

20 A Yes.

21 Q Have you posted about me in any other websites?

22 MR. MACPHAIL: Other than the ones you just
23 stated?

24 MS. CUMMINS: That I just mentioned. Yes.

25 MR. MACPHAIL: Well with the exception that some

09:27:05

1 of the ones you mentioned may or may not have been --

2 MS. CUMMINS: These are the ones she admitted --

3 Wait. Well she didn't admit to one of them but
4 she gave me a copy of the posts. I'll get into it later.

5 BY MS. CUMMINS:

6 Q Okay. Have you ever posted on Koi and Water
7 Gardens Club of North Texas about me?

8 A I don't recall.

9 MS. CUMMINS: 49.

10 BY MS. CUMMINS:

11 Q I'm showing you Exhibit 49.

12 Did you write that?

13 A Would you like for me to read it out loud?

14 MR. MACPHAIL: No.

09:28:40

15 BY MS. CUMMINS:

16 Q Did you write that?

17 A I need to read it.

18 Q Okay.

19 A Yes, I did. I did create that in response to
20 your defamation.

21 Q Do you mention me by name in this post?

22 A I actually need to look at it again. I read the
23 entire thing but don't remember seeing your name.

24 Yeah. There's your name. Apparently I did.

25 MR. MACPHAIL: For the record you circled the

09:29:00

1 name. That was not on the original exhibit.

2 MS. CUMMINS: Yes. Correct. I circled it to
3 make it easier.

4 BY MS. CUMMINS:

5 Q In this post which you made on the public
6 Internet on Koi and Water Garden Club of North Texas --

7 A Can I see that again, please?

8 I didn't actually post this. I sent an e-mail.

9 The Koi and Water Garden Club of North Texas
10 apparently posted it. I didn't post this on their page.
11 I have no control over their page.

12 Q In this e-mail which you sent to these people
13 which they then posted on this page you are asking people
14 to link to the pages amandalollar.com and batworld.org.

09:30:04

15 Is that correct?

16 A That's correct.

17 Q Why did you ask them to do that?

18 A To try to counter the defamation that you were
19 stating about our organization and me.

20 Q How do you believe posting these two links
21 counters the defamation?

22 A I'm not an Internet expert but if people link to
23 your website then it goes up higher in the search engine
24 from what I understand.

25 Q So you were trying to influence the search engine

09:30:28

1 rank of your websites?

2 A I was trying to make our page more visible.

3 Q You were trying to make the pages --

4 amandalollar.com -- now doesn't that website deal
5 mainly with me?

6 A Yes, it does.

7 Q So you wanted information about me to turn up
8 higher on search engines?

9 A I wanted information about the truth about what
10 happened at Bat World.

11 Q Earlier I asked you if you posted about me on
12 your Facebook Bat World Sanctuary page.

13 What was your answer?

14 A I believe I said no.

09:32:09

15 Q Have you ever referenced me in any way on your
16 Facebook Bat World Sanctuary page?

17 A I may have.

18 Q And how did you reference me?

19 A Probably as maybe "this individual."

20 Q Any other term?

21 A I don't recall.

22 Q Have you ever referenced me as quote/unquote
23 animal advocate?

24 A I don't recall.

25 Q Have you ever referenced me as quote/unquote

09:32:44

1 supposed expert?

2 A I don't recall.

3 MS. CUMMINS: I'm handing you Exhibit 50.

4 MR. MACPHAIL: And for the record the pen
5 circling of the text was just added. It was not on the
6 original.

7 MS. CUMMINS: Correct.

8 BY MS. CUMMINS:

9 Q Did you make those posts as user Bat World
10 Sanctuary?

11 A Yes, I did.

12 Q Are you referring to me in those posts?

13 A You mean the circled word "experts"?

14 Q Yes.

09:33:25

15 A Well unless you're more than one person
16 apparently not because that's plural. "Experts" is
17 plural.

18 Q Whom are you referencing when you write
19 quote/unquote experts?

20 A This happened -- I can't remember when. I think
21 this was early last summer or 2011. So it would have been
22 anyone who advised sealing the bats in rather than
23 humanely excluding them and allowing them to go free.

24 That would have been whoever advised that which
25 would have been anyone involved in recommending that and I

09:33:51

1 don't recall who those individuals would be.

2 Q Have you ever inferred that I recommended sealing
3 the bats in?

4 A I don't recall.

5 Q Have you ever heard that I recommended sealing
6 the bats in?

7 A No. I don't recall if I've heard that or not.

8 Q Do you have any knowledge that I recommended
9 sealing the bats in?

10 A I don't remember that either.

11 Q Did you contact the Ventura County Health
12 Department about the rabid bats in Moorpark?

13 A I don't remember if they contacted me or if I
14 contacted them but I do remember sending an e-mail or
09:34:55 15 talking to someone. I just don't remember actually.

16 Q How many times did you speak with them?

17 A One time I believe.

18 Q Did you leave messages or send e-mails
19 afterwards?

20 A No.

21 Q Did you ever leave a message which they did not
22 return?

23 A No.

24 Q Did you ever post that I was a convicted
25 criminal?

09:35:32

1 A No.

2 Q Did you ever tell anyone that I was a convicted
3 criminal?

4 A No.

5 Q Do you have any proof that I am a convicted
6 criminal?

7 A No.

8 Q Did you ever post or state that I hacked into
9 your website?

10 A No.

11 Q Did you ever state that I hacked into your e-mail
12 address book?

13 A No.

09:36:27

14 Q Are you the only person who has the user name and
15 password of the domain name amandalollar.com?

16 A No.

17 Q Who else has it?

18 A Two people that help me with the website.

19 Q What are their names?

20 A One of the people is Angie last name is Ray.

21 Q How do you spell that?

22 A R-a-y.

23 Q And the other person?

24 A Les Brown.

25 Q Do they have the user name and passwords for all

09:37:02

1 of your domain names?

2 A Yes.

3 Q Who posted what is on amandalollar.com today?

4 A I did.

5 Q Did you also post what's on amandalollar.us,
6 amandalollar.net and amandalollar.info?

7 A Yes.

8 Q Did you post or tell anyone that I'm a
9 cybersquatter?

10 A No.

11 Q Did you post or tell anyone that I commit animal
12 cruelty?

13 A No.

09:38:05

14 Q Did you state in your November 8th, 2011
15 deposition that I squeezed a baby bat's head?

16 A Yes.

17 Q Do you believe that's animal cruelty?

18 A I believe it's not natural.

19 Q In your November 8th, 2011 deposition did you
20 state that I dragged an old pallid bat out of its roost?

21 A Yes.

22 Q Did you see me drag it out of the roost?

23 A No.

24 Q Do you have any witnesses that saw me drag it out
25 of the roost?

09:38:32

1 A Only your video camera where you videoed the bat
2 and you took pictures of the bat after you had drug it out
3 of its roost.

4 Q Do you have video of me dragging the bat out of
5 the roost?

6 A No.

7 Q Are you still stating that I dragged the bat out
8 of the roost?

9 A That's what I believe.

10 Q Do you believe I filed false complaints against
11 you with the authorities?

12 A Absolutely.

13 Q Did you file a police report for me filing false
14 complaints against you with authorities?

09:39:19

15 A I tried.

16 Q Did they refuse to take the report?

17 A They said that it wasn't a complaint they could
18 deal with.

19 Q What did they say more specifically?

20 A Specifically that it wasn't a complaint they
21 could deal with.

22 Q Isn't it a crime to -- well never mind.

23 Have you seen the photos and videos which I took
24 while I was at Bat World Sanctuary?

25 A Yes unless you've kept some hidden.

09:39:55

1 Q Are they indeed photos and videos of Bat World
2 Sanctuary?

3 A Yes. The ones I've seen.

4 Q None of those photos and videos were taken
5 somewhere else?

6 MR. MACPHAIL: Well objection just to the extent
7 that we don't have the photos and videos in front of us
8 so --

9 MS. CUMMINS: Okay.

10 MR. MACPHAIL: If you're asking Ms. Lollar the
11 videos and photos that she's seen that occurred at
12 Bat World premises --

13 MS. CUMMINS: I'll ask it another way another
14 time.

09:40:53

15 BY MS. CUMMINS:

16 Q Have you messaged any of my friends on Facebook?

17 A Yes. I believe I have.

18 Q How many?

19 A I don't recall.

20 Q Do you remember any names?

21 A No.

22 Q If I were to request your Facebook messages from
23 you to any of my friends would you be able to supply me
24 with those documents?

25 A I've already supplied them.

09:41:22

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Q I don't think so.

How many do you believe you supplied?

A Three or four maybe at the most.

Q Do you remember what you told them about me?

A I remember telling them to please see our defense of your defamation before they made any real decisions. Something along those lines. I can't remember exactly.

Q Have you ever posted on my Facebook Animal Advocates page?

A No.

Q I just handed you Exhibit 51 which is a copy of the blog victimsofmisscummins.blogspot.com.

Have you ever seen that website?

A Yes, I have.

09:42:41

Q Have you ever commented on that website?

A No.

Q Have you ever commented under blogger user name a.lollar on that website?

A I don't believe I have.

Q Do you control the blogger user name a.lollar?

A I don't believe I do.

Q You don't know for certain whether you control that user name or not?

A I created a blogger user name several years ago to contribute to a blog on a terminally ill friend and I

09:43:09

1 don't remember what that blogger name was and I haven't
2 used it since.

3 Q Earlier I asked you if you had a blogger user
4 name and you said no.

5 A I just said I don't believe I have it.

6 Q Just now you stated that you did create a blogger
7 user name.

8 A Yes but it's no longer in existence and I don't
9 recall what it was.

10 Q Could it have been a.lollar?

11 A No. I don't believe it was. I never use my real
12 name.

13 Q Why not?

09:43:49

14 A Because I don't want to -- I don't have time to
15 play on the Internet and blog back and forth. I only have
16 time to promote our organization. I don't have time for
17 chit-chat and fun on the Internet.

18 Q How often are you on your Bat World Sanctuary
19 Facebook account?

20 A Quite often.

21 Q How often are you posting about me on your
22 amandalollar.com.info.us.net domains?

23 A I have made one post so I don't get on there
24 often. I made one post.

25 Q You have only posted once to those domain names?

09:44:24

1 A I have changed one domain to update it. That's
2 it.

3 Q How many times did you change it?

4 A Maybe twice.

5 Q Which one was that?

6 A amandalollar.com.

7 Q Do you have an Indian flying fox bat?

8 A Yes.

9 Q Do you have a Fish & Wildlife permit?

10 A Yes.

11 Q When did you get that?

12 A In September or October of 2011 I believe.

13 Q What species of bat does that permit cover?

14 A Injurious species.

09:45:21

15 Q Could you say that again?

16 A Injurious species.

17 Q Do you mean protected?

18 A No. Injurious.

19 Q Pest species?

20 A No. It's not called a pest species. Bats are
21 not pests.

22 Q What does injurious mean?

23 A It means that if the bat escapes it could cause
24 damage to orchards.

25 Q And that's not a pest?

09:45:50

1 A No. Birds are not pests either and they also
2 damage orchards.

3 Q Don't they kill the Indian flying fox in
4 Australia because it's a pest species because it destroys
5 crops?

6 A That bat isn't found in Australia.

7 Q Okay. Wherever it's found.

8 A It's killed for bushmeat in Asia.

9 Q Did you get the Fish & Wildlife permit to comply
10 with the Lacey Act?

11 A I received a permit because it's required to
12 house that bat.

13 Q That is the only bat that's on that permit?

14 A Yes. It's the only bat that's required to be on
15 that permit.

09:46:34

16 Q Do you have any protected bats?

17 A We have threatened bats.

18 Q What is the common name for those species of
19 threatened bats?

20 A Nyctinomops macrotis.

21 Q Common name.

22 A Big free-tailed bat.

23 Q Any others?

24 A No.

25 Q How many non-releasable insectivorous bats do you

09:47:09

1 currently have?

2 A About 150 or so.

3 Q How many fruit bats do you have?

4 A 150.

5 Q Do you know the exact number of bats that you
6 have?

7 A If I look at my records I do.

8 Q If I were to ask you for the document which would
9 show the exact number of each type of bat that you have
10 what would I call that record?

11 A The exact number of each type of bat that you
12 have.

13 Q That would be the name of the document?

09:47:48

14 A It sounds very reasonable. I mean it describes
15 what you want.

16 Q Where did you get the last three bats that just
17 came in?

18 A Calgary Zoo.

19 MS. CUMMINS: I'm going to hand you Exhibit 52. I
20 have printed out a page from your Facebook Bat World
21 account and I have circled something.

22 BY MS. CUMMINS:

23 Q Did you make those posts under user name
24 batworldsanctuary on that page?

25 A Yes.

09:49:28

1 Q Whom are you referring to when you state animal
2 advocate?

3 A I don't recall.

4 Q Are you referring to me?

5 A I could have been. I don't recall.

6 Q What is the name of my non-profit group?

7 A I'm sorry?

8 Q What is the name of my non-profit group?

9 A It is called animaladvocates.us.

10 Q Not my domain name. The name of the group.

11 A Animal Advocates Society for the Prevention of
12 Cruelty to Animals.

13 Q Isn't the name of my group Animal Advocates?

14 A No. You actually have Animal Advocates Society
15 for the Prevention of Cruelty to Animals listed as your
16 non-profit. That's what I believe you have.

09:49:58

17 Q Could that be a dba?

18 A I'm not sure.

19 Q I'm going to read part of this post. This post
20 written by user name batworldsanctuary on Bat World
21 Sanctuary's Facebook page.

22 Quote/unquote. "Despite interference from a
23 supposed animal advocate the city has opted to follow our
24 advice and humanely exclude any remaining bats roosting in
25 the homeowner's roof. Thank you Rebecca and Connie for

09:50:47

1 leading the fight to save these bats."

2 Did you post that?

3 A Yes.

4 Q Underneath that user name larrycrittenden.

5 Is that your husband's Facebook user name?

6 A Yes, it is.

7 MS. CUMMINS: I'm going to want you to read it.

8 What he posted. I'm circling it just so you don't have to

9 search for it on the page.

10 MR. MACPHAIL: And for the record the reference
11 to animal advocate is lower case. It's not upper case or
12 initial caps.

13 BY MS. CUMMINS:

14 Q Can you read Larry Crittenden's post?

09:51:20

15 A "So much for animal badvocates." b-a-d-vocates.

16 Q Have you ever referred to me as badvocates?

17 A No.

18 MS. CUMMINS: I'm going to hand to you Exhibit 53

19 which is a printout of two pages of your Bat World

20 newsletter. I've circled two items which were written.

21 BY MS. CUMMINS:

22 Q Did you write those two items?

23 A Yes. This is from our magazine. We don't have a
24 newsletter.

25 Q Okay. It's called a magazine.

09:52:45

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Did you write those two things?

A It involves our Texas case about your defamation against our organization.

Q Did you write that?

A Yes. To support our organization in defense of your outrageous allegations.

Q Can you look at the second page?

A (Witness complies.)

Q Do you see what's circled?

A Yes.

Q Did you write that?

A I believe I wrote that.

Q Can you hand that back to me?

A (Witness complies.)

09:53:46

Q In this article about the rabid bats in Moorpark you quote John Brand, the senior management analyst of Moorpark.

Did he make that statement to you or did you pick it up from one of the media articles?

A I picked it up from a media article.

Q So again you've never spoken to John Brand?

A Not that I recall.

Q So it's possible you've spoken to him? You just don't recall?

A I do not ever recall talking to him as I stated

09:54:16

1 earlier.

2 Q You stated earlier that you have to approve the
3 comments that are made in your YouTube channel BWSVMC.

4 During what time period did you have to approve
5 the comments on that channel?

6 A I stated earlier that I don't recall when I
7 stopped moderating those comments.

8 Q Do you view comments that are made on the videos?

9 A I'm sorry. Could you repeat the question?

10 Q Have you viewed the comments that are made on the
11 videos?

12 A Not recently.

13 Q Do you have the power to delete comments that are
14 made on the videos?

09:56:08

15 A Yes, I do.

16 MS. CUMMINS: I'm handing you Exhibit 54 which is
17 a video from your YouTube channel with comments underneath
18 it. The comments were made well over five months ago.

19 BY MS. CUMMINS:

20 Q Did you approve those comments?

21 A I don't recall. I don't believe these were
22 moderated.

23 Q Can you hand that back to me?

24 A (Witness complies.)

25 Q Do you know who is user name brittonbearclaw?

09:56:54

1 A No, I do not.

2 Q Are you user name brittonbearclaw?

3 A No.

4 Q Do you know who is multimountainrider?

5 A No.

6 Q Isn't your husband Larry Crittenden
7 multimountainrider?

8 A No. No. He doesn't ride mountains.

9 Q Doesn't he ride a bicycle in the mountains?

10 A He rides bicycles. Yes.

11 Q So you did not approve the comment --

12 Did you approve the comment by multimountainrider
13 five months ago which states "That's Mary Cummins? Wow.
14 She sure has let herself go compared to all the images you
15 see on the web"?

09:57:59

16 MR. MACPHAIL: Objection. Lack of foundation,
17 vague and ambiguous.

18 She stated that at this point in time and at some
19 point in the past no approval required. So I guess the
20 question is kind of vague and ambiguous, it assumes facts
21 not in existence that she no longer approves it nor does
22 it require approval.

23 MS. CUMMINS: She stated that she doesn't
24 remember when she stopped requiring approval.

25 MR. MACPHAIL: Okay. So you're asking merely did

09:58:29

1 this occur during a period where approval was required and
2 she did in fact approve it?

3 MS. CUMMINS: Yes.

4 MR. MACPHAIL: Okay.

5 BY MS. CUMMINS:

6 Q So this post by multimountainrider "That's Mary
7 Cummins? Wow. She sure has let herself go compared to
8 all the images you see on the web" -- this was posted five
9 months ago.

10 Did you approve this post?

11 A No. I don't remember. That was after the time
12 that I had stopped moderating so I did not have to
13 moderate that post or approve it.

14 This video was uploaded as per this channel
15 May 17th, 2011.

09:59:03

16 Do you have any idea -- did you stop moderating
17 them in 2011?

18 A If the channel existed in 2011 then yes. It must
19 have happened in 2011.

20 Q When you stopped moderating?

21 A Yes. As I said I don't recall when. I do not
22 recall when I stopped moderating that channel. I do not
23 recall.

24 Q Do you remember when was the last time you had to
25 approve a post on this channel?

09:59:42

1 A I do not recall when I stopped moderating that
2 channel.

3 MS. CUMMINS: I'm going to hand you Exhibit 55
4 which is a printout of your profile from a few months ago
5 and these are the comments that are made on the profile
6 page.

7 BY MS. CUMMINS:

8 Q Did you approve those comments?

9 A I don't recall when I stopped moderating or
10 approving comments on this channel so I do not remember.

11 Q Do you recall seeing those comments?

12 A Yes. I do recall seeing them.

13 Q So you know that those comments exist on your
14 page?

10:01:35

15 A I believe some of these have been deleted.

16 Q Who deleted them?

17 A I did. If they're offensive I delete them.

18 Q What posts there do you find to be offensive?

19 A There was one poster that called you a cunt. I
20 didn't let that one go through.

21 Q Oh. So you didn't let it go through?

22 A No.

23 Q So you didn't approve it?

24 A No. That was back when I stopped -- after I
25 stopped -- when I was moderating the posts.

10:02:09

1 Q Do you remember the user name that called me a
2 cunt?

3 A No. I do not remember.

4 Q Did you ban them?

5 A No.

6 Q In your YouTube channel BWSVMC you are using a
7 still from my depo video as a profile photo.

8 Is that correct?

9 A I believe it is your back to the camera so no one
10 can tell who it is.

11 Q In Exhibit 55 are you using a still of my face?

12 A Yes. That is a still of the legally taped
13 deposition.

14 Q Why did you choose this still?

10:02:56

15 A I don't recall.

16 Q Did you choose it because it makes me look ugly?

17 A I don't think any of those videos look pretty.
18 It was a random choice.

19 Q Have you listed my name Mary Cummins and the name
20 of my group in your profile information?

21 A Probably.

22 Q Could you look at that and confirm it?

23 Bottom left.

24 A Bottom what?

25 Q Left.

10:03:25

1 A Yes. It's right there. "Mary Cummins of Animal
2 Advocates is causing harm to our organization."

3 Q Can you hand that back?

4 A (Witness complies.)

5 Q You made a comment on your main YouTube channel
6 as user BWSVMC and the comment is quote/unquote "Repeating
7 what Kerry Kessler posted: The symptoms of psychopathy
8 include lack of a conscience or sense of guilt, lack of
9 empathy, egocentricity, pathological lying, repeated
10 violations of social norms, disregard for the law, shallow
11 emotions and a history of victimizing others. Psychopaths
12 cannot understand the emotional value people attach to
13 certain words, only their dictionary definition, thus
14 their attempt to use emotional words leads to
15 consequential clumsiness. Without conscience: The
16 disturbing world of psychopaths among us."

10:03:50

17 Why did you post that comment?

18 A I was repeating what someone else had said.

19 Q Why did you post that comment?

20 A Because I wanted to repeat what someone else
21 said.

22 Q Are you referring to me as the psychopath?

23 A I am simply quoting from a book and repeating
24 what someone else had already said.

25 Q So there was absolutely no purpose for you to

10:04:50

1 post that comment?

2 A No.

3 MR. MACPHAIL: Objection. Argumentative,
4 misstates her testimony.

5 BY MS. CUMMINS:

6 Q Do you think I'm a psychopath?

7 A Yes, I do.

8 Q Do you have any proof?

9 A Your behavior. All of the posts that are on the
10 Internet about you stalking people for the past decade.

11 Q Have I ever been charged with stalking?

12 A It doesn't mean you shouldn't be.

13 Q Have I ever been convicted of stalking?

14 A It doesn't mean you shouldn't be.

10:05:22

15 Q Isn't stalking a crime?

16 A Yes, it is.

17 Q Isn't cyberstalking a crime?

18 A Yes, it is. You should be jailed actually.

19 Q Why didn't you file a police report against me
20 for stalking?

21 A They said that I would have to file in
22 California. There's not any cyberstalking laws in Texas
23 to cover what you're doing to me.

24 Q Who told you that?

25 A Part of the crime unit in Mineral Wells.

10:06:04

1 Q Mineral Wells police?

2 A Yes.

3 Q Did you talk to the FBI?

4 A No.

5 Q Why didn't you file a report with the FBI?

6 A I think I will now.

7 Q Do you realize that if you file a false report
8 against a governmental agency you can be jailed for up to
9 six months and fined \$5,000?

10 A It's not a false report.

11 Q What proof do you have that I am a cyberstalker?

12 A The blog on your website where you list every
13 activity that I'm involved in, where you list all of my
14 private information, where you talk about that you know
15 where my dad is in nursing care, that you tried to get the
16 address from me and you knew all along where he was.

17 You list our addresses. You list every single
18 solitary post I make on Facebook and you disparage me on a
19 day-to-day basis and our organization.

20 Q Have I ever --

21 A I'd like to finish.

22 MR. MACPHAIL: She needs to finish.

23 Go ahead.

24 THE WITNESS: All of the horrible things that
25 you've said about me. The private information you've

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posted.

MS. CUMMINS: Okay. That's enough.

MR. MACPHAIL: No.

MS. CUMMINS: I'm going to ask another question.

MR. MACPHAIL: She's entitled to answer. She was asked why --

MS. CUMMINS: I believe now she's interfering with my examination.

MR. MACPHAIL: No. No. You've asked her the reasons why she thinks you're a cyberstalker. She's entitled to give you a full and complete answer.

THE WITNESS: The fact that you've used proxies to access my website when you're already blocked.

BY MS. CUMMINS:

10:07:41

Q Is that illegal?

A That doesn't mean it's not stalking.

Q How is using a proxy stalking?

I need to see what you've posted about me.

A When a person is blocked from going that would say "Please don't come into my yard" but you climb over the fence anyway. That's basically what that is.

Q Am I suing you for defamation and libel?

A Yes, you are. You're suing me because I'm defending myself against your malicious, false, cyberstalking attacks. Because I'm defending our good

10:08:03

1 name you are suing me for that. That's what you're suing
2 me for. For defending myself against you.

3 Q Am I suing you for libel and slander? Libel and
4 defamation.

5 A You're suing me on a frivolous lawsuit when you
6 should have countersued in Texas. You only sued here
7 because you didn't want to have to face our attorney. You
8 mentioned that yesterday.

9 Q Do you know who YouTube user named batfriendify
10 is?

11 A No, I do not.

12 Q Are you YouTube user named batfriendify?

13 A No, I am not.

10:09:27

14 MS. CUMMINS: I'm handing to you Exhibit 56 which
15 is a message from your YouTube user name BWSVMC to me.

16 BY MS. CUMMINS:

17 Q You sent in a post January 6, 2012 on my depo
18 video which requires approval and did you send me this?

19 MR. MACPHAIL: Let me take a look at it, please.

20 THE WITNESS: No. I did not send that.

21 BY MS. CUMMINS:

22 Q Do you know who sent that?

23 A I have no idea.

24 Q Why do you think someone would send a message to
25 me saying "look at me" so I will look at the new profile

10:10:23

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photo that you put up?

MR. MACPHAIL: Calls for speculation.

BY MS. CUMMINS:

Q So you are denying that you sent this message to me?

A Yes.

Q Does anyone control that YouTube account?

MR. MACPHAIL: Objection as to the term control.

BY MS. CUMMINS:

Q Does anyone else have the password to the YouTube user name BWSVMC?

A Yes.

Q Who?

A My husband.

Q Anyone else?

A I believe -- I have all of the passwords -- supplied all of our passwords to our board of directors so I'm not sure.

Q You gave all of the passwords for which accounts to your board of directors?

A All of our accounts.

Q So they could have posted some of these things? Your husband could have posted that?

MR. MACPHAIL: Objection. Calls for speculation,

10:11:33

1 lack of foundation but you can answer.

2 THE WITNESS: I'm sorry?

3 MR. MACPHAIL: You can answer.

4 THE WITNESS: Anyone could have posted it.

5 BY MS. CUMMINS:

6 Q Could I have posted it?

7 A Yes. Definitely.

8 Q Why do you say that?

9 A That's a piece of paper. It could be
10 manipulated.

11 Q So if I were to have an expert witness go into my
12 YouTube account and look at the source code of this and he
13 states it definitely came from your account you still
14 believe I could have written it?

10:12:02

15 A Definitely.

16 Q Why?

17 A Because you have -- you're a self-proclaimed
18 Internet expert. You already know how to use proxies, how
19 to create websites to go to the top of search engines
20 which is what you've done with all the defamation with me
21 and our attorney in Texas and --

22 Q You believe --

23 A I'm not finished with my answer.

24 Q Go ahead.

25 A So yes. I definitely believe. You have already

10:12:24

1 said you can manipulate dates, you can manipulate all
2 kinds of things on the Internet.

3 You've already stated that you go to classes,
4 that you know how to do all this, that you help other
5 people with search engine optimization so of course you
6 could have done that. You're an expert at all this.

7 Q Do you believe I hacked into your YouTube
8 account?

9 A I believe you could do it. Yes.

10 Q Do you have proof that I hacked into your YouTube
11 account?

12 A I said I believe you could. I did not say I have
13 proof or that you have done so.

14 Q Do you have proof that I have hacked into your
15 YouTube account?

10:12:55

16 A I said I believe that you could. I do not have
17 proof nor do I know that you have.

18 Q Back to the question from a few moments ago.

19 You told me that your entire board of directors
20 have the passwords to all your accounts.

21 A Any responsible organization is going to make
22 sure that in the event something happens to the president
23 that the organization can continue so everyone should have
24 passwords and access to accounts.

25 Q Earlier I asked you who had passwords to your

10:13:24

1 accounts and you said Leslie Sturges moderates the
2 Yahoo World Bat Line with you.

3 You said Kate Rugroden, Dottie and your husband
4 have the password for sanctuary@batworld.org.

5 Now you're saying all the board members have the
6 password?

7 A They have access to the password.

8 Q What do you mean by they have access?

9 A We have a log where everything is listed.

10 Q So you haven't actually given them the password
11 yet?

12 A No.

13 Q Okay. So they couldn't have made those posts
14 because they don't have the password.

10:14:09

15 A I don't know who made the posts. I've said that
16 repeatedly. I have no idea who might have made the posts.

17 It could have been you.

18 Q But --

19 A It says "look at me" which is kind of odd.

20 Me meaning you I suppose.

21 Q It's an ugly still from my deposition and you had
22 just changed the profile photo and you sent me this note
23 that says "look at me."

24 MR. MACPHAIL: Objection. Argumentative,
25 misstates testimony. She did not say she sent it. She

10:14:38

1 said she did not send it.

2 BY MS. CUMMINS:

3 Q Earlier I asked you if you'd ever recommended
4 freezing bats to death and you stated only if they are
5 comatose.

6 Is that correct?

7 MR. MACPHAIL: Objection. Misstates her
8 testimony. I can't recall the word. She said comatose or
9 there's another term.

10 THE WITNESS: Unconscious.

11 MS. CUMMINS: Unconscious.

12 Let me reask the question.

13 BY MS. CUMMINS:

10:15:14

14 Q Had you ever recommended freezing bats to death
15 in your 1994 manual?

16 A As a last resort and only for bats that are
17 unconscious or comatose.

18 MS. CUMMINS: I'm handing you Exhibit 57 which is
19 a page from your 1994 manual. It is the page about
20 euthanasia.

21 BY MS. CUMMINS:

22 Q Can you read what I have circled?

23 Can you read what I have circled?

24 A Would you like for me to read it out loud?

25 Q Yes, please.

10:16:17

1 A It looks like a manipulated text from a part of
2 my book.

3 Q Are you stating -- did you not write that?

4 A I didn't write this. I wrote something similar.

5 Q So you're stating that that is not a part of your
6 1994 manual?

7 A Yes. I'm stating this post has been manipulated.

8 Q Under oath you're stating you did not write that?

9 A Under oath I'm stating that this post has been
10 manipulated.

11 I'd also like to state this has nothing to do --
12 this is the Texas case. This has nothing to do with the
13 California case and you have stated they're not related.

14 Q It has to do with your truthfulness.

10:16:50

15 A It has nothing to do with this case.

16 Q So you have never recommended putting conscious
17 bats into the refrigerator, then freezer to euthanize
18 them?

19 A I have never recommended putting a conscious bat
20 into the freezer to euthanize it. That is absolutely
21 false.

22 I'd like to add that's also part -- more of your
23 defamation.

24 Q Are you stating I wrote that?

25 A I'm stating someone manipulated that text.

10:17:36

1 Q So how is that my defamation?

2 A I didn't say it was. Your defamation is what
3 you're saying on the Internet. You're saying on the
4 Internet that I'm freezing bats to death.

5 MS. CUMMINS: One moment.

6 THE WITNESS: That is defamation.

7 MS. CUMMINS: Ms. Court Reporter, could you
8 repeat -- I believe she said that is more evidence of my
9 defamation.

10 Did she say that?

11 THE WITNESS: Because you have posted that on the
12 Internet.

13 THE REPORTER: Answer: "That is absolutely
14 false. I'd like to add that's also part -- more of your
15 defamation."

10:17:43

16 BY MS. CUMMINS:

17 Q How is this document part of my defamation?

18 A Because you have posted it on the Internet and
19 you have stated that I freeze bats to death which is
20 absolutely false and is defamation.

21 Q Earlier you stated you freeze unconscious bats to
22 death.

23 A You are stating I freeze live, conscious bats to
24 death. It's a completely different thing. You're not
25 stating that I said I recommend as a last resort when no

10:18:48

1 other reasonable method can be found for bats that are
2 already agonal or unconscious or comatose to be placed
3 into a refrigerator first to induce torpor and then the
4 freezer.

5 You are stating I place live, conscious, fully
6 aware bats into the freezer and freezing them to death.

7 Q How many versions of your 1994 manual exist?

8 A The manual does not exist anymore. It's been out
9 of print since 1994.

10 Q Doesn't it exist in pdf format?

11 A Because you scanned it or uploaded -- you did
12 something and then you uploaded it to the Internet. It
13 did not exist until you put it on the Internet.

14 Q What if I were to tell you I have an original
15 paper file of your original 1994 manual?

10:19:27

16 A I don't know how you want me to respond to that.

17 Q My question is do you believe it's possible for
18 me to have a copy of your original 1994 printed and bound
19 manual?

20 A Anything is possible.

21 MR. MACPHAIL: Objection. Calls for
22 speculation.

23 BY MS. CUMMINS:

24 Q In 1994 didn't you sell that manual?

25 A Yes.

10:19:54

1 Q So it's possible there are people out there with
2 a copy of it?

3 A Yes.

4 Q So it's possible I could have bought that manual
5 from someone?

6 MR. MACPHAIL: Objection. Calls for speculation.

7 BY MS. CUMMINS:

8 Q Do you believe that there are still paper copies
9 of your manual out there?

10 A I have no idea.

11 Q So you are stating that just to be sure you did
12 not write the paragraph that's circled?

13 A I wrote something similar. I did not write that
14 paragraph.

10:20:42

15 Q If I were to ask you for a copy of what you wrote
16 how would I request that document?

17 Would it be the euthanasia page from your 1994
18 manual?

19 A I have already supplied that copy to you in our
20 Texas deposition. In our Texas discovery. You have a
21 copy of it.

22 Q I am handing to you Exhibit 58 which is a post
23 from the Yahoo Group World Bat Line -- Post 33690 -- and
24 I'm going to ask if you've seen it before.

25 MR. MACPHAIL: I thought this was introduced

10:21:51

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yesterday.

MS. CUMMINS: It was but I don't know if I can dig through it all without wasting too much time.

MR. MACPHAIL: Okay. Let me see if I can find it so we can just make reference in the record.

MS. CUMMINS: Okay.

MR. MACPHAIL: Go ahead. I'm sorry. I was just saying as you ask questions I'll see if I can find it and reference it.

MS. CUMMINS: Sure.

MR. MACPHAIL: Exhibit 29.

Is that the same thing?

MS. CUMMINS: Yes.

Should I get rid of this?

10:23:12

MR. MACPHAIL: No. We've already marked it so --

MS. CUMMINS: Okay.

MR. MACPHAIL: Just for the record Exhibits 58 and 29 are essentially identical.

BY MS. CUMMINS:

Q Have you seen that post before?

A Yes, I have.

Q Can you look at the second page of that post?

Can you hand it back to me just for a second so I can circle something?

A (Witness complies.)

10:23:35

1 Q Can you read what I just circled?

2 A "If Karma is paying attention it needs to strike
3 Ms. Cummins with a mighty blow so that she's no longer
4 here or a vegetable and harmless. Yes I wrote what a lot
5 of folks are possibly thinking. If any of those beloved
6 bats at Bat World Sanctuary suffer due to Cummins' bile
7 spewing there is no place safe on this planet for her to
8 hide as too many decent people will have reached their
9 limits."

10 Q Is that post still on the Yahoo Group?

11 A No. It's been deleted.

12 Q Who deleted it?

13 A I did.

14 Q Why did you delete it?

10:24:07

15 A Because you sent a cease and desist to our
16 attorney Randy Turner.

17 Q When did you delete it?

18 A I believe it was in May of 2011.

19 Q While we're on the subject of cease and desist --

20 MR. MACPHAIL: Adding to that subject just for
21 the record that Ms. Lollar and Bat World Sanctuary also
22 don't give up any rights to object to any use of this
23 deposition video being posted on the Internet.

24 MS. CUMMINS: Okay. And also your client won't
25 post this video on the Internet?

10:25:00

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MR. MACPHAIL: No intention of doing so.

THE WITNESS: I don't have a problem with that.

MS. CUMMINS: Okay.

THE WITNESS: I believe that as long as she doesn't post any portion of the video I won't either.

MS. CUMMINS: Okay.

MR. MACPHAIL: It sounds like we have a deal.

MS. CUMMINS: Let me know if you need a break.

I'm going to give to you Exhibit 59. It's an e-mail between me and your attorney dated May 5th, 2011. It's a cease and desist.

Here. Take a look first.

MR. MACPHAIL: You referred to this as a letter. It's actually an e-mail.

MS. CUMMINS: Yeah. I'm sorry. Correct.

BY MS. CUMMINS:

Q Have you ever seen that e-mail?

A No. I don't believe I have.

Q Did your attorney forward it to you?

A I don't recall seeing it.

Q Did your attorney contact you and tell you that I had sent this cease and desist to you?

A No. The only cease and desist I recall seeing is the one referencing the World Bat Line posts.

MS. CUMMINS: I'm now going to hand to you

10:27:06

1 Exhibit 60 which is an e-mail from me to your attorney --
2 another cease and desist -- dated May 11th, 2011.

3 BY MS. CUMMINS:

4 Q Did your attorney ever forward that e-mail to
5 you?

6 A Yes. This is the one that I just --

7 MR. MACPHAIL: Objection. For the record are you
8 referring to her attorney in Texas?

9 MS. CUMMINS: Yes. I'm sorry.

10 THE WITNESS: This is a post that looks like it's
11 also been manipulated.

12 BY MS. CUMMINS:

13 Q Can you hand that back to me?

14 A (Witness complies.)

10:27:56

15 Q Is this not a post which was posted on the
16 Yahoo Group World Bat Line?

17 A That doesn't look like the post I actually made.
18 It looks like that post has been manipulated.

19 Q Have you ever posted "Re: Mary Cummins. Yes.
20 She also has a criminal record"?

21 A I posted "Yes. It appears she has a criminal
22 record."

23 Q Do you have a copy of that post?

24 A No, I do not.

25 Q Why not?

10:28:22

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A I deleted it.

Q Why?

A Because you sent a cease and desist.

Q I sent a cease and desist to delete this post. I didn't send a cease and desist to delete "it appears."

A Well I can't delete a post that doesn't exist.

Q Did you post "Other lawsuits involved cybersquatting which she lost via default judgment"?

A I posted "It appears she has a criminal record."

Q Did you post "Other lawsuits involved cybersquatting which she lost via default judgment"?

A I'd have to look at the original.

Q I believe I gave it to you earlier. Maybe not.

Did you ever post quote/unquote neighbor dispute which she promptly settled and defamation which plaintiff abandoned because they were able to get rid of her defamation?

A I'd have to look at the original. I don't remember.

Q So under oath you're stating that your Texas attorney Randy Turner forwarded this e-mail to you?

A He forwarded an e-mail to me where you had asked us to cease and desist talking about you on World Bat Line so I deleted all of the posts.

Q Did he forward either of these two e-mails to

10:30:43

1 you?

2 A Again this post looks -- this e-mail appears to
3 have been manipulated. This is not what I stated. This
4 one I do not recall seeing.

5 Q These are e-mails I sent to Mr. Turner in Texas.
6 Did he forward either of those two e-mails?

7 A Again I do not recall seeing this. I do not
8 recall seeing this.

9 MR. MACPHAIL: And for the record when you say
10 this you're referring to Exhibit 59.

11 THE WITNESS: Exhibit 59 I do not recall seeing.

12 BY MS. CUMMINS:

13 Q Okay. So 59 no.

14 A And again Exhibit 60 -- I recall getting an
15 e-mail from him but this is not what I wrote.

10:31:14

16 Q If I asked you to produce that e-mail which is my
17 forwarded e-mail shall I just ask for the forwarded e-mail
18 to you with a cease and desist?

19 How do I ask for that specific document?

20 A Just ask for it with the words you just used.

21 Q Okay. You can redact anything that's privileged.
22 Can you hand that back to me?

23 A (Witness complies.)

24 Q Do you remember when Mr. Turner forwarded my
25 cease and desist to you?

10:31:57

1 A I believe it was in May of 2011.

2 Q How soon after you received the cease and desist
3 did you remove the post?

4 A I believe it was a few weeks maybe. A few days
5 to a few weeks. I don't remember exactly.

6 Q Why did you wait a few days to a few weeks?

7 A I don't remember. I just know that I deleted
8 them shortly after that.

9 Q You don't believe it's possible that that post
10 was still up there in July?

11 A I don't believe so.

12 MR. MACPHAIL: Vague and ambiguous.

13 Which post? The post about the criminal record?

14 MS. CUMMINS: Yes.

10:32:37

15 THE WITNESS: I don't believe so.

16 BY MS. CUMMINS:

17 Q How many cease and desists from me to Mr. Turner
18 did he forward to you?

19 A I don't recall.

20 Q One? Two?

21 A You were the one that sent them. Maybe you have
22 a better idea. As I said I don't recall.

23 Q So if I were to ask you for all of the cease and
24 desists which I sent to Mr. Turner which he forwarded to
25 you you'd be able to supply those to me?

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MR. MACPHAIL: Objection. Misstates her testimony, assumes facts not in existence.

She testified one of the -- I'm sorry. The e-mail is different than the actual posts. So the posts have been -- I'm sorry. Withdraw the objection.

BY MS. CUMMINS:

Q If I were to ask for the e-mails with any privileged information redacted from your attorney to you which is basically a forward of my cease and desist can you produce those?

A Yes. If he forwarded them to me yes, I can.

Q Okay. So today you remember that he forwarded one to you?

A Yes.

Q Okay. So if I asked for all cease and desists from me to him that he forwarded to you you will understand what document I'm requesting?

A Of course.

MS. CUMMINS: I am going to hand to you Exhibit 61 which is another cease and desist from me to Mr. Turner dated May 2nd asking you to stop libeling and defaming me.

BY MS. CUMMINS:

Q Have you seen that e-mail?

Did your attorney --

10:34:53

1 A I'd like to read it first, please.

2 Q Okay.

3 A I don't recall if he sent this one to me or
4 not.

5 Q Did he contact you in any way and state that I
6 sent a cease and desist?

7 A As I said I don't recall. Perhaps because he
8 doesn't regard this as defamation, libel or anything like
9 that.

10 Q Can you hand that back to me?

11 A (Witness complies.)

12 Q Did you ask me in discovery in this case for all
13 e-mails between me and your Texas attorney Randy Turner?

14 A I don't recall.

10:36:24

15 Q Did you ask in discovery in this case for all
16 e-mails between me and Mr. MacPhail?

17 MR. MACPHAIL: Well objection, Counsel. I can
18 represent that discovery requests were drafted by her
19 attorneys. You can ask her -- I don't know what purpose
20 is served. I mean the documents speak for themselves.

21 BY MS. CUMMINS:

22 Q So did you make the request?

23 MR. MACPHAIL: I'm sorry. I thought you were
24 asking about in this case.

25 MS. CUMMINS: Yes.

10:36:48

1 MR. MACPHAIL: Your question is in this case did
2 your attorney ask for --

3 MS. CUMMINS: Oh. Did I phrase that wrong?

4 MR. MACPHAIL: Are you referring to the Texas
5 case?

6 MS. CUMMINS: No. In this case in discovery she
7 asked for or you asked for all e-mails between me and you
8 and me and Mr. Turner --

9 MR. MACPHAIL: Yes.

10 MS. CUMMINS: -- and I didn't provide them
11 stating they can get them from either you or him so --

12 MR. MACPHAIL: Okay. I'm just wondering what is
13 the purpose of asking the witness about -- I mean you can
14 go ahead and ask. I guess I'm just trying to find out
15 what purpose is served by asking her whether that
16 information was asked for.

10:37:20

17 MS. CUMMINS: I just want to be positive that she
18 asked for it.

19 MR. MACPHAIL: Okay. Well I object. The
20 document speaks for itself. The witness did not draft it.
21 It's right there in the request for production of
22 documents.

23 MS. CUMMINS: Okay.

24 MR. MACPHAIL: But you can ask. You can ask.
25 I'm not saying you can't ask.

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MS. CUMMINS: Okay.

MR. MACPHAIL: Just you're going down a rabbit hole that --

MS. CUMMINS: No. It's just that she doesn't remember making the request seems odd to me.

MR. MACPHAIL: I can tell you clients don't often review every request for production of documents that goes out.

MS. CUMMINS: So you could have written them without having her review them?

MR. MACPHAIL: Absolutely.

MS. CUMMINS: Why would you ask for your own e-mails?

MR. MACPHAIL: In case you had anything that I had discarded. Standard request.

MS. CUMMINS: Okay.

I'm going to hand to you Exhibit 62 which is an e-mail from me to Mr. MacPhail which includes another cease and desist.

BY MS. CUMMINS:

Q Did Mr. MacPhail forward that to you or did he tell you to --

Well I can't ask that.

MR. MACPHAIL: You can ask did she receive it.

////

10:39:29

1 BY MS. CUMMINS:

2 Q Did you receive it?

3 A I don't recall actually if I received it or
4 not.

5 Q So if I make a document request for any e-mail
6 which Mr. MacPhail forwarded to you from me which included
7 that language you will be able to provide it to me?

8 A If I'm allowed to. I'm not sure if I'm allowed
9 to.

10 Q Well redact anything privileged.

11 If I ask for the February 7th, 2012 -- if you
12 have an e-mail of mine which he forwarded to you -- redact
13 anything that's privileged -- would you be able to provide
14 that?

10:40:14

15 A If I'm allowed to and if I have it. I'm not
16 sure that I'm allowed to discuss what we discussed
17 personally.

18 MR. MACPHAIL: No. No. There will be no
19 discussion of what we discussed.

20 MS. CUMMINS: Correct.

21 MR. MACPHAIL: She wants to know if you have a
22 copy of that e-mail in your possession as forwarded from
23 me.

24 THE WITNESS: If I have a copy I will give it
25 back to you although you have a copy there so I'm not sure

10:40:36

1 what the point is.

2 BY MS. CUMMINS:

3 Q Do you know if you have a copy?

4 A If I knew I wouldn't say if I had one so
5 apparently I don't know if I have one or not.

6 Q So you don't know?

7 A I don't know. I'm not sure if I have it.

8 MS. CUMMINS: Does anyone need to take a break?

9 MR. MACPHAIL: We're fine.

10 THE WITNESS: I'm fine.

11 MS. CUMMINS: I'm going to hand you Exhibit 63
12 which is a video from your YouTube account BWSVMC which
13 also has comments underneath.

14 BY MS. CUMMINS:

10:42:22

15 Q Have you seen those comments before?

16 A I believe I have.

17 Q Did you approve those comments?

18 A No. I did not approve those. The channel wasn't
19 moderated when those comments were made.

20 Q May I see that again?

21 Do you know who user name justcallmeatilla is?

22 A I have no idea.

23 Q Do you know who user name brittonbearclaw is?

24 A I have no idea.

25 Q Do you know what they mean by a "Nice man back

10:43:01

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baldy. Sorry that wasn't called for but true"?

A I have no idea.

MS. CUMMINS: I'm going to hand you Exhibit No. 64 which is another video with comments from your YouTube account BWSVMC and I'm going to ask you if you've seen these comments before.

BY MS. CUMMINS:

Q Have you seen those comments?

A I believe I have.

Q Did you approve those comments?

A No, I did not.

I believe one of those comments has been deleted.

Q Can you tell me which one was deleted?

A "Oh my God" or "OMG. She thinks she is a detective when she is simply a balding, wrinkled, puffy joke. She is truly ignorant. Stay strong, Lollar. You are the best."

Q Can you hand that back to me?

A (Witness complies.)

Q Do you have any idea who user name batfriendly is?

A I have no idea. I've stated that once before already.

MS. CUMMINS: Still on?

MR. MACPHAIL: Still on.

10:45:31

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I just have to stretch my legs.

MS. CUMMINS: Okay. I don't care.

I'm going to hand you Exhibit 65. I believe this is an e-mail which you sent to indymedia.org which ends up automatically posted on the Internet.

MR. MACPHAIL: Object to the characterization. There's a lack of foundation as to automatically uploaded.

I guess your question is does she recognize that e-mail?

BY MS. CUMMINS:

Q Is that an e-mail which you wrote?

A I believe it is. Yes.

Q Can you hand that back to me?

A (Witness complies.)

Q Do you realize that this is posted on the public Internet?

A I did not realize that was posted on the public Internet.

MS. CUMMINS: I'm going to hand you Exhibit No. 66 which is a review of Animal Advocates on guidestar.com.

BY MS. CUMMINS:

Q Did you write any of those reviews?

MR. MACPHAIL: Make sure you take a look at it. There's a page 2 to it.

10:48:00

1 THE WITNESS: No. I have never posted.

2 BY MS. CUMMINS:

3 Q Have you ever posted a review on GuideStar?

4 A I have never posted a review of your organization
5 on GuideStar or of anything at all to do about you on
6 GuideStar in any way, shape or form.

7 Q So you are not user Angel P.?

8 A No. I am not user Angel P. I have never posted
9 to GuideStar on that site about you or your organization.

10 MS. CUMMINS: Sorry. I didn't have much time
11 last night.

12 MR. MACPHAIL: Take your time.

13 MS. CUMMINS: I'll have to get to it later.

14 BY MS. CUMMINS:

10:50:02

15 Q Have you ever made any reviews or comments on
16 GuideStar?

17 A No. Not that I recall.

18 MS. CUMMINS: I believe this is already one of
19 the exhibits but I'm going to have to find it.

20 MR. MACPHAIL: Why don't you just mark a new one?

21 MS. CUMMINS: Okay.

22 MR. MACPHAIL: If we have duplicates we have
23 duplicates. Do it that way.

24 MS. CUMMINS: Okay.

25 I'm going to give to you Exhibit 67 which is a

10:50:43

1 post made on the Yahoo Group World Bat Line by user
2 Bat World Sanctuary. It's post No. 33659.

3 BY MS. CUMMINS:

4 Q Have you seen that post before?

5 A That's the post that you've shown me several
6 times already that looks like it's been manipulated.

7 MR. MACPHAIL: And for the record it's similar
8 to -- I don't know if it's identical to -- Exhibit 31.

9 MS. CUMMINS: It looks like it.

10 MR. MACPHAIL: It seems similar but I can't
11 verify it word for word.

12 MS. CUMMINS: It looks like it to me.

13 BY MS. CUMMINS:

10:51:58

14 Q So you're stating under oath that you did not
15 make that post?

16 A I recall saying "Yes. She has a criminal
17 record." That's what I recall saying.

18 Q "Yes. She has a criminal record"?

19 A I'm sorry. Let me redact that.

20 That's what I was reading. I recall saying "Yes.
21 It appears she has a criminal record."

22 Q Do you have a copy of the post that says "it
23 appears"?

24 MR. MACPHAIL: Objection. Asked and answered.

25 You can answer it again.

10:52:18

1

THE WITNESS: I'm sorry?

2

MR. MACPHAIL: You can answer. I'm just making
an objection.

3

4

THE WITNESS: As I stated earlier that post has
been deleted.

5

BY MS. CUMMINS:

6

Q You deleted the post?

7

A I deleted the post because we received a cease
and desist. I deleted every post on World Bat Line where
you were a part of the comment thread.

8

9

Q So there are currently no posts on World Bat Line
about me?

10

11

A There are currently no posts on World Bat Line
about you that I am aware of.

12

10:52:48

13

Q Are there any in the archives which are blocked?

14

A Those are all the posts that have been deleted.

15

Only members would be aware that those archives
are blocked.

16

17

Q A few minutes ago you stated you've never posted
a comment on GuideStar.

18

19

Is that true?

20

A I said I don't recall ever posting a comment on
GuideStar.

21

22

MS. CUMMINS: I'm going to hand you Exhibit 68

23

which is a comment on the GuideStar account for Bat World

24

25

10:53:14

1 Sanctuary. The user name is Sanctuary and the date is?
2 March 20th, 2012.

3 BY MS. CUMMINS:

4 Q Did you make that comment?

5 MR. MACPHAIL: Objection. Vague and ambiguous.

6 Do you mean did that comment go to GuideStar?

7 BY MS. CUMMINS:

8 Q Did you make that comment on GuideStar?

9 A This comment was made in reference to a horrible
10 review that you wrote on our channel -- on our GuideStar
11 channel -- that you posted when you posted false and
12 malicious and defamatory information on our GuideStar
13 post.

14 This was in defense of your malicious attack.

10:54:10

15 This was made about two weeks ago so, of course, I forgot
16 that you had done that because this was extremely
17 defamatory what you wrote.

18 So yes. I posted a defense in our defense and
19 everything I posted is absolutely the truth.

20 Q So just to be clear. A few minutes ago you said
21 you never posted on there and now you're saying you did?

22 A And I just rectified that by stating that I had
23 forgotten because I did post a defense to your defamation
24 regarding our organization.

25 That is not a post that I just went to GuideStar

10:54:35

1 and made a post on my own. I posted in defense of your
2 malicious attack.

3 Q I believe I asked if you commented on any
4 GuideStar --

5 A I believe I just said I didn't recall and now I
6 do recall.

7 MR. MACPHAIL: Also for the record I believe the
8 question was asked was a review posted on GuideStar about
9 you or Bat World Sanctuary or Animal Advocates and this
10 was something posted about Bat World Sanctuary.

11 MS. CUMMINS: I asked that first and then I asked
12 another question saying "Have you made any posts or
13 comments on GuideStar?"

14 MR. MACPHAIL: To which her response was she did
15 not recall at the time.

10:55:13

16 MS. CUMMINS: Yes. That's what she said. And
17 now she's admitted.

18 THE WITNESS: I'm not admitting. I'm recalling.

19 If you don't recall something and then you do
20 recall then it means you recalled it. It's not an
21 admission. It's a recollection. That's why it's called
22 recall.

23 BY MS. CUMMINS:

24 Q Let me ask did you make that comment?

25 A Yes. I recall making that comment now in defense

10:55:25

1 of your malicious attack against our organization.

2 Q So you admit you made that comment?

3 A I just said that.

4 MS. CUMMINS: Okay. I'm handing to you
5 Exhibit No. 69 which is a comment on GuideStar which user
6 Rebecca D. wrote and I'm just going to ask you if you've
7 seen it.

8 MR. MACPHAIL: It's covering up the page. Just
9 so we don't cover any tags I'm just moving it.

10 MS. CUMMINS: Okay.

11 MR. MACPHAIL: For the record this indicates it's
12 page 2 of 2. There's a first page and it's not attached.

13 MS. CUMMINS: The first page wasn't attached
14 because it was a page of ads.

10:56:32

15 MR. MACPHAIL: Okay.

16 MS. CUMMINS: But next time I'll print
17 everything.

18 MR. MACPHAIL: And the question pending is
19 whether she had seen that?

20 MS. CUMMINS: Seen it.

21 THE WITNESS: I don't recall seeing that.

22 BY MS. CUMMINS:

23 Q Can you hand that to me?

24 A (Witness complies.)

25 Q I'm just going to read this post quickly.

10:56:49

1 Quote/unquote. "This post by Mary Cummins is in
2 response to a lawsuit filed against her by Bat World
3 Sanctuary and Amanda Lollar."

4 "I am friends with Amanda and support her legal
5 battle and am therefore a target for Mary's abuse. I'd be
6 pleased to set the record straight on the above dark and
7 twisted claims and allegations. Just drop me a line.
8 Rebecca at wildrescue.org. For more on the lawsuit or
9 Mary's history of cyber attacks please visit a blog that
10 was set up by a former victim
11 victimsofmisscummins.blogspot.com."

12 In this comment Rebecca D. claims to be a friend
13 of yours.

14 Is Rebecca Dimetrick a friend of yours?

10:57:39

15 MR. MACPHAIL: Objection. Lack of foundation,
16 speculation as to whether Rebecca D. is Rebecca Dimetrick.

17 MS. CUMMINS: Okay.

18 MR. MACPHAIL: But the question is -- are you
19 just merely asking --

20 MS. CUMMINS: -- if she's friends with Rebecca
21 Dimetrick.

22 MR. MACPHAIL: That is perfectly acceptable.

23 THE WITNESS: We're on friendly terms.

24 BY MS. CUMMINS:

25 Q How often do you speak to her?

10:57:55

1 A Not often at all. Mostly about bat issues.

2 Q Was Rebecca Dimetrick -- well were you and
3 Rebecca Dimetrick working together on the Moorpark rabid
4 bat situation?

5 A Yes.

6 Q How were you working together?

7 A We were trying to make sure the bats remained
8 safe and that a solution could be found that benefited
9 both people and wildlife.

10 Q Did you ever threaten someone from the health
11 department?

12 A Of course not.

13 Q Did you ever threaten someone from the City of
14 Moorpark?

10:58:40

15 A I don't threaten people.

16 Q I'm talking threaten with legal action.

17 A Of course not. No.

18 MS. CUMMINS: Shall we just go straight through
19 to 12:00 and break then?

20 THE REPORTER: I don't think I'll make it.

21 MS. CUMMINS: Okay. Good because I can't.

22 Do you need like five minutes?

23 THE REPORTER: Five minutes would be good.

24 MR. MACPHAIL: Okay.

25 (A recess was taken from 10:59 a.m. to 11:07 a.m.)

11:07:24

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MS. CUMMINS: It's now 11:09 a.m. and we're back on the record. Still on video one, tape one.

MR. MACPHAIL: And Ms. Cummins, I don't know if you heard the reporter say she's using the time on her computer which is 11:07. I have the same. 11:09. I have 11:10.

MS. CUMMINS: Okay.

MR. MACPHAIL: The reporter has consistently used her computer time.

BY MS. CUMMINS:

Q Previously you stated that you did not say "Yes. She has a criminal record."

Is that correct?

A That's correct.

Q You stated that you said something to the effect "It appears she has a criminal record."

A Yes.

MS. CUMMINS: I'm going to put this on without blocking anything.

Exhibit 70 I'm going to hand to you. It's a post from the Yahoo Group World Bat Line. After you've read it I'm going to ask if you wrote it.

MR. MACPHAIL: And just for the record it's a printout of a page. When you say wrote it you're talking about the text on page 1 starting with "Here's what we

11:09:31

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found" down to "Amanda"?

MS. CUMMINS: Yeah. Just what that user wrote.
Someone else responded to it underneath.

MR. MACPHAIL: So you're just talking about the
first comment posted?

MS. CUMMINS: Yes.

THE WITNESS: I don't recall posting that.

BY MS. CUMMINS:

Q So you don't believe that this is the post that
you made that says "It appears she has"?

A That post doesn't say it appears she has
anything.

Q Did you write this post?

A I don't recall if I wrote that post or not.

Q This post was written by user batworldsanctuary.
Isn't that your user name?

A Yes, it is.

Q Who else could have written this post?

MR. MACPHAIL: Objection. Calls for speculation.

BY MS. CUMMINS:

Q Do you believe someone other than yourself wrote
this post?

A I have no idea.

Q Do you remember posting about how many videos I
have on my account?

11:10:48

1 A I don't recall.

2 Q Do you remember posting about me having ads on my
3 videos?

4 A I don't recall that either.

5 Q So you're saying -- you said previously that you
6 did not write the post on the Yahoo Group World Bat Line
7 that says "Yes. She has a criminal record."

8 A I'm saying I wrote "It appears she has a criminal
9 record."

10 Q But you don't have of a copy of that?

11 A I have stated previously that I do not have a
12 copy of that and I'm not going to be able to say I have a
13 copy of it now when I've previously said I don't have a
14 copy of it. It's not going to change.

11:11:28

15 Q So there's no way to prove it.

16 Do you realize that when the Yahoo Group World
17 Bat Line was public that all of the posts were picked up
18 by Boardreader and reposted?

19 MR. MACPHAIL: Objection. Argumentative.

20 MS. CUMMINS: Okay.

21 I'm going to hand you Exhibit 71.

22 MR. MACPHAIL: Why don't you put it up in the
23 blank space right there?

24 MS. CUMMINS: Okay.

25 And after you've read it I'm going to ask if

11:12:08

1 you've ever seen that.

2 MR. MACPHAIL: Now object only to the form of the
3 question as vague and ambiguous. When you say seen that
4 seen that post from Boardreader or the comment?

5 BY MS. CUMMINS:

6 Q Have you ever been to the site Boardreader?

7 A No.

8 Q Do you have knowledge that Boardreader picks up
9 all Yahoo message group posts that are public?

10 A No.

11 Q As you look at the posts on Boardreader do they
12 look similar to the posts which were on the Yahoo Group
13 World Bat Line?

14 A Yes.

11:13:06

15 MR. MACPHAIL: There's about 10 different posts.
16 Do you want to deal with them individually or if
17 she can answer that all of them are or are not?

18 MS. CUMMINS: Or if any are not or I could go one
19 by one if you like.

20 THE WITNESS: They appear similar to the ones
21 I've deleted.

22 BY MS. CUMMINS:

23 Q Earlier I asked you if you ever tweeted about me
24 on Twitter.

25 A I have never tweeted directly about you on

11:13:46

1 Twitter.

2 Q Have you ever made a post that ended up on
3 Twitter?

4 A Our Facebook feed feeds into Twitter so there are
5 always going to be posts on Twitter through Facebook.

6 MS. CUMMINS: I'm handing you Exhibit 72 which is
7 a copy of -- I think I might have given you this earlier
8 today. I'm sorry. I'm tired.

9 I might have printed things out twice.

10 Did I already hand you that?

11 MR. MACPHAIL: I don't believe so but maybe I'm
12 tired.

13 MS. CUMMINS: Maybe I looked at it twice and
14 thought I'd given it.

11:14:28

15 MR. MACPHAIL: Now you've sort of bracketed the
16 second posting and the second from the bottom posting.

17 MS. CUMMINS: Yes.

18 BY MS. CUMMINS:

19 Q Is that an accurate reflection of what was posted
20 on Twitter about me from your account?

21 A As I said I post on Facebook and it feeds into
22 Twitter.

23 Q So do you believe these are the Facebook posts
24 which were re-fed to Twitter?

25 A They look like they could have been. Yes.

11:15:03

1 Q Okay. I'm going to hand you Exhibit 73 which is
2 a copy of some posts made on your Facebook page for
3 Bat World Sanctuary and I'm going to kind of circle one
4 and I'll just after you've read it ask if you posted it.

5 A Yes. I posted that.

6 Q Can you hand it back to me?

7 A (Witness complies.)

8 MS. CUMMINS: I'm now going to hand you
9 Exhibit 74 which is a page from the Facebook page of
10 Bat World Sanctuary and I've circled a couple of posts and
11 after you've read it I'm going to ask if you posted them.

12 MR. MACPHAIL: You're only asking if the
13 bracketed items were posted by Ms. Lollar?

14 MS. CUMMINS: Yes. The ones that say Bat World
15 Sanctuary as the user.

11:17:55

16 THE WITNESS: Yes.

17 BY MS. CUMMINS:

18 Q On the second page of Exhibit 74 that I handed to
19 you you posted a link to the Facebook page Animal
20 Advocates and the truth.

21 So you are admitting that you posted that link?

22 A I recall now that yes, I posted that link.

23 Q Have you also posted on the page Animal Advocates
24 and the truth?

25 A I think I already said that I have.

116

11:18:51

1 MS. CUMMINS: I'm going to hand you Exhibit 75
2 which is some more posts from the Facebook page of
3 Bat World Sanctuary.

4 BY MS. CUMMINS:

5 Q I'm just going to ask if you recognize the one
6 that's circled.

7 MR. MACPHAIL: The question is does she recognize
8 it?

9 MS. CUMMINS: Yes.

10 BY MS. CUMMINS:

11 Q Have you seen it?

12 A I'd like to read it first.

13 I don't recall seeing it.

14 Q Do you know who Facebook user John Henry Hyatt
15 is?

16 A No, I don't.

17 Q Is that Dottie Hyatt's husband?

18 A I'm not sure. I don't know who he is. I just
19 know he's on our page.

20 Q Do you know John Henry Hyatt?

21 A He's one of our Facebook page users or our
22 Facebook fans.

23 Q Have you ever met a John Henry Hyatt?

24 A I've met a John Hyatt. It's a fairly common
25 name.

117

11:20:11

1 Q Is John Hyatt Dottie's husband?

2 A Yes. John Hyatt is Dottie's husband.

3 MS. CUMMINS: I'm going to hand you Exhibit 76
4 and it is a video with comments from your YouTube channel
5 BWSVMC.

6 MR. MACPHAIL: The question is?

7 BY MS. CUMMINS:

8 Q Have you seen those comments?

9 MR. MACPHAIL: There's only one comment, is there
10 not?

11 BY MS. CUMMINS:

12 Q Have you seen that comment?

13 A I don't recall seeing that comment.

14 Q Did you approve that comment?

11:21:28

15 A No, I did not.

16 Q So you've never seen this comment before?

17 A I don't recall.

18 Q I'm going to read it.

19 "She never even rescued a bat last year and she
20 says she is a quote/unquote bat expert. Good grief.
21 Cummins is a useless drag on society. Is she on drugs?
22 What would make a person do the things that she does
23 unless they are on drugs or mentally deranged? What an
24 ugly individual. I guess her hatred just oozes out
25 through her pores."

11:21:57

1 You never approved that post?

2 A A never approved that post. I don't believe it
3 exists on our channel anymore.

4 Q Anymore? Did you delete it?

5 A I deleted a lot of comments. If that comment
6 were on the channel I would have recalled seeing it.

7 Q Would you have deleted it?

8 A Yes. As I just said I would have deleted it so I
9 don't believe it's on our channel.

10 MS. CUMMINS: I'm going to hand you Exhibit 77.
11 It is another video with comments from your YouTube
12 channel BWSVMC.

13 THE WITNESS: Is there a specific comment on here
14 I'm supposed to be looking at?

11:23:33

15 BY MS. CUMMINS:

16 Q Have you seen those comments before?

17 A I don't recall seeing them. It's been a while
18 so -- I haven't looked at the channel in a couple, three
19 months so I don't recall what's on there.

20 Q When was the last time you logged into the
21 channel?

22 A It's been probably over a month ago.

23 Q Are you positive?

24 A I said probably so I'm not positive.

25 Q Could it have been within the last two weeks?

11:24:07

1 A I don't believe so.

2 Q Could someone else have logged into your account
3 within the last two weeks?

4 A I have no idea.

5 Q Why not?

6 A Because I don't know who someone else is.

7 Q Who has the password to the YouTube account
8 again?

9 A I think I just told you a little while ago. I
10 can't remember now what I said. I know that I gave
11 passwords to our board and to my husband.

12 Q So all the board members already have the
13 passwords?

11:24:42

14 A They have the log. We have a log that has all
15 the passwords on it so everyone has access to it in the
16 event that something happens to the president of an
17 organization which is common practice.

18 Q I'm going to read to you the first comment here
19 made by user batfriendly.

20 Quote/unquote. "You just cannot get enough of
21 Lollar sanitizing her personal belongings. Cummins has
22 already used her license to post online. What a slimey
23 bitch."

24 Do you have any evidence that I've used your
25 license to post online?

11:24:56

1 A Used my license? I'm not sure I understand that
2 question.

3 Q What do you make of this first comment?

4 MR. MACPHAIL: Objection. It calls for
5 speculation.

6 MS. CUMMINS: Okay. Then let me ask a specific
7 question.

8 BY MS. CUMMINS:

9 Q "Cummins has already used her license to post
10 online."

11 Have I posted your license online?

12 A I don't recall.

13 Q Do you have any reason to believe that your
14 license was shared with anyone?

11:25:48

15 A Are you asking me do I think you would have
16 shared my license with other people?

17 Q Do you have any proof that I have shared your
18 license or posted it online?

19 MR. MACPHAIL: Objection to the term shared.

20 Are you simply saying posted? I don't know what
21 you mean by shared.

22 BY MS. CUMMINS:

23 Q Do you have any proof that I've posted your
24 driver's license online?

25 MR. MACPHAIL: Objection. Calls for speculation

11:26:10

1 that the license referred to is the driver's license.

2 MS. CUMMINS: Yes.

3 MR. MACPHAIL: Well I mean that's all speculation
4 on our part. It's a comment by a third party.

5 MS. CUMMINS: I'm just asking --

6 MR. MACPHAIL: Okay.

7 MS. CUMMINS: -- if she has any evidence that her
8 license has been posted --

9 MR. MACPHAIL: Her driver's license?

10 MS. CUMMINS: -- by me. Yeah.

11 THE WITNESS: No. I have no evidence. It also
12 has nothing to do with that post.

13 BY MS. CUMMINS:

14 Q Again you don't know who user batfriendly is?

11:26:35

15 A No, I do not.

16 MS. CUMMINS: I'm going to hand you
17 Exhibit No. 78 which is a video with comments from your
18 YouTube channel BWSVMC and the title of the video is
19 "suspicious address book access."

20 BY MS. CUMMINS:

21 Q Have you seen that comment?

22 A Yes, I have.

23 Q Can you hand that back to me?

24 A (Witness complies.)

25 Q Do you believe I have accessed your address

11:27:48

1 book?

2 A Yes. I believe you have.

3 Q Do you have any evidence that I accessed your
4 address book?

5 MR. MACPHAIL: Beyond the statement by that
6 person that you said you had?

7 MS. CUMMINS: No. Just in general. I'm asking
8 if she has any evidence.

9 MR. MACPHAIL: Okay.

10 THE WITNESS: Yes. I have evidence.

11 BY MS. CUMMINS:

12 Q What evidence do you have?

13 A You sent an e-mail to a specific thread of
14 individuals that were invited to a conference with
15 U.S. Fish & Wildlife.

11:28:16

16 All of those e-mail addresses were in a specific
17 order to all of the recipients and when you sent an e-mail
18 to U.S. Fish & Wildlife defaming me all of those
19 recipients were named in the exact same order and it was
20 only specific individuals in that conference.

21 That is very suspicious.

22 Q Do you have a copy of this e-mail?

23 A Yes. So do you.

24 Q Can you give me a copy of it?

25 A Yes. You produced it to us so you already have a

11:28:48

1 copy of it.

2 Q Could you identify the document for me?

3 A I'll have to look at it to see. Yes. I can
4 identify it.

5 MR. MACPHAIL: You're asking for a description?

6 MS. CUMMINS: Yes. A description.

7 THE WITNESS: It is a description where you are
8 defaming me and accusing me of animal abuse, animal
9 cruelty, illegal use of drugs.

10 I can't remember everything that you stated but
11 it was one of your malicious attacks.

12 BY MS. CUMMINS:

13 Q What was the from e-mail address?

14 A I don't recall.

11:29:16

15 Q Was it from me?

16 A I believe it was.

17 Q What's my e-mail address?

18 A You have several. Which e-mail?

19 You have about 50 so I'm not sure which one.

20 Q I have 50 e-mail addresses?

21 A According to the Internet you do.

22 Q Do you believe everything you read on the
23 Internet?

24 A Apparently you do.

25 Q Whatever.

11:29:41

1 I don't have this document that you speak of so
2 I'm going to request it. So I shall request this document
3 as -- it's an e-mail from me to Fish & Wildlife?

4 A To a specific thread of individuals that went to
5 a conference with U.S. Fish & Wildlife.

6 Q Do you know the subject of the e-mail?

7 A I do not.

8 I think actually I believe it was "Amanda Lollar
9 commits animal cruelty at Bat World Sanctuary."

10 Q That's the subject?

11 A I believe that's the subject line. Yes.

12 Q And that came from my e-mail address?

13 A I'm not sure if it did or not. I just believe
14 that you sent it.

11:30:24

15 Q Do you have any proof that I sent it?

16 A We've had a lot of your information analyzed with
17 a forensic IT guy. The results came back as a 91 to
18 100 percent accuracy that you created all of the
19 defamation that's on the Internet about me including the
20 e-mails that were sent.

21 Q Did you provide that in the Texas lawsuit?

22 A You have a copy of that report. Yes.

23 Q Does that report state that it matches the
24 e-mails?

25 A It states that it matches your specific writing

11:30:57

1 style and that it identifies you as the author.

2 Q Of the e-mail?

3 A I'm not sure if the e-mail is included but the
4 e-mail is the exact same thing that's posted as far as the
5 defamation online.

6 Q I've read that report and it doesn't mention any
7 e-mails. It only mentions articles.

8 A The article is what was posted in the e-mail.
9 It's one and the same.

10 Q Again I'm going to ask for this e-mail supposedly
11 from me to you to all the members of what group?

12 A U.S. Fish & Wildlife.

13 Q Okay.

14 MR. MACPHAIL: Conference attendees.

11:31:35

15 Would that be it?

16 THE WITNESS: Conference attendees. Yes. That
17 would be it.

18 BY MS. CUMMINS:

19 Q And you'll be able to give that to me?

20 A Yes. You already have a copy as well though.

21 I'll supply you with another copy.

22 Q Yeah because I don't remember this.

23 And you're stating that every e-mail address in
24 this e-mail are the same ones that are in your address
25 book in the same order?

11:31:57

1 A Exactly the same order.

2 Q Is your address book in alphabetical order?

3 A No.

4 Q Your address book isn't automatically in
5 alphabetical order?

6 A Oh. Yes, it is. Excuse me. It is.

7 Q So it's not possible that --

8 A The thread was not in alphabetical order. The
9 thread of e-mail addresses was -- it's like when you do a
10 reply to all and there's a specific thread of people and
11 you reply to all.

12 That was exactly the same which means that
13 someone accessed my e-mail account.

14 Q Do you have any proof that someone accessed your
15 e-mail account?

11:32:27

16 A I don't have any proof. I have speculation.

17 Q Okay. So you have no proof.

18 Did I hand you this? Yes, I did I think.

19 Anyway I'm going to read this one comment.

20 "Cummins states she has never seen her address
21 book yet I believe I remember reading on her website where
22 she was gushing that she had Amanda Lollar's address book.
23 Note her body language where she is lying. How she tries
24 to rapidly rephrase. It appears the rusty wheels of her
25 mind are turning. User batfriendly."

11:33:03

1 Did you approve this post?

2 A No.

3 Q Have you seen this post before?

4 A I believe I have. I believe we already talked
5 about it and it's also been deleted.

6 MS. CUMMINS: I'm going to show you Exhibit 79.
7 It is another video from your YouTube channel BWSVMC with
8 comments.

9 MR. MACPHAIL: The question is has she seen the
10 posts on that exhibit?

11 BY MS. CUMMINS:

12 Q Have you seen the comment on that video before?

13 A There's three comments.

14 Q Have you seen them before?

11:34:10 15 A Yes, I have.

16 Q Did you approve them?

17 A No, I did not. And I've already looked at this
18 same comment once and told you that it was deleted.

19 Q Can you hand me that?

20 A (Witness complies.)

21 MS. CUMMINS: I'm going to hand you Exhibit 80
22 which is from the website GuideStar. It is your Bat World
23 Sanctuary profile page.

24 BY MS. CUMMINS:

25 Q Is that a correct reflection of the financials

11:36:09

1 and information for Bat World Sanctuary?

2 A If it's what's posted online yes.

3 Q Did you post that information into that
4 account?

5 A I posted information into that account but I'm
6 not sure if this is an accurate representation.

7 Q Do you control this account on GuideStar?

8 A Yes, I do.

9 Q Who else has a password and user name to this
10 account on GuideStar?

11 A Anyone who can access the log.

12 Q And that would be the board of directors and your
13 husband?

14 A Yes.

11:36:52

15 Q It states here in 2008 that you had revenue of
16 159,000.

17 Is that correct?

18 A If that's what's represented online. I'm not
19 sure that's an accurate representation of what's online.

20 Q This is information that you provide to them.

21 A That's a printout.

22 Q Yes.

23 MR. MACPHAIL: I think the objection is that
24 she's stating that if that is an accurate representation
25 of what's online then that would be correct.

11:37:25

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MS. CUMMINS: Okay.

THE WITNESS: Thank you. Yes. That's correct.

BY MS. CUMMINS:

Q And it says here "How this organization is funded." Donations from the public 30,000. Memberships and adopt-a-bat memberships 30,000. Foundations 25,000.

Is that correct?

MR. MACPHAIL: For what year?

MS. CUMMINS: It states here 2008 fiscal year.

THE WITNESS: If that's what is actually represented online then that's correct.

BY MS. CUMMINS:

Q Have you uploaded the tax returns for Bat World Sanctuary for 2009-2010 to GuideStar yet?

A I don't upload them. GuideStar does.

MR. MACPHAIL: For the record I'm objecting to while financials may have some relevance in the Texas action in terms of damages that Bat World and Amanda Lollar may be entitled to their financial condition is irrelevant subject to 3295 and 3294 approval by the court and plus right to privacy.

MS. CUMMINS: Bat World Sanctuary is a 5013(c). All of their tax returns are public.

MR. MACPHAIL: Right. Even though it may be public it doesn't have any relevance in this lawsuit.

11:38:59

1 I assume the rationale why you want to know their
2 financial condition is in the event of damages.

3 Right?

4 MS. CUMMINS: Yes.

5 MR. MACPHAIL: Okay. Which is not an element
6 that's discoverable. I mean should there be a judgment
7 entered in the case you'd have the opportunity to do a
8 debtor's exam but finding out the defendants' financial
9 condition in the absence of approval by the court --

10 MS. CUMMINS: Okay. I can get it from the IRS.

11 I am going to hand to you Exhibit No. 81 which is
12 from the Bat World website. The subpage Friends and
13 Supporters.

14 MR. MACPHAIL: And just noting this is page 3 of
15 14. We don't have the whole document.

11:40:06

16 MS. CUMMINS: Correct.

17 MR. MACPHAIL: You just did a screen shot of one
18 page?

19 MS. CUMMINS: When I try to print to my iMac
20 printer it makes a mess of everything and I just get her
21 entire menu for four pages. So I only printed the one
22 page that had actual text on it.

23 MR. MACPHAIL: Okay. And just for the record
24 noting that the last paragraph -- the first and only
25 sentence in that is incomplete so it does carry on over.

11:40:48

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Do you have a question?

MS. CUMMINS: After she reads it.

MR. MACPHAIL: Take your time to read it.

THE WITNESS: Yes.

BY MS. CUMMINS:

Q Did you write that?

A Yes.

Q Can you hand that back to me?

A (Witness complies.)

Q I'm going to read a little bit from it.

"We have been harassed and defamed by an individual who has a decade-long history of bullying and attempting to ruin the careers of professionals across the United States."

11:41:28

You wrote that.

Correct?

Did you write that?

A Yes. It's the actual truth. I wrote it. I wrote the truth.

Q I'm going to read a little bit more.

Quote/unquote. "The false claims made by this individual placed every bat in our care in jeopardy including over 200 rescued orphans, bats who have lived peacefully with us for almost 20 years and over 50,000 bats in our wild sanctuary."

11:41:51

1 Did you write that?

2 A It is the truth and I wrote it. Yes.

3 Q Were any bats' lives -- was there any chance that
4 my actions could have caused any bats to die?

5 A Absolutely.

6 Q How?

7 A Any time a complaint is made about rabies vector
8 species to health departments and state officials those
9 animals are typically euthanized. Bats are typically
10 decapitated with a pair of scissors.

11 Q Did the Texas health department tell you they
12 were going to kill the bats?

13 A Had we not had a good, upstanding reputation with
14 the Texas Department of Health yes. That could have
15 happened.

11:42:30

16 Q Did they tell you they were going to kill the
17 bats?

18 A I did not write that they said they were going to
19 kill the bats. I said that that could have happened had
20 we not had a good, upstanding reputation with them.

21 Q I asked you previously if you had posted about me
22 anywhere else on the Internet and you only listed
23 basically Facebook, YouTube, Twitter.

24 MR. MACPHAIL: There were several others and she
25 indicated she wasn't sure that was all.

11:43:07

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MS. CUMMINS: Okay.

BY MS. CUMMINS:

Q Have you ever posted on amazon.com?

A I posted a response to your defamation.

MS. CUMMINS: I'm going to hand you Exhibit 82 which is a page from amazon.com which has a comment from a user A. L-o-l-l-a-r.

BY MS. CUMMINS:

Q Did you make that comment?

A Yes, I did.

Q Can you hand that back to me?

A (Witness complies.)

MS. CUMMINS: I'm going to hand you Exhibit 83 which is a page from your Yahoo Group World Bat Line. It is message No. 33737.

11:45:14

BY MS. CUMMINS:

Q Did you make that post?

A I don't recall.

Q I'm going to read it.

It was posted by user Bat World Sanctuary and it has your sigfile and the post states "We are switching the batworld.org domain to better protect our website from our stalker friend who has recently been attempting to hack into our site."

Did you make this post?

11:46:13

1 A I don't recall.

2 Q This is a legitimate question.

3 Do you have any physical reason that would affect
4 your ability to recall?

5 A I answer approximately a hundred e-mails a day.
6 I run a non-profit and 20 rescue centers across the U.S.
7 I make numerous posts and respond to numerous requests for
8 help from around the world on a daily basis.

9 I can't remember every post I made two months ago
10 or even last week much less six months ago or a year or
11 two years ago.

12 I get my job done and I move on. I don't recall
13 every single post I ever made.

11:47:01

14 Q Have you ever referred to me as your stalker
15 friend?

16 A I don't recall.

17 Q Have you ever stated that I attempted to hack
18 into your site?

19 A I don't believe I said that.

20 Q Do you believe I attempted to hack into your
21 site?

22 A I believe you sent robots to monitor our site and
23 my IP or my IT guy or my developer -- web developer --
24 stated that you were constantly trying to watch our site
25 so he blocked your IP address to keep you from watching

11:47:19

1 our site and that's when you created a proxy to get into
2 our site anyway.

3 Q What's the name of your IT guy?

4 A Les Brown. I said that earlier.

5 Q Les Brown.

6 You believe I created a proxy?

7 A I think I said robot but then you went through a
8 proxy. I'm not sure of all the technical terms. I'm not
9 that expert on that.

10 Q Do you believe I made a robot that was targeted
11 on your site?

12 A I believe you could have. Yes.

13 Q Do you have any proof that I did?

14 A No. I just said I believe it.

11:48:06

15 Q Okay. Does your IT guy Les Brown have any proof
16 that I was trying to hack into your site or direct robots
17 to it?

18 A I'm not sure.

19 Q Sorry to jump around but have you ever gone to
20 Google and searched for the phrase Amanda Lollar commits
21 animal cruelty?

22 A No, I have not.

23 MS. CUMMINS: I'm looking at an e-mail here.

24 Maybe this is what you were referring to earlier.

25 It's Exhibit 84. It is -- appears to be an

11:49:09

1 e-mail from sanctuary@batworld.org to various people sent
2 May 2nd, 2011.

3 Actually it's a few e-mails.

4 BY MS. CUMMINS:

5 Q I'm going to ask if you've seen these. First if
6 you've seen these.

7 MR. MACPHAIL: Okay.

8 BY MS. CUMMINS:

9 Q Have you seen those e-mails before?

10 A Yes. This is the string of e-mails we referenced
11 earlier -- all of the Fish & Wildlife people in this
12 order -- from someone who had hacked into my e-mail
13 account and found this and used these e-mails to send
14 defamation and this is me responding to that defamation.

11:50:55

15 Q Did you look at all those pages?

16 A The first page is what I just said.

17 Q Okay.

18 A So your request for this e-mail is right here.
19 You already have it.

20 Q Okay.

21 Did I receive that from you?

22 A I have no idea where you received it. That would
23 be something you would have knowledge of and not me.

24 Q Didn't you say earlier you provided it to me?

25 A I said -- earlier you asked me to provide the

11:51:26

1 e-mail that had that specific string of e-mail addresses
2 in it and this is that e-mail so you apparently already
3 have it.

4 Q And I asked you earlier if you'd already provided
5 it to me and you said you already provided it. You
6 already provided it.

7 A I said I believe I had already provided it.

8 I believe this was also in response to your
9 defamation to city officials and Texas Parks & Wildlife.
10 So I do believe I wrote this second e-mail.

11 And this looks like another e-mail I wrote in
12 response to your attacks and defamation against me to
13 again city officials that you had e-mailed first.

11:52:21

14 And this looks like a response that I wrote to
15 Texas Parks & Wildlife also addressing your malicious
16 defamation and attacks against Bat World Sanctuary and
17 myself.

18 And again this is the string of e-mails that were
19 included in the Fish & Wildlife conference that no one
20 would have had unless they accessed my address book and
21 you had possession of them.

22 MR. MACPHAIL: Actually I just want to make the
23 record clear because we had a lot of "this."

24 MS. CUMMINS: A few items.

25 MR. MACPHAIL: Now where it says

11:52:50

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"Hello Everyone" --

THE WITNESS: Yes.

MR. MACPHAIL: -- down to the "www.batworld.org"
or actually I guess down --

THE WITNESS: -- "a non-profit, all volunteer
conservation organization providing rescue for bats
worldwide." Yes.

MR. MACPHAIL: Okay. So that you had authored?

THE WITNESS: Yes.

MR. MACPHAIL: That was on page 1.

On page 2 from "Hi --

THE WITNESS: -- "Randy."

MR. MACPHAIL: And again I guess the cc's would
have been part of that.

11:53:17

Well maybe the answer is that all of the e-mails
here -- on page -- it's marked -- they both say 2 of 4.

There's one e-mail from a Pam Wilson.

Is that correct?

THE WITNESS: Yes. That's with the State
Department of Health. Yes.

MR. MACPHAIL: Actually this is various e-mails,
not necessarily --

THE WITNESS: To government organizations --

MR. MACPHAIL: It's not a continuous -- I thought
it was a continuous string.

11:54:02

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MS. CUMMINS: No. I got that as a continuous e-mail from the City of Mineral Wells as an Info Act Request response.

MR. MACPHAIL: All right. It's not complete.

THE WITNESS: Her e-mail isn't on there. The e-mail that -- the original e-mail that caused me to respond to this is not included.

MR. MACPHAIL: Right.

THE WITNESS: She neglected to put that part on there.

BY MS. CUMMINS:

Q Okay. Yeah. So I'm going to ask for that and you'll be able to provide it to me?

A Yes. You should also have it. You're the one who sent it so you should have possession of it already.

Q I don't have it.

A Oh. You deleted the defamation that you sent to the city?

Q What e-mail address did it come from?

A Well they're all --

Q No. What e-mail address did --

A I'm not sure.

Q -- did the defamation come from that went to everyone in the e-mail?

A A lot of the defamation came from your e-mail

11:54:45

1 address.

2 Q What is my e-mail address?

3 A mmmaryinla@aol.com.

4 Q This e-mail -- you stated that I sent an e-mail
5 to everyone in your address book.

6 A I believe you did. Yes.

7 Q What was the from sender e-mail address?

8 A I don't recall on that one.

9 Q Okay. That's the one that I haven't seen that
10 I'd like to get a copy of and I will request.

11 A That's the one that we had run through forensic
12 analysis and the author was you.

13 Q Also I would like -- I'm going to request the
14 forensic analysis that you made on that e-mail which shows
15 that I wrote it.

11:55:23

16 Does that exist?

17 A It wasn't on the e-mail. It was on the post. It
18 was included in the e-mail and you have a copy of that.

19 The e-mail simply included the posts that were
20 made online. The e-mail included the webpages that were
21 online.

22 Q So the e-mail is a copy/paste of an article?

23 A That's what it appears to be. Yes. And the
24 articles were proved that you authored those articles.

25 Q Did you review the IT person's final report or

11:56:02

1 his analysis?

2 A I reviewed it not in depth. I didn't pour over
3 it for hours but I did review it.

4 Q Are you an expert on writing styles?

5 A No.

6 Q Do you recognize that the expert compared the
7 articles to articles which I actually didn't write?

8 A I'm not a handwriting expert or an article expert
9 or I'm not him. I have no idea. I just know that he is
10 an expert and that's the report he supplied to us.

11 Q Have you read my affidavit in my motion for
12 summary judgment in the Texas case?

13 A It's been sometime ago but yes. I read it a long
14 time ago.

11:57:05

15 MS. CUMMINS: Do you want to break at 12:00 to
16 12:30 max?

17 MR. MACPHAIL: Sure. Do you want to go through
18 that document real quick?

19 MS. CUMMINS: I don't care. We can take a lunch
20 late at 12:30 to miss the rush downstairs or whatever.

21 Whatever you want.

22 THE WITNESS: That's fine.

23 MR. MACPHAIL: The most important person is Teri.

24 MS. CUMMINS: Okay. It's all up to you.

25 THE REPORTER: I'd be fine if we break at 12:30.

11:58:46

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MS. CUMMINS: 12:30 sounds good. We just had a break.

I'm going to hand you Exhibit 85.

BY MS. CUMMINS:

Q Do you recognize that document?

A Yes.

Q Is part of that document an e-mail which you wrote?

A Yes.

Q Can you hand it back to me?

A (Witness complies.)

MS. CUMMINS: I'm going to hand you Exhibit 86.

BY MS. CUMMINS:

Q Did you write this?

A Yes.

Q Do you remember when you wrote this?

A It was in response to more of your defamation and attacks on our organization.

Q Whom did you send this to?

A To the City of Mineral Wells.

Q Did you send this to anyone else?

A I don't recall. It was in response -- I cc'd the same people that you would have cc'd when you originally defamed me.

Everything I have ever written has been in

12:02:03

1 defense to your malicious attacks and defamation.

2 Q In your statement you state here I was there for
3 only four days.

4 Is that what you wrote here?

5 A That's what I recalled at the time.

6 Q You're now stating I was there for six days?

7 A I believe you were there for six days. I believe
8 you had six full days of internship at Bat World
9 Sanctuary.

10 Q You don't believe I was there for 10 days?

11 A If you were in Texas for 10 days I would have no
12 knowledge of it because I didn't keep up with everywhere
13 that you went.

14 Q Was I at Bat World Sanctuary for 10 days?

12:02:44

15 A You were not at Bat World Sanctuary for 10 days.

16 Q Do you have any physical proof?

17 A I have witnesses. I can look on my calendar.

18 Q Can I ask for -- I'm going to ask as a document
19 request for a copy of your calendar from June 19th to
20 June 28th.

21 Can you provide me a copy of your calendar?

22 A Yes, I can.

23 MR. MACPHAIL: Subject to any objection.

24 MS. CUMMINS: If they need to redact anything
25 that's privileged that's fine.

12:03:20

1 THE WITNESS: It's actually just going to be a
2 copy of a calendar because I can look on that and on your
3 application and know exactly when you left.

4 BY MS. CUMMINS:

5 Q Is it going to be a blank calendar?

6 A Probably. Yes.

7 Q You have a copy of my application that I sent in
8 originally.

9 Correct?

10 A Correct.

11 Q Did I not send one in with discovery for the
12 Texas case?

13 A I don't remember.

12:03:45

14 Q Were the dates for my internship to be June 20th
15 to July 4th?

16 A They might have been. We had 12 students.
17 Everybody staggered their dates. It's impossible for me
18 to remember two years ago everyone's dates when they came
19 and left when we had over 200 orphans to also care for and
20 300 sanctuary bats.

21 Q Did you see the copy of my application?

22 A Of course.

23 Q So you've seen it?

24 A Of course.

25 Q If you were to look at it again and it were to

12:04:16

1 say June 20th to July 4th would you believe that that was
2 the term of my internship?

3 A That was the term. That wasn't how long you were
4 there.

5 Q When did I leave?

6 A You left early one morning I believe it was. You
7 arrived in the afternoon or evening of the day you were
8 supposed to arrive which I'm not sure what that date was.

9 Your internship began early the next morning.
10 You interned for six days and you left very early the
11 following morning.

12 You were at Bat World a total of eight days but
13 your internship only lasted six days because you left
14 early one morning. That doesn't count as a full day. It
15 counts as the morning you left.

12:04:47

16 Q Okay. You state here -- was this an e-mail or a
17 fax?

18 A I don't recall.

19 Q Didn't you just say that you sent this in
20 response to --

21 A Oh. The exhibit?

22 Q Yes.

23 A That was an e-mail.

24 Q Okay. You state here quote/unquote "The wild
25 sanctuary is cleaned on a daily basis and maintenance is

12:05:20

1 done at the building on a regular basis."

2 Does the wild sanctuary have a current occupancy
3 permit?

4 A It doesn't need one. No one is in the building.
5 It hasn't needed an occupancy permit for years because no
6 one occupies the building.

7 Q Wasn't I in the building?

8 A An occupancy permit is only required for people
9 who rent the structure and are in there. They're using
10 the actual structure.

11 If someone walks in a building -- you don't
12 automatically require an occupancy permit because someone
13 walked into a building.

14 Q Aren't you in that building every day?

12:05:55

15 A Showing the building?

16 Q Aren't you in that building every day?

17 A It's not being used as a public --

18 Q Okay. Is the building currently up to code?

19 A Yes, it is.

20 Q You have all of the emergency lights --

21 A Yes.

22 Q -- and you've made all the --

23 So it's currently up to code?

24 A Yes. It's been up to code for years.

25 THE WITNESS: Objection. Relevance.

12:06:15

1 Can you give me an offer of proof of how this
2 relates to --

3 MS. CUMMINS: Well she states that she wrote this
4 and she states that the sanctuary is cleaned on a daily
5 basis and maintenance is done to the building on a regular
6 basis.

7 MR. MACPHAIL: Okay. I withdraw my objection.

8 BY MS. CUMMINS:

9 Q You state here on page 2 -- are you allowed to
10 breed bats under your Texas Parks & Wildlife Department
11 rehab permit?

12 A No one is allowed to purposefully breed wildlife
13 under the Texas Parks & Wildlife permit.

14 Q Have your wild insectivorous bats been breeding?

12:07:06

15 A They were breeding accidentally and it was also
16 in the course of a scientific study that was published in
17 the Journal of -- or of the Southwestern Naturalist.

18 Q Did you have permission from the Texas Parks &
19 Wildlife Department to let your insectivorous bats
20 breed?

21 A Permission wasn't required for the scientific
22 study back when it was done.

23 Q What year was this?

24 A I believe it was in 1998.

25 Q Are any of your insectivorous bats still

12:07:44

1 breeding?

2 A Not on purpose. No.

3 Q But are they still breeding?

4 A Accidents occasionally happen which is perfectly
5 allowable with Texas Parks & Wildlife.

6 Q Your Texas Parks & Wildlife Department rehab
7 permit says you're not allowed to allow the bats to breed.
8 That means they need to be spayed, neutered or separated.

9 A It doesn't say that.

10 Q How are --

11 A The Texas Parks & Wildlife permit does not state
12 bats are not allowed to breed, they must be spayed and
13 neutered.

14 Q Does your Texas Parks & Wildlife Department rehab
15 permit state you're not allowed to let the bats breed?

12:08:11

16 A No. It does not state that.

17 Q You are telling me that your permit doesn't say
18 you cannot --

19 Let me phrase this properly.

20 You're telling me right now that your permit does
21 not say you cannot allow them to breed?

22 A That is exactly what I've stated five or six
23 times I believe.

24 Q Did you see an e-mail from someone from Texas
25 Parks & Wildlife Department stating she was concerned that

12:08:51

1 you were allowing your bats to breed?

2 A That e-mail was in response to your false
3 allegations and before they investigated and found out
4 that it wasn't true.

5 Q Did you not see the e-mail from the two wardens
6 who came to visit you who sent it to the woman at Texas
7 Parks & Wildlife stating "Yes. The bats are breeding"?

8 A It stated -- that was the e-mail that you
9 manipulated and posted online. The actual statement was
10 "Yes. The bats are breeding but it is occurring
11 naturally."

12 Q Yes. So you have seen that statement?

13 A I have seen the statement.

14 Q Okay. And that you believe is what they said?

12:09:38

15 A That is what they said.

16 Q Yes.

17 A They also stated no violations were found.

18 MS. CUMMINS: I'm going to present to you
19 Exhibit 87 which is a post from your Yahoo Group World Bat
20 Line.

21 BY MS. CUMMINS:

22 Q Did you make that post?

23 A I don't recall.

24 Q Can you hand it to me?

25 A (Witness complies.)

12:11:41

1 Q I'm going to read from it.

2 Quote/unquote. "Someone gave Typhoid a recent
3 and very interesting review on guidestar.org. Before
4 anyone thinks I'm contributing to these things I'm not. I
5 believe the recent activity Typhoid has been involved in
6 has brought her victims out of the woodwork."

7 It has then a link posted to my Animal Advocates
8 GuideStar account with some negative reviews.

9 Did you write that?

10 A I don't recall.

11 Q Have you ever referred to me as Typhoid Mary?

12 A I might have responded to an e-mail in which
13 someone had called you Typhoid.

14 Q You've never called me Typhoid or Typhoid Mary?

12:12:17

15 A I don't recall.

16 Q Have you ever referred to me by any other
17 nicknames or monikers?

18 A No.

19 Q MC? Batvocates? Analadvocates?

20 A I believe I've used MC -- yes -- which are your
21 initials.

22 MS. CUMMINS: I'm going to hand you Exhibit 88
23 which is something which was posted on docstoc.com.

24 I have circled the date.

25 BY MS. CUMMINS:

12:13:40

1 Q Have you seen that before?

2 A No, I have not.

3 Q Can you hand it to me?

4 A (Witness complies.)

5 Q The title of the document which is a pdf is
6 Mary Cummins Cyberstalker. The tags -- oh. It's shared
7 by user name typhoidmmmary.

8 Did you post this?

9 A I did not post it.

10 Q Are you positive you didn't post it or you just
11 don't recall?

12 A I am positive I didn't post it. It was probably
13 one of your other victims.

14 MS. CUMMINS: I'm going to hand you

12:14:31

15 Exhibit No. 89 which is another file from docstoc.com.

16 I'll hand this to you.

17 BY MS. CUMMINS:

18 Q Have you seen this page before?

19 A No, I have not.

20 Q This file is entitled "Special Series." It is a
21 reprint of what I believe to be older blogs shared by user
22 name Typhoidmmmary. The tags are Mary Cummins, Animal
23 Advocates, Amanda Lollar.

24 Would you know if anyone from Bat World Sanctuary
25 posted this?

12:15:56

1 A No.

2 MS. CUMMINS: I'm handing you Exhibit 90. This
3 was posted --

4 BY MS. CUMMINS:

5 Q Have you seen that before?

6 A Uh-huh. Yes, I have.

7 Q Did you post this -- my ex-counsel's check --
8 with none of the numbers redacted on your public website?

9 A I accidentally did that for a short while, then I
10 redacted the numbers immediately. When I realized what I
11 had done I immediately redacted them and then re-uploaded
12 it without the numbers.

13 Q Did anyone contact you about his check being on
14 the public Internet with nothing redacted?

12:17:21

15 A I don't think so.

16 Q Did your attorney -- well --

17 A I don't recall.

18 Q When did you realize that you had posted this
19 with all of his bank account statements?

20 A Probably the same day I believe. I'm not sure.

21 That's when sanctions were imposed on you for
22 failing to show up for your deposition in Texas. That's
23 why the check was posted that you had had to pay our
24 attorney in Texas.

25 MS. CUMMINS: I'm handing to you Exhibit No. 91.

12:18:11

1 BY MS. CUMMINS:

2 Q Have you seen that e-mail before?

3 A This is a document you entered in to our Texas
4 case that's been falsified showing that someone from my IP
5 address -- I believe what you were trying to state is that
6 someone from my IP address posted to Ed Muzika's blog.

7 This is a document that has been falsified.

8 Q Do you have proof that this document has been
9 falsified?

10 A The proof is that I never posted to that blog.

11 Q Have you ever searched on Google for the phrase
12 "Amanda Lollar commits animal cruelty at Bat World
13 Sanctuary"?

12:19:24

14 A I have searched for "Amanda Lollar" in searching
15 to see what new defamation you have posted about me online
16 and because there are so many posts that you've made
17 saying I've committed animal cruelty that automatically is
18 generated.

19 So I have not purposely searched for "Amanda
20 Lollar commits animal cruelty." I just purposely searched
21 for my name to see what new defamation you've posted.

22 Q Do you realize that if you search for "Amanda
23 Lollar animal cruelty at Bat World Sanctuary" that that
24 causes all results for these keywords to pull up higher in
25 the search engine rank?

12:19:54

1 A I wouldn't know that because I'm not the expert.

2 Q I'm just telling you that's what you're doing.

3 Anyway have you ever e-mailed

4 edwardmuzika@gmail.com?

5 A No, I have not.

6 Oh. Actually I e-mailed a response to your
7 defamation. I believe I did when he asked me to respond
8 to something you had posted on his website about again
9 malicious attacks and false claims of animal cruelty.

10 He invited me to respond and I do believe I
11 e-mailed a response back to him which he posted on his
12 website which we have supplied to you.

13 Q He invited you to respond.

14 Did he e-mail you and elicit a response?

12:20:40

15 A I believe he did. He either e-mailed or he
16 elicited an invitation over his blog.

17 Q Okay. If I request an e-mail from Muzika and you
18 have it how shall I describe this document request?

19 E-mail from Muzika to you about a blog post?

20 Is that sufficient for you to respond?

21 A That's sufficient. If I still have it I will
22 definitely supply it.

23 Q Is your e-mail account set to automatically save
24 all e-mail?

25 A No.

12:21:20

1 Q So you would have to individually save e-mails?

2 A Yes.

3 Q How long does your e-mail stay in your account
4 before it's automatically deleted?

5 A I'm not sure. I'd have to look at my settings.

6 Q Is your main e-mail account
7 sanctuary@batworld.org?

8 A Yes.

9 Q What e-mail program do you use?

10 A Yahoo.

11 Q Do you ever archive your Yahoo e-mails to your
12 computer?

13 A No.

12:22:05

14 Q Did you ever post on laanimalwatch.blogspot.com
15 as user anonymous on the post entitled "Allegations of
16 Animal Abuse" quote/unquote "Mary Cummins, you are a sick
17 woman. You're only attacking Ms. Lollar because you are
18 losing the lawsuit. Take these pages down and all the
19 other sites like Indy and maybe they will close
20 victimsofmisscummins.blogspot.com to public view and maybe
21 they will stop digging into your sick, pathetic excuse for
22 a life"?

23 Did you write that?

24 A No.

25 Q Is your Internet service provider Southern Link

12:22:37

1 Communications?

2 A Yes, it is.

3 Q Are you located in Mineral Wells, Texas in the
4 United States?

5 A Yes, it is. And you're reading from the document
6 that's falsified. I'd just like everyone to be aware that
7 that document has been falsified.

8 Q Do you have proof that this document is
9 falsified?

10 A The proof is that I never have ever posted to
11 that blogspot nor did I even know it existed before you
12 brought that into our Texas lawsuit.

13 Q How many times have you visited
14 laanimalwatch.blogspot.com?

12:23:00

15 A After I saw the defamation you posted I went to
16 that blog and read that Ed Muzika was inviting me to
17 respond which I did.

18 So probably once or twice maybe to get a screen
19 grab.

20 Q Do you think it's possible you visited 10
21 times?

22 A No.

23 Q What browser do you use on your computer?

24 A Mozilla.

25 Q What is your operating system?

12:23:27

1 A I don't remember actually.

2 Q Could it be Windows 7?

3 A Yes.

4 Q Could the resolution of your screen be 1366 by
5 768?

6 A I don't know.

7 MS. CUMMINS: I'm going to go into one big chunk
8 next. Should we break five minutes early so I don't start
9 it and then have to leave?

10 MR. MACPHAIL: That sounds fine. Sure.

11 (A lunch recess was taken at 12:24 p.m.)

12 *****

13 (The proceedings resumed at 12:52 p.m.)

12:24:03

14 MS. CUMMINS: It's now 12:54 and we're officially
15 back on the record. Video one, volume one.

16 BY MS. CUMMINS:

17 Q Do you realize, Ms. Lollar, that you're still
18 under oath?

19 A Yes, I do.

20 Q I'm handing to you Exhibit 92 and I want you to
21 read it and identify it.

22 A It appears to be -- would you like me to describe
23 it?

24 Q Did you post that article?

25 A I don't recall. It appears to be photos of

12:53:50

1 pallid bats that you took at our sanctuary and then
2 manipulated into something to depict cruelty.

3 Q Can you hand that to me?

4 A (Witness complies.)

5 Q This article which is written on indybay.org
6 May 5th, 2011 is titled "Marry Cummins" -- M-a-r-r-y --
7 "Animal Advocates being sued: IndyBay."

8 And Ms. Lollar, is it your statement today that
9 you did not write this?

10 A That appears to be a copy/paste of our website.

11 Q So you wrote this but you didn't post it?

12 A I don't believe I did.

13 Q Are you positive you didn't?

14 A I'm 99 percent sure I did not post that.

12:54:54

15 MR. MACPHAIL: When you say post it you're
16 referring to the IndyMedia?

17 MS. CUMMINS: This specific article on
18 indybay.org.

19 MR. MACPHAIL: Okay. Right.

20 MS. CUMMINS: Do you want to look at it again?

21 MR. MACPHAIL: No. No. No. I'm just saying
22 that you're referring to posting it meaning posted on
23 IndyBay?

24 MS. CUMMINS: Yes.

25 MR. MACPHAIL: Okay.

12:55:11

1 BY MS. CUMMINS:

2 Q You just stated that I took photos -- these are
3 photos of pallid bats which I have edited to make it look
4 like animal cruelty.

5 A Correct.

6 Q How are the photos edited?

7 A Those are the same photos that appeared on a
8 Flickr channel devoted to me called "Amanda Lollar Cruelty
9 at Flickr" or something to that effect.

10 We've since had that channel removed.

11 Those are your photos that appeared on that
12 channel.

13 Q How do these photos depict cruelty?

12:55:53

14 A The caption underneath read something like
15 "shaking, dying pallid bats." Skinny pallid bat at
16 Bat World Sanctuary."

17 Alleging that we had allowed the bat to die and
18 it was so skinny that it was shaking and --

19 Q Is this a photo of my hand holding a pallid bat?

20 A That's the picture you took while you were at our
21 sanctuary. That is correct.

22 Q And did you also see a video I took of an
23 extremely emaciated old pallid bat that was shaking on the
24 table?

25 A I don't recall seeing the video but that is a

12:56:24

1 pallid bat that was retired from research and on her last
2 days when she was drug out of her roost and the video was
3 taken.

4 Q Again do you have any proof that I drug the bat
5 out of the roost?

6 A Other than the video you just said that you had
7 no.

8 Q Is there video of me dragging a bat out of a
9 roost?

10 A No, there's not. Not that I know of.

11 Q So you believe that these words were written by
12 you but you did not post it on this website?

13 A I said it appears to be a copy/paste of our
14 website.

12:57:10

15 MS. CUMMINS: In your admissions you admitted to
16 posting on Raise The Fist but you only really gave me the
17 title.

18 I'm going to hand to you Exhibit No. 93.

19 BY MS. CUMMINS:

20 Q Did you write what's in that post?

21 A No. I don't recall writing that.

22 Q Did you post that article to Raise The Fist?

23 A No, I did not.

24 Q Can you hand it to me?

25 A (Witness complies.)

12:58:32

1 Q Have you ever posted on raisethefist.com?

2 A I believe I have. Yes. I believe I had said
3 that I had.

4 Q What was the name of the author that you used on
5 raisethefist.com?

6 A I don't recall.

7 Q Could it have been BWSVMC?

8 A I don't recall.

9 Q Could it have been -- generally they ask for an
10 e-mail address when you post on Raise The Fist.

11 When you posted on Raise The Fist did you use the
12 address thetruthatme.com?

13 A I don't recall.

14 Q I'm looking at a document that you gave me which
15 you admitted to posting on Raise The Fist.

12:59:57

16 Do you not recall giving that --

17 A I'd have to see the original document. That
18 doesn't look like the original to me.

19 Q You supplied this to me.

20 A I'd have to actually see it. That's a copy. I
21 don't know what I -- I haven't seen what I supplied
22 through my computer. It could have been altered since
23 then.

24 Q I got this from your attorney. Straight from him
25 yesterday.

13:00:33

1 You just read this.

2 Have you written similar statements to what's
3 written in this article?

4 A I'd have to look at it again.

5 I have written statements Bat World has an
6 upstanding reputation.

7 Again this seems to be a copy/paste of our
8 website that's written in defense against your defamation.

9 Q So you've written similar things?

10 A Yes.

11 MS. CUMMINS: I'm handing you Exhibit No. 94
12 which is another article which was posted on
13 raisethefist.com.

14 MR. MACPHAIL: For the record it's only page 1 of
15 4.

13:01:44

16 MS. CUMMINS: With my printer -- the problem is
17 there's a whole bunch of ads down the left side and if I
18 print every single page it will be all the ads down the
19 left side and then blank, blank, blank with black ink.
20 That's going to run a lot of ink.

21 MR. MACPHAIL: I understand. I just want to make
22 it clear for the record that there are other pages.

23 MS. CUMMINS: Okay. There are other pages. They
24 just didn't have text in the body.

25 THE WITNESS: Are you asking me if I wrote this?

13:01:59

1 BY MS. CUMMINS:

2 Q Yes.

3 A I think I might have. I don't really recall but
4 again it's a copy/paste of the defense against your
5 defamation. There's nothing defamatory in there.

6 Q I'm going to read a little bit from it.

7 "She also made false complaints to numerous
8 animal rescue and wildlife groups as well as Texas Parks &
9 Wildlife, the USDA, the Texas Veterinary Medical Board,
10 the Texas Department of Health, USFWS, the Mineral Wells
11 Department of Health, the city manager, the fire marshal,
12 code enforcement, the chief of police and the IRS."

13 Did I make false complaints to these
14 organizations?

13:03:00

15 A Absolutely.

16 Q Did you file a police report against me for
17 making a false report to a government agency?

18 A I tried.

19 Q But they wouldn't let you file the report?

20 A They said that cyberstalking in the form that you
21 were doing it was not exactly a crime in Texas.

22 Q I asked if you tried to file a report against me.
23 It's a crime to file a false report with a
24 government agency.

25 MR. MACPHAIL: Objection. The witness is not a

13:03:29

1 lawyer --

2 MS. CUMMINS: Okay.

3 MR. MACPHAIL: -- and it's a legal opinion.

4 BY MS. CUMMINS:

5 Q I'm not asking if you filed a report against me
6 for cyberstalking. I'm asking if you filed a police
7 report against me for filing a false report to a
8 government agency.

9 A Not yet.

10 Q Do you realize if you file a false police report
11 against me that's a crime?

12 MR. MACPHAIL: Objection. Calls for a legal
13 conclusion.

14 BY MS. CUMMINS:

13:04:06

15 Q Back to Exhibit 94.

16 The author of this -- did you say posted this?

17 A I'd have to look at it.

18 Q Didn't I hand it to you?

19 A And I said I didn't remember if I did. This
20 looks like another copy/paste of the website. It's not
21 defamation.

22 MS. CUMMINS: Okay. I would like to note that
23 this post -- the author is BWSVMC. The e-mail address is
24 thetruthatme.com. It was posted February 10th at
25 10:16 pst.

13:04:56

1 This is from your discovery.

2 I'm handing to you Exhibit 95.

3 BY MS. CUMMMINS:

4 Q Have you read that?

5 A Yes.

6 Q You supplied that to me in discovery. You stated
7 that you posted that.

8 Did you post that?

9 A If this is the original that we actually supplied
10 to you and you haven't manipulated it overnight then
11 yes.

12 Q Your attorney supplied that to me -- that paper
13 document -- yesterday morning.

14 A And you've had it overnight. You've had it
15 overnight. So if it is the original then yes.

13:06:08

16 Q Can you hand it to me?

17 A (Witness complies.)

18 MS. CUMMINS: I would like to note that both
19 Exhibit 94 and 95 were posted by user BWSVMC and the
20 e-mail addresss are both thetruth@me.com. They were both
21 posted on February 10th but at slightly different times.

22 MR. MACPHAIL: February 9th what year?

23 MS. CUMMINS: What?

24 MR. MACPHAIL: I'm sorry. You said February 9th?

25 MS. CUMMINS: February 10th of 2012 --

13:06:35

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MR. MACPHAIL: Okay.

MS. CUMMINS: -- but the times are slightly different.

BY MS. CUMMINS:

Q These posts are almost identical. You admitted in discovery to posting this.

Are you sure you didn't post this one?

I'm going to give them to you side by side.

A Well as I've stated one says "Amanda Lollar Bat World Sanctuary, Praiseworthy." The other one says "Amanda Lollar does no commit animal cruelty at Bat World Sanctuary: IndyBay."

I don't know if one is a copy/paste of the other. They appear to be the same. So I have admitted to this one in discovery if it has indeed not been manipulated by you overnight.

And I don't recall creating that one and I'm not sure what else I can say but I honestly don't recall creating it.

But again there's no defamation on those pages.

Q You stated here that I filed false complaints to government agencies. You are basically stating that I committed a crime.

You don't feel that's defamation?

A If it's the truth it's not defamation and that is

13:08:04

1 the truth.

2 MR. MACPHAIL: In addition for the record there
3 is a privilege for reports to governmental agencies such
4 as police and others so --

5 MS. CUMMINS: I had to turn over all of mine.

6 MR. MACPHAIL: No. Not privilege of production.
7 A privilege -- for example, reporting a suspected crime in
8 California. If you call the police and report what you
9 suspect to be a crime and you're wrong it's not filing a
10 false police report.

11 There is a privilege where there is a good faith
12 belief.

13 MS. CUMMINS: Yeah. Good faith belief.

14 MR. MACPHAIL: Right.

13:08:57

15 MS. CUMMINS: Not intentional.

16 BY MS. CUMMINS:

17 Q Did you know when you got the injunction against
18 me that it was void?

19 A No.

20 Q When did you find out it was void?

21 A When I was informed by our attorney, Randy
22 Turner.

23 Q When were you informed?

24 A Several weeks after. After we received the
25 injunction -- it was several weeks after that. Then we

13:09:25

1 received a injunction that was actually not void and we
2 still have that injunction in place against you.

3 Q How were you notified that the injunction was
4 void?

5 A Through e-mail.

6 Q From whom?

7 A Randy Turner.

8 MS. CUMMINS: I'm going to start handing you some
9 exhibits. They are all articles which were posted on
10 IndyMedia and Houston IndyMedia. They're somewhat similar
11 and posted at different times.

12 BY MS. CUMMINS:

13 Q Earlier you admitted that you had posted articles
14 on Houston IndyMedia and IndyMedia.

13:10:53

15 Is that correct?

16 A Yes.

17 MS. CUMMINS: I'm going to hand to you
18 Exhibit 96.

19 MR. MACPHAIL: What is the question pending?

20 MS. CUMMINS: I just wanted her to read it first
21 and then I was going to ask.

22 MR. MACPHAIL: Sure. Okay.

23 BY MS. CUMMINS:

24 Q Did you write that?

25 A No.

13:11:48

1 Q Did you post that?

2 A No.

3 Q Have you posted something similar before?

4 A Perhaps similar but I didn't write that.

5 Q I just handed you Exhibit 96 and she handed it
6 back --

7 MR. MACPHAIL: Right. Okay.

8 BY MS. CUMMINS:

9 Q -- and you stated that you did not write this.

10 A No, I did not.

11 MS. CUMMINS: I'm going to hand you Exhibit 97.

12 It is a post which was made to IndyMedia which was deleted
13 because someone was posting so many articles at once.

14 BY MS. CUMMINS:

13:13:53

15 Q Did you write that?

16 A No.

17 Q Did you post that?

18 A No.

19 Q Have you ever used the user name truthbetold?

20 A I don't believe so. No.

21 Q Have you ever written any articles on IndyMedia
22 with a title such as ACLU Attorney Randy Turner: IndyBay?

23 A No.

24 MS. CUMMINS: I'm going to hand to you

25 Exhibit No. 98 which is another article which was on

13:15:02

1 IndyMedia.

2 BY MS. CUMMINS:

3 Q Did you write that article?

4 A No.

5 Q Did you post that article?

6 A No.

7 Q You didn't look at the other pages.

8 Would you please look at them?

9 A These look like copies of the lawsuit that's
10 freely available on our website where we're suing you for
11 defamation.

12 Q Now the photo on this article -- it's identical
13 to the photo that's on your YouTube channel BWSVMC.

14 Is that correct?

13:16:08

15 A I don't believe it's on our YouTube channel.

16 No.

17 MS. CUMMINS: Why don't I just use one of these?
18 I'm sure it's in here.

19 MR. MACPHAIL: Which one are you looking for?

20 MS. CUMMINS: One of these YouTube things.

21 BY MS. CUMMINS:

22 Q I'm going to hand you back Exhibit 55 and I want
23 you to compare the photo of the user profile to the photo
24 that's in that article.

25 Do they look identical?

13:17:22

1 A They look fairly close to the same. Yes. It's a
2 video still that anybody could have captured.

3 Q Do you agree that the video stills seem to be
4 captured at almost the very exact same second?

5 A It very well could have been. This picture no
6 longer exists. That picture was replaced months ago by
7 another still.

8 Q Okay. But this still looks like this still.

9 A It's very similar. Yes.

10 Q Could it be the exact same still?

11 A Are you asking me to speculate?

12 Q Does it look like the exact same still to you?

13 A It looks very similar. Yes.

14 Q Did you post that photo on that article?

13:18:07

15 A I just remember telling you that no, I did not
16 post that article.

17 Q Okay. You also didn't post that photo?

18 A No. That photo has been deleted from our BSWVMC
19 channel months ago.

20 Q Have you received from YouTube any -- have any of
21 your videos been deleted from YouTube because of terms of
22 service violations?

23 A One was deleted due to a privacy complaint that
24 you alleged.

25 Q Only one video?

13:18:37

1 A Only one video.

2 Q Are you sure there haven't been at least 20
3 videos?

4 A We have received complaints over 20 videos that
5 you alleged to be privacy violations but they were found
6 to not be in violation.

7 Q I would like to request the e-mails that you've
8 received from YouTube stating that a privacy or terms of
9 service violation has been made against you.

10 I will request those documents as YouTube terms
11 of service violation notification e-mails.

12 Will you be able to provide those to me?

13 A If I still have them. Yes.

13:19:27

14 Q In regard to your e-mail system what e-mails do
15 you save and what do you delete?

16 A I delete -- it depends on their relevance and
17 their importance. If a job has been taken care of and
18 it's been satisfied according to whatever the e-mail
19 contained -- whatever information it was -- whether it's a
20 customer or someone needing help -- then if it's done I
21 delete it otherwise my system runs too slow.

22 I have thousands of e-mails received a week. I
23 can't save all of them.

24 Q This photo still which you used as the profile
25 photo for your YouTube account BWSVMC -- why did you

13:20:08

1 choose to use that still?

2 A It was just -- I think we spoke or discussed this
3 earlier. It was a random still.

4 Q Do you think it makes me look physically ugly?

5 A I don't think any of those videos are pretty. I
6 think they're all very unattractive.

7 Q Do you think I'm physically unattractive?

8 A I don't think my personal opinion --

9 MR. MACPHAIL: Objection.

10 MS. CUMMINS: I'm going to hand you Exhibit 99.
11 It's another post. An article.

12 All these are different times and dates but
13 they're just about the same thing.

14 BY MS. CUMMINS:

13:21:30

15 Q Did you write this article?

16 A I don't recall writing that article.

17 Q Did you post it?

18 A No.

19 Q The author of this article is The Truth. The
20 e-mail address is me@thetruth.com.

21 Did you previously post an article to Houston
22 IndyMedia using the author The Truth and e-mail
23 me@thetruth.com?

24 A I don't recall.

25 Q You submitted that to me in discovery.

13:22:04

1 A If it's one that hasn't been altered then yes.

2 Q Then you recall that you used that user name and
3 that e-mail address?

4 A I would have to look at the original that I
5 supplied to my attorney.

6 MS. CUMMINS: All of these articles are posted on
7 different dates.

8 I'm going to hand you Exhibit No. 100 which is
9 another article posted on houston.indymedia.org.

10 BY MS. CUMMINS:

11 Q Did you write that article?

12 A I don't believe I did. It looks like another
13 copy/paste of information that's been taken from our
14 website.

13:23:21

15 Q Did you post the article?

16 A No.

17 Q Have you ever used the user name Truthsayer?

18 A No. Not that I recall.

19 MS. CUMMINS: I'm going to hand to you
20 Exhibit No. 101 which came from your discovery.

21 These are items which you admitted to I believe.
22 I'm going to circle one.

23 Well maybe read them first.

24 That was sent to me in your discovery. Things
25 that you admitted to posting.

13:24:09

1 BY MS. CUMMINS:

2 Q Would you read the first one?

3 A The first one says "Amanda Lollar commits animal
4 cruelty at Bat World Sanctuary: Houston IndyMedia News."

5 Q Did you write that?

6 A Of course not. I believe --

7 Q Then why did you admit to it in your discovery
8 documents?

9 A I didn't admit to that in discovery.

10 Q So this piece of paper that you gave to me in
11 discovery -- what does it mean?

12 A It means that -- I have no idea. I did not give
13 this to you in discovery.

14 Again you've had these in your possession
15 overnight.

13:24:38

16 Q You're now stating you did not give this document
17 to your attorney?

18 A I would never give him any -- I would never write
19 that I commit animal cruelty at Bat World Sanctuary.

20 Q This is your discovery document DP 0038. These
21 are things which you admitted to writing and posting.

22 I'm going to read the top one.

23 "Amanda Lollar commits animal cruelty at Bat
24 World Sanctuary. May 7th, 2011."

25 I'm going to give this back to you.

13:25:10

1 Have you ever seen this document before?

2 A No, I have not.

3 Q You have never?

4 A No.

5 Q How do you think your attorney could have ended
6 up with it?

7 A I don't believe that is something that we
8 provided to you.

9 Q I just ripped it out of the folder.

10 A Again it came from you.

11 Q Did you write any of those articles that are
12 there?

13 A I wrote "Amanda Lollar does not commit animal
14 cruelty at Bat World Sanctuary" in response to your
15 defamation when you wrote "Amanda Lollar commits animal
16 cruelty at Bat World Sanctuary" which is the top one.

13:25:56

17 Q So you wrote the bottom article?

18 A I wrote that. Yes. I'm not sure where it was
19 posted but I do remember writing in the title -- I wrote
20 in a title "Amanda Lollar does not commit animal cruelty."

21 Q Did you write any of those other articles that
22 are listed there?

23 A I don't recall. I don't recall.

24 Q Did anyone help you compile your discovery
25 documents?

13:26:44

1 A No.

2 Q So you compiled them yourself?

3 A Yes.

4 Q And then did you turn them into pdfs and then
5 send them to your attorney?

6 A I don't recall how I actually sent them.

7 Q Did you fax them as paper files?

8 A No. They went as e-mail.

9 Q E-mail. Okay.

10 So again on Exhibit No. 101 you deny posting the
11 first article, you admit posting the last article and
12 you're not sure about the others?

13 A I absolutely deny posting the first article and I
14 also deny ever seeing this document.

13:27:34

15 Q Okay. You've never seen it before.

16 But did you post articles to --

17 A Again I posted the title on a website "Amanda
18 Lollar does not commit animal cruelty at Bat World
19 Sanctuary."

20 Q What about these three articles?

21 A I said I could not recall those.

22 Q Okay.

23 A They're also not defamation.

24 Q Have you read them?

25 A I read the titles.

13:28:18

1 MS. CUMMINS: I'm going to hand you
2 Exhibit No. 102. It's an article which was posted on
3 houston.indymedia.org. It's listed as one of four pages
4 but I only printed 1 and 2 because there was no more text
5 in the body.

6 BY MS. CUMMINS:

7 Q I'd like to go back to Exhibit No. 101 first.

8 On the bottom of each of these article titles and
9 summaries it states "You visited this page five times.
10 Last visit 2-25-12."

11 And the second one says "You visited this page
12 three times. Last visit 3-4-12."

13 Did you visit those pages?

14 A Not that I recall.

13:29:28

15 Q How do you think this document -- do you have any
16 idea how this document could have been created?

17 A It could have been created by anyone who had the
18 desire to create it.

19 Q Have you had a chance to look at this?

20 A Yes.

21 Q Did you write this article?

22 A I don't recall writing that article. It's a
23 copy/paste of our website and there's no defamation in it
24 but I don't recall posting it regardless.

25 Q You stated the text for this article has come

13:30:28

1 from your website?

2 A It looks like a copy/paste of our website.

3 Yes.

4 Q Have you ever posted quote/unquote "Ms. Cummins
5 has deliberately violated the court order by repeatedly
6 ignoring the injunction in addition to posting more
7 defamation. A motion for contempt was filed on May 16th"?

8 A I believe I did.

9 Q Did I violate the injunction?

10 A Yes, you did.

11 Q How did I violate the injunction?

12 A By not taking -- removing any of the defamatory
13 articles and posts that you had made online and by
14 encouraging people to post more defamation on your
15 Facebook.

13:31:05

16 Q Do you have any proof that I posted any of the
17 items in the injunction?

18 A Yes, I do.

19 Q What proof do you have?

20 A I have copies --- this is all regarding the Texas
21 lawsuit. I have copies of posts that you made to Facebook
22 about me, posts that you've made on your personal YouTube
23 channel, posts that you've made on Animal Advocates which
24 you control and own.

25 Would you like for me to continue?

13:31:17

1 There's hundreds of posts that you've made.

2 Q What physical proof do you have that I've posted
3 every single link in the injunction?

4 A We have the report from the expert IT guy.

5 Q Do you have the logs for houston.indymedia.org or
6 indybay.org?

7 A Not yet.

8 Q They don't have logs.

9 A Well I don't know that until I find out, do I?

10 Q It's on the start page of their website.

11 A Well I'm not the expert. I don't understand all
12 of the technical expertise that you apparently do as far
13 as websites and SEO -- search engine optimization --
14 and --

13:32:07

15 Q So you have no physical evidence or proof that I
16 posted all of the items in the injunction?

17 A Other than the report from our professional
18 expert who has had vast years of experience on Internet,
19 search engine optimization and who has run your personal
20 writings through forensic analysis and compared them to
21 the blogs and things that are online and has proved that
22 to a 91 to 100 percent accuracy that they were offered by
23 you.

24 Other than that no. I don't have any proof.

25 Q Did his report say it was 91 to 100 accuracy?

13:32:51

1 A Yes, it did.

2 Q Are you absolutely positive it was 91 to
3 100 percent accuracy?

4 A I'm positive that's what the report says.

5 Q Ninety-one to 100 percent?

6 A Yes.

7 Q That I wrote the articles?

8 A Yes.

9 Q You don't think it was 71 percent?

10 A On other articles, yes, but on most of the
11 articles 91 to 100 percent.

12 Q Did you look at his report?

13 A Yes.

14 Q Did he prove that I actually wrote the sample
15 articles which he used to compare against the articles on
16 IndyBay?

17 A I didn't look at that part of it.

18 Q So no one has any idea if I wrote the articles
19 that he used to compare to the other articles?

20 A I'm basing my --

21 MR. MACPHAIL: Objection. Calls for
22 speculation.

23 MS. CUMMINS: Okay.

24 ////

25 BY MS. CUMMINS:

13:33:38

1 Q So again what proof do you have that I wrote any
2 of these articles?

3 A The opinion of a world renowned, international --
4 I mean excuse me -- a world renowned IT expert who has run
5 your information through forensic analysis.

6 Q So your expert is world renowned even though he's
7 only in Texas?

8 A Yes.

9 Q How many years experience does he have?

10 A I'm not sure. I'm sure it will all come out in
11 the Texas case. This will come out in trial in Texas.

12 Q Have you read his report?

13 A I've already answered that.

14 Q Is his resume attached to it?

13:34:31

15 A Yes. I believe it was.

16 Q How many years has he been doing this?

17 A I don't recall.

18 Q So you believe he's internationally world
19 renowned?

20 A I believe I just said that.

21 Q Okay.

22 MS. CUMMINS: I'm going to hand you
23 Exhibit No. 103. It's another article from
24 houston.indymedia.org. It's entitled "Amanda Lollar and
25 Bat World Sanctuary sue Mary Cummins of Animal Advocates."

13:34:55

1 BY MS. CUMMINS:

2 Q Did you write that article?

3 A It appears to be another copy/paste of
4 information that was taken from our website. I do not
5 recall writing this article or posting this article.

6 Q Can you hand it back to me?

7 A (Witness complies.)

8 Q Have you ever posted anything as user ALC?

9 A I don't recall.

10 Q The title of this article -- Exhibit 103 -- is
11 "Amanda Lollar and Bat World Sanctuary sue Mary Cummins of
12 Animal Advocates."

13 Exhibit 101 which came from your discovery --
14 basically I seem to read it to admit that you agreed to
15 posting this same article June 26th, 2011. Amanda Lollar
16 and Bat World Sanctuary sue Mary Cummins.

13:36:22

17 So you're stating you did not write or post this?

18 A I don't know what you're comparing it to. You're
19 keeping everything hidden over there so it's hard to tell
20 what you're doing.

21 Q Well you gave it to me in discovery.

22 MR. MACPHAIL: Do you have our discovery
23 responses?

24 MS. CUMMINS: Yeah. I just ripped it out of
25 there. I just ripped it out right here.

13:37:12

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MR. MACPHAIL: The actual written response.

MS. CUMMINS: This.

MR. MACPHAIL: The cover.

MS. CUMMINS: Yeah. I just ripped that out of there with something else I threw in there. I think you gave me a pdf. I can download another copy for myself.

THE WITNESS: Would you like for me to answer this question?

BY MS. CUMMINS:

Q Go ahead.

A I admitted to writing "Amanda Lollar does not commit animal cruelty." You are stating there that I admitted to writing "Amanda Lollar and Bat World Sanctuary sue Mary Cummins."

13:37:36

What I stated earlier is that I do not recall these other posts. I did not admit to posting this.

MS. CUMMINS: You want the number of the item for your records?

MR. MACPHAIL: It's 38.

MS. CUMMINS: In case you want to check whatever files we sent to you.

I have everything from discovery that you gave me.

MR. MACPHAIL: Looking at No. 7. Page 38 which is Exhibit 101 for the record was in response to request

13:39:40

1 for production No. 7 which is all comments, posts,
2 reviews, ratings made anywhere on the Internet by you
3 which mention the name Mary Cummins or refer to Mary
4 Cummins in any way including various names.

5 Well this document does make mention of Mary
6 Cummins so --

7 MS. CUMMINS: That's the response to No. 7?

8 MR. MACPHAIL: That is one of the pages
9 responsive to No. 7.

10 MS. CUMMINS: And what was the question?

11 MR. MACPHAIL: I'll read it for the record.

12 MS. CUMMINS: Okay.

13:40:20

13 MR. MACPHAIL: All comments, posts, reviews,
14 ratings made anywhere on the Internet by you which is
15 Amanda Lollar which mention the name Mary Cummins or refer
16 to Mary Cummins in any way including by any quote
17 nicknames end quote such as quote Typhoid Mary end quote,
18 quote MC end quote, quote Badvocates end quote or any
19 reference such as this quote individual end quote, a quote
20 woman end quote, quote she end quote, quote her ... end
21 quote including but not limited to posts, comments,
22 articles on care2.com, victimsofmisscummins.blogspot.com.,
23 .laanimalwatch.blogspot.com.,
24 workingtohelpanimalstodaytomorrow.blogspot.com.
25 raisethefist.com, indymedia.org, indybay.org or any

13:40:20

1 subdomain such as houstonindymedia.org made by you.

2 MS. CUMMINS: So I was requesting anything which
3 she wrote about me in these sites or referred to me in any
4 way.

5 MR. MACPHAIL: Right.

6 MS. CUMMINS: And so that response would be what
7 she admitted to writing?

8 MR. MACPHAIL: Well this includes -- I mean it
9 looks like what Ms. Lollar says is the first and last one
10 are posts that you did?

11 THE WITNESS: No, I did not. I made a comment on
12 this site.

13 MR. MACPHAIL: Okay.

13:42:02

14 THE WITNESS: I made a comment in response to her
15 defamation about me on this site.

16 MR. MACPHAIL: Right.

17 THE WITNESS: But I never wrote "Amanda Lollar
18 commits animal cruelty at Bat World Sanctuary" and that's
19 what she was trying to get me to say.

20 BY MS. CUMMINS:

21 Q Where did that document come from?

22 A I have no idea. I haven't seen it.

23 Q I just want to read No. 7 really quick.

24 MR. MACPHAIL: If you can read it quick.

25 MS. CUMMINS: Okay. Okay.

13:42:29

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So I asked for all comments, posts -- I'm sorry.

In my discovery request production No. 7 I asked for all comments, posts, reviews and ratings made anywhere on the Internet by you, Amanda Lollar, which mention me, Mary Cummins, or refer to me in any way and I was given this document.

MR. MACPHAIL: Among others.

MS. CUMMINS: Yes.

MR. MACPHAIL: Right.

MS. CUMMINS: So I am assuming that she is admitting that she wrote this.

MR. MACPHAIL: Well --

MS. CUMMINS: What is this?

MR. MACPHAIL: This -- the top one --

13:43:01

THE WITNESS: -- is the title to the webpage only.

MR. MACPHAIL: Right.

THE WITNESS: I am in no way, shape admitting that I wrote that. I absolutely did not write that.

MS. CUMMINS: I asked for all comments, posts and reviews. I don't --

THE WITNESS: There's a comment on this website.

BY MS. CUMMINS:

Q Well why didn't you give me the actual comment?

A I didn't create that document.

13:43:19

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Q Who did?

A I have no idea.

MR. MACPHAIL: I think we're talking about two different things. Your request was broad in that it says for anything that relates to, references, evidences.

Now if I'm correct one or more of these posts you may have had a comment on?

THE WITNESS: Yes.

MR. MACPHAIL: Okay. And so this document refers to a website where she made a comment related to you.

MS. CUMMINS: Okay.

MR. MACPHAIL: It's not saying that every one of the posts were hers.

MS. CUMMINS: Well then I want her to give me a supplemental response to discovery request for production No. 7. I want the actual comments, posts, reviews and ratings made anywhere on the Internet by Amanda Lollar which mention me or refer to me.

I don't just want the title of an article which she might have commented on. I need to see what she wrote.

THE WITNESS: I've supplied that.

MR. MACPHAIL: That would be -- look at pages 27 through 37.

MS. CUMMINS: Then what is this?

13:44:29

1 This is confusing.

2 MR. MACPHAIL: Well again look at the literal
3 definition. You want every document that refers to,
4 includes --

5 This refers to a post that she made about you.

6 MS. CUMMINS: Well then I'm going to ask her to
7 respond again. I may request it again to be a little bit
8 more specific but I'd like her to respond a little bit
9 more specifically.

10 I'd like to see the actual individual comments
11 and --

12 THE WITNESS: We supplied those.

13 MS. CUMMINS: Every single one?

14 THE WITNESS: Yes.

13:44:56

15 MR. MACPHAIL: Do you have documents 27 through
16 38?

17 MS. CUMMINS: She admitted to --

18 BY MS. CUMMINS:

19 Q In fact while we're here you admitted to posting
20 this on your blogger account A.Lollar. Earlier you said
21 that was not your blogger account and --

22 A I have no idea what you're looking at.

23 MS. CUMMINS: I am now handing to Ms. Lollar her
24 discovery response DP 0031.

25 I did not put a square around that I believe.

13:46:20

1 THE WITNESS: I did.

2 BY MS. CUMMINS:

3 Q Did you post that?

4 A This is not posted on Blogger. This is posted on
5 helpinganimalstoday or something based on your defamation
6 of "now meet the crazy bat lady" and all the things that
7 you've said in there about --

8 Q Excuse me.

9 A -- calling me a whore and things like that I
10 think are listed in here.

11 This is not a blogger spot.

12 Q Yes, it is. It is. It says "Blogger." Look at
13 the icon next to your user name. The B for blogger.

14 This blog is

13:46:34

15 workingtohelpanimalstodayandtomorrow.blogspot.com and you
16 supplied it to me.

17 That is a blogger account. The one that you
18 denied having.

19 A Yes. I didn't deny. I said I don't recall. I
20 said I had created a blogger spot -- a blogger account to
21 post on a blog for a terminally ill friend and that must
22 have been the one that I created and had forgotten but I
23 didn't say -- I never denied having it. I said I don't
24 recall.

25 MR. MACPHAIL: Actually I think the testimony was

13:47:36

1 she had it at one point in time but when it expired she
2 wasn't sure.

3 THE WITNESS: And that's not defamation. What I
4 posted isn't defamation anyway.

5 BY MS. CUMMINS:

6 Q Let me go back here.

7 When did it expire?

8 A I have no idea. I don't recall. I don't
9 remember. I don't use Blogger. I only used it for that
10 terminally ill friend and then to defend myself against
11 your defamation apparently.

12 Q So you posted this?

13 A I don't know what you're looking at.

13:48:08

14 MS. CUMMINS: Okay. Let me make it an exhibit
15 and make sure I download it again.

16 I'm now handing you Exhibit No. 104 which is
17 actually your discovery response. DP 0031.

18 BY MS. CUMMINS:

19 Q And can you tell me did you make that post?

20 A The post says "See the following posts for more
21 information." batworld.org/our recent court case and
22 batworld.org/bat worlds alleged cruelty" which none of
23 that is defamation.

24 Q Did you post it?

25 A I believe I must have.

13:49:08

1 Q Is that your blogger account?

2 A If it is I probably don't have it anymore. It's
3 probably expired.

4 Q Can you hand that to me?

5 A (Witness complies.)

6 Q This was posted May 11th, 2011. I actually
7 looked at your account last night. It's still active.

8 A That was not posted 2011.

9 Q Yes.

10 A I think that date has been manipulated.

11 Q No. Let me give you the rest of it.

12 You gave this to me. It is a response to a post
13 which is your discovery response DP 0027 which was posted
14 Friday, May 6th, 2011.

13:49:49

15 Would you like to see this document? The main
16 article.

17 MS. CUMMINS: I'm losing all my discovery here.

18 I'm going to hand you Exhibit 105 which is an
19 article posted on the blog
20 workingtohelpanimalstodayandtomorrow.blogspot.com.

21 It's an article with posts attached.

22 BY MS. CUMMINS:

23 Q Have you seen that article?

24 A Yes. This is the article that I believe you
25 posted or you made a friend post that's got horrendous

13:50:25

1 defamation against me and my attorney in Texas.

2 It's also alleging animal cruelty, I'm called a
3 whore, I'm called really horrible names on here.

4 Q Where are you called a whore in there?

5 A I don't believe you have that post here but I
6 believe it's in there somewhere --

7 Q Can I see that?

8 A -- and I posted in response to that. So if that
9 was the date then that's correct then.

10 Q Okay. Well that is a document you gave to me in
11 discovery.

12 A That you've had overnight of course.

13 Q Wait. There's one last post.

14 A And again there's no defamation on that post
15 except for what you posted about me.

13:51:04

16 Q So are you claiming that I am the author of the
17 blog workingtohelpanimalstodayandtomorrow.blogspot.com?

18 A I'm claiming I suspect that you were behind it
19 100 percent.

20 Q You suspect.

21 What proof do you have?

22 A I need to look at the expert's report to see if
23 that blog is included in with his analysis.

24 Q Do you believe I wrote the article "You've heard
25 of the crazy cat lady. Now meet the crazy bat lady"?

13:51:34

1 A I believe you contributed majorly to that page
2 and as well as a lot of the comments because some of them
3 were taken from a court transcript that only you attended.
4 No one else would have had that intimate knowledge.

5 Q Have I not posted all the court transcripts
6 online?

7 A I believe that was posted before you even posted
8 the transcripts online as well as all the other things
9 that apparently make you look like you're cyberstalking
10 me.

11 Q Again what proof do you have -- what physical
12 evidence do you have -- that I made this article?

13 A I would need to look at the expert's report to
14 see if that blog is included.

13:52:51

15 MS. CUMMINS: I'm handing to you Exhibit 106
16 which is an article written on IndyBay. The title is
17 "Amanda Lollar commits animal cruelty at Bat World
18 Sanctuary."

19 BY MS. CUMMINS:

20 Q I'd like you to look through this and I would
21 like you to acknowledge any comments that you wrote or
22 files that you uploaded if you did.

23 A Okay. I'm looking at posts that you apparently
24 made --

25 Q Do you have any proof --

13:53:25

1 A -- alleging cruelty. There's also my copyrighted
2 videos that were uploaded here that I believe you stole
3 from my website.

4 Q Do you have any proof that I posted that?

5 A I believe this is one of the sites that's
6 included. I'm actually 99 percent sure this is one of the
7 sites that's included in the expert's report. That you
8 posted this.

9 Q What copyrighted video is posted there?

10 A It's a copyrighted video of the dental extraction
11 that you manipulated to show animal cruelty.

12 Q How do you know that I manipulated it?

13 A Because you took out all of the text that talked
14 about pain medication and then showed a bat that was
15 having a tooth pulled and said that there was no pain
16 medication, that the tooth was just jerked out of the bat
17 and it was thrashing and biting which is nothing of the
18 sort.

13:54:11

19 So the text that you added -- you manipulated it
20 by taking away all the recommendations for pain medication
21 and adding instead that no pain medication was even
22 provided.

23 Q You're stating I added text to that video?

24 A That's what I believe you did. Yes.

25 And you also stole it from our website which has

13:54:41

1 an extreme copyright message on it that no video or
2 anything else on our website is allowed to be taken and
3 shared without permission.

4 Q That was on your website when you had that
5 video?

6 A Oh yes.

7 Q How long have you had video on your website?

8 A Well after we created the website and after the
9 copyright statement was made because we redid our website
10 in 2011 I believe. Early in 2011.

11 Q Okay. Can you continue and show me what comments
12 you made or what files you uploaded, if any?

13 If you'd like to circle them go right ahead.

13:55:32

14 A These look like more comments of people that
15 you've incited to hate me based on your outlandish and
16 false claims.

17 Q Please just tell me --

18 A A lot of these may be comments you made yourself.

19 Q Please just tell me which comments you made
20 yourself.

21 A That looks like another post you made. More of
22 your copyrighted photos are here.

23 Q My copyrighted photos?

24 A Yes. You allege they were copyrighted.

25 Q Okay.

13:56:20

1 A And, of course, that's more of the defamation
2 that you put out against me.

3 Q I'm only asking you to tell me which comments you
4 made.

5 A I'm trying to go through it. I have to speak out
6 loud to go through it so I can understand.

7 Q You can't think without speaking out loud?

8 A No, I can't. And this does not have anything to
9 do with the other one. This one is -- not when you're
10 asking me to look at a document and pick and choose what
11 you want to hear. I'm only going to tell you what I see.
12 I'm not going to tell you what you would like to just
13 hear.

14 Q This is a deposition. I ask the questions and
15 you answer them.

13:56:47

16 A I'm answering them.

17 Q Just answer the questions only.

18 A I am. You're asking me what I see and I'm
19 explaining what I see.

20 MR. MACPHAIL: Hold on one second.

21 MS. CUMMINS: Shall we go off the record?

22 MR. MACPHAIL: Just off the record for one
23 minute.

24 MS. CUMMINS: Okay.

25 (A recess was taken from 1:57 p.m. to 2:02 p.m.)

14:02:23

1 MS. CUMMINS: It's now 2:04 p.m. and we're back
2 on the record.

3 (Pause in proceedings.)

4 MS. CUMMINS: We're back on the record at
5 2:05 p.m., Friday, April the 6th, 2012. This is still
6 tape one, volume one.

7 BY MS. CUMMINS:

8 Q And when we were last on the record I believe I
9 gave you Exhibit 106 and I asked you to read through it
10 and if you could circle -- is that my pen over there?

11 Could you use that one to circle any comments you
12 made?

13 MS. HYATT: Here. You can have mine.

14 MS. CUMMINS: Can you hand me mine back?

14:03:48

15 THE WITNESS: I believe I made -- well I'm sure I
16 made this one because I actually signed my name to it.

17 BY MS. CUMMINS:

18 Q Can you circle it, please?

19 A It says "Thank you, Mary, for these additional
20 items of defamation that we are now adding to our existing
21 lawsuit."

22 It looks like a lot of negative comments about
23 you attacking people here.

24 Still looking.

25 People mentioning you're stalking other people.

14:04:34

1 Q I only want you to circle what you wrote.

2 A I'm just reading through it as you asked me to
3 do.

4 Q I'm not asking you to read through it. I didn't
5 ask you to read out loud.

6 A It looks like you uploaded a lot of our
7 documents.

8 Q Oh. That's an accident.

9 So I showed you Exhibit 108 and you read through
10 it --

11 THE REPORTER: 106.

12 MS. CUMMINS: Sorry.

13 BY MS. CUMMINS

14
15 14:06:21

14 Q -- and you circled one post on page 13 of 32
15 which states "M-a-r-y'-s Cummins' comments are being added
16 to our defan" -- d-e-f-a-n-m-a-t-i-o-n -- "lawsuit posted
17 by Amanda Lollar Friday, May 6th, 2011" and the comment is
18 "Thank you, Mary, for these additional items of defamation
19 that we are now adding to our existing lawsuit" and you
20 post a link to batworld.org/our recent court case.

21 You admit to posting that?

22 A Yes. It's not defamation. I posted it.

23 Q You didn't post any other comments on this
24 article?

25 A Not that I recall.

14:07:55

1 Q You didn't post comments as author Typhoid Mary
2 and then post links to your lawsuit documents?

3 A No, I did not.

4 Q Did you upload any of these lawsuit documents?

5 A No.

6 MS. CUMMINS: One last article I forgot.

7 Exhibit 107 is another article from
8 houston.indymedia.org.

9 BY MS. CUMMINS:

10 Q Have you read that?

11 A Yes.

12 Q Did you write that?

13 A I don't think I did. No.

14 Q Did you post that?

14:09:23

15 A No. I don't believe I did.

16 Q Can you hand it back to me?

17 Come on.

18 Have you ever posted as author ALC?

19 A I don't believe I have. I don't recall actually
20 but again nothing in there is defamatory.

21 MS. CUMMINS: I'm now going to show to you
22 Exhibit 108 which is your 2011 year-end report which was
23 posted on your website.

24 BY MS. CUMMINS:

25 Q Did you write that?

14:10:29

1 A Yes. I believe I did.

2 Q Did you post that on your website?

3 A Yes. If this is an accurate depiction of what I
4 posted then yes.

5 Q Is that the truth?

6 A The truth? Which part?

7 Q All of it.

8 A If this is an actual depiction of what was on our
9 website then yes. Of course it's the truth.

10 Q Can you hand it to me?

11 A (Witness complies.)

12 Q Every year you take in more fruit bats yet you
13 always seem to have the same number.

14 Why is that?

14:11:02

15 A Our number hasn't changed this year yet. I mean
16 we haven't added the fruit bats that we have rescued
17 recently.

18 Q Generally you tell people you have approximately
19 150 insectivorous bats and 150 fruit bats.

20 A Yes.

21 Q That number has stayed the same yet every year
22 you take in more.

23 Are some dying?

24 A That report is only for one year. We have not
25 added the fruit bats we rescued this year yet.

14:11:25

1 Q My question is how come the number of bats that
2 you list on your USDA permit are always at 300 yet every
3 year you admit to taking more in.?

4 A Three hundred is an approximate.

5 Q So you have not told the USDA exactly how many
6 bats you have?

7 A Yes, I have.

8 Q So the number of bats you have on your USDA
9 permit honestly reflects the exact number of bats that you
10 have?

11 A Yes.

12 Q A few years ago for some reason -- generally it
13 shows around 300 but about three years ago it went down to
14 about 24.

14:12:11

15 What was that?

16 A We don't list every bat on our USDA permit that
17 we have at our sanctuary. You're not required to list the
18 bats that you don't use for educational purposes.

19 You're only required to list the animals that you
20 show to the public. We no longer even show animals to the
21 public.

22 Q I have the same USDA permit. I must list every
23 animal on the premises --

24 A Well perhaps --

25 Q I have the same C permit. I have to list every

14:12:37

1 animal that's not a rehab animal.

2 A Well perhaps that's what they like for you to do.

3 Q So you're telling me that a few years ago you
4 were showing 24 bats?

5 Exhibiting.

6 A During educational programs which were very
7 limited we would -- that was an approximate number of bats
8 that would be shown during an educational program but that
9 did not reflect the amount of bats we actually had in the
10 facility.

11 Q Okay. Then how come for the past two years your
12 USDA number was approximately 300 bats?

13 Were you showing that many bats?

14 A No. We stopped giving programs entirely.

14:13:27

15 And my permit never showed 300 bats. We never
16 reflected that we had 300 bats on our permit.

17 MS. CUMMINS: I'm getting near the end here and I
18 wanted to state that I do not give any permission for
19 anyone to post or share this video publicly or to put ads
20 on -- make any commercial use of the video.

21 BY MS. CUMMINS:

22 Q Ms. Lollar, earlier you stated that you sent one
23 e-mail to the California Department of Fish & Game about
24 me.

25 A Yes.

14:14:36

1 Q Did you provide me with that e-mail?

2 A I think I provided you with the text that went
3 into the e-mail. I don't have the e-mail anymore but I
4 composed the message and I believe that was provided.
5 Just the text of the e-mail was provided.

6 Q Can you tell me where -- I didn't receive that
7 e-mail.

8 MR. MACPHAIL: Well again for the record she said
9 she didn't have the e-mail anymore. She sent the text.
10 Produced the text.

11 MS. CUMMINS: I don't believe I got the text.

12 MR. MACPHAIL: I may be mistaken but if you'll
13 hand me the documents we produced I can verify this
14 hopefully quickly.

14:15:41

15 MS. CUMMINS: Everything should be there except
16 what I put in here.

17 MR. MACPHAIL: Right.

18 MS. CUMMINS: That's what you gave me yesterday.

19 MR. MACPHAIL: I thought it was about page 18.

20 No.

21 THE WITNESS: That's not it.

22 MS. CUMMINS: We actually spoke about this,
23 Mr. MacPhail. I went through it the first time and
24 couldn't find it and you said you would provide it to me.

25 MR. MACPHAIL: Right. I was thinking of

14:16:41

1 something in connection with document 16 but that was a
2 YouTube.

3 I will get that to you.

4 MS. CUMMINS: Okay. And also on the phone I had
5 asked for a copy of the insurance.

6 MR. MACPHAIL: Yes. I'm getting that as well.

7 MS. CUMMINS: Okay. I haven't received all the
8 discovery documents that I requested so I reserve the
9 right to redepose Ms. Lollar and based on the information
10 she gave me today I'll be sending out more subpoenas and
11 getting more discovery items so I'll need to redepose her.

12 And I would also like that discovery request --
13 the response to discovery request No. 7 where I asked for
14 all comments and articles that she'd made anywhere.

14:17:34

15 I'd like all of her comments and all of the
16 articles that she wrote.

17 THE WITNESS: I gave you everything I have.

18 MR. MACPHAIL: Well my understanding is I've
19 produced everything we have.

20 MS. CUMMINS: Actually in here I had asked for
21 any comments that she made and she didn't give me this
22 comment that she made here and just admitted to here and I
23 believe there are more.

24 She admitted to this one here on May 6th and this
25 was not in the discovery so I'd like --

14:18:04

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MR. MACPHAIL: I didn't have that document.

THE WITNESS: And I didn't find that document to produce.

MS. CUMMINS: It is online.

THE WITNESS: So if you have it then you still have a copy of it.

MS. CUMMINS: Yes but I don't know what you wrote. That's what I need.

THE WITNESS: I just told you what I wrote. If I had found it I would have produced it. I gave you everything that I found.

MS. CUMMINS: This is on the Internet. It is public.

THE WITNESS: I provided everything that I had found.

14:18:22

MS. CUMMINS: Okay.

THE WITNESS: Everything that I had possession of that I could find I provided.

MS. CUMMINS: Okay. Anyway I would like a more detailed response to the discovery for documents No. 7. I'd like a copy of the e-mail or at least of the text which she sent to the Department of Fish & Game about me and I'd like a copy of the insurance policy.

I will give appropriate notice for a new subpoena as soon as I receive -- a new deposition as soon as I

14:18:42

1 receive a response to the subpoena.

2 I pass the witness.

3 MR. MACPHAIL: I have no questions.

4 I will get you insurance policy information.

5 If there's other documents she has in her
6 possession about comments that she's posted I do object to
7 a further deposition but you have the right to take that
8 up with the court.

9 MS. CUMMINS: Okay.

10 THE WITNESS: I would like to point out that
11 there was a period of time when IndyBay was down -- was
12 completely nonexistent -- which is where she found those
13 other comments.

14
15 14:19:21

16 Their site went down for a period of weeks I
17 believe -- I'm not sure how long -- and then their
18 site came back up and that's why she found the additional
19 comments.

20 When I went to try to find those comments that
21 were on IndyBay IndyBay did not exist during that time
22 because they had pulled their website down for some kind
23 of federal violation.

24 MS. CUMMINS: No. It wasn't a federal violation.

25 THE WITNESS: I know the FBI was involved. It
was in the news and their entire website went down for a
period of several weeks.

14:19:53

1 MS. CUMMINS: Could you please -- I'm not off the
2 record yet. I'd like to ask one more question.

3 BY MS. CUMMINS:

4 Q Do you have proof that IndyBay was shut down by
5 the authorities?

6 A There were news articles online.

7 Q When was this?

8 A A few weeks ago I believe. About the same time I
9 was looking for any particular comments or articles I
10 would have created.

11 Q Could you take another look and see if you had
12 made any other comments or articles?

13 A I can look again.

14
15 14:20:28

16 MS. CUMMINS: Should I deal with the housekeeping
17 duty of the court reporter and the record?

18 MR. MACPHAIL: Do you want to offer the same
19 stipulation?

20 MS. CUMMINS: Yes.

21 MR. MACPHAIL: Thirty days to review and make
22 changes?

23 MS. CUMMINS: You might as well say it.

24 MR. MACPHAIL: Okay. We agree to relieve the
25 court reporter or her obligations under the code to
maintain custody of the original of the transcript; that
the original of the transcript will be forwarded to my

14:20:41

1 office and we will have 30 days from that receipt of the
2 transcript to have Ms. Lollar make any changes to the
3 deposition that she deems appropriate.

4 The changes to the deposition will then be
5 forwarded on to Ms. Cummins.

6 Question. In terms of maintaining custody of the
7 original do you want the original?

8 MS. CUMMINS: Okay. What would be normal?
9 Having the court reporter retain it?

10 MR. MACPHAIL: No. Usually in Southern
11 California the attorneys for the party --

12 MS. CUMMINS: Okay. I will keep it.

14:21:27

13 MR. MACPHAIL: And you'll make it available for
14 any proceeding as required or needed and should the
15 original be lost, damaged or stolen that any certified
16 copy can be used in its place.

17 MS. CUMMINS: Yes.

18 Would anyone here like a copy of the video?

19 MR. MACPHAIL: Yes.

20 MS. CUMMINS: Are you charging me for a copy of
21 your video?

22 MR. MACPHAIL: The one yesterday?

23 Let me check.

24 MS. CUMMINS: I don't need a certified copy. You
25 could just make me a copy of yours if that's allowed. I

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don't know.

THE REPORTER: I don't get involved in video.

MR. MACPHAIL: I'll check on that. We'll come to a mutually agreeable -- if you're charged I'll be charged. I understand.

MS. CUMMINS: Okay.

And I will retain the original videotape and this marks the end of video tape number one, volume one in the deposition of Amanda Lollar in the case of Mary Cummins vs. Amanda Lollar, Bat World Sanctuary, John Does 1 to 10 and we're going off the record. The time on the monitor is 2:24 p.m., Friday, April the 6th.

(Exhibits 48 through 108 were marked for identification by the Certified Shorthand Reporter and are included herewith.)

(The deposition was concluded at 2:23 p.m. Declaration under penalty of perjury is on the following page hereof.)

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I do solemnly declare under penalty of perjury under the laws of the State of California, that the foregoing is my deposition under oath; that these are the questions asked of me and my answers thereto; that I have read same and have made the corrections, additions or changes to my answers that I deem necessary.

In witness whereof, I hereby subscribe my name this _____ day of _____, 20_____.

Witness Signature

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CERTIFICATION

OF

CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name



[Handwritten Signature]

Dated: APR 19 2012

Certificate Number: 5369