

MARY CUMMINS
Defendant
645 W. 9th St. #110-140
Los Angeles, CA 90015
In Pro Per
Telephone: (310) 877-4770
Email: mmmaryinla@aol.com

FILED
Superior Court Of California
County Of Los Angeles

SEP 15 2017

Sherri R. Carter, Executive Officer/Clerk
By Charlie L. Coleman Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BAT WORLD SANCTUARY,
AMANDA LOLLAR,
Plaintiff
KONSTANTIN KHIONIDI
Assignee

v.

MARY CUMMINS
Defendant

Case No. BS140207

MOTION TO CONTINUE DEBTOR
EXAM; QUASH EXAM;
PROTECTIVE ORDER

Date: October 12, 2017

Time: 9:15 a.m.

Room: Dept 44

Judge: Hon. Edward B. Moreton, Jr.

Fee Waiver: August 5, 2014

Reservation: 170914250893

RELIEF REQUESTED

Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court to continue a Debtor Hearing scheduled for September 18, 2017 1:30 p.m. Defendant was never served with the subpoena, has never seen it and no file exists at lacourt.org. Defendant filed Motion to Quash Debtor Exam in Dept 24 with a hearing set for September 14, 2017 before the debtor exam. For some reason the original filing did not make it to Dept 24 before the hearing though a courtesy copy was delivered to the courtroom a week earlier. Defendant had to reschedule the Motion to Quash for November 9, 2017 at 8:30 a.m. Dept 24. Defendant also requests a protective order

MOTION TO QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER CCP 1987.1

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1 over all records which may be obtained in any debtor hearing if they exist as Plaintiffs
2 have a long history of posting confidential social security numbers, bank account
3 numbers, bank routing numbers....in public filings and on the internet. The hearing
4 will be recorded. Defendant will show the court the following based on documents
5 already filed with this court, attached declaration and exhibits.

6 INTRODUCTION

7 This sister state judgment rises from a 2010 defamation case in Texas.
8 Defendant never defamed Plaintiffs. Plaintiffs did not show any element of
9 defamation, damages or malice in trial. The 84 year old now dead visiting Judge did
10 not sign or file an oath of office before the trial. Plaintiffs never even stated what they
11 felt was defamatory in the trial. Plaintiffs admitted in trial they had no evidence of
12 even one penny of damages or causation of anything by Defendant yet the Judge
13 awarded Plaintiffs \$6,176,000. The breach of contract claim, attorney fees, liquidated
14 damages were all reversed in appeal. Plaintiff Bat World Sanctuary was denied any
15 claim.

16 Plaintiffs/Assignee through subpoenas and bank authorization already have all
17 financial records of Defendant from 2010 to earlier this year. Defendant's last bank
18 account was closed November 2013 by levy from Judge Robert Hess Dept 24.
19 Plaintiffs obtained Defendants social security number, copy of driver's license, date of
20 birth, mother's maiden name, all addresses...through discovery. Plaintiffs used that
21 information to pretend to be Defendant to obtain Defendant's information such as
22 school records from USC. Plaintiff also used that information in the past to imitate
23 Defendant to try to access Defendant's then bank accounts. The banks recorded the
24 phone calls. Police reports were filed. Plaintiffs have access to all of Defendant's
25 documents, records and information. There is no need for a debtor exam. There are no
26 records which could lead to anything discoverable. This subpoena if it exists is for
27 harassment purposes only.

Defendant requests that if the Court allows additional discovery that it limit the subpoenas to only Defendant's records and grant a protective order identical to the previous one this Court granted May 5, 2016, i.e. no records can be publicly shared or posted on the internet.

FACTS OF THE CASE

April 10, 2017 Plaintiffs assigned the judgment to Konstantin Khionidi a Russian person with an address in Russia. Defendant believes this is a straw man for Plaintiffs. Plaintiffs sent service to 645 W 9th St, Los Angeles, CA 90015 but did not include the unit # so Defendant would not receive it. Defendant did not receive it.

June 23, 2017 lawyer K. Kenneth Kotler filed a substitution of attorney stating Kotler is former legal representative of Konstantin Khionidi and Khionidi now represents itself as a pro se.

June 23, 2017 someone by the name of "Johnny Winn" left a creepy voicemail using a voice changer about a debt <http://marycummins.com/weirdo.mp3>

June 29, 2017 attorney Eamon Jafari filed substitution of attorney to represent Konstantin Khionidi.

July 3, 2017 Defendant received a strange anonymous email allegedly from Konstantin Khionidi stating he wants to give Defendant money (Exhibit 1).

"Hello Mary,

Barrington Legal is our current counsel. Please excuse my English not so good. I understand you have no money but we have plenty and would like to invest to build your business. We don't care about your past problems we saw the tapes. We care about our investment.

Hopefully we can grow your business. Let's please have no more threats as we find them childish and they serve no purpose and in our world insults only make you more respected.

Let's discuss as if we did not hold all the cards. We want to strike a fair deal and not spend more money on investigations but rather a business plan. But we can not loose face as in RuSSia reputation is important so we can either make big money as allies or we can continue to know each other as legal adversaries. How we spend our money is our business but I assure we can take you from penniless (as stated) to

1 successful. I suggest you behave with goof manors as we are kind Russians not ones
2 looking to continue the pattern of hatred which has been established. And we gladly
3 support Bats as we love them. It's our money they love. We have spent more then 50
4 on legal to date and prefer money in your pocket not on these "dockets"!

4 My best,
5 Sasha”

6 July 3, 2017 Defendant forwarded the weird email to Barrington Legal.

7 July 28, 2017 Barrington Legal filed a substitution of attorney to attorney James J.
8 Little.

9 August 18, 2017 Defendant read an article on the internet about this case¹ (Exhibit
10 2, pg 2). The article stated there would be a debtor’s hearing,

11 “In May 2017 investigators finally located Cummins and served her with an Order to
12 Produce Statement of Assets and to Appear for Examination,” Turner added.
13 Cummins “has been ordered to appear in California Debtor’s Court at 1:30 p.m. on
14 September 18, 2017,” Turner wrote, “where she will be grilled under oath about
15 everything she owns, her income, assets, vehicles, expenditures, monthly living
16 expenses, inheritance, trust funds, and all bank accounts she has access to. Her
17 assets will be seized shortly thereafter,” pending further twists in the already seven-
18 year-old case.”

19 This same statement was in Plaintiff’s Texas attorney business website² and Plaintiff’s
20 website³.

21 August 18, 2017 Defendant checked court documents and there was no debtor
22 hearing filed so Defendant didn’t believe there was a debtor hearing.

23 August 21, 2017 Defendant looked at the case summary and saw the following,
24 **05/10/2017** Order to Appear for Examination, Filed by Attorney for
25 Plaintiff/Petitioner, **09/18/2017** at 01:30 pm in Department 44 at 111 North Hill Street,
26 Los Angeles, CA 90012, Judgment Debtor Examination Hrng.

¹ Article about case <http://www.animals24-7.org/2017/08/18/when-cyberspace-aint-big-enough-for-sanctuarrians-their-critics/>

² Randy Turner, Texas attorney ihatemary page <http://www.randyturner.com/randys-cyber-stalker>

³ Bat World Sanctuary ihatemary page <https://www.facebook.com/batworld/app/329898510397252/>

August 21, 2017 Defendant told Plaintiff, Assignee's attorney James Little via email that Defendant was not served a notice of debtor hearing and would not, could not be at the September 18, 2017 hearing. Defendant filed Motion to Quash.

Defendant was never served with an order or subpoena to appear for a debtor hearing. Defendant is awaiting back surgery and is unable to attend. Defendant believes this hearing would only be used to harass Defendant and to try to follow Defendant to assault Defendant.

**STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY
SUBPOENA, CONTINUE HEARING, PROTECTIVE ORDER**

The subpoena should be quashed, modified and/or continued for the following reasons:

1. Defendant was not served the subpoena, order. Defendant hasn't even seen a copy of the document as it's not available online. Plaintiffs, Assignee never served or sent Defendant the subpoena even though Defendant requested it.
2. Defendant has no assets or records. Defendant filed all exemptions and Plaintiff only objected to a bank account. December 2013 this Court allowed Plaintiff to take every penny which was in Defendant's bank account, every penny Defendant had in the world, which amounted to approximately \$4,300. Defendant argued that \$4,200 of that money was two outstanding rent checks which Defendant's landlord did not cash as she was out of the country. Defendant showed the court copies of the uncashed rent checks. Defendant stated Defendant would be end up homeless if that rent money was taken. This Court gave Defendant's rent money to Plaintiffs. Defendant is now legally homeless because of this Court's actions. Defendant was then forced to sell, give away all material possessions as Defendant could not afford to rent a new place, pay for movers or pay for storage. Defendant now lives with friends as Defendant has no money to rent a place or pay utilities therefore

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1 there are no rent or utility receipts or records. Defendant only uses cash and
2 disposable gift cards. Defendant has no assets. Defendant receives Medi-cal
3 which is free insurance from the government for people who are penniless.
4 Defendant is disabled from a fall at Plaintiff's property in Texas. Defendant is
5 awaiting back surgery. Plaintiff's hired private investigators who have
6 investigated Defendant for seven years. They couldn't find any assets because
7 there are none.

8 3. Plaintiffs/Assignee have done pre and post trial discovery, interrogatories,
9 requests for documents since 2010. Defendant has answered all of them.
10 Defendant's financial situation is worse than it was in the past. Defendant has
11 not made enough money to have to file tax returns. Seven years of discovery
12 is enough. In order for Defendant to be able to afford to rent a place,
13 Defendant would need to save up \$1,900 first month, \$1,900 last month,
14 \$1,900 security deposit. Defendant would also need to buy furnishings and a
15 car. In order for Defendant to have one penny of disposable income
16 Defendant would have to make over \$42,000⁴ per year after renting a place,
17 buying a car and household furnishings.
18

19 ARGUMENT

20 I. This Court has authority to grant the requested continuance

21 "[A] request for a continuance supported by a showing of good cause usually
22 ought to be granted." Cf. Hernandez v. Superior Court (2004) 115
23 Cal.App.4th 1242, 1246-47, as modified (Feb. 24, 2004). "' [T]he refusal of a
24 continuance which has the practical effect of denying the applicant a fair
25 hearing is reversible error.' [Citations.]" Oliveros v. County of Los Angeles
26 (2004) 120 Cal.App.4th 1389, 1395; see also Cohen v. Herbert (1960) 186

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⁴ How much does it cost to live in LA? <http://www.investopedia.com/articles/personal-finance/091415/how-much-money-do-you-need-live-los-angeles.asp>

Cal.App.2d 488,493-94 [a comi "may deduce that the order [denying a continuance] was not made in the exercise of sound discretion if the record indicates that such order resulted in probable or possible prejudice to a party"]. Good cause supports granting Defendant's requested continuance.

II. Defendant will be severely prejudiced if the hearing is not continued

- A. Defendant cannot physically be at the September 18, 2017 hearing because of Defendant's back injury. Defendant can't stand over five minutes or sit over 20 minutes at a time. Part of Defendant's disc broke off and slid down Defendant's back resting near the spinal cord. Defendant is awaiting back surgery.
- B. Defendant was never served, has never seen the subpoena for debtor hearing. Defendant doesn't even know which if any documents Plaintiffs/Assignee are requesting. If a continuance is not granted, Defendant will not be at the hearing and could be in contempt of a court order.
- C. The Motion to Quash the subpoena for debtor hearing must be heard first so the debtor hearing may be quashed and/or a protective order filed.

III. A continuance is necessary to avoid violating Defendant's due process rights

Good cause supports a continuance in order to avoid severe prejudice to Defendant and violation of fundamental due process protections under the Constitution.

PRAYER


Defendant respectfully requests that this Court quash the alleged subpoena for debtor exam, order for debtor hearing September 18, 2017 or to continue it so the November 9, 2017 Motion to Quash in Dept 24 can be heard first. Defendant cannot physically attend a hearing. Defendant has only appeared by Court Call in the last few

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1 years for this reason. In the alternative Defendant requests that the subpoena be limited
2 to only Defendant's records if any exist. There is no need for a physical hearing.
3 Defendant could attend by Court Call. Defendant requests a protective order over any
4 records stating the contents of the records and the records themselves must never be
5 shared with anyone other than Plaintiff, lawyers or assignee in this case. They may
6 never be posted online, shared publicly or attached to a legal filing.

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

8 Respectfully submitted,

9 

10

Mary Cummins, Defendant

11 Dated: September 14, 2017

CERTIFICATE OF CONFERENCE

Per Los Angeles Superior Court local rule 5.6 Defendant has met and conferred with Plaintiff's, Assignee's attorney James Little about filing this motion via email September 14, 2017. Plaintiff did not reply.

PROOF OF SERVICE
(FRCivP 5 (b)) or (CCP 1013a, 2015.5) or (FRAP 25 (d))

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

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

MOTION TO QUASH, MODIFY SUBPOENA, CONTINUE DEBTOR HEARING, PROTECTIVE ORDER

on the following interested parties by emailing, faxing this document.

James J. Little
215 Culver Bljvd, #5008
Playa del Rey, CA 90293
jj@jjlittlelaw.com

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

Executed this day, September 14, 2017, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff

Dated: September 14, 2017



Mary Cummins <mmmarycummins@gmail.com>

Typos etc

1 message

Cobb Trust <cobbtrust@gmail.com>

Mon, Jul 3, 2017 at 9:08 AM

To: "mmmarycummins@gmail.com" <mmmarycummins@gmail.com>

Hello Mary,

Barrington Legal is our current counsel. Please excuse my English not so good. I understand you have no money but we have plenty and would like to invest to build your business. We don't care about your past problems we saw the tapes. We care about our investment.

Hopefully we can grow your business. Let's please have no more threats as we find them childish and they serve no purpose and in our world insults only make you more respected.

Let's discuss as if we did not hold all the cards. We want to strike a fair deal and not spend more money on investigations but rather a business plan. But we can not loose face as in RuSSia reputation is important so we can either make big money as allies or we can continue to know each other as legal adversaries. How we spend our money is our business but I assure we can take you from penniless (as stated) to successful. I suggest you behave with goof manors as we are kind Russians not ones looking to continue the pattern of hatred which has been established. And we gladly support Bats as we love them. It's our money they love. We have spent more then 50 on legal to date and prefer money in your pocket not on these "dockets"!

My best,

Sasha

EXHIBIT 3

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When cyberspace ain't big enough for sanctuarians & their critics

AUGUST 18, 2017 BY MERRITT CLIFTON

Texas apparently wasn't big enough for them, either

HOUSTON, Texas—Cyberspace ain't big enough, apparently, for both Rowdy Girl Sanctuary founder Renee King-Sonnen and critics led by Dallas child psychiatrist and former Rowdy Girl Sanctuary donor Sujatha Ramakrishna, nor for Bat World Sanctuary founder Amanda Lollar and her vehement critic Mary Cummins.



EXHIBIT 4



(Bat World Sanctuary photo)

Award upheld on appeal

The award was affirmed in 2014 by the Texas Second District Court of Appeals. The appellate court found, in a 76-page opinion, that “Lollar showed by clear and convincing evidence that Cummins acted with malice.”

The award was upheld again in 2016, after Cummins appealed to the Supreme Court of Texas.

Cummins “still owes approximately \$8.85 million,” Lollar’s attorney Randy Turner wrote recently at <http://www.randyturner.com/randys-cyber-stalker>.

“Post-judgment interest is accruing at the rate of \$1,676.99 per day or \$51,616.77 per month,” Turner calculated.

California Debtor's Court date

“In May 2017 investigators finally located Cummins and served her with an Order to Produce Statement of Assets and to Appear for Examination,” Turner added.

Cummins “has been ordered to appear in California Debtor’s Court at 1:30 p.m. on September 18, 2017,” Turner wrote, “where she will be grilled under oath about everything she owns, her income, assets, vehicles, expenditures, monthly living expenses, inheritance, trust funds, and all bank accounts she has access to. Her assets will be seized shortly thereafter,” pending further twists in the already seven-year-old case.



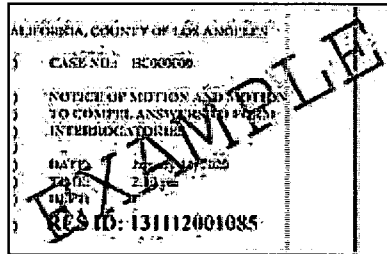
(Bat World Sanctuary photo)

Background of the case

Summarized Bat World Sanctuary in a 2012 prepared statement about the origins of the case, “Mary Cummins was accepted for an internship at Bat World,” but “became dissatisfied with the program and left the internship early.” Cummins then posted what Bat World Sanctuary termed “horrific allegations

THIS IS YOUR CRS RECEIPT**INSTRUCTIONS**

Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.

**RESERVATION INFORMATION**

Reservation ID: **170914250893**
Transaction Date: September 14, 2017 11:12 AM
Case Number: BS140207
Case Title: BAT WORLD SANCTUARY ET AL VS MARY CUMMINS
Party: CUMMINS MARY (Defendant & Defendant in Pro Per)
Courthouse: Stanley Mosk Courthouse
Department: 44
Reservation Type: Motion to Continue Trial Date
Date: 10/12/2017
Time: 09:15 am

FEE INFORMATION (Fees are non-refundable)

First Paper Fee: Party asserts first paper was previously paid.

Description	Fee
Motion to Continue Trial Date	\$60.00
Total Fees:	\$60.00

PAYMENT INFORMATION

Special Condition: FEE WAIVED - Gov. Code, § 68630 et seq.
 The reserving party asserts possession of a valid fee waiver, approved by the court on 08/05/2014. (Validity must be confirmed at the time of filing the motion/document. Proof of granted fee waiver may be requested by the Clerk.)
 Waived fees are recoverable (plus an administrative fee and any fees associated with the recovery of previously waived fees).

A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE MOTION/DOCUMENT FACE PAGE.