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REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. 352-248169-10  
COURT OF APPEALS CAUSE NO. 02-12-00285-CV

BAT WORLD SANCTUARY, ET AL ) IN THE 352ND JUDICIAL  
 )  
vs. ) DISTRICT COURT OF TEXAS  
 )  
MARY CUMMINS ) IN AND FOR TARRANT COUNTY

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**CONTEST TO AFFIDAVIT OF INDIGENCY**

October 31, 2012

On the 31st day of October, 2012, the following proceedings came on to be heard in the above-titled and numbered cause before the Honorable William Brigham, Judge Presiding, held in Fort Worth, Texas, reported by machine shorthand utilizing computer-aided transcription.

**COPY**

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**P R O C E E D I N G S**

(Contest to Affidavit, October 31, 2012)

**THE COURT:** Ms. Cummins, this is Judge Brigham.  
Can you hear me?

**MS. CUMMINS:** Yes, I can, Your Honor.

**THE COURT:** All right. We have three lawyers in  
court today here. And I will take your announcements now,  
gentlemen.

**MR. TURNER:** Plaintiffs Amanda Lollar and Bat  
World are ready, Your Honor.

**MR. LIVELY:** John Lively, Jr. on behalf of  
Carolyn Gayaldo are ready, Your Honor.

**MR. RISINGER:** Dan Risinger from the Tarrant  
County District Attorney's office, here on --

**THE COURT:** I missed your name.

**MR. RISINGER:** Pardon?

**THE COURT:** Tell me your name again.

**MR. RISINGER:** Risinger.

**THE COURT:** Risinger.

**MR. RISINGER:** Dan Risinger from the Tarrant  
County District Attorney's Office, here on behalf of the  
district clerk.

**THE COURT:** Ms. Cummins, could you hear those  
announcements?

**MS. CUMMINS:** Yes, I could. Thank you.

1           **THE COURT:** We're here today at the order of the  
2 Second Court of Appeals, ordering this court to hold an  
3 indigent hearing for Ms. Cummins, the appellant, in the Bat  
4 World case. And they ordered her to appear telephonically if  
5 she so desired. Well, I don't think they use the word, If she  
6 so desired.

7           But Ms. Cummins, I'll ask you, is it your desire  
8 to appear at this hearing telephonically today?

9           **MS. CUMMINS:** Yes, Your Honor.

10          **THE COURT:** All right. Following the  
11 instructions of the Second Court of Appeals we will proceed.

12          Ms. Cummins, do you desire an opening statement?

13          **MS. CUMMINS:** Um -- um, yes, I guess. I wasn't  
14 prepared, but, yes, I am indigent. And I wanted to state that  
15 I never received the contest to my affidavit of indigence from  
16 the court reporter, Carolyn Gayaldo.

17          **THE COURT:** Mr. Turner, opening statement?

18          **MR. TURNER:** We have no opening statement, Your  
19 Honor.

20          **THE COURT:** Mr. Risinger, opening statement?

21          **MR. RISINGER:** Not at this time, Your Honor.

22          **THE COURT:** Mr. Lively, opening statement?

23          **MR. LIVELY:** No, Your Honor.

24          **THE COURT:** All right. Ms. Cummins, you may  
25 proceed. It's your motion.

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**MARY CUMMINS,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY NARRATIVE:

*MS. CUMMINS:* Um, okay. I am indigent, and I signed an affidavit of indigence on September 7th of 2012, and I overnighted it to the Court.

I currently don't have a job. I also overnighted to you yesterday a copy of my bank statements which shows I have approximately \$300.

I have no income at the moment. And I applied for Medi-Cal, which is the welfare, basically. It is free medical insurance from the California government.

And I do not have the means to pay the \$4,000 for the minutes. I already paid the \$175 for the application.

And if I'm not allowed to be considered indigent I will not be able to continue with the appeal, because I will not be able to afford to pay for the minutes.

And I tried to get a loan and a credit card, I was not able to. I've already borrowed enough from my contact, I cannot possibly borrow any more money.

I'm doing everything I can to try to find a job. I've applied for every job in my field on Career Builder, Monster.com and Craigs List.

I did receive one job, and I accepted it. And

1 on the first day of the job I was fired, because the owner  
2 Googled my name on the Internet and found the defamation that  
3 Ms. Lollar had posted and that is why I was fired. And that's  
4 also why I'm suing her for defamation in California.

5 Not only that, but a couple of days ago I  
6 believe Ms. Lollar, through another user name, she admitted --

7 **MR. TURNER:** Your Honor, excuse me, I'd like to  
8 object. None of this is relevant to the issue of indigence.

9 **THE COURT:** Sustained.

10 **MS. CUMMINS:** Um, okay. Anyway, I don't have a  
11 job. I don't have any money. I cannot afford the minutes.  
12 And I was not even told I have to pay for the minutes or how  
13 much they were until very recently. I had no idea they were  
14 \$4,000. I didn't know that until I filed the affidavit. I  
15 filed it just so I could get pro bono legal aid.

16 And that's it, Your Honor.

17 **THE COURT:** Cross-examination, Mr. Turner?  
18 You're first.

19 **MR. TURNER:** Thank you, Your Honor.

20 **CROSS-EXAMINATION**

21 BY MR. TURNER:

22 Q. Ms. Cummins, how much --

23 **MR. RISINGER:** Your Honor, could I interject  
24 something before we start?

25 **THE COURT:** Mr. Risinger?



1                    **MR. RISINGER:** Just to clarify, the district  
2 clerk's cost are approximately \$1,000, in addition to the  
3 \$4,000 that she mentioned.

4                    **THE COURT:** Cross?

5            Q.     *(By Mr. Turner)* Ms. Cummins, how much education do  
6 you have?

7            A.     I've gone to college.

8            Q.     As a matter of fact, you testified that you're 24  
9 hours short of having a Bachelor's degree from the University  
10 of Southern California; is that correct?

11          A.     I'm approximately 22 units short of having a  
12 Bachelor's degree.

13          Q.     Okay. What names have you gone by besides Mary  
14 Katherine Cummins?

15          A.     Mary Katherine Cummins Cobb is my full legal name.

16          Q.     Have you ever gone by any other names?

17          A.     No.

18          Q.     Now, in your work -- well, let me back up. When did  
19 you finish college or when did you finish your whatever  
20 college you went to?

21          A.     I believe it was 1984.

22          Q.     Okay. Since 1984, what types of occupations have you  
23 held?

24          A.     I've been a real estate agent, a real estate broker  
25 and a real estate appraiser.

1 Q. Okay. And, in fact, you've posted on the Internet  
2 that in the 26 years in the business you've appraised and sold  
3 over 10,000 residential, residential income, commercial, raw  
4 land, construction projects, industrial and mixed use  
5 properties, correct?

6 A. I believe that's on my curriculum vitae.

7 Q. And that's all true?

8 A. Yes. But not all of those sales were paid. Some of  
9 them were oral, some of them were just numbers over the phone.

10 Q. Now, isn't it true, Ms. Cummins, that you also posted  
11 on the Internet that when you got out of college your money --  
12 your goal was to make as much money as possible, correct?

13 A. Yes.

14 Q. And then you also posted that you have retired twice,  
15 correct?

16 A. Yes.

17 Q. Okay. And when was the first time you retired?

18 A. Sometime in my late 20s.

19 Q. Okay. And when you say "retired", you meant -- did  
20 you mean you stopped working for an income?

21 A. Um, yes, basically.

22 Q. Okay. And so how long were you retired in your 20s?

23 A. A year.

24 Q. Okay. And why did you go back to work?

25 A. Because I wanted to make more money.

1 Q. Okay. How much money did you have when you retired  
2 that allowed you to retire?

3 A. I don't remember. Um, I wouldn't -- I would have to  
4 review my books.

5 Q. But it was enough that you -- you never had to work  
6 after that, correct?

7 A. No. Of course I had to work after that.

8 Q. Okay. Where did you put all the money that you had  
9 to retire on?

10 A. I had CDs, I owned some notes as a trust deed that I  
11 owned properties.

12 Q. You owned some promissory notes?

13 A. In the past I did.

14 Q. Okay. So you loaned people money, and then the  
15 income -- you had an income from those notes?

16 A. Yes.

17 Q. Okay. And then you said something about a trustee?

18 A. Trust deed.

19 Q. I'm sorry?

20 A. I said trust deed.

21 Q. Trust deeds?

22 A. Yes.

23 Q. So you had real estate that you had, what, you had --  
24 you had loaned money on, or what do you mean you had trust  
25 deeds?

1           A.    If someone owns a property and they have equity in it  
2 and they want a loan on the equity I would give them a loan on  
3 the property.

4           Q.    And then that was another source of income for you?

5           A.    Yes.

6           Q.    When was the second time you retired from employment?

7           A.    I'd say probably in my 30s.

8           Q.    Okay.  And how long were you retired in your 30s?

9           A.    About six months.

10          Q.    Why did you retire in your 30s?

11          A.    Um, at that time I was making enough income to cover  
12 my debts.

13          Q.    What was your income?

14          A.    Well, my monthly budget was probably only \$1500.

15          Q.    But what was the source of your income?

16          A.    Trust deeds and interest.

17          Q.    Interest on money that you had invested?

18          A.    Yes.

19          Q.    How much were you worth at that time?

20          A.    Um, I don't know.  I would have to go take a look at  
21 records.

22          Q.    Okay.  What -- what records would you need to look  
23 at?

24          A.    Well, I don't even know if I still have any of my  
25 banking records from that many years ago.  I generally only

1 keep whatever I need for the IRS.

2 Q. And were all those records under the name Mary  
3 Cummins Cobb?

4 A. They were probably under the name Mary Cummins or  
5 Mary Cobb. It depends. Sometimes the bank, they cut my name  
6 off, they don't post the whole name.

7 Q. Now, on October 18th, which was just within the last  
8 couple of weeks, you posted on the Internet that you had been  
9 offered a job at a firm; is that correct?

10 A. Yes.

11 Q. And you turned that job down, didn't you?

12 A. Um, I was offered two jobs.

13 Q. And you turned them both down, didn't you,  
14 Ms. Cummins?

15 A. No, I didn't.

16 Q. Why didn't you take those jobs?

17 A. I took one of the jobs.

18 Q. Okay. Why did you turn down the other job?

19 A. The company had a really bad record on the Internet.

20 Q. Okay.

21 A. And --

22 Q. And then --

23 A. -- I --

24 Q. Okay. And then -- so you took one job. And that's  
25 the one that you said you were fired from after one day?

1           A.    Yes.

2           Q.    Okay.  And you also posted on the Internet that you  
3 get so many of these scammy offers after applying for jobs,  
4 correct?

5           A.    Yes.

6           Q.    So it would be fair to say, then, that you apply for  
7 jobs and you get job offers, correct?

8           A.    I received two job offers.  One I took, and then I  
9 lost the job.  And the other job was from a company where all  
10 the other appraisers say that they don't pay people.

11          Q.    Okay.  But in that -- in that same post, didn't you  
12 post and you said I get so many -- and so has about five or  
13 six O's in it -- you said, I get so many of these scammy  
14 offers after applying for jobs?  You said that, didn't you?

15          A.    Yes.  Scammy offers are people trying to solicit  
16 money from me.

17          Q.    Okay.  So when you say, I get so many of these  
18 offers, you meant two?

19          A.    Yes.  They're -- they're people who want me to pay  
20 \$1,000 to be listed in their directory, or they want me to buy  
21 a new website from them.

22          Q.    And last month you posted on the Internet, Just  
23 got -- you said, Just got callbacks on two job interviews.  
24 One is for the staff appraiser position at the company with  
25 the negative sexual harassment reviews.  The other is a much

1 better place.

2 Are those the two jobs we've been talking about?

3 A. Yes.

4 Q. How much were you offered at the place that you  
5 turned down, what kind of income?

6 A. Um, well, it was potentially 3700, but based on the  
7 other appraisers' reviews I probably wouldn't have been paid.

8 Q. 3700 per what?

9 A. Month.

10 Q. So you turned down a \$3700 a month job because of the  
11 reviews you read about this prospective employer, correct?

12 A. Yes. If he's not going to pay me why would I take  
13 the job?

14 Q. Okay. And then on October 18th, you said -- and that  
15 was just the other day. Isn't it true, Ms. Cummins, on  
16 October 18th, you said, I was just offered a job, but it sure  
17 sounds scammy. Instead of getting half of the appraisal fee,  
18 I would get one-fourth of the fee. I need to research this  
19 company. It was bad enough just getting half the fee from the  
20 AMC.

21 You posted that, correct?

22 A. Yes, I believe so.

23 Q. Okay. Who is the AMC?

24 A. I -- I believe that AMC was PCV Murcor.

25 Q. So you were getting half the fee from the AMC. When

1 did you work for the AMC?

2 A. I didn't get anything. I was not paid.

3 Q. But you -- so you -- when you said you were getting  
4 half of the fee, what did you mean?

5 A. I would get half of the appraisal fee.

6 Q. Okay. And so you -- you -- so that's another job you  
7 turned down, correct?

8 A. It's the same job.

9 Q. Now --

10 A. I didn't turn it down.

11 Q. You also posted in the last few weeks, you said,  
12 Appraisal management company PVC Murcor asked me to work for  
13 them.

14 Were they the ones that we just talked about?

15 A. Yes.

16 Q. And then you said on -- they assigned me the user  
17 name Mary Cum, correct?

18 A. Yes.

19 Q. So this company that offered you a job assigned you a  
20 user name?

21 A. Yes.

22 Q. And how much was that job going to pay?

23 A. It was going to pay approximately \$200, but I never  
24 got paid.

25 Q. \$200 per what?



1 A. \$200, that's it.

2 Q. And what kind of job was it?

3 A. It was an appraisal assignment.

4 Q. Okay. So somebody hired you to do an appraisal and  
5 they gave you a user name?

6 A. All appraisers nowadays who -- we legally must work  
7 through AMCs. They post the job online in an password  
8 protected data, and we post our work up there and update  
9 through the dashboard.

10 Q. Now, your website says -- correct me if I'm wrong,  
11 but, Mary Cummins currently provides real estate appraisals,  
12 expert witness testimony, historical research, legal real  
13 estate research for mortgage brokers, bankers, lawyers,  
14 insurance companies, financial consultants, bail bondsmen and  
15 private individuals, correct? That's on your website.

16 A. Yes, I do. I can --

17 Q. Okay. Thank you. And your website also says,  
18 Cummins does desk appraisals, drive-by appraisals and full  
19 form and narrative appraisals for residential, commercial,  
20 industrial property and vacant land. Prices start at 199,  
21 correct?

22 A. That is a flyer that I posted on Craigs List.

23 Q. Okay. That's on your Internet -- that's on your  
24 website, isn't it, Ms. Cummins?

25 A. Yes.

1 Q. Okay.

2 A. But I can link it to Craigs List.

3 Q. And so --

4 A. Those are the services I offer.

5 Q. And 199 is the lowest price, and then it goes up from  
6 there, correct?

7 A. Actually, the lowest price is free.

8 Q. Okay. So you do some pro bono work?

9 A. Yes.

10 Q. But for your paying work, 199 is the cheapest  
11 appraisal you do, correct?

12 A. No. It would be cheaper if they just want a CMA.

13 Q. All right. And then after you talk about prices  
14 start at 199 for desk appraisals, 250 for drive-by appraisals  
15 and 299 for full form appraisals, you state, Mary Cummins has  
16 done over 10,000 appraisals of all types, correct?

17 A. Yes, but I don't get paid for them all.

18 Q. Okay. Some of it is pro bono?

19 A. Most of it.

20 Q. Okay. And as a matter of fact, earlier this month or  
21 last -- not too long ago you said, and I quote, didn't you  
22 post it, "I'm doing a lot of appraisal work for lawsuits.  
23 Haven't done a purchase loan appraisal or refinance in  
24 awhile."

25 Q. You posted that, correct?

1 A. Yes.

2 Q. Okay. And what -- when you say -- when you say, "I'm  
3 doing a lot of appraisal work for lawsuits," explain that. In  
4 what way are you involved with lawsuits?

5 A. An attorney will call me and he'll ask me to run some  
6 numbers on a property, and he'll ask me what I think about  
7 this case. And that I provide for free in the hopes that he  
8 will hire me as an expert witness report.

9 Q. Okay. And then you also -- do you remember when I  
10 took your deposition in April of this year? Do you remember  
11 that?

12 A. You took my deposition August of last year.

13 Q. Okay. Do you -- do you remember testifying, I do  
14 search engine optimization for some clients and some websites?

15 A. Yes.

16 Q. Okay. And then I asked you, How -- how many have you  
17 done? And you said, 100. Correct?

18 A. Yes.

19 Q. And how much do you charge for a search engine --  
20 well, before I ask that, what is search engine optimization?

21 A. If you are trying a product on your website and you  
22 want people to find you in the search engines, you would  
23 optimize your website so that the Google search engines and  
24 Yahoo would pick it up on searches.

25 Q. Okay. And that's sort of like what you did with my

1 name, correct?

2 A. Pardon me?

3 Q. You did that with my name, right?

4 A. No.

5 Q. And you said -- okay, so you've done 100 of those.

6 And how much do you charge for a search engine optimization?

7 A. I did that in the past and I charge \$75.

8 Q. Now, on -- on March 26 of this year you posted on the  
9 Internet, Meeting with a client at the Beverly Wilshire Hotel  
10 in Beverly Hills, correct?

11 A. Yes.

12 Q. That's a pretty upscale place, isn't it? The Beverly  
13 Wilshire Hotel?

14 A. Yes.

15 Q. What kind of client was it?

16 A. It was a potential real estate client.

17 Q. And then on March 18th of this year, you posted,  
18 Dropping off work to a client at the Beverly Hills Hotel Polo  
19 Lounge, correct?

20 A. Yes.

21 Q. And that's a pretty swanky place, isn't it, the  
22 Beverly Hills Hotel?

23 A. I didn't pay for anything.

24 Q. But you were dropping off work to a client, correct?

25 A. Yes, not paying work.

1 Q. More free work that you do for people?

2 A. As a real estate appraiser you generally run numbers  
3 for free and give your advice for free in the hopes that they  
4 will hire you for an expert witness or for the actual  
5 appraisal. There's a lot of free work involved.

6 Q. And then you also posted earlier this year, Driving  
7 to meet a client at Rodeo Drive, correct?

8 A. Yes.

9 Q. What kind of client was that that you were driving to  
10 meet on Rodeo Drive?

11 A. It was a potential real estate client.

12 Q. Okay. And then -- now, is it pronounced -- well,  
13 Rodeo Drive is kind of an expensive part of Beverly Hills,  
14 isn't it?

15 A. It doesn't cost anything to drive on the street.

16 Q. Okay. And then on October 11th, which was just a few  
17 days ago, you posted on the Internet, you said, I'm appraising  
18 in the rain, correct?

19 A. Yes. And I didn't get paid.

20 Q. So that was more pro bono work that you were doing,  
21 you weren't getting paid for?

22 A. No. I was hoping to get paid, but the person stiffed  
23 me.

24 Q. Okay. So when you say that you don't have an income,  
25 you're -- you're telling the Court that part of the reason is

1 you do pro bono work, and the other reason is you get stiffed  
2 and you don't get paid by clients?

3 A. Those are two of the reasons.

4 It's also very difficult to get a job when your  
5 client has posted on the Internet that I'm a convicted  
6 criminal.

7 Q. Now, in January of this year you sent an e-mail to  
8 the court coordinator in this case, Linda Blair, saying, and I  
9 quote, "I need to know what clothes to pack, instructions for  
10 my sitter, work to cancel, what to tell my witnesses,"  
11 correct?

12 A. Yes.

13 Q. What work were you having to cancel?

14 A. Potential real estate appraisal work.

15 Q. And your website also says, Cummins does some pro  
16 bono work for indigent clients involved in lawsuits; is that  
17 correct?

18 A. Yes.

19 Q. So even though -- it's your testimony that even  
20 though you don't have an income --

21 A. Yes.

22 Q. -- that you do pro bono work for people involved in  
23 lawsuits?

24 A. Yes. As long as it's not a far distance away.

25 Q. You used to own a house, Ms. Cummins, that sold for

1 \$1.1 million a year ago, correct?

2 A. I don't know what the new owner sold the house for.

3 Q. Well --

4 A. I didn't own it.

5 Q. Okay. Are you familiar with the -- by the way, that  
6 address is 359 North Sweetzer Avenue, correct?

7 A. What is your question?

8 Q. The house that sold was at 359 North Sweetzer Avenue,  
9 Los Angeles?

10 A. What is your question?

11 Q. Is that the address of the house that you used to  
12 own?

13 A. I owned it years ago.

14 Q. Okay. And would you have any reason to disagree with  
15 the printout that shows the house sold in November of 2011 for  
16 \$1.1 million?

17 A. I -- that was not my house at the time. I have not  
18 researched that sale. I don't know what the new owner sold it  
19 for.

20 Q. When did you sell it?

21 A. 2008.

22 Q. For how much?

23 A. A million.

24 Q. Now, you currently have a guest house where you live  
25 now, right?

1 A. No.

2 Q. Well, you used to have a guest house, didn't you?

3 A. No.

4 Q. Did you send an e-mail to someone in June of 2010  
5 that says, Thanks so much for your kind offer. If you are  
6 ever in Los Angeles and need a place to stay overnight, just  
7 ask. I have a guest house.

8 Did you send that to Dottie Hyatt?

9 A. To who?

10 Q. Dottie Hyatt?

11 A. No.

12 Q. Did you send it to anyone at Bat World?

13 A. Yes.

14 Q. Okay. So you did have a guest house in 2010?

15 A. No.

16 Q. But you were telling somebody that you had a guest  
17 house in 2010; is that correct?

18 A. It is -- it's a patio, which the owner enclosed.  
19 It's one room.

20 Q. Okay. But you called it a guest house, right?

21 A. Yeah.

22 Q. Okay. Now, you currently live at 858 North Beverly  
23 Glen in Los Angeles, correct?

24 A. No.

25 Q. Who lives there?



1 A. Animal Advocates.

2 Q. That's your organization, that's your nonprofit  
3 organization?

4 A. Yes.

5 Q. Where do you live?

6 A. Um, I believe discovery is over. And I believe Judge  
7 Bonnie Sudderth made me give you my home address under seal.

8 Q. Where do you live, Ms. Cummins?

9 A. I gave it to you under seal. You have the address.

10 **MR. TURNER:** Your Honor, I would ask the Court  
11 to instruct the witness to answer the question where she  
12 lives, the type of house, how big, how much it's worth. It's  
13 all relevant to the indigence question.

14 **THE COURT:** The motion to disclose the residence  
15 is denied, but the other is sustained.

16 Q. (By Mr. Turner) How much is your house worth that  
17 you live in now?

18 A. I don't live in a house.

19 Q. What do you live in?

20 A. I already gave you that information when I gave you  
21 the address.

22 Q. Well, I'm asking you, what type of structure do you  
23 live in?

24 A. I live in a condominium.

25 Q. And who owns it?

1 A. A girlfriend of mine.

2 Q. Okay. How much rent do you pay?

3 A. A thousand.

4 Q. You pay 1000 a month?

5 A. Yes.

6 Q. When did you move in there?

7 A. Um, gosh, awhile ago.

8 Q. And you moved from 858 North Beverly Glen to your  
9 current location, correct?

10 A. Judge Bonnie ruled that I only had to give you what  
11 my current address was when she requested, and I gave that to  
12 you.

13 Q. I'm asking you where you used to live before you  
14 lived in your current address.

15 **MS. CUMMINS:** Objection to relevance.

16 **THE COURT:** Sustained.

17 Q. *(By Mr. Turner)* How much was your rent at the place  
18 that you used to live in?

19 A. 2000.

20 Q. Who is Maria Riviera?

21 A. My grandmother.

22 Q. Okay. And didn't she own over 20 properties, real  
23 estate properties, and owned boarding homes and owned deeds of  
24 trust and apartment buildings?

25 A. Yes.

1 Q. And is she still alive?

2 A. No.

3 Q. Who's Marie Juliette Cummins?

4 A. That's my mother.

5 Q. Okay. And she's married to Clifford Sponsel?

6 A. Yes.

7 Q. And he's a multi-millionaire philanthropist, correct?

8 A. Yes.

9 Q. Did you ask him for money?

10 A. I have never met him.

11 Q. Did you ask your mother for money?

12 A. I haven't spoken to her in 20 years.

13 Q. Okay. But she's a wealthy woman, correct?

14 A. She's not wealthy in her own right. She likes to  
15 marry super old men who are extremely wealthy and about to  
16 die.

17 Q. Okay. But you didn't ask her to borrow -- you didn't  
18 try to borrow any money from her for this case?

19 A. We have not talked in -- since my grandmother died in  
20 1991.

21 Q. Okay. So the answer is, yes, you did not ask her for  
22 money, correct?

23 A. She told me never to contact her.

24 Q. And you haven't?

25 A. No. I would not ask her for money, because that

1 would be contacting her.

2 Q. Who is Juliette Marie Cummins?

3 A. My mother and sister have very similar names. They  
4 use them interchangeably.

5 Q. And she also goes by the name of Juliette Cobb?

6 A. Yes.

7 Q. And she owns five properties that are worth over \$10  
8 million, and she also has a property management company,  
9 correct?

10 A. Who are we talking about?

11 Q. Your sister.

12 A. No. My -- my sister was an actress. She doesn't do  
13 anything nowadays. If there's any property in her name she's  
14 just holding it for my mother.

15 Q. Okay. Did you ask your -- did you try to borrow  
16 money from your sister?

17 A. When my mother told me not to talk to her, she told  
18 me not to talk to my sister. I haven't spoken to her in  
19 years.

20 Q. So you didn't try to borrow any money from your  
21 sister?

22 A. They told me not to talk to them, so I couldn't  
23 even -- and they would, I'm sure, say no.

24 Q. And who's Paul Cummins?

25 A. I have no idea.

1 Q. Isn't he a cousin or an uncle of yours?

2 A. Not as far as I know.

3 Q. Have you ever been a beneficiary of a trust?

4 A. No.

5 Q. What is the name of your current bank?

6 A. It's on the document I gave you yesterday.

7 Q. Well, what's the name of your bank?

8 A. First Bank.

9 Q. First Bank of California or what?

10 A. Let me check. One second. It's just called First  
11 Bank.

12 Q. Okay. And how many accounts do you have at First  
13 Bank?

14 A. One.

15 Q. How many accounts have you had there in the last  
16 three years?

17 A. Two.

18 Q. And are those accounts always under the names Mary  
19 Cummins or Mary Cummins Cobb?

20 A. Yes. Mary Cummins Cobb.

21 Q. What types of accounts do you currently have at First  
22 Bank?

23 A. One checking account.

24 Q. And it has about \$300 in it?

25 A. Yes.

1 Q. How are you going to pay your rent this month?

2 A. I have no idea.

3 Q. In the last three years have you had any brokers or  
4 financial advisers?

5 A. Could you please repeat that?

6 Q. In the last three years has any broker or financial  
7 adviser worked with you or given you advice?

8 A. No.

9 Q. Who is your CPA?

10 A. I do everything myself.

11 Q. Have you filed tax returns for the last three years?

12 A. Yes.

13 Q. Did they show no income?

14 A. They show 500 to \$1,000 income.

15 Q. Where all have you applied for loans to pay for an  
16 appeal in this case?

17 A. I applied for a credit card with Capital One and was  
18 denied.

19 Q. Who was it with?

20 A. Capital One.

21 Q. So you were denied one credit card; is that correct?

22 A. Yes. I applied for a credit card and I was denied.

23 Q. Okay. And did you apply for a loan from First Bank?

24 A. No, that was ridiculous.

25 Q. Okay. Did you apply for a loan with any of your

1 friends?

2 A. My friends have already loaned me some money.

3 Q. Okay. That wasn't my question. Did you ask any of  
4 your friends to loan you money to do the appeal in this case?

5 A. Yes.

6 Q. Who?

7 A. Two friends.

8 Q. What are their names?

9 A. I'm not going to say, because I don't want your  
10 client attacking them.

11 **MR. TURNER:** Your Honor, we'd ask the Court to  
12 instruct the witness to answer the question.

13 **THE COURT:** The Court's ordered, Ms. Cummins,  
14 that you respond to the question.

15 **THE WITNESS:** Michael Moore, Steve Hirsh.

16 Q. (By Mr. Turner) How do you spell Hirsh?

17 A. H-I-R-S-H, I think.

18 Q. And they both turned you down?

19 A. Yes.

20 Q. Are they both in Los Angeles?

21 A. Yes.

22 Q. When did you ask them for a loan?

23 A. When I found out the minutes were going to be \$4,000.

24 Q. How much did you ask them to loan you?

25 A. \$4,000.

1 Q. Now, you -- you have personalized license plates on  
2 your car, don't you, Ms. Cummins?

3 A. No.

4 Q. You don't have a license plate that says MMMARY?

5 A. I no longer have that license plate.

6 Q. Okay. When did you have that license plate?

7 A. Um, February of this year or so.

8 Q. And how much does that cost out there in California?

9 A. Um, \$30.

10 Q. And you're able to do that with no income?

11 A. I no longer have that license plate.

12 Q. I mean, when you got it -- when you got that license  
13 plate you had no income, correct? That's your testimony.

14 A. I think I have stated earlier I was making 500 to a  
15 1000 a year.

16 Q. Okay.

17 A. Just in the last two years, year and a half.

18 Q. So you took 30 of that and bought a customized  
19 license plate; is that correct?

20 A. I had savings at the time, but I have now blown  
21 through it all.

22 Q. Now, you -- what kind of car -- now, you donated your  
23 car to your organization called Animal Advocates, correct?

24 A. Yes.

25 Q. And when did you donate your car to Animal Advocates?



1 A. January.

2 Q. And would you agree with me that the Blue Book value  
3 of that car was between 6 and \$7,000?

4 A. No. The blue -- the Blue Book of that car is  
5 approximately -- this is California, so it goes back a  
6 wholesales book, so it would be about \$4,000, and it needed  
7 about \$3,000 in engine work, plus \$500 for AC and other work.  
8 It was worth nothing.

9 Q. And you posted on the Internet, ma'am, that you have  
10 been all over the world, correct?

11 A. Yes.

12 Q. You posted that two months ago?

13 A. Yes.

14 Q. And you currently have groceries delivered to your  
15 home, don't you?

16 A. Um, last month once, because I injured my foot.

17 Q. Okay. But you -- you posted that on the Internet,  
18 right, that you have groceries delivered?

19 A. One time in the last, I don't know, ten years,  
20 because I injured my foot and couldn't walk or drive.

21 Q. And last week you went to a Bob Dylan concert, didn't  
22 you?

23 A. Yes, and I didn't pay for it.

24 Q. How much -- how much were the tickets?

25 A. I don't know, I didn't pay for them. I also didn't

1 pay for any of the trips all over the world.

2 Q. And you also went to a -- last week, a Mavis Staples  
3 and Bonnie Raitt concert, correct?

4 A. Yes, and I didn't pay for any of it.

5 Q. And then afterwards you ate at the Adama Vegan  
6 Restaurant, and you said that they had great organic wines,  
7 correct?

8 A. Yes, and I didn't pay for any of it.

9 Q. Okay. And then two weeks ago, on October 10th -- or  
10 three weeks ago, you went to a Peter Gabriel concert, right?

11 A. Yes, and I didn't pay for anything.

12 Q. And you posted that you had, "Killer seats," right?

13 A. Yes.

14 Q. How much were the killer seats? How much did they  
15 cost?

16 A. I have no idea. I didn't pay for it.

17 Q. Who is this nice person --

18 A. That was -- what?

19 Q. Who is this nice person who keeps paying for you to  
20 go to concerts and get killer seats?

21 A. A personal friend of mine.

22 Q. Pardon me?

23 A. A personal friend of mine.

24 Q. And what's his or her name?

25 A. I'm not -- I'm not going to say, because your client

1 is just going to attack them and harass them.

2 Q. Now, you drive -- how far -- how far is your -- the  
3 place you live from downtown Los Angeles?

4 A. Um, 25 miles.

5 Q. And that's where you get your mail, isn't it,  
6 Ms. Cummins? You get it downtown LA?

7 A. Yes.

8 Q. Okay. Well, wouldn't it be cheaper to have your mail  
9 delivered to your house instead of drive 25 miles?

10 A. I don't want everyone to know where I live, because I  
11 don't want your client to harass my friends and I don't want  
12 people dumping animals at my door, and I don't want anymore  
13 spam.

14 Q. Anymore what? Spam?

15 A. Yes. Your client signed me up for spam.

16 Q. And so how are you going to get your mail now that  
17 you don't have a car?

18 A. I'm using Animal Advocates' car.

19 Q. Oh, the car you donated?

20 A. Yes. I pick up Animal Advocates' mail, because it's  
21 delivered to the exact same place.

22 Q. Now, you also posted on the Internet, about a week  
23 ago, you said, A few years ago I sold thousands of dollars  
24 worth of stuff on E-bay, which was great. I will sell a few  
25 larger items on Craigs List.

1                   You said that, didn't you?

2           A.    Um, yes.  That's how I've been surviving, by selling  
3 absolutely everything I have.

4           Q.    And what larger items do you plan to sell on Craigs  
5 List?

6           A.    Furniture.

7           Q.    And how much will you net from -- after you sell  
8 that?

9           A.    Probably very little, if I do go and sell it.

10          Q.    Now, you also have said that you spent \$12,000 -- or  
11 \$10,000 of your own funds on this lawsuit, correct?

12          A.    I've spent over \$18,000.  I've blown through my  
13 entire savings defending myself in this lawsuit.

14          Q.    And on August 25th of last year you said that you had  
15 \$5,000 in a checking account, correct?

16          A.    Um, I have 5,000 total in my savings and checking, I  
17 believe.

18          Q.    Where did that money come from, since you haven't  
19 worked in so many years?

20          A.    From selling everything I have and from previous  
21 savings.

22          Q.    And you also testified -- you also testified under  
23 oath that you flew to Madrid, Spain and Lisbon, Portugal, last  
24 year, correct?

25          A.    Yes, and I didn't pay for it.

1 Q. And you also went to Guatemala earlier this year,  
2 correct?

3 A. No. I did not go to Guatemala this year. Someone  
4 just tagged me in it on Facebook. They tagged me in Siberia,  
5 I haven't gone there either.

6 Q. Okay. And you posted earlier, a few months ago, that  
7 for the ninth year in a row -- for the ninth year in a row you  
8 are Animal Advocates largest donor, correct?

9 A. Yes.

10 Q. And you're able to be their largest donor, even  
11 though you say you don't have an income?

12 A. Animal Advocates gets very, very, very, very little  
13 in donations. Sometimes 200 a year.

14 Q. And in the last year or so you have filed two  
15 lawsuits against my client in Federal court, correct?

16 A. Yes.

17 Q. And how much were those filing fees?

18 A. 350.

19 Q. Each?

20 A. Yes.

21 Q. And you -- one of those is pending in Fort Worth,  
22 right?

23 A. Um, I believe -- yes.

24 Q. And how are you -- how do you plan to come out here  
25 for that case, if you don't have any money?

1           A.    I'm talking to two PI attorneys who want to take over  
2 the case.  They will take care of it and they will hopefully  
3 even help me with the medical bills.

4           Q.    Now, you took Amanda Lollar's deposition earlier this  
5 year, and you had a court reporter, correct?

6           A.    Yes.

7           Q.    And you paid the court reporter?

8           A.    Excuse me?  Could you repeat that?

9           Q.    You paid the court reporter?

10          A.    Yes.  I had money at that time.

11          Q.    And you posted, not too long ago, that the actor  
12 Charlie Sheen is your neighbor, correct?

13          A.    He lives in the same county as me.

14          Q.    Lives in the same what?

15          A.    County.

16          Q.    Okay.  So anybody who lives in the county is  
17 considered your neighbor?

18          A.    Yes.

19          Q.    Okay.  Does he also live in Beverly Hills?

20          A.    Does who live in Beverly Hills?

21          Q.    Charlie Sheen?

22          A.    No.

23          Q.    Now, you settled a lawsuit earlier for \$130,000,  
24 correct?

25          A.    That is not the amount that I received.

1 Q. Yeah. But that's how much the defendant paid to  
2 settle the lawsuit you had filed, correct?

3 A. Yes, but the attorney took over 40%.

4 Q. And didn't you post, not too long ago, that you're  
5 upgrading your appraisal software on your computer?

6 A. Yes. I had to legally upgrade the software, which  
7 was very cheap.

8 Q. And didn't you also post, not too long ago, that you  
9 had gone to a three-day tantric sex workshop?

10 A. That was a joke.

11 Q. But you posted that, correct?

12 A. I went to a seminar with a friend and the other  
13 person paid for everything.

14 Q. But, I mean, you -- what I just read, you put that on  
15 the Internet, I went to -- you said, I went to a three-day  
16 tantric sex workshop?

17 A. It was a joke.

18 Q. But you put it on the Internet?

19 A. I went to a seminar.

20 Q. But you put it up anyway, right?

21 A. I joke around a lot. Not everything that's posted is  
22 100% the absolute truth, it could be a joke.

23 *(Brief pause.)*

24 **MS. CUMMINS:** Hello?

25 **THE COURT:** He's talking with his client.

1                    *MS. CUMMINS:* Oh, okay.

2                    *MR. TURNER:* Thank you. Pass the witness.

3                    *THE COURT:* Mr. Risinger?

4                    *MR. RISINGER:* Thank you, Your Honor.

5                    **CROSS-EXAMINATION**

6 BY MR. RISINGER:

7                    Q. Ms. Cummins, my name is Dan Risinger. I work for the  
8 District Attorney's Office. I'm here on behalf of the  
9 district clerk, and I've got some follow-up questions.

10                   A. Okay.

11                   Q. First, about the Animal Advocates. You established  
12 that about ten years ago; is that correct?

13                   A. Yes. I believe it was approximately 2002.

14                   Q. What money or assets have you donated to that  
15 organization?

16                   A. I donated my worthless car, and, um -- um, probably,  
17 um, a couple 100 here. I mean, I haven't been able to donate  
18 anything in the last year, but in the past I donated money.

19                   Q. Animal Advocates has an actual building?

20                   A. No.

21                   Q. You gave an address where it's located, what is that?

22                   A. Oh, that is a P.O. Box, it's a mailing address. No  
23 one has the address because I don't want people dumping  
24 animals.

25                   Q. Did you post that Animal Advocates is soon opening a



1 store?

2 A. Pardon me?

3 Q. A store.

4 A. We don't have a store.

5 Q. Selling soaps and other items. Did you post anything  
6 like that?

7 A. No.

8 Q. Okay. This car that you donated to Animal Advocates,  
9 what type of car, what vehicle -- what year and model is it?

10 A. It was a 2004 Chrysler PT Cruiser that needed a new  
11 engine, air-conditioning and had other damage.

12 Q. And you're driving -- that's the car you're driving  
13 around today?

14 A. Yes.

15 Q. And for clarification, you were offered a job with  
16 income potential of \$3700 a month which you turned down,  
17 correct?

18 A. It wasn't a real job. I was not going to get paid.  
19 They would probably use me for a month of free appraisals, and  
20 then that would be it. That's what other appraisers told me.

21 Q. And that was your opinion, correct?

22 A. No. That's what other people said. It's on the  
23 Internet.

24 Q. When was that?

25 A. Um, about a month ago.

1 Q. Okay. You made no attempt at that job, correct? You  
2 just turned it down?

3 A. No, I did. I did a free appraisal for them. And I  
4 thought I would wait to see if I got paid before I'd say I do  
5 the job. And I never got paid, they stiffed me.

6 Q. How many days did you work for that company?

7 A. I did one appraisal.

8 Q. So how many days did you work for that company? One  
9 day?

10 A. It wouldn't -- it wouldn't -- I didn't -- I wasn't  
11 hired as a employee. They asked me to do a sample appraisal.  
12 And I did one sample appraisal as a, I guess, independent  
13 contractor, but I didn't get paid.

14 Q. Did you apply for any other jobs in your field in the  
15 last year?

16 A. Yes. I -- I applied for every single related real  
17 estate appraisal job on Craigs List and CareerBuilder.com.

18 Q. Did you apply for any jobs outside your field of real  
19 estate?

20 A. Um, I applied for a job as a leasing agent, but real  
21 estate is basically my only skill.

22 Q. Okay. But there's a lot of other employment  
23 opportunities, correct?

24 A. No. I injured myself when I was at Bat World  
25 Sanctuary and I herniated a disk in my back, and my doctor

1 says that I can't stand or sit over 20 minutes at a time. I  
2 can't take a job where I'm standing.

3 Q. There are plenty of positions. You have a smart  
4 mind, correct?

5 A. I guess so.

6 Q. There are --

7 A. I actually applied to be an assistant in real estate  
8 offices. I've even applied just to type real estate  
9 appraisals for other people.

10 Q. But outside of real estate, how many jobs have you  
11 applied for in the last -- well, three years? You say your  
12 income has been very minimal for three years.

13 A. It's the last year and a half my income has been bad  
14 because of what happened at Bat World.

15 Q. Then how many jobs have you applied for outside of  
16 real estate, the real estate field, in the last year and a  
17 half?

18 A. Um, I applied -- oh, I have an account on TaskRabbit,  
19 where people can pay me \$20 an hour to do whatever chore they  
20 like. And I --

21 Q. Now, ma'am --

22 A. -- applied as an assistant --

23 Q. Actual jobs working for a company, a business, have  
24 you applied --

25 A. I just applied for anything related to real estate.

1 I mean, there are a ton of jobs listed, and I applied for  
2 every single one. My ads are still on Craigs List, my flyers.

3 Q. Okay. Would you agree that it's -- the real estate  
4 market has been down for several years, would you agree with  
5 that?

6 A. It's actually doing pretty well right now.

7 Q. Okay. I'm sorry?

8 A. Business is picking up in real estate right now.

9 Q. Okay. But for the last year and a half or two years  
10 it's been down, correct?

11 A. Previously it was down.

12 Q. For several years?

13 A. Um, yes.

14 Q. My question is --

15 A. The market would be down.

16 Q. Okay. Let me ask you this. You -- you -- in your  
17 affidavit you say your last salaried employment was in 2007,  
18 correct?

19 A. Yes.

20 Q. Was that for the City of Los Angeles?

21 A. I was working for the Found Animals Foundation doing  
22 work for the City of Los Angeles.

23 Q. What was your -- your income the last full year you  
24 worked there?

25 A. I was paid 5,000 a month.

1 Q. Is that your gross pay?

2 A. Yes.

3 Q. So \$60,000 a year?

4 A. Well, I only had the job for a few months. I was  
5 doing the job for free for three months before that.

6 Q. Okay. And that was a job outside of the real estate  
7 field, correct?

8 A. Yes. Oh, I recently did apply for a job outside the  
9 real estate field, that was the job I got and then I lost  
10 because of Amanda Lollar's defamation on the Internet.

11 Q. Now, from that 2007 job, you received a settlement  
12 from the City of Los Angeles in 2009 -- is that when you  
13 received it?

14 A. I believe that's when it was.

15 Q. And your portion of it would have been about \$80,000;  
16 is that correct?

17 A. No, it was less than that.

18 Q. What was your portion?

19 A. California takes 40%.

20 Q. The settlement was for \$130,000, correct?

21 A. Yes.

22 Q. What was your portion?

23 A. Somewhere around 70.

24 Q. Okay. Have you been spending that money just to live  
25 for the last three years, is that where that money --

1 A. Yes.

2 Q. -- that money has gone?

3 A. Yes.

4 Q. When your grandmother passed, did she leave you an  
5 inheritance?

6 A. She left money in trust for different groups,  
7 Catholic organizations for the elderly.

8 Q. Did she leave you any inheritance?

9 A. Yes. She left me her wedding ring, her bedroom  
10 furniture and some cash.

11 Q. How much cash?

12 A. 300,000, I think. It's been awhile.

13 Q. Okay. And that was in 1991?

14 A. Yes. She died in 1991.

15 Q. Is that when you received the money?

16 A. No. Um, my mother and sister sued the estate,  
17 orphanages and the old folk homes that received the money. We  
18 were in suit for awhile.

19 Q. When did you receive the \$300,000?

20 A. I don't remember.

21 Q. It was during the 1990s?

22 A. Yeah. It was during the '90s, yeah. There was -- I  
23 ended up having to give the money to my sister and mother.

24 Q. Pardon?

25 A. I ended up -- the -- I made the decision to -- even

1 though they were cut out of the will, to give money to my  
2 sister and my mother just so they would stop suing the  
3 orphanages and old folks home.

4 Q. You gave them a portion of your 300,000?

5 A. Yes.

6 Q. How much?

7 A. Um, at least 55,000 cash, and I signed over \$2  
8 million in real estate.

9 Q. Okay. You received a few million dollars in real  
10 estate from your grandmother?

11 A. That was -- there was a few million dollars in real  
12 estate in the estate. I signed that over to my mother and  
13 sister so they would stop suing the orphanage and old folks  
14 home.

15 Q. Was that money she left to you?

16 A. Yes.

17 Q. Was that money -- was that real estate in a trust  
18 or --

19 A. Yes. All the real estate was in trust. It's pretty  
20 convoluted, it would be difficult to figure it out.

21 Q. But it was a trust for you to manage to use for  
22 elderly folks?

23 A. No. Um, I think the trust was in my grandmother's  
24 name, and then I signed it over to my mother and sister so  
25 they would stop with the lawsuit.

1 Q. Okay. What was the purpose of the trust?

2 A. Um, my grandmother put the property in trust before  
3 she died.

4 Q. And what was it to be used for?

5 A. Well, she wanted it to go to -- she cut my mother and  
6 sister out of the will, because they weren't very nice. So  
7 she left everything to me and the charity. Some of the  
8 charities were in Mexico.

9 Q. Okay. Was any of that trust to be left for you for  
10 you?

11 A. Yes.

12 Q. Was it for you or was it for some public benefit?

13 A. It was for me, and I signed it over just to get them  
14 to stop with the lawsuit.

15 Q. Okay. You signed over 300 -- \$3 million worth of  
16 assets to your mother and sister?

17 A. It was a few million. I don't know how much it was,  
18 but I signed everything over just so they would stop.

19 Q. And you gave them \$55,000 in cash?

20 A. Yes. And then at that point there was nothing left  
21 in the estate and I signed it over to the State of California.

22 Q. Do you live in Beverly Hills?

23 A. No.

24 Q. You grew up there and went to high school there?

25 A. Yes.



1 Q. Your friend's condo, is that paid for?

2 A. She has a mortgage.

3 Q. Okay. Do you pay her \$1,000 every month, or is that  
4 just an agreement you have?

5 A. Um, well, yes, I pay her. Although this month it's  
6 going to be difficult.

7 Q. Okay. Have you missed any payments to her?

8 A. Yes, I've been late though.

9 Q. Okay. Well, when you filed your affidavit of  
10 indigence on September 11th of this year, you claimed you were  
11 indigent, but you also stated you had \$2,000 in a checking  
12 account, approximately, that you could have used to -- you  
13 could have offered those -- that \$2,000 to the clerk and the  
14 court reporter to pay your fees; isn't that true?

15 A. I made an offer to you at the time, and now I don't  
16 even have that amount of money. If I had given you that,  
17 every single cent I had, I wouldn't have had money for food or  
18 utilities. And now I cannot do that because I don't have it  
19 anymore.

20 Q. But at the time you had \$2,000 available to you,  
21 correct?

22 A. At that time \$2,000 was absolutely everything I had.

23 Q. You type 100-words per minute; is that correct?

24 A. Yes.

25 Q. And you currently are a licensed real estate

1 appraiser?

2 A. Yes.

3 Q. Okay. How much of your time do you spend with the  
4 animal foundation Animal Advocates?

5 A. Um, well, because of my finances, because of the  
6 defamation from Ms. Lollar, I'm not spending that much time at  
7 all. I have to refuse animals.

8 Q. How much time a week do you spend?

9 A. Um, right now I only have sanctuary animals. So  
10 probably -- maybe only four hours a week.

11 Q. Four hours a week? I'm sorry.

12 A. Yes.

13 Q. Okay. Ms. Cummins, when you sold your house for \$1  
14 million in 2008, what was the equity in the home?

15 A. I owed quite a bit on it. And I borrowed some money  
16 from friends and I had to pay them back. So I think I cleared  
17 from 20, 50, somewhere around there.

18 Q. I'm sorry? I didn't catch that. I didn't catch the  
19 amount, I'm sorry.

20 A. 150,000.

21 Q. Okay.

22 A. But I owed people money and I had bills that I had to  
23 pay.

24 Q. Have you paid any money to attorneys in the last  
25 year?

1 A. No.

2 Q. You did pay --

3 A. Um --

4 Q. You did pay the \$175 filing fees to the Court of  
5 Appeals in September; is that correct?

6 A. Yes. I borrowed the money from a friend and paid  
7 with a money order.

8 Q. And you paid the filing fee for the lawsuit here in  
9 Federal District Court in Texas, correct?

10 A. No. I paid for it in California. I borrowed money  
11 for that, too.

12 Q. Okay. There's two suits, correct? One out there and  
13 one here?

14 A. Yes.

15 Q. You paid two filing fees, correct?

16 A. Yes, I borrowed the money.

17 Q. And was it -- each filing fee \$350?

18 A. Yes.

19 Q. And when did you pay those fees?

20 A. When I filed the cases.

21 Q. Well, was -- was it this year?

22 A. Um, one was -- I borrowed the money, and I think it  
23 was June 5th of 2012. And the other one was September of  
24 2011.

25 Q. When did you run the search engine optimization

1 project, whatever you call it?

2 A. From probably 2000 to 2005 or 6. Now -- nowadays I  
3 just do it for free for friends.

4 Q. And you say you earned fees of about \$7,500 during  
5 that; is that fair?

6 A. No.

7 Q. Well, you had 100 clients and you charged 75 a  
8 client; is that correct?

9 A. That was -- that's over a few years.

10 Q. I understand. You collected in the neighborhood of  
11 \$7500, though, correct?

12 A. Yes, over years.

13 **MR. RISINGER:** May I have a moment, Your Honor?

14 **THE COURT:** (Nods head.)

15 (Brief pause.)

16 Q. (By Mr. Risinger) Ma'am, have you received any other  
17 settlements in the last five years from any -- any lawsuits or  
18 any -- any other -- from your family, your mother, your  
19 sister, anybody else?

20 A. No.

21 Q. In the last ten years?

22 A. No. Just the ones you've previously mentioned today.

23 Q. Have you sold any other homes that belonged to you,  
24 other than the one --

25 A. That was the --

1 Q. Go ahead.

2 A. Only the one that Mr. Turner mentioned.

3 Q. The one in 2008?

4 A. Yes. I sold a condo in 2000, but then I bought the  
5 house.

6 **MR. RISINGER:** Thank you, Your Honor. Pass the  
7 witness, Your Honor.

8 **THE COURT:** Mr. Lively?

9 **MR. LIVELY:** Thank you, Your Honor.

10 Your Honor, may I ask one question. I've heard  
11 some mention about not disclosing addresses. Is that an order  
12 of the Court that no discussion of an address --

13 **THE COURT:** I sustained the objection when it  
14 was raised earlier.

15 **MR. LIVELY:** Is that a --

16 **THE COURT:** I'm not telling you about standing  
17 orders.

18 **MR. LIVELY:** Okay.

19 **CROSS-EXAMINATION**

20 BY MR. LIVELY:

21 Q. Ms. Cummins, my name is John Lively. I'm the  
22 attorney representing the court reporter in this cause. Do  
23 you understand that?

24 A. Yes.

25 Q. Now, I've heard several times mentioned that you

1     tried to get a loan from two people; is that correct?

2           A.    Yes.

3           Q.    And I believe you gave two names for them, Michael  
4 Moore -- is that the Michael Moore that makes the films?

5           A.    No.

6           Q.    And then Steve Hirsh?

7           A.    Yes.

8           Q.    And they have both turned you down?

9           A.    They said they didn't have the money.

10          Q.    Are either one of those the ones that you've gone to  
11 concerts recently with?

12          A.    No.

13          Q.    I want to go back to the employment that you've tried  
14 to obtain recently.  You say you did not have a job; is that  
15 correct?

16          A.    What was the question again?

17          Q.    You stated that you did not have a job; is that  
18 correct?

19          A.    Yes, I do not have a job.

20          Q.    But you were still operating as Mary Cummins Real  
21 Estate Service, correct?

22          A.    Yes.  I'm trying desperately to get work.  I have  
23 placed ads and flyers all over the Internet.

24          Q.    Now, is Mary Cummins or Cummins Real Estate Services,  
25 is that incorporated?

1 A. No.

2 Q. Is that a sole proprietorship or --

3 A. Yes.

4 Q. -- a d/b/a?

5 A. D/b/a.

6 Q. So currently you would say you were employed by  
7 Cummins Real Estate Services, but you just don't have any work  
8 currently?

9 A. I have no work that's paying anything.

10 Q. So you do have work, it's just work that hasn't --  
11 that you do for free?

12 A. Some is pro bono and some were a couple of AMCs who  
13 stiffed me and a client that stiffed me. And some were just  
14 giving numbers on a phone.

15 Q. Now, the AMC that stiffed you, have you done anything  
16 to try and recover that money?

17 A. It hasn't been 30 days yet.

18 Q. So at this point they just haven't paid your invoice?

19 A. Yes.

20 Q. And how much was that invoice for?

21 A. 300, I think.

22 Q. Have they told you that they're not going to pay it?

23 A. They haven't said that, but they didn't pay it during  
24 the time they said they would pay it. And they have all these  
25 caveats in the agreement that I had to sign, stating that if

1 I'm late they don't have to pay me. And I was late with the  
2 appraisal because they kept giving me new instructions.

3 **MR. LIVELY:** Object to the nonresponsive  
4 portion.

5 **THE COURT:** Sustained.

6 Q. (By Mr. Lively) Have they told you that they're not  
7 going to pay you, Ms. Cummins? It's a yes or no question.

8 A. No.

9 Q. Now, this other person that you claim stiffed you,  
10 how much was that for?

11 A. 299.

12 Q. And when did you do that work?

13 A. Two weeks ago.

14 Q. Have you sent them an invoice?

15 A. Yes.

16 Q. And have they told you that they are not going to pay  
17 you?

18 A. They didn't pay within the invoice time.

19 Q. But have they told you that they're not going to pay  
20 you?

21 A. No. They don't return my calls.

22 Q. So as of right now, in the past two weeks, you have  
23 approximately \$600 in accounts receivable?

24 A. Yes, but I'm probably not going to get the money.

25 **MR. LIVELY:** Objection, nonresponsive portion,



1 Your Honor.

2 **THE COURT:** Sustained.

3 Q. (By Mr. Lively) Do you have any other accounts  
4 receivable that is other than those two jobs?

5 A. An ex-boyfriend owes me \$7,000, but I don't think  
6 I'll ever see it.

7 Q. When did you loan him \$7,000?

8 A. Um, 2009.

9 Q. When was the last time you spoke to this  
10 ex-boyfriend?

11 A. 2009.

12 Q. Have you attempted to collect that money from him  
13 since 2009?

14 A. I requested it several times, and he's totally broke  
15 and has no assets.

16 Q. When did you request it?

17 A. 2009, 2010, 2011, but not in the last year.

18 Q. Have you contacted him in the past year?

19 A. No.

20 Q. How did you contact him in 2009?

21 A. Um, probably near the end of the year. I sent an  
22 e-mail saying, Do you have the money yet?

23 Q. Did he respond?

24 A. No.

25 Q. Did he respond to your 2010 request?

1           A.    He said, Give me the receipts again.  And I did, and  
2 then he didn't respond.

3           Q.    Did he respond in 2011?

4           A.    No.

5           Q.    But you have not requested for payment of that loan  
6 of \$7,000 in 2012?

7           A.    He doesn't have any money, it would be pointless, no.

8           Q.    How do you know he does not have any money?

9           A.    His friends told me.

10          Q.    So you have no personal knowledge that he doesn't  
11 have any money?

12          A.    Um --

13          Q.    It's a yes or no question.

14          A.    I'm pretty sure he doesn't.

15          Q.    But do you have any personal knowledge that he does  
16 not have any money?

17          A.    Um, yes.  He went back to school on a grant, so he's  
18 not working.

19          Q.    When did he go back to school?

20          A.    2010 or maybe the end of 2009.

21          Q.    Have you attempted to set up any type of payment plan  
22 with him?

23          A.    I sent an e-mail asking if he could pay a certain  
24 amount a month and he didn't respond.

25          Q.    When was that e-mail sent?

1           A.    2009.

2           Q.    So in the past year you haven't attempted to collect  
3 on the debt, you haven't offered a payment plan and you've  
4 made no attempt to collect any of that \$7,000 within the past  
5 year?

6           A.    It would be a waste -- a waste of effort, he has  
7 nothing.

8                   **MR. LIVELY:** Objection. Nonresponsive.

9                   **THE COURT:** Sustained.

10          Q.    *(By Mr. Lively)* It's a yes or no question. Have you  
11 or have you not?

12          A.    I haven't asked him to pay back the money in the last  
13 year.

14          Q.    Thank you.

15                   Earlier you testified that you do pro bono work.  
16 How much pro bono work have you done in the past six months?

17          A.    Oh, um, I'd say probably ten appraisals and a lot of  
18 advice on the phone. And then I ran numbers for different  
19 people.

20          Q.    And if you had to quantify that in a dollar amount,  
21 how much pro bono work have you done?

22          A.    That would probably -- I don't know, 5,000.

23          Q.    How much time have you spent in the past six months  
24 doing pro bono work?

25          A.    I don't keep a log. I would have to guess at that.

1 Q. What would your estimate be -- how about in the past  
2 month, how much pro bono work have you done?

3 A. I've done two appraisals and lots of real estate  
4 advice on the phone and online.

5 Q. And how long did that take you?

6 A. Um, takes me three hours per appraisal, so six hours  
7 there. And I spoke to someone for 45 minutes yesterday.

8 Q. Now, would you agree with me that that time could  
9 have been spent on paid jobs?

10 A. I've tried to get a job. I have applied. And every  
11 time someone -- 75% of perspective employers will Google your  
12 name. And when you Google my name you see a bunch of crap  
13 that Ms. Lollar posted on the Internet.

14 **MR. LIVELY:** Objection. Nonresponsive, Your  
15 Honor.

16 **THE COURT:** Sustained.

17 Q. *(By Mr. Lively)* The question is simple. Would that  
18 amount of time you've been doing pro bono work, would that be  
19 better spent doing paid work? And I'm trying to make this  
20 easy. Most of them are yes or no questions.

21 A. If I could have had paid work I would have wanted to.

22 Q. Now, that was time --

23 A. At this time, you need to know, I am not working.  
24 I've done everything to try to get work. And if I am doing  
25 absolutely nothing and sitting there, I might as well help

1 indigent people for free.

2 Q. What have you done to get work?

3 A. I have applied for every single real estate job on  
4 Career Builder and Monster.com and on Craigs List.

5 Q. Have you attempted to get any job that does not  
6 involve real estate?

7 A. Yes.

8 Q. What job is that?

9 A. I applied for a position with an animal rights  
10 organization.

11 Q. And what was the outcome of that application?

12 A. I got the job.

13 Q. And is that the one that you testified that you were  
14 fired from on the first day?

15 A. Yes.

16 Q. Did they pay you anything for that one day of work?

17 A. No.

18 Q. Have you requested payment for that one day of work?

19 A. No.

20 Q. But you did work for a day, correct?

21 A. Um, I was probably, um -- I was hired on a Friday to  
22 start on a Monday, and at 9:00, I would assume. And at 7:00  
23 a.m. I got an e-mail saying they rescinded the offer.

24 Q. Did you contact the other employer that gave you the  
25 offer for 3700 a month?

1 A. Which offer was it?

2 Q. You testified that you had two job offers. One you  
3 took that you were fired. And then a second one where you  
4 were offered 3700 a month.

5 A. What is your question?

6 Q. Did you contact the position that offered you 3700 a  
7 month?

8 A. Yes.

9 Q. And did you accept that position?

10 A. I said it sounded interesting, and they told me to do  
11 an appraisal. And I did an appraisal and I didn't get paid  
12 for it.

13 Q. Have you attempted to contact them again?

14 A. I left two messages and I sent an e-mail. No reply.

15 Q. Now, was that also the same one that you testified  
16 that you did not take because you had heard bad things about  
17 them? Or is that a third job?

18 A. No, it's the same job. I was considering working  
19 with them, and I thought I should do one appraisal and see if  
20 they pay me first.

21 Q. So actually you turned the job down that was going to  
22 pay you 3700 a month?

23 A. Who's to say it was real or I was going to get paid  
24 or not? I didn't get paid.

25 Q. But they offered you a full-time position for 3700 a

1 month, correct?

2 A. They didn't send me a written offer. He just said it  
3 on the phone. They didn't send me an application. They  
4 didn't send me a W9. They sent nothing.

5 **MR. LIVELY:** Objection. Nonresponsive.

6 **THE COURT:** Sustained.

7 Q. (By Mr. Lively) Yes or no question, they did offer  
8 you a position paying \$3700?

9 A. I was offered -- I don't know if it was a real offer  
10 or not. The guy on the phone said, Would you like to work for  
11 us for this amount doing this? I said, That sounds  
12 interesting. I did not get a written offer.

13 Q. But subsequently you testified today that you talked  
14 to some other people and you decided to turn that down,  
15 correct?

16 A. I read the reviews online, which were negative,  
17 saying that you're not going to get paid. So I decided to do  
18 one appraisal for them as an independent operator and see if  
19 they pay me for that, and they didn't.

20 Q. Is everything online true?

21 A. You mean the reviews? No, of course not.

22 Q. So you had no personal knowledge that they would not  
23 have paid you?

24 A. Um, I actually spoke with a couple of appraisers  
25 through Facebook, and they said, Yeah, they don't pay people.

1 And I --

2 **MR. LIVELY:** Objection. Nonresponsive.

3 **THE COURT:** Sustained.

4 Q. (By Mr. Lively) Do you have any personal knowledge  
5 that they would not pay you? Not what other people say,  
6 personal knowledge, from your own involvement with that  
7 company.

8 A. I haven't been paid, so that would be my personal  
9 knowledge.

10 Q. But you actually turned the position down before  
11 taking it. You haven't taken the position, have you?

12 A. I -- I didn't -- I didn't turn it down. If they were  
13 going to pay me that amount of money I would gladly take it  
14 right this second.

15 Q. But you haven't made any attempt to go back and  
16 obtain the full-time position for \$3700, have you?

17 A. I called twice and sent an e-mail and I didn't hear  
18 anything back.

19 Q. Now, what other jobs outside the real estate field  
20 have you applied for, other than the one with the animal  
21 rights group?

22 A. Um, I actually did apply for a job as an assistant  
23 online through Craigs List.

24 Q. And was there any response from that?

25 A. It sounded like a scam.



1 Q. So did you apply or not?

2 A. I said I was interested. And they sent back and  
3 said, Give us all of this personal information, such as your  
4 social security number and bank account number. So that  
5 sounded like a scam to me.

6 Q. Did you do it?

7 A. No.

8 Q. Have you made any other applications, other than the  
9 ones you've mentioned?

10 A. I applied -- well, to work as an assistant to an  
11 underwriter. And I applied also to help with someone doing  
12 refinances as an assistant.

13 Q. And when did you apply for those?

14 A. Gosh, within the last -- probably five weeks I've  
15 been applying for absolutely everything just so I could afford  
16 these minutes.

17 Q. Everything in the real estate world or everything in  
18 Los Angeles that's currently available?

19 A. Everything in Los Angeles that -- that my skills  
20 would meet. Even if it was just as an assistant. I  
21 concentrated on real estate, but I have applied for everything  
22 that -- that I can physically do and I'm qualified for.

23 Q. Do you have some type of physical handicap?

24 A. Yes, I injured my back. I herniated a disk.

25 Q. When did you do that?

1 A. When I was at Bat World in June 2010.

2 Q. Does that prevent you from working?

3 A. It prevents me from standing or sitting for more than  
4 20 minutes at a time.

5 Q. Are you standing right now?

6 A. No.

7 Q. Are you sitting?

8 A. I've been doing both during this entire time.

9 Q. Have you attempted to apply for any jobs at  
10 restaurants?

11 A. That would involve a lot of standing. There's no way  
12 I could do that.

13 Q. Do you have any note from a doctor stating that you  
14 cannot fulfill certain job activities?

15 A. Well, my doctor and physical therapist told me that.  
16 If I asked him to put it in writing I'm sure they would.

17 Q. So you could not have one at this time?

18 A. No. But I guess I will need it, because I applied  
19 for Medi-Cal.

20 **MR. LIVELY:** Objection to the nonresponsive  
21 portion.

22 **THE COURT:** Sustained.

23 **MR. LIVELY:** Your Honor, could I request a five  
24 minute break?

25 **THE COURT:** Go ahead. While she's on the phone

1 we will proceed.

2 *MR. LIVELY:* May I pass the witness and reserve  
3 some more questions?

4 *THE COURT:* Yes.

5 *MR. LIVELY:* Thank you.

6 *THE COURT:* Mr. Turner?

7 *MR. TURNER:* Yes, sir.

8 **RECROSS-EXAMINATION**

9 BY MR. TURNER:

10 Q. Ms. Cummins, you -- you like to go to the gun range  
11 and shoot your gun, don't ya?

12 A. Yes.

13 Q. And you go out there -- and how often do you go to  
14 the firing range?

15 A. Only once in the last year.

16 Q. Okay. And you talked about that on the Internet?

17 A. Yes.

18 Q. And you have a .38 caliber pistol, and you buy  
19 bullets for that?

20 A. I haven't bought bullets in a long time.

21 Q. Okay. What's your landlord's name?

22 A. If I give you the name I'll be giving you the  
23 address, and I already gave it to you under seal.

24 Q. No. I just want to know the name, not the address?

25 A. If I give you the name you'll know the address by

1 Googling it.

2 *MR. TURNER:* Well, Your Honor, I would ask the  
3 Court to instruct her to answer the question.

4 *MS. CUMMINS:* Your Honor, if I were to give him  
5 my name and he Googles it, he'd see the address.

6 *THE COURT:* I have denied that once, Mr. Turner.

7 *MR. TURNER:* Okay.

8 *THE COURT:* And I deny it again.

9 Q. (By Mr. Turner) Mr. -- Ms. Cummins, have you tried  
10 to borrow money from your landlord?

11 A. No.

12 Q. Now, you -- I think you testified that you've been  
13 trying to find work since 2007?

14 A. Um, no.

15 Q. But you last worked in 2007?

16 A. That was the last time I had a regular salaried  
17 position.

18 Q. Okay. And you've been looking for a regular salaried  
19 position since then?

20 A. No. I didn't have to work for awhile, because I had  
21 money.

22 Q. When did you start looking for a regular salaried  
23 position?

24 A. Um, in the last, I think, 2000 and -- the beginning  
25 of 2010.

1 Q. Now, you said that you -- this -- this home that was  
2 sold for -- you said \$1 million, is that what you sold --

3 A. Yes.

4 Q. -- it for?

5 A. Yes.

6 Q. Now, as a matter of fact, real estate records showed  
7 that you cleared over \$500,000 in profit, don't they?

8 A. No, I didn't.

9 Q. It's your testimony that you only cleared 150,000?

10 A. Yes. There was a second on the property.

11 Q. Now, the property at 858 North Beverly Glen Boulevard  
12 that you say -- you say that's Animal Advocates' property?

13 A. Um, I sublease out part of it, and then the rest I  
14 left for Animal Advocates.

15 Q. Okay. You sublease out that property?

16 A. Yes.

17 Q. And how much does the sublessee pay?

18 A. \$1,000 to go towards the rent.

19 Q. So you lease that property for \$1,000 a month?

20 A. Just the front little cabin.

21 Q. And somebody lives there?

22 A. Yes.

23 Q. And does that property on Beverly Glen not rent for  
24 \$2700 a month?

25 A. No.

1 Q. Did these -- these people who paid for your trips for  
2 the -- these -- these international trips and these concerts  
3 that you go to -- Bob Dylan and Peter Gabriel -- pay your --  
4 did you ask any of those people to loan you money for this  
5 appeal?

6 A. Um -- um, I didn't ask, one, because I know he's  
7 broke.

8 Q. Someone who bought you a concert ticket is broke?

9 A. He gets them for free.

10 Q. What about the other people who paid for your  
11 international trips and your concerts, did you ask any of them  
12 for money, besides this one person who's broke?

13 A. I haven't gone on an international trip in years, two  
14 years.

15 Q. Okay. Didn't you go to Madrid not too long ago?

16 A. In 2010.

17 Q. Okay. And you paid the airfare?

18 A. Yes. Only the airfare.

19 Q. The person who paid for the rest of your trip, did  
20 you ask that person for -- to loan you money?

21 A. No.

22 Q. What about the person who gave you tickets to the  
23 Peter Gabriel concert, did you ask that person to loan you  
24 money?

25 A. No. He got the tickets for free.

1 Q. Do you have any other pending lawsuits besides the  
2 ones we've talked about?

3 A. No.

4 *MR. TURNER:* Pass the witness.

5 *THE COURT:* Mr. Risinger?

6 *MR. RISINGER:* Just one, Your Honor.

7 **REXCROSS-EXAMINATION**

8 BY MR. RISINGER:

9 Q. Ms. Cummins, is it your testimony that you own a  
10 piece of property that you're leasing for \$1,000 a month?

11 A. Could you repeat that?

12 Q. Is it your testimony that you own a piece of property  
13 that you're leasing for \$1,000 a month?

14 A. No. I don't own any property.

15 *MR. RISINGER:* Pass the witness, Your Honor.

16 *MR. LIVELY:* Ms. Cummins, John Lively again.

17 *THE COURT:* Mr. Lively?

18 *MR. LIVELY:* Thank you, Your Honor.

19 **REXCROSS-EXAMINATION**

20 BY MR. LIVELY:

21 Q. The Ninth Street address, is that where you currently  
22 live?

23 A. No. That's a P.O. Box.

24 Q. And you do not live on North Sweetzer anymore?

25 A. No.

1 Q. Where does Animal Advocates operate its business?

2 A. From the P.O. Box on Ninth Street.

3 Q. Do you keep the animals in the P.O. Box?

4 A. No.

5 Q. Where do the animals normally reside?

6 A. They're on Beverly Glen.

7 Q. And who owns the property on Beverly Glen?

8 A. I don't want to, um, give the name, because

9 Ms. Lollar is just -- she texts everyone associated with me.

10 Q. Okay. Can you just give me the first name?

11 A. Robin.

12 Q. Robin. Now, is Robin an individual that owns this  
13 property?

14 A. Yes.

15 Q. And does she lease it to Animal Advocates?

16 A. Um, there is no lease.

17 Q. So under what basis is Animal Advocates there?

18 A. I used to lease it, and then the lease expired, we  
19 went month to month, and then I moved.

20 Q. So you're no longer in that location?

21 A. No. The animals are there.

22 Q. And is any rent paid by the animals for that space?

23 A. Yes.

24 Q. How much rent is paid?

25 A. Um, it's what -- the enclosures take up most of the



1 property, but --

2 (Interruption by Court Reporter)

3 **THE COURT:** Ms. Cummins, the court reporter  
4 asked you to repeat that answer.

5 **THE WITNESS:** Oh, I'm sorry.

6 Q. (By Mr. Lively) I believe you said the enclosures  
7 take up most of that land?

8 A. Yes. It's a tiny un-permitted cabin on an  
9 unbuildable lot.

10 Q. A permanent what?

11 A. It's an un-permitted cabin on an unbuildable lot.

12 Q. And is that in Los Angeles?

13 A. Yes.

14 Q. And what is the rent that is paid again?

15 A. 2000 total.

16 Q. A month?

17 A. Yes.

18 Q. Does that include utilities?

19 A. No.

20 Q. Does it have utilities to that location?

21 A. Yes.

22 Q. Does the cabin have air-conditioning?

23 A. No.

24 Q. Does it have heating?

25 A. Yes.

1 Q. And who pays the \$2,000 a month for that property?

2 A. Um, the person who's subleasing it and Animal  
3 Advocates.

4 Q. And is that amount current?

5 A. Yes.

6 Q. Now, the person that's subleasing the lot, is that  
7 Robin?

8 A. No.

9 Q. Who is the person that's subleasing the lot?

10 A. I don't want to give that name, because Ms. Lollar  
11 just attacks everyone associated with me. She had my  
12 volunteers in tears many times.

13 **MR. LIVELY:** Objection. Nonresponsive.

14 **THE COURT:** Sustained.

15 Q. *(By Mr. Lively)* What's the first name of the person  
16 who is subleasing that lot?

17 A. Michael.

18 Q. And what does Michael do?

19 A. He's retired.

20 Q. What did he do before retirement?

21 A. I don't know really. Had something to do with the  
22 entertainment industry.

23 Q. Now, is that Michael Moore?

24 A. No.

25 Q. A different Michael?

1 A. Yes.

2 Q. Have you asked Michael for a loan?

3 A. No.

4 Q. Does Animal Advocates have any other employees?

5 A. No.

6 Q. Does Animal Advocates -- how many animals are  
7 currently in the care of Animal Advocates?

8 A. Um, probably only about 20.

9 Q. And what does Animal Advocates do for them?

10 A. Um -- um, the veterinary and the facility is donated  
11 and the food is donated. So basically I just care for them.

12 Q. And pay for their rent?

13 A. I don't pay the rent for Animal Advocates.

14 Q. Animal Advocates pays it?

15 A. Yeah.

16 Q. Does Animal Advocates pay a salary to you?

17 A. No.

18 Q. Have you ever asked Animal Advocates to pay a salary  
19 to you?

20 A. No.

21 Q. Would you agree that you seem to volunteer a  
22 considerable amount of your time and resources?

23 A. Yes.

24 Q. And, in fact, if you did not volunteer so much of  
25 your time and resources, they could probably be put towards

1 finding employment or working at a paying job?

2 A. No. I volunteer because I'm not working. If I was  
3 working I would not be volunteering.

4 Q. Can you apply for jobs and do job interviews while  
5 you're volunteering?

6 A. Yes.

7 Q. But have you done so?

8 A. Yes.

9 Q. And you have not attempted to apply for any other  
10 jobs than the ones you have mentioned in real estate, and then  
11 the two outside of real estate, correct?

12 A. I believe I applied for those and also to be an  
13 assistant.

14 Q. And what was the result of the assistant position  
15 application?

16 A. Initially they called back and say, That sounds great  
17 let's -- we'll check a few things out, and then they don't  
18 call me back.

19 Q. Have you followed up with them?

20 A. Yes. And no return call, except for the -- the  
21 animal advocates group, I kind of pestered them demanding to  
22 know why I was fired.

23 Q. Have you contacted any headhunters or professional  
24 job hunters for you?

25 A. I signed up for a couple of them online, but I

1 haven't heard anything.

2 Q. Have you physically gone to any of their offices and  
3 filled out an application?

4 A. Yes. I did -- this was probably about -- I think  
5 about two months ago, I went to a real estate headhunter and I  
6 met with him for about an hour or so.

7 Q. Have you gone to other, I guess, any other  
8 headhunters outside of the real estate industry?

9 A. That was the only headhunter I knew, and that was the  
10 only one I interviewed for.

11 Q. Now, do you own a computer?

12 A. Yes. I have a notebook.

13 Q. Who makes that?

14 A. One second. It's an HP.

15 Q. When did you purchase that?

16 A. I got it about a year ago.

17 Q. Do you have any other computers?

18 A. I have one Mac that doesn't work.

19 Q. How old is that?

20 A. 2006.

21 Q. Have you attempted to sell that computer?

22 A. Um, I went online and I can't get anything for it.  
23 They don't even want the case. This model is defective.

24 Q. So you did try to sell it?

25 A. I went on Craigs List and E-bay to see what these

1 things go for. And they're not going for anything.

2 Q. So you have not tried to sell it?

3 A. Not yet. But I -- I'm definitely going to try to at  
4 least.

5 Q. Now, you testified that your grandmother gave you a  
6 ring; is that correct?

7 A. Yes.

8 Q. Do you still have that ring?

9 A. No, I sold it.

10 Q. When did you sell it?

11 A. 2000 and -- I think '06.

12 Q. And how much did you get for the ring?

13 A. I think about 11,000.

14 Q. Did you put that money in a bank account or did you  
15 invest it?

16 A. I put it in a bank account and lived off of it.

17 Q. Did you -- have you tried to get anymore business  
18 doing the search engine optimization?

19 A. Yes.

20 Q. Recently?

21 A. Yes.

22 Q. And what did you do to do that?

23 A. I placed a couple of ads on Craigs List, and then I  
24 contacted some of my friends.

25 Q. It sounds like you do a lot of stuff on Craigs List;

1 is that true?

2 A. Um, it's generally a good way to buy, sell, look for  
3 jobs.

4 Q. And have you been successful with Craigs List in  
5 looking for jobs?

6 A. Yes. I found jobs and I applied for them.

7 Q. So you did get jobs through Craigs List?

8 A. No. I found job listings and I applied for them.

9 Q. So you have not been successful?

10 A. No. I've been -- I was offered that one job, but it  
11 seems -- no, I think that was through Career Builder.

12 Q. This is a yes or no question. Are you currently on  
13 any Federal, governmental or state governmental assistance?

14 A. No.

15 Q. Now, you mentioned you met clients at the Beverly  
16 Wilshire, the Beverly Hills Hotel. Have you asked either of  
17 those clients for a loan?

18 A. No.

19 Q. I'm sorry, what?

20 A. No, of course not. They aren't clients. I didn't  
21 get the job.

22 Q. Okay. Do you have a pool where you reside currently?

23 A. No.

24 Q. Have you had a pool at any of your places of  
25 residence?

1 A. No.

2 Q. I believe there's a video on YouTube that you posted  
3 of yourself where you're playing with a golden retriever by a  
4 pool?

5 A. Yes.

6 Q. When was that?

7 A. A friend's house.

8 Q. And what's the first name of your friend?

9 A. John.

10 Q. Have you ever lived at John's house?

11 A. No.

12 Q. Are you currently friends with John?

13 A. Yes.

14 Q. Is that your golden retriever or John's golden  
15 retriever?

16 A. That's his.

17 Q. Did you ask John for a loan?

18 A. No.

19 Q. What does John do?

20 A. I'm -- I'm not going to say, because Ms. Lollar is --  
21 will figure out who it is and attack him.

22 **MR. LIVELY:** Your Honor, request that you  
23 instruct the witness to answer the question.

24 **THE COURT:** I don't see the relevance of it at  
25 all.



1                   Next.

2           Q.    *(By Mr. Lively)* Is John employed?

3           A.    Yes.

4           Q.    What would you approximate the value of his home?

5           A.    That's not his home.

6           Q.    Okay. Whose home is it?

7           A.    It, um, belongs to the bank.

8           Q.    Now, you also mentioned that your car needed \$3,000  
9 in engine work and \$1,000 in AC when you donated it back in  
10 January, correct?

11          A.    No.

12          Q.    Okay. What did you testify it needed?

13          A.    I said it needed \$3,000 engine work and \$500 for the  
14 AC.

15          Q.    Okay. And has that been done?

16          A.    The engine work was done, the AC was not.

17          Q.    Who paid for that work?

18          A.    I donated the car to Animal Advocates, and then I cut  
19 a deal with the dealership to give a reduction. And he  
20 reduced the price to, I think, a thousand and Animal Advocates  
21 paid for that.

22          Q.    So earlier when you testified it needed \$3,000 to  
23 work, that was not true? It was \$1,000, correct?

24          A.    No, that was true. It needed \$3,000 worth of work, I  
25 said I couldn't afford it.

1 Q. So you got them to come down to \$1,000 for the work?

2 A. Yes. He said if it was for charity. They have some  
3 sort of program with Walker Buerge Ford with local  
4 dealerships.

5 **MR. LIVELY:** Objection. Nonresponsive, Your  
6 Honor.

7 **THE COURT:** Sustained.

8 Q. (By Mr. Lively) Where is Animal Advocates bank  
9 account located?

10 A. It's at First Bank.

11 Q. And how much is in their account currently?

12 A. I don't know. I lost my password for the online  
13 account, so I haven't been able to check it.

14 Q. When was the last time you checked it?

15 A. Oh, um, I don't know if it was -- two months ago  
16 there was barely anything in it at all.

17 Q. Have you tried to get a loan from Animal Advocates?

18 A. Animal Advocates could not afford to give me a loan.

19 Q. And, in fact, Animal Advocates is you, for all  
20 practical purposes, correct?

21 A. No. It's a 502(c)3.

22 Q. Now, you testified you went to Bob Dylan, Bonnie  
23 Raitt, Peter Gabriel, but you did not pay for any of those  
24 concerts?

25 A. I didn't pay for anything.

1 Q. Now, when you went to all of those concerts, did you  
2 ask the people that took you for a loan?

3 A. No.

4 Q. What other personal property items do you own that  
5 you haven't sold on Craigs List?

6 A. Um, I don't own any item worth over \$500.

7 **MR. LIVELY:** Objection. Nonresponsive.

8 Q. (By Mr. Lively) What are the property -- personal  
9 property items that you currently own?

10 A. Clothing, furnishings, my notebook, one cheap camera  
11 that I use for work. That's it.

12 Q. So when you testified that you had no property in  
13 your affidavit, that was false, correct?

14 A. I have no property of any value. I mean, what are my  
15 clothes worth? Nothing.

16 **MR. LIVELY:** Objection, Your Honor.  
17 Nonresponsive.

18 **THE COURT:** Overruled. Get on with your  
19 business.

20 Q. (By Mr. Lively) What's the limit on the American  
21 Express card that you have?

22 A. I don't have one.

23 Q. What's the American Express debt of \$5,000 that you  
24 have?

25 A. Oh, that was from 2005.

1 Q. Do you still have that credit card?

2 A. No.

3 Q. Do you have any credit cards?

4 A. No.

5 Q. I believe in September you filed an affidavit stating  
6 that you had about \$2,000 in cash, and that your monthly  
7 expenses were about \$1500?

8 A. Yes, approximately.

9 Q. Now, two months has passed since then and you still  
10 have money in the bank. Where did that income come from?

11 A. I have approximately \$300 left. I have been selling  
12 everything I can.

13 Q. Do you have more things that you can sell?

14 A. Not of any great value.

15 Q. But you do have more things you can sell?

16 A. I don't think -- I have no jewelry of any value. I  
17 sold everything that had any value in it. It's just my  
18 personal effects at this moment.

19 Q. The people you went on -- never mind, you already  
20 answered it.

21 Do you have a cell phone?

22 A. Yes.

23 Q. Who's the carrier on that phone?

24 A. ATT.

25 Q. How much is your phone bill a month for your cell

1 phone?

2 A. Um, it's 90.

3 Q. And is that an iPhone?

4 A. Yes.

5 Q. Have you tried to downgrade your phone from an iPhone  
6 to a lesser cell phone?

7 A. Um, this is the cheapest plan that I can do. I need  
8 a smart phone because I have to be able to get e-mails.

9 Q. Don't you have a laptop that you can get e-mails on?

10 A. I can't do that if I'm out in the field.

11 Q. But you currently have no work, so you have no need  
12 to be out in the field, do you?

13 A. Well, I'll be out running an errand or something.  
14 And if I -- if I get an order -- an appraisal order I must,  
15 must answer instantly.

16 Q. Do you have Internet at your house?

17 A. No longer. I'm using my neighbor's.

18 Q. Now, you would agree with me that you have not  
19 exhausted all possible ways to finance the record in this  
20 case, have you?

21 A. I have exhausted absolutely all possible ways.

22 Q. So you have asked everyone you know for money?

23 A. I've asked everyone who had money for money. I'm not  
24 going to ask someone who's broke.

25 Q. But you did not ask the people who took you to the

1 concerts or the people that took you on trips?

2 A. The person who took me to the concert got the tickets  
3 for free, he's broke. The trips, I haven't gone on a trip in  
4 years. Those people I'm not even in contact with anymore.

5 Q. Did you attempt to sell the ticket that was given to  
6 you for those concerts?

7 A. The guy gave me the ticket so I would go with him.  
8 He didn't say, Here, have this, sell it if you like. He  
9 wouldn't have given it to me then.

10 Q. Did you ask him if y'all could sell the tickets to  
11 get some money?

12 A. No. He would have said no. He wanted me to go with  
13 him, that was the point.

14 Q. And you have not contacted your sister or any other  
15 family members trying to get money?

16 A. My mother and sister told me not to contact them, so  
17 no.

18 Q. If this was really important to you, wouldn't you  
19 contact them to see if they might have given you money?

20 A. No. I would not contact them ever for anything.  
21 And, in fact, I signed an agreement --

22 Q. There's no question out there.

23 **MR. LIVELY:** I'll pass the witness.

24 **MR. TURNER:** No further questions.

25 **MR. RISINGER:** Nothing further, Your Honor.

1                    *THE COURT:* Ms. Cummins, each of the attorneys  
2 have stated they have no further questions of you at this  
3 time. Do you have anything else that you'd like to add to the  
4 Court as a result of --

5                    *MS. CUMMINS:* Yes, I do. Your Honor. May I  
6 give my testimony as a narrative.

7                    *THE COURT:* You may give your testimony at this  
8 time.

9                    *MS. CUMMINS:* Okay.

10                    **REDIRECT EXAMINATION**

11 BY NARRATIVE:

12                    *MS. CUMMINS:* In the past I had money and I  
13 didn't have to work. And I have been living off of my savings  
14 and selling things and money I have made in the past.

15                    And I had worked before I went to Bat World and  
16 injured myself. And I lost that work when I came back. I  
17 have been, over the past year and a half, selling absolutely  
18 everything I have.

19                    And in the past few months I have been declined  
20 for every job that I am qualified for and that I'm physically  
21 able to do. And it finally came to pass that I am now  
22 eligible for Medi-Cal, and I applied for that a week and a  
23 half ago. And they have sent me a response saying, Yes, fine,  
24 as long as they determine, I guess, my bank account is nothing  
25 and I have no assets. I just have to send in my driver's

1 license and a few other things.

2 I have asked every single person I know who has  
3 money to loan me money, and they said they either didn't have  
4 it or they couldn't afford for who knows what reason. I did  
5 apply for a credit card and I was denied. I do not have a  
6 credit card.

7 I contacted the court reporter directly and  
8 through her attorney. I made an offer of \$100 now and if I  
9 get a job I'd pay \$1,000 over a year. I heard no response.

10 Yes, I do a bit of pro bono and volunteer work,  
11 but I only do that because I am not working. If I had a job I  
12 would only be working.

13 And I do volunteer with Animal Advocates, but  
14 I'm doing that because I'm not working. If I had a job, I'd  
15 rather be working and making money.

16 And I have tried to get work. I have signed up  
17 as an appraiser for just about all the AMC lists. And some  
18 jobs I'm not qualified for. And some of them they use a  
19 preferred appraisers. But I have been applying for everything  
20 that I can.

21 And I did have a great job, but I was fired on  
22 the first day because of what Ms. Lollar had written on the  
23 Internet. And I requested that document from the previous  
24 employer, he said he's going to give it to me.

25 And I am suing Amanda Lollar right now for



1 personal injury, which I suffered while I was in Texas. It  
2 was making me -- difficult for me to get jobs where I have to  
3 stand or sit for long periods of time.

4           And I'm also suing her for defamation and  
5 liable, because she posted on the Internet that I'm a  
6 convicted criminal, when I most certainly am not. And for  
7 this reason, when you search my name that's all you see. It's  
8 almost impossible to get any work. I'll get maybe one call  
9 back, but then they take a look at the things she posted and I  
10 can't get any work at all. In fact, just recently Ms. Lollar  
11 was bragging that I'm indigent on the Internet.

12           I -- I -- I sold my real estate, my home in  
13 2008, and I have been living off the profits from that. So I  
14 have blown through \$17,000 defending myself in this lawsuit.  
15 I went through every single penny of savings I had, and sold  
16 everything that I possibly can of value. I have no jewelry of  
17 any value. I really have nothing left to sell, which is why,  
18 you know, I'm finally qualified for Medi-Cal, and which is why  
19 I applied for relief for medical care.

20           I will again look for a job, but I don't have  
21 any more than about \$360 right now. And I got rid of my  
22 regular phone service, I got rid of cable. I have done  
23 absolutely everything I can to cut all costs. I have stopped,  
24 you know, going out and rescuing animals if I have to drive  
25 any distance, because I can't afford the gas.

1                   And whenever I go and visit my friend he pays  
2 for the gas and he pays for everything, all meals, everything  
3 that we do together. So I would not go to a concert or a  
4 restaurant if I had to pay for it. I would just say, no  
5 thanks, have a good time. So I'm not paying for any of this.

6                   I am indigent. I am looking for work. It's  
7 very difficult to find work because of my physical injury and  
8 because of what Ms. Lollar posted on the Internet. I will  
9 continue to look for work and try to get work. But right now  
10 I do not have \$4,000 for the minutes. And this was the first  
11 I've heard that the district court will have a cost of \$1,000  
12 that I'd have to pay, I didn't even know about that. I paid  
13 the \$175 application fee.

14                   But if I lose this hearing on the contest of my  
15 indigence I will not be able to afford the minutes, I will not  
16 be able to appeal this case. I will be denied due process of  
17 law. And if I can't get this case appealed and overruled, I  
18 will have grave financial and emotional consequences for the  
19 rest of my entire life.

20                   I have never defamed or lied or breached a  
21 contract with Ms. Lollar. She admitted there was no financial  
22 damages. She admitted no proof of causation --

23                   **THE COURT:** You're outside of the record.

24                   **MS. CUMMINS:** Okay. I'm sorry. Anyway, just to  
25 summarize. I only have \$350 cash. I don't have a job. If I

1 could get a job, I would gladly some make payments. But I  
2 cannot afford the \$4,000 minutes or the \$1,000 for the  
3 district court. And if I lose this contest I will not be able  
4 to appeal, and I will be denied due process of law.

5 Thank you.

6 **THE COURT:** Thank you, Ms. Cummins.

7 Mr. Turner?

8 **MR. TURNER:** No more questions.

9 **THE COURT:** Mr. Risinger?

10 **MR. RISINGER:** No, Your Honor.

11 **THE COURT:** Mr. Lively?

12 **MR. LIVELY:** No more questions, Your Honor.

13 **THE COURT:** All right. I've listened very  
14 carefully. If y'all want to take a five minute recess you  
15 may. Ms. Lollar, would you like to take a five minute recess?  
16 I said Lollar, I misspoke.

17 Ms. Cummins, would you like to take a five  
18 minute recess?

19 **MS. CUMMINS:** No.

20 **THE COURT:** It's 3:30 here. So let's take a  
21 recess, Ms. Cummins, until 3:35. All right?

22 **MS. CUMMINS:** Okay.

23 *(Whereupon a short recess is taken.)*

24 **THE COURT:** Okay. It's now 3:35 here, and the  
25 parties have a final opportunity to make their final argument.

1 Ms. Cummins, you have the first -- the burden is  
2 on you, you have the first bite at the apple. You may  
3 proceed.

4 **MS. CUMMINS:** Um, I am currently indigent. I  
5 only have \$350 cash. I do not have enough money to pay for  
6 the minutes. I do not have enough money to pay \$1,000 for the  
7 district court in order to proceed with the appeal.

8 I have no assets. I have no -- I have nothing  
9 of value that's left to sell. I have reduced all of my  
10 monthly expenses to the bare, bare minimum. I now legally  
11 qualify for welfare.

12 I've asked everyone who has money to borrow  
13 money. I have gotten feedback. I have applied for every job  
14 possibly I could physically do and that I'm qualified for. I  
15 tried to get a credit card, but my credit is so bad because  
16 I've been late on my bills that I couldn't get a credit card  
17 to pay for these minutes.

18 I've offered to pay \$100 right now and \$1,000  
19 over a year, if I could get a job. If I get the job I will  
20 definitely pay the \$100. And if I get anything out -- against  
21 Ms. Lollar I wouldn't have a problem paying the minutes out of  
22 that. But obviously that's going to take awhile.

23 Um, if I am denied the indigent standing I will  
24 not be able to afford the minutes or the court costs, I will  
25 not be able to afford to appeal. I will be denied my due

1 process of law and this court order will stand. And I know I  
2 can win on appeal. And if this court order is allowed to  
3 stand, there will be grave financial damages and emotional  
4 damages to me for the rest of my entire life.

5 So I'd like to ask the Court to please deny  
6 their contest of my affidavit of indigence, because I am  
7 currently indigent.

8 Thank you.

9 **THE COURT:** Mr. Turner?

10 **MR. TURNER:** Briefly, Your Honor. I just want  
11 to remind the Court of a few things here. Number one,  
12 Ms. Cummins has not exhausted her resources, in that she has  
13 not tried to borrow money from everybody that she could borrow  
14 money from. She has admitted under oath she has relatives who  
15 are millionaires, but she hasn't asked them for money.  
16 Although maybe she has a bad family relationship, but she  
17 didn't even try.

18 Number two, she is -- she is unemployed by  
19 choice. She admitted under oath she turned down a \$3700 a  
20 month job offer because she read something bad about the  
21 company. She testified under oath that she has -- and I'm  
22 quoting -- received so many offers for employment.

23 Third, although she says she has no income,  
24 she's admitted under oath meeting with clients, dropping off  
25 clients, leaving work with clients.

1                   Finally, she is the -- for nine years in a row  
2 she's the largest donor to Animal Advocates. I think the  
3 woman does not have -- the woman's statement that there's no  
4 way she can afford the record in this case is not credible. I  
5 think her credibility -- I think if the Court will follow --  
6 if the Court will follow the Vaughan vs. Vaughan (sic), Waco  
7 Court of Appeals case, she has clearly not met her burden of  
8 proof in showing that she's indigent.

9                   Thank you.

10                  **THE COURT:** Is that opinion by Judge Gray?

11                  **MR. TURNER:** Yes, Your Honor.

12                  **THE COURT:** All right. Mr. Risinger?

13                  **MR. RISINGER:** I concur with Mr. Turner's  
14 arguments.

15                  **THE COURT:** I can't hear you.

16                  **MR. RISINGER:** I concur with Mr. Turner's  
17 argument.

18                  **THE COURT:** Any argument that you wish to make?

19                  **MR. RISINGER:** No, Your Honor.

20                  **THE COURT:** All right. Mr. Lively?

21                  **MR. LIVELY:** May I approach, Your Honor?

22                  **THE COURT:** Yes, sir.

23                  **MR. LIVELY:** Just a few points. As you are  
24 aware, the burden is on the plaintiff or the movant in this  
25 case. The movant has not met her burden to show that she is

1 indigent. The only things that have been brought forth before  
2 the Court is her own testimony. There is no evidence of bank  
3 records, no loan denial, no other testimony from other  
4 witnesses that she is indigent. Therefore, the only thing the  
5 Court has to weigh is the testimony of Ms. Cummins.

6           And in doing, they must assess the credibility  
7 of this witness. During the past two hours the witness has  
8 had testimony that is fraught with inconsistencies. Clearly,  
9 based upon her testimony, she has only asked two people for  
10 money. Of all the people she knows and all the events that  
11 she goes to, she claims that she knows no one that has any  
12 money other than these two. That is not correct.

13           There must be other people that she could go to  
14 to ask for money. Whether it's \$4,000 or \$100. If she asks  
15 all the people she knows for \$100, she could easily get that.  
16 But she has not exhausted all of her available resources or  
17 avenues in order to gain the money necessary to pay for the  
18 record. Therefore, she has not met the criteria of being  
19 indigent.

20           Furthermore, she testified that she has only  
21 been applying for jobs in the real estate, other than two  
22 others. Based upon the limited readings that I've done of  
23 Ms. Cummins' pleadings and her testimony today, she is very  
24 articulate, educated and she has been able to draft all of  
25 these pleadings better than, if not equal to, any attorney

1 that I know. However, she claims that she is not able to gain  
2 any employment. I do not believe that that's the case. With  
3 her mental capabilities, if she put her mind to it certainly  
4 she can go get a job doing something. She has the ability to,  
5 she just has chosen not to.

6 And then lastly, she is not on any government  
7 assistance at this time, either state or Federal. That is  
8 also one of the other -- not criteria, but one of the factors  
9 that the Court should look at. And at this time she is not on  
10 any assistance.

11 She has several luxuries in life that a person  
12 who is indigent does not have, and as such I do not believe  
13 that she qualifies as a person who should be determined as  
14 indigent. Therefore, we request that the contest be granted.

15 **THE COURT:** Ms. Cummins, you've heard the final  
16 comments on two of the lawyers here. And you have the last  
17 opportunity to make your comment.

18 **MS. CUMMINS:** Okay. Thank you. Mr. Turner  
19 said, item number one, I did not exhaust all of my resources.  
20 Actually I posted on my Facebook page, Please I need a job,  
21 any job, many, many times, and I have posted it repeatedly. I  
22 have asked, via Facebook, anyone I know for a job or any type  
23 of help. I didn't just ask two people. I asked everyone I  
24 knew who had money, and then all my Facebook friends.

25 Number two, he said that I'm unemployed by



1 choice. That I turned down a job for 3700. The job was not  
2 real. Um -- um, I would not have been paid. I would have  
3 worked for a month, and then they wouldn't have paid me,  
4 because that's what's been done to other people. And I know  
5 two other appraisers who have personal knowledge of this. It  
6 was not a real job. That's why I tried to do one appraisal,  
7 see if I get paid, and then take the job. They didn't pay me.

8           Mr. Turner said I received many, many offers. I  
9 didn't receive any real job offers. I got a lot of spam  
10 solicitation, people saying, Give us \$1,000 and we'll put you  
11 on our real estate list and you'll make money. Well,  
12 that's -- I can't afford any of that, and it sounds like a  
13 scam. They were asking for my social security number and my  
14 bank account numbers. I had no other real job offers, I would  
15 have taken it.

16           And then he says, number three, I'm able to meet  
17 my clients in expensive places. The clients pay for the  
18 lunch. The client paid for my valet parking. It didn't cost  
19 me anything. And I didn't end up getting the job.

20           And he says, number four, I'm the largest donor  
21 to Animal Advocates. I didn't donate anything to Animal  
22 Advocates last year except for my time. The year before that  
23 I had a little bit of money and I donated some. In previous  
24 years I used to donate a lot. I can't afford to now, and I'm  
25 not doing it now. And that's why Animal Advocates also barely

1 has any money.

2 So -- and then the second attorney who spoke  
3 said I presented no evidence. I presented evidence. I  
4 presented my bank account. That is my bank account, and I  
5 printed that out with a time-date stamp so you can see that I  
6 had \$350 as of yesterday. That is it. That would be a  
7 summary of all my accounts, and the only account that has  
8 assets.

9 Then he says that -- that I'm not currently on  
10 any assistance. Well, in order to apply for assistance you  
11 can't own a car --

12 *MR. LIVELY:* Objection, Your Honor.

13 *MS. CUMMINS:* -- you can't have over \$500.

14 *MR. LIVELY:* Your Honor, may I stop her? She's  
15 going outside the evidence that's been admitted.

16 *MS. CUMMINS:* Okay. He -- he said I am not on  
17 assistance. I just asked for it. I just received a letter  
18 that says, Okay, fine --

19 *MR. LIVELY:* Objection, Your Honor. She's  
20 testifying outside the record.

21 *THE COURT:* Yes, that is outside the record.

22 *MS. CUMMINS:* Okay. I am not currently on  
23 assistance. I qualify for it, I've applied for it.

24 I do believe I've met my burden of proof,  
25 because I gave my bank account. I mean, I have no other way

1 to show I have nothing. And I've given my testimony. And,  
2 obviously, I'm not going to commit perjury or welfare fraud.  
3 So I have done everything I have -- could possibly do to try  
4 to get work, to try to borrow money. I sold everything.

5 And there's no way that I could pay for those  
6 minutes, I don't have the money. And if I can't pay for the  
7 minutes and this extra \$1,000 cost, I will not be able to  
8 appeal, I will lose the right to due process. And I have made  
9 an offer of \$100 now and \$1,000 over a year if I get a job.  
10 And I will pay the whole entire thing if and when I win the  
11 two lawsuits against Ms. Lollar. That is all I can offer. I  
12 don't have the money for the minutes. There's no way I can  
13 appeal if I lose this contest. Thank you.

14 *THE COURT:* Your offer to compromise is not  
15 accepted by this court, Ms. Cummins. And I have no discretion  
16 on that whatsoever. We're not in a negotiating process now.  
17 If you have -- want to negotiate with the parties later that  
18 comes under the heading of your business, not mine. Is that  
19 understood?

20 *MS. CUMMINS:* Yes.

21 *THE COURT:* Thank you. Anything further from  
22 either party?

23 *MR. TURNER:* No, Your Honor.

24 *THE COURT:* Mr. Risinger?

25 *MR. RISINGER:* Um, I waived argument, but my

1 impression is that she has gone through a lot of money.

2 *THE COURT:* No question but that's correct.

3 *MR. RISINGER:* That she is not looking for  
4 employment until she has expended all that money. Now she's  
5 finally trying to look for a job.

6 If she had been trying to gainfully find a job  
7 since she sold her house back in '08, she would have a job and  
8 she probably would have a lot of that money.

9 *THE COURT:* Well, anything further from any  
10 party?

11 *MR. LIVELY:* No, Your Honor.

12 *THE COURT:* Ms. Cummins?

13 *MS. CUMMINS:* Yes, Your Honor.

14 *THE COURT:* Go ahead.

15 *MS. CUMMINS:* I have been trying to get work.  
16 But because of what Ms. Lollar posted on the Internet saying  
17 I'm a convicted criminal --

18 *THE COURT:* No.

19 *MR. LIVELY:* Objection, Your Honor.

20 *THE COURT:* Stop. Stop. Everybody stop. Sit  
21 down, Mr. Lively, please.

22 Now, none of that, Ms. Cummins. I was giving  
23 you an opportunity to comment on the evidence that's before  
24 the Court today --

25 *MS. CUMMINS:* Okay.

1                   **THE COURT:** -- and today only.

2                   There being nothing further the Court will now  
3 make a decision in the case and pronounce it shortly.

4                   Here's the evidence in this case as I see it.  
5 The appellant movant for the indigency has retired two times,  
6 has sold a home and made about \$50,000 out of that several  
7 years ago.

8                   Some things I may consider is her employment  
9 history, whether or not she can secure a bonafide loan,  
10 whether or not her unemployment is voluntary. And I can  
11 consider her present place of abode, which she has not shared  
12 with us. I can also consider the fact that she had been a  
13 volunteer pro bono a good bit on animal rights somewhere in  
14 California.

15                   The question that the Court must be bound by in  
16 the State of Texas on indigency is from a preponderance of the  
17 evidence, that is the greater weight and degree of credible  
18 evidence. Her employment history at best is very shaky. With  
19 regard to being able to secure a bonafide loan, there is no  
20 evidence of that, other than as she asked several of her  
21 friends, says she can't -- has a family relationship with her  
22 sister and mother that's untenable and that's not workable for  
23 her. Whether or not her employment is voluntary, that does  
24 not make you an indigent in the State of Texas.

25                   I'm concerned that she did not share with the

1 Court her present place of abode, and that can be done  
2 privately. I commend her for being a volunteer pro bono with  
3 her animal rights group, which is a 501(c)3, according to her  
4 testimony.

5 It is my opinion that the objection to her  
6 proceeding as an indigent should be overruled. And when I say  
7 that, I'm mindful of the fact that the court reporter in this  
8 case is a freelance reporter and she will be hurt far more  
9 than anybody in this courtroom.

10 So, Mr. Risinger, I'll ask you to prepare an  
11 order, and following the directions and order of the Court of  
12 Appeals they ordered that a report be sent to them, so you'll  
13 do that, please.

14 **MR. RISINGER:** May I approach, Your Honor?

15 **THE COURT:** Yes, sir. And it will be that the  
16 contest will be denied.

17 *(Attorney approaches the bench.)*

18 **THE COURT:** Now, what are you handing me?

19 **MR. RISINGER:** It's an order that -- that goes  
20 either way. It can -- if you strike the bottom two lines,  
21 finds that petitioner --

22 **THE COURT:** Well, you put it the way I just  
23 ordered.

24 **MR. RISINGER:** Okay.

25 **THE COURT:** I'm not going to be scratching that

1 out. And what I've just said is that Ms. Cummins may appeal  
2 to the Court of Appeals as an indigent.

3 I did not make any ruling on the question of the  
4 district court, because that has not been before the Court.

5 **MR. RISINGER:** Your Honor, this order states  
6 that you find that she is indigent and you order that the  
7 contest to the affidavit of inability are overruled.

8 **THE COURT:** Show it to the other lawyers over  
9 there, and I'll read it to Ms. Cummins.

10 *(Brief pause.)*

11 **THE COURT:** Mr. Turner, did you get a chance to  
12 review it?

13 **MR. TURNER:** Yes, Your Honor. We have no  
14 objection to the form of that order.

15 **THE COURT:** Any objections to the form?

16 **MR. LIVELY:** No, Your Honor, not to the form.

17 **THE COURT:** All right. Ms. Cummins, I'll read  
18 it to you. Are you ready?

19 **MS. CUMMINS:** Yeah.

20 **THE COURT:** On October 31, 2012, the Court heard  
21 the contest to the affidavit of Mary Cummins, petitioner, of  
22 inability to pay costs in the above-numbered and entitled  
23 cause, and petitioner appearing by telephone pro se, and the  
24 district clerk appearing by and through the office of the  
25 Criminal District Attorney, Tarrant County, Texas, and

1 defendants, Bat World Sanctuary and Amanda Lollar appearing in  
2 person and by and through their attorney of record, and the  
3 court reporter appearing in person and by and through her  
4 attorney of record, and the Court having heard the evidence  
5 and arguments find that the petitioner is indigent and order  
6 that the contest to the affidavit of inability to pay costs  
7 are overruled. And there's a place for the signature of the  
8 judge to sign, and I'm about to sign it now.

9 Any reason why it shouldn't be signed,  
10 Ms. Cummins?

11 **MS. CUMMINS:** No.

12 **THE COURT:** Mr. Turner?

13 **MR. TURNER:** No. No, Your Honor. No reason not  
14 to.

15 **THE COURT:** All right. Mr. Lively?

16 **MR. LIVELY:** No, Your Honor.

17 **THE COURT:** As the Court's order is signed, and  
18 that concludes this hearing.

19 **MS. CUMMINS:** Thank you.

20 *(Proceedings adjourned)*

21  
22  
23  
24  
25



1 STATE OF TEXAS

2 COUNTY OF TARRANT

3 I, Monica J. Willenburg, Official Court Reporter  
4 in and for the 352nd District Court of Texas in and for  
5 Tarrant County, do hereby certify that the above and foregoing  
6 contains a true and correct transcription of all portions of  
7 evidence and other proceedings requested in writing by counsel  
8 for the parties to be included in this volume of the  
9 Reporter's Record in the above-styled and numbered cause, all  
10 of which occurred in open court or in chambers and were  
11 reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the exhibits, if  
14 any, offered by the respective parties, if requested.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is \$ 260.00  
17 and was paid/will be paid by PLAINTIFF.

18 WITNESS MY OFFICIAL HAND, on this the 22nd of  
19 February, 2012.

20

21

22 Monica J. Willenburg, CSR, RPR  
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