

CAUSE NO. 352-248169-10

BAT WORLD SANCTUARY
AND AMANDA LOLLAR

Plaintiffs,

v.

MARY CUMMINS

Defendant.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT MARY CUMMINS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW NEAL S. CALLAWAY and files this his Motion To Withdraw As Counsel For Defendant Mary Cummins and would show the Court as follows:

I.

Neal S. Callaway ("Callaway"), the undersigned, represents Defendant Mary Cummins ("Defendant").

II.

As the basis for this Motion to Withdraw, Callaway would show that good cause exists for allowing him to withdraw as counsel for Defendant. Callaway is unable to effectively represent Defendant due to conflict between Callaway and Defendant. On September 22, 2011, Callaway received notice by email from Randall Turner ("Turner"), counsel for Plaintiffs, demanding that that Callaway's client and Defendant remove a statement from her AnimalAdvocates website. See email attached hereto as Exhibit "A". The statement of Defendant on her website accused Turner of touching and massaging her hand while Turner was

deposing Defendant on August 25, 2011. Callaway was present at the deposition representing Defendant. Callaway did not witness any such conduct by Turner and most certainly would have objected if such had occurred. Moreover, after the deposition, Callaway's client and Defendant said nothing to Callaway about this alleged incident.

Defendant now claims that Callaway was asleep in the deposition when this alleged conduct by Turner occurred. Callaway did not fall asleep at any time during the deposition.

Furthermore, on September 22, 2011, Defendant contacted the Tarrant County Bar Association and made various wild claims and allegations against Callaway who was referred by the TCBA to Defendant. Defendant made it abundantly clear to the TCBA that she does not believe Callaway is competent to represent her.

As a result of this bizarre accusation by Defendant against Turner and Defendant's other claims about Callaway, Callaway cannot adequately represent the Defendant's in this case because Callaway is a witness to the fact that Defendant's claims are false. And Defendant does not believe that Callaway is competent to represent her. Therefore, Callaway has a conflict in continuing to represent Defendant.

III.

This case presently is set for trial the week of January 9, 2012. There is a hearing on discovery matters set for October 6, 2011 at 10:30 a.m.

IV.

A copy of this Motion has been delivered by certified mail, regular mail and email to client. The client has been notified in writing of her right to object to the Motion. At this time, the client does not consent to the Motion, therefore a hearing is necessary. The client and

Defendant's last known address is 645 W. 9th St. #110-140, Los Angeles, CA 90015.

WHEREFORE, NEAL S. CALLAWAY respectfully requests that this Court grant his Motion to Withdraw As Counsel For Defendant Mary Cummins and such other and further relief to which he may show himself entitled.

Respectfully submitted,



Neal S. Callaway

Bar Car No. 03657020

LAW OFFICES OF NEAL S. CALLAWAY

1200 Summit Ave., Suite 720

Fort Worth TX 76102

817/332-2076; Fax 817/877-5661

CONSENTED TO BY:

Mary Cummins

VERIFICATION

STATE OF TEXAS)

COUNTY OF TARRANT)

BEFORE ME, the undersigned authority on this day personally appeared NEAL S. CALLAWAY, known to me to be the person subscribed to herein, who stated on oath as follows:

1. "My name is Neal S. Callaway. I am over 21 years of age, am of sound mind, and have never been convicted of a felony. I have personal knowledge of the facts contained herein.


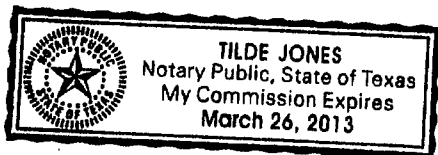
2. I am the attorney of record for Defendant Mary Cummins in the above-entitled and numbered cause. I have read the above and foregoing Motion to Withdraw As Counsel For The Defendant Mary Cummins and the facts contained therein are true and correct and are of my personal knowledge.



NEAL S. CALLAWAY

SUBSCRIBED AND SWORN TO before me on September 25, 2011, to which I place my official seal.

My Commission Expires:


Notary Public in and for the State of Texas

CERTIFICATE OF CONFERENCE

A conference by email was held on September 26, 2011 with Randall Turner (Plaintiffs' attorney) on the merits of the motion, and he does not oppose the Motion.


Neal S. Callaway

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of September, a copy of the foregoing was served by regular mail to the following counsel of record:

Randall E. Turner
LAW OFFICE OF TURNER & MCKENZIE
1800 N. Norwood Drive, Suite 100
Hurst, Texas 76054

and by certified mail, no. 7006 0810 0004 1143 9422, return receipt requested, regular mail and email (mmmarvinla@aol.com) to:

Mary Cummins
645 W. 9th St. #110-140
Los Angeles, CA 90015


Neal S. Callaway

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Mary Cummins
 From: "Randy Turner" <randy@turnermckenzie.com>
 To: callawaylaw@sbcglobal.net
 Cc: "Kelly" <kelly@turnermckenzie.com>

Thursday, September 22, 2011 4:13 PM

Neal, your client posted the statements below on the internet. As you, the court reporter, and everyone else at the deposition knows, these statements are false. The deposition was also videotaped. Please tell your client to **immediately** remove these statements. If they are not removed by 9:00 a.m. tomorrow morning I will personally sue her for defamation. The lawsuit will start in Texas but, if necessary, it will be pursued in California. Needless to say, you will be my first witness.

Thank you for your immediate attention to this matter.

Randall E. Turner
 Turner & McKenzie, PC
 Attorneys at Law
 1800 Norwood, Suite 100
 Hurst, Texas 76054
 Tel.: 817-282-3868
 Fax: 817-268-1563
 www.turnermckenzie.com

September 22, 2011: As I'd posted previously during the depo Turner basically accused me of holding a bat barehanded and lying about it. I told him the brown hand in the photo was not mine as I am white. I then asked him to look at the photo then look at my hand. He then grabbed my hand and started touching it practically massaging it. It's a tattoo. You only need to look at it, not touch it. Very creepy. I was informed last night by a lawyer that lawyers are not allowed to touch you in a depo. It's considered an assault. More inappropriate behavior. I'm sure this must be a violation of the Tarrant County Bar Association.

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NEAL S. CALLAWAY
ATTORNEY AT LAW

Mailing Address:
1200 SUMMIT AVENUE-SUITE 720
FORT WORTH TX 76102

Telephone 817/332-2076
Facsimile 817/877-5661
email: callawaylaw@sbcglobal.net

September 27, 2011

CERTIFIED MAIL, RRR. 70060810000411439422,
REGULAR MAIL AND EMAIL mmmaryinla@aol.com

Mary Cummins
645 W. 9th St. #110-140
Los Angeles, CA 90015

RE: *Bat World Sanctuary and Amanda Lollar v. Mary Cummins*, Cause
No. 352-248169-10 in the 352nd Judicial District Court, Tarrant County,
Texas.

Dear Ms. Cummins:

Enclosed please find my Motion To Withdraw As Counsel For Defendant Mary Cummins.

The grounds for my Motion are set out in the Motion. If you consent to the Motion, you may sign on page 3 and return same to me. **Please be advised that you have the right to object to the Motion.**

This matter is set for hearing on October 6, 2011 at 10:30 a.m. in the 352nd Judicial District Court. You have the right to be present at that hearing.

Sincerely,


Neal S. Callaway

tj

cc: Court Coordinator
352nd Judicial District Court
Eighth Floor
401 West Belknap
Fort Worth TX 76196-0223

Randall E. Turner
LAW OFFICE OF TURNER & MCKENZIE
1800 N. Norwood Drive, Suite 100
Hurst, Texas 76054