

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 QUASH, MODIFY
SUBPOENA, PROTECTIVE ORDER
CCP 1987.1; MOTION FOR
SANCTIONS; MOTION VACATE
JUDGMENT

Date: November 9, 2017
Time: 8:30 a.m.
Room: Dept 24
Judge: Honorable Robert Hess
Reservation: 170914250861
Fee Waiver: August 5, 2014

RELIEF REQUESTED

Defendant Mary Cummins, (hereinafter "Defendant") respectfully moves the Court for an order quashing an alleged subpoena for a September 18, 2017 debtor hearing made by Plaintiffs, Assignee. Defendant was never served with the subpoena, has never seen it and no file exists at lacourt.org. Defendant believes assignee Russian Konstantin Khionidi with an address in Russia is a straw man for Plaintiffs or friend of Plaintiff's so they may harass Defendant without suffering sanctions. Defendant requests a protective order over all records which may be obtained in any debtor hearing if they exist as Plaintiffs have a long history of posting confidential social

MOTION TO QUASH, MODIFY SUBPOENA, PROTECTIVE ORDER CCP 1987.1

11/15/17

1 security numbers, bank account numbers, bank routing numbers....in public filings and
2 on the internet. Defendant requests sanctions as Plaintiffs are in contempt of the
3 December 16, 2016 court order to place documents filed December 13, 2016 under
4 seal. The documents are still publicly visible. Defendant's attorney Ashley Conlogue
5 stopped representing Plaintiff after January 2017 yet never filed a substitution of
6 attorney. Defendant was not served the April 10, 2017 Acknowledgment of
7 Assignment of Judgment Defendant until Defendant saw it on the docket July 2017
8 and requested it from the then attorney of record. Defendant requests to vacate the
9 judgment due to harassing behavior by Plaintiffs, Assignee. Defendant will show the
10 court the following based on documents already filed with this court, attached
11 declaration (Pg 9) and exhibits.

12 INTRODUCTION

13 Defendant never defamed Plaintiffs. Plaintiffs did not show any element of
14 defamation, damages or malice in trial. Plaintiffs never even stated what they felt was
15 defamatory in the trial. Plaintiffs never showed evidence of any damages or causation.
16 The breach of contract claim, attorney fees, liquidated damages were all reversed in
17 appeal. Plaintiff Bat World Sanctuary was denied any claim.

18 Plaintiff through subpoenas and bank authorization already have all bank
19 records of Defendant from 2010 to earlier this year. Defendant's last bank account was
20 closed November 2013 by levy from this court. There are no records which could lead
21 to anything discoverable. This subpoena if it exists is for harassment purposes only.

22 Defendant requests that if the Court allows additional discovery that it limit the
23 subpoenas to only Defendant's records and grant a protective order identical to the
24 previous one this Court granted May 5, 2016. No records can be publicly shared or
25 posted on the internet.
26

FACTS OF THE CASE

December 16, 2016 this court ordered Plaintiff's attorney Ashley Conlogue to remove documents filed December 13, 2016 which contained bank records with full account numbers, routing numbers...Plaintiffs never removed the records which are still online to this day (Docket for BS140207).

April 10, 2017 Plaintiffs assigned the judgment to Konstantin Khionidi a Russian person with an address in Russia. 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 22, 2017 the clerk for the Second Court of Appeals emailed Plaintiff's attorney Ashley Conlogue requesting that if she is no longer the attorney of record, Conlogue must file a substitution of attorney, i.e. "If Ms. Conlogue is no longer the handling attorney in this matter please serve and file a change of handling attorney with this Court within 5 days of the date of this email." (Exhibit 1).

June 22, 2017 Christian Molner replied to the clerk "We haven't been the attorneys of record for several months," (Exhibit 2).

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 himself as a pro se.

June 23, 2017 someone by the name of "Johnny Winn" left a creepy voicemail using a voice changer <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 me money (Exhibit 3).

1 "Hello Mary,

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

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

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

18 My best,
19 Sasha"

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

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

23 August 18, 2017 Defendant read an article on the internet about this case¹ (Exhibit
24 4, pg 2). The article stated there would be a debtor's hearing,

25 "In May 2017 investigators finally located Cummins and served her with an Order to
26 Produce Statement of Assets and to Appear for Examination," Turner added.
27 Cummins "has been ordered to appear in California Debtor's Court at 1:30 p.m. on
28 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."

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

This same statement was in Plaintiff's Texas attorney business website² and Plaintiff's website³.

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

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

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 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. At the last hearing December 16, 2017 this Court asked Plaintiff's attorney Conlogue how much longer will they keep filing motions in this case. The proceedings will be recorded.

**STATEMENT OF THE CASE AND GROUNDS TO QUASH OR MODIFY
SUBPOENA, PROTECTIVE ORDER, SANCTIONS AND TO VACATE**

The subpoena should be quashed or modified 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.
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

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

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

1 to take every penny which was in Defendant's bank account, every penny
2 Defendant had in the world, which amounted to approximately \$4,300.
3 Defendant argued that \$4,200 of that money was two outstanding rent checks
4 which Defendant's landlord did not cash as she was out of the country.
5 Defendant showed the court copies of the uncashed rent checks. Defendant
6 stated Defendant would be end up homeless if that rent money was taken.
7 This Court gave Defendant's rent money to Plaintiffs. Defendant is now
8 legally homeless because of this Court's actions. Defendant was then forced
9 to sell, give away all material possessions as Defendant could not afford to
10 rent a new place, pay for movers or pay for storage. Defendant now lives with
11 friends as Defendant has no money to rent a place or pay utilities therefore
12 there are no rent or utility receipts or records. Defendant only uses cash and
13 disposable gift cards. Defendant has no assets. Defendant receives Medi-cal
14 which is free insurance from the government for people who are penniless.
15 Defendant is disabled from a fall at Plaintiff's property in Texas. Defendant is
16 awaiting back surgery. Plaintiff's hired private investigators who have
17 investigated Defendant for seven years. They couldn't find any assets.

18
19 3. Plaintiffs have done pre and post trial discovery, interrogatories, requests for
20 documents since 2010. Defendant has answered all of them. Defendant's
21 financial situation is worse than it was in the past. Defendant has not made
22 enough money to have to file tax returns. Seven years of discovery is enough.
23 In order for Defendant to be able to afford to rent a place, Defendant would
24 need to save up \$1,900 first month, \$1,900 last month, \$1,900 security
25 deposit. Defendant would also need to buy furnishings and a car. In order for
26 Defendant to have one penny of disposable income Defendant would have to

make over \$42,000⁴ per year after renting a place, buying a car and household furnishings.

PRAAYER

Defendant respectfully requests that this Court quash the alleged subpoena, order for debtor hearing September 18, 2017. Defendant cannot physically attend a hearing. In the alternative Defendant requests that the subpoena be limited to only Defendant's records if any exist. There is no need for a physical hearing. Defendant requests a protective order over any records stating the contents of the records and the records themselves must never be shared with anyone other than Plaintiff, lawyers or assignee in this case. They may never be given to anyone else. They may never be posted online, shared publicly or attached to a legal filing.

Defendant requests sanctions against Plaintiff's lawyers for being in contempt of the December 16, 2017 court order to remove confidential information from a public filing, failing to timely file a substitution of attorney and for not serving Defendant with the subpoena for debtor hearing. Such other relief as the Court may deem just and proper.

Respectfully submitted,



Mary Cummins, Defendant

Dated: August 22, 2017

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>

11/11/17 10:11 AM

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CERTIFICATE OF CONFERENCE

Per Los Angeles Superior Court local rule 5.6 Defendant has met and conferred with Plaintiff's, Assignee's attorney Ashley Conlogue, James Little about filing this motion via email August 21, 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, PROTECTIVE ORDER, SANCTIONS, VACATE.

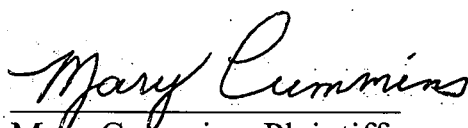
on the following interested parties by emailing, faxing this document.

Ashley Conlogue
Kiesel Law LLP
8648 Wilshire Blvd.
Beverly Hills, CA 90211
info@kbla.com
Fax: 310 854-0812
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

DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Attached to DEFENDANT'S MOTION as exhibits are true and correct copies of the original documents.
3. Everything in DEFENDANT'S MOTION was written by me and is the truth to the best of my knowledge.
4. I'm positive Plaintiff would use any data in any financial records to harass, stalk or harm me, my family and friends.

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

Executed on August 22, 2017 at Los Angeles, California.

By: *Mary Cummins*
MARY CUMMINS

Move to Inbox [Dropdown] More [Dropdown]

FW: B278893 - Bat World Sanctuary et al v. Cummins [Trial Court Case No: BS140207]

Inbox [x]



Fisher, Becky <Becky.Fisher@jud.ca.gov>
to cmolnar, NMolnar, mmmmaryinla [Dropdown]

Jun 22 ☆ [Dropdown]

Arendsen Cane Molnar Law:

Ms. Conlogue automatic email notification has advised that she is out of the office and to forward her emails to Christian S. Molnar, at cmolnar@arendsenlaw.com, and Neelam Molnar, at NMolnar@arendsenlaw.com.

If Ms. Conlogue is no longer the handling attorney in this matter please serve and file a change of handling attorney with this Court within 5 days of the date of this email.

Please do not email it directly to me; consider E-filing at: <http://www.courts.ca.gov/8872>.

[htm](#)

Thank you,

Becky L. Fisher, Supervising Deputy Clerk
COURT OF APPEAL, SECOND APPELLATE DISTRICT
300 South Spring Street | Second Floor | North Tower | Los Angeles, CA 90013
General: 213-830-7000 | Direct: 213-830-7152
becky.fisher@jud.ca.gov | courts.ca.gov/2dca | facebook.com/2dcoa

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EXHIBIT 1

EXHIBIT 1



Mary Cummins <mmmarycummins@gmail.com>

Re: B278893 - Bat World Sanctuary et al v. Cummins [Trial Court Case No: BS140207]

1 message

Christian S. Molnar <cmolnar@arendsenlaw.com>

Thu, Jun 22, 2017 at 2:32 PM

To: "Fisher, Becky" <Becky.Fisher@jud.ca.gov>

Cc: "Neelamba J. Molnar" <nmolnar@arendsenlaw.com>, "mmmaryinla@aol.com" <mmmaryinla@aol.com>

We haven't been the attorneys of record for several months.

Cordially,

Christian S. Molnar
LITIGATION ATTORNEY
ARENSEN CANE MOLNAR LLP
BEVERLY HILLS—SAN DIEGO
315 S. BEVERLY DR., SUITE 320
BEVERLY HILLS, CALIFORNIA 90212
310.299.8630 (OFFICE)
310.570.9099 (CELL)
CMOLNAR@ARENSENLA.COM

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On Jun 22, 2017, at 2:29 PM, Fisher, Becky <Becky.Fisher@jud.ca.gov> wrote:

Arendsen Cane Molnar Law:

Ms. Conlogue automatic email notification has advised that she is out of the office and to forward her emails to Christian S. Molnar, at cmolnar@arendsenlaw.com, and Neelam Molnar, at NMolnar@arendsenlaw.com.

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Please do not email it directly to me; consider E-filing at:
<http://www.courts.ca.gov/8872.htm>

Thank you,

Becky L. Fisher, Supervising Deputy Clerk
COURT OF APPEAL, SECOND APPELLATE DISTRICT
300 South Spring Street | Second Floor | North Tower | Los Angeles, CA 90013
General: 213-830-7000 | Direct: 213-830-7152

EXHIBIT 2



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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Animals 24-7

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Editor: Merritt Clifton Animals24.7@frontier.com

Social media & photo editor: Beth Clifton

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Let us help you make the world a better place for animals.

Contact Paul Seigel at 800-683-MAIL or visit us online at www.nonprofit.dmsmails.com

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Coming events

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.

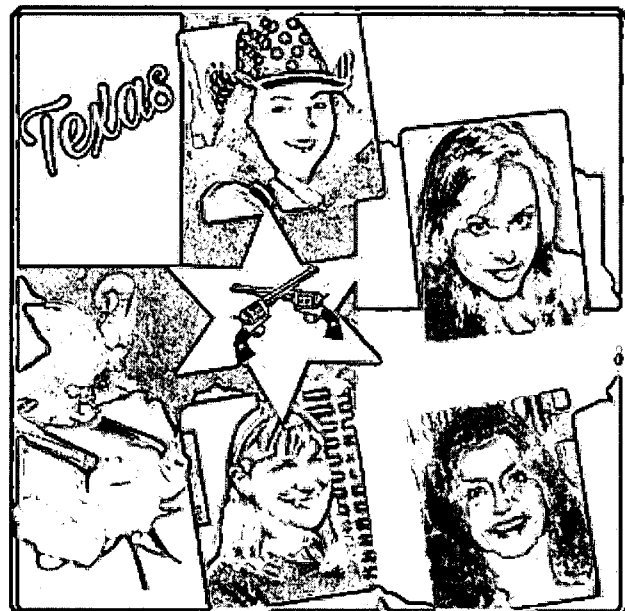
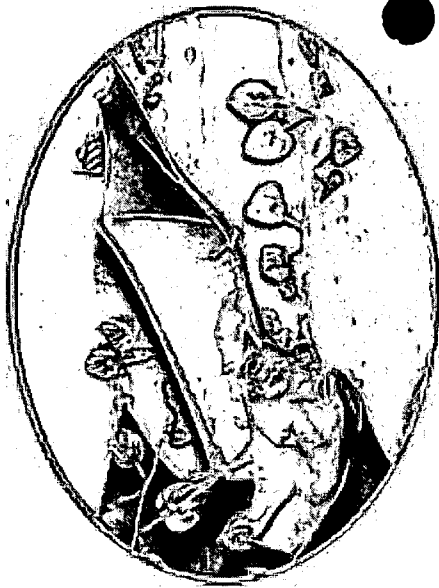


EXHIBIT 4



(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.

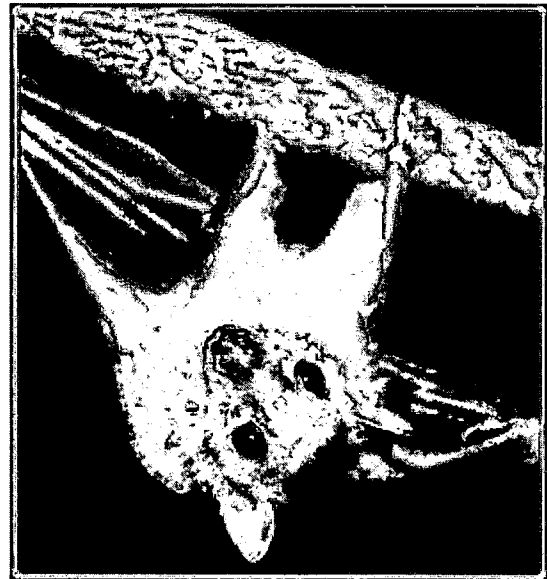
Cummins “still owes approximately \$8.85 million,” Lollar’s attorney Randy Turner wrote recently at <http://www.randyturner.com/randys-cyber-stalker>.

“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.



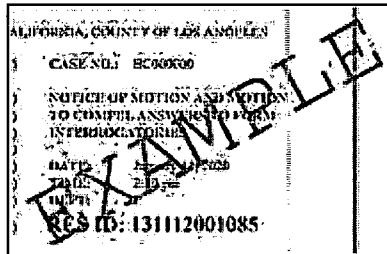
(Bat World Sanctuary photo)

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: **170914250861**
Transaction Date: September 14, 2017 10:34 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: 24
Reservation Type: Motion to Quash
Date: 11/9/2017
Time: 08:30 am

FEE INFORMATION (Fees are non-refundable)

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

| Description | Fee |
|--------------------|----------------|
| Motion to Quash | \$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.