

Freedom of Speech

This blog is about public lawsuit Amanda Lollar v Mary Cummins 2015-002259-3 filed in County Court 3 in Tarrant County, Texas. The case is of public concern as are the underlying issues. I am media and Lollar is a public figure. Judge Mike Hrabal is the Judge. Randy Turner is Lollar's attorney.

Tuesday, October 10, 2017

Links to legal documents, filings, exhibits, opinions in Mary Cummins case 2015-002259-3 County Court 3 Texas

Links to legal documents, filings, exhibits, opinions, evidence in Mary Cummins case 2015-002259-3 County Court 3, Judge Mike Hrabal, Fort Worth, Tarrant County, Texas. These links are also in the sidebar to the right.

February 2020 this case was just dismissed because Plaintiff forged their exhibits and submitted perjured affidavits.

Link to Defendant's reply to the current lawsuit in Texas.

<https://drive.google.com/file/d/1qBq44IKfEqSqTDVcd1iC7VXelIGEh1Xr/view?usp=sharing>

Supreme Court of the US has declined to hear the case. Most likely reason is that it only deals with one state, Texas. For the SCOTUS to take a case it must deal with a few states.

Appeal to the Supreme Court of the United States placed on the docket as case #18-7758 on February 8, 2019. [Here is the docket.](#)



Appeal to the Supreme Court of the United States filed 11/23/2018.

https://drive.google.com/file/d/14dp2MvLsj5cG-dmrhX_nIZ0LstEXBP2/view

The Supreme Court of Texas case 18-0635

<http://www.search.txcourts.gov/Case.aspx?cn=18-0635&coa=cossup>

[Mary Cummins petition to the supreme court of texas.](#) I filed for an extension so I could correct some errors. I just didn't want to be late. They accepted the filing and didn't rule on the motion for extension or indigence.

About Me



Mary Cummins

[View my complete profile](#)

Summary of Case 352-248169-10

Summary of Case Mary Cummins v Amanda Lollar, Bat World Sanctuary

I reported Amanda Lollar of Bat World Sanctuary to authorities for animal abuse, animal cruelty, animal neglect, violations of the Animal Welfare Act, Texas Health Dept, Texas Parks & Wildlife and USDA. They were investigated. Violations were found. Authorities agreed with me. They lost their USDA permit and were severely reprimanded by the other agencies.

In retaliation I was sued for defamation and breach of contract. Every word I have ever said about Amanda Lollar and Bat World Sanctuary is 100% the truth backed up by physical evidence, i.e. photos, videos, government documents.

Moments before a hearing Plaintiffs' attorney Randy Turner came up behind me in court and said to me "I've known this Judge for many years. He'll sign anything I put in front of him." I didn't even know there was a substitute Judge. The Judge signed every order Turner ever wrote. The first order he signed in front of me. Judge Brigham looked at me, did not look at the order, flipped to the last page and signed it.

Without notice Court had 86 year old retired Judge William Brigham oversee the case. Even though Plaintiffs never proved the elements of defamation, breach of contract, malice, admitted they had no proof of any damages or causation, I lost the case to the tune of \$6,176,000. I never even was told which items they thought were defamatory until two months after the trial in the form of the court order. That's how corrupt this case is.

Appellee committed aggravated perjury in the third degree.

"Texas Penal Code - PENAL § 37.03. Aggravated Perjury.

(a) A person commits an offense if he commits perjury as defined in Section 37.02 , and the false statement:

(1) is made during or in connection with an official proceeding; and

(2) is material.

(b) An offense under this section is a felony of the third degree."

Appellee also committed forgery. Appellee forged her exhibits with the intent to cause harm. Appellee forged many of the exhibits.

"PENAL § 32.21. Forgery."

Amanda Lollar posted obscene, harassing items about me on her Bat World facebook page. Facebook deleted it with 191,000 fans. She had to pay to buy fans to replace those. This is the page that's missing.

<http://www.facebook.com/batworld>

<http://web.archive.org/web/20160422000852/https://www.facebook.com/batworld/>

Docket for case BS140207 * gave the judgment to someone else for \$0. There can be no more post trial discovery or debtor hearing as * no longer owns the judgment.

Docket for case #2015-002259-3 up to 05/20/2016

Notice of Appeal 2015-002259-3

Docket for case #352-248169-10 up to 0817/2012

Mary Cummins Wins Defamation Case Filed by Ashton Technology, Frederic Rittreiser in 2001 case # 010402722 Pennsylvania

Mary Cummins Wins Defamation Case Filed by Kathy Knight-McConnell in 2003 case # 1:03-cv-05035-NRB

Article Amanda Lollar Animal Cruelty Photos Videos

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Article by Freedom of Speech Alliance about Judge William Brigham Order being Reversed

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Complaints by Others about Bat World Sanctuary

Amanda Lollar Reprimanded by Texas Health Dept

Amanda Lollar sued her ex-boyfriend and Talking Talons for Breach of (forged) contract. *
LOST

*Amanda Lollar States in Article 74% of Dead, Dying Bats at, near Sanctuary are Rabid

Just One Page of One of the Crazy Blogs Written, Posted by * About me Trying to Harm my Business

Immediately after the trial Randy Turner, his wife Patti Gearhart-Turner took to the Internet to say how happy they were. They congratulated each other over their win against me. Who brags about lying, cheating and being corrupt publicly?

The court order contained 47 phrases and a video which I had to remove and never repost. The order was unconstitutional as it contained prior restraint. Nevertheless I obeyed the court order and appealed.

Lollar and her attorney Turner used that order to remove any article on the entire Internet that mentioned them that they did not like even articles from years earlier written by others. They used that order to remove a press release about my appeal in prweb. They used it to remove copies of my appeal or articles about my case made by others. They used it to remove all of my blogs if they included the word "bat" and didn't even use their name.

In my appeal I proved beyond a shadow of a doubt that the 47 phrases were not defamatory. I didn't even write most of them. Plaintiff wrote them! Most of the phrases came from Lollar's manual. Other phrases came from government reports I received in a 1,000 page Freedom of Information Act request. I received 20 years worth of complaints against Lollar made by government agencies, members of the public and others.

The video was a video which I took of Lollar who has not gone past the 8th grade trying to perform an episiotomy on a bat who died along with her baby. Lollar told me to take the video. I had oral and written permission. Lollar claimed my video was defamatory and trial court agreed.

In Appellees' reply brief they didn't even mention the 47 phrases or video. They just said they felt they were defamed.

Appeals Court released their opinion. Justice Lee Ann Dauphinot stated that defamation does not have to be proven with private individuals. We were all private individuals and not media, public figures. The issues were not of public concern. Defamation is assume. Dauphinot also stated that I defamed with malice. In order to prove malice one must first prove defamation. Not letting the law, case precedent or common decency get in the way the defamation claim stood. I still owe \$6,000,000. The breach of contract, liquidated damages and attorney fees were reversed. I owe \$176,000 less.

Even after the Appeals court ruled the order unconstitutional Turner and Lollar continued to use it to remove my blogs, articles, websites from the Internet. They had over 800 articles

[Randy Turner's Crazy ihatemary Page in his Business Website](#)

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[Letter by Texas Attorney Donald Feare Threatening to Sue City if they File Complaint against Bat World](#)

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[Transcript of June 2012 Trial](#)

[*Amanda Lollar Admits on Video in Deposition She's Uneducated](#)

[Complaint against Randall Eugene Turner, Randy Turner Texas lawyer, attorney](#)

[Grievance complaint against Randall Eugene Turner, Randy Turner, Texas lawyer attorney, State Bar of Texas](#)

[Randall Turner's reply to my complaint](#)

[My reply to Turner's reply](#)

[Randall Eugene Turner, Randy Turner, State Bar of Texas Bar 20328310](#)

[Video of the Old Wild Bat Sanctuary. Bats Destroyed the Building](#)

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[Eliminate Assigned Judges, Corruption, Gaming the System](#)

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deleted which caused huge financial damages to our non-profit. The only ones who didn't remove their articles were Eugene Volkhart UCLA freedom of speech law professor and Indymedia who is represented by ACLU-NC.

Randy Turner and his wife Patti Gearhart-Turner have been personal friends with all those Judges and Justices for over 35 years. Turner bragged to me that he controlled the Judges in Fort Worth, Texas and he was right.

These same Judges on my panel were on another case of Randy Turner's that had to do with the sentimental value of a dog i.e. Medlens v Carla Strickland. As per the Supreme Court the case should have been dismissed in the District Court but Turner's Judge friends made sure it was not dismissed. It was appealed and Turner et al made sure it was affirmed.

Fortunately attorney John Cayce who used to be the Chief Justice of the Second Court of Appeals petitioned to the Supreme Court of Texas. The Supreme Court of Texas in unanimous decision reversed the Appeals Court opinion. The Supreme Court opined that law and case precedent clearly states animals are property. One cannot receive sentimental value for loss of an animal if one cannot receive sentimental value for loss of a sister or friend. One would need to petition for new legislation to change the laws in order to award sentimental dollar damages for loss of an animal.

During all this time Amanda Lollar of Bat World Sanctuary and a few of her crazy friends such as her attorney Randy Turner have been attacking, defaming, harassing me, my family, friends, colleagues.... They have filed completely false reports to authorities about me. As I obey every law the authorities have done nothing. They don't even read her false reports anymore.

A last note. I believe Randy Turner has early dementia or some other brain disorder. He accidentally calls me "Ms Turner" and "Ms Lollar." He filed a motion to strike HIS OWN expert witness. Even after I told him it was his witness he still set the hearing. In depo he looked at me confused and said "didn't you give me the defamatory statements?" I said "of course not. I'm the defendant." He also leers at me inappropriately and intentionally bumped his entire body against mine in the court hallway just to be a jerk. He also stupidly admitted to committing motion abuse in writing then threatened to do it again if I didn't sign an impossible court order against myself. On top of this he has an ihatemary page in his business website devoted to me. In that page he talks about the size of my breasts when I was 11 and other extremely inappropriate things. 95% of his page is

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Oath of Texas lawyers

"I, , do solemnly swear that I will support the

Constitutions of the United States, and of this State; that I will honestly demean myself in the practice of

law; that I will discharge my duties to my clients to the best of my ability; and, that I will conduct myself

with integrity and civility in dealing and communicating with the court and all parties. So help me God."

Posted by [Mary Cummins](#) at [7:59:00 PM](#)



Labels: [2015-002259-3](#), [corruption](#), [defamation](#), [fort worth](#), [judge mike hrabal](#), [mary cummins](#), [mike hrabal](#), [randall turner](#), [randy turner](#), [tarrant county](#), [texas](#)



[Mary Cummins](#)

Mary Cummins of Cummins Real Estate Services has been in real estate since 1983, over 35 years. She is licensed by the Bureau of Real Estate Appraisers. Mary Cummins was an agent and broker licensed with the California Department of Real Estate selling residential income, commercial buildings, raw land and homes for Merrill Lynch Realty in Beverly Hills and Westside Properties in Los Angeles before concentrating on appraisals. Mary Cummins currently provides real estate appraisals, expert witness testimony, historical research, legal real estate research for mortgage brokers, banks, lawyers, factors, insurance companies, financial consultants and private individuals. Mary Cummins was born and raised in Southern California. Cummins attended Beverly Hills Good Shepherd Catholic School and Beverly Hills High School. Besides being on the Dean's list, Mary Cummins was a top ten national swimmer and competed on the men's water polo team. Mary Cummins began college at the age of 15 attending the University of Southern California on scholarship, majoring in Psychology/Sociology. <http://www.animaladvocates.us>
<http://www.facebook.com/AnimalAdvocatesUSA>

No comments:

Post a Comment

defamation against me. He's a lawyer and knows those cases he cited are not mine.

Fighting for Justice,
Mary Cummins

Summary of Case 2015-002259-3

Amanda Lollar and Bat World Sanctuary sued me September 2010 for defamation and breach of contract, see above summary. Even though they did not show the elements of defamation or breach of contract, damages, causation, malice...I lost.

I appealed that to the Second Court of Appeals. All claims were reversed except defamation. The Court stated that "defamation is assumed." It does not have to be proven. That's like saying murder, robbery, rape is assumed. It doesn't have to be proven. The also ruled that Plaintiff did not have to tell me what they thought was defamatory. The items in the court order were supposedly just items to be removed. They were not the defamation. That means I never was told what they thought was defamatory.

Even though the trial court order stating I had to take down certain items and never repost them had been reversed, I did NOT post the items again.

Few days after the April 2015 opinion was released Amanda Lollar and her attorney Randy Turner filed an identical copy/paste lawsuit in County Court 2 with Judge Jennifer Rymell friend of Randy Turner and his wife Patti Gearhart-Turner. The lawsuit claimed I reposted all of the items. That is false. The lawsuit included the claims which were reversed namely the breach of contract, liquidated damages and attorney's fees.

They included the fake, forged breach of contract claim because the contract has a forum clause of Tarrant County, Texas. Plaintiff stated repeatedly that I allegedly defamed them only while in California, not Texas. Therefore proper jurisdiction is California or Texas Federal Court. Randy Turner doesn't control those judges but he does control Tarrant County judges along with his wife.

I filed a Motion to Dismiss per Texas Defamation Mitigation Act, Citizen Participation Act, Statute of Limitations, Lack of Jurisdiction, Failure to State a Claim, Forgery, Fraud and Perjury.

Per the Texas Defamation Mitigation Act they must first send me a cease and desist including the specific alleged defamation before they file a lawsuit. Texas is bogged down by tons of these good ole boy STFU lawsuits to quiet people just like me. Lollar did not do this. They just filed the lawsuit instantly.

Enter your comment...



Comment as: Mary Cummins ▼

Sign out

Publish

Preview

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Per the Defamation Mitigation Act if the defendant asks for proof that the items are defamatory, the Plaintiff must send proof. Lollar sent no proof that I defamed her. Instead her attorney Randy Turner argued that the Appeals Court ruled that everything I ever said was defamatory. The appeals court never stated what was defamatory neither did the Plaintiff. It was not in the signed, filed court order. The words "defamation" and "defamatory" are not in the court order. The only thing that matters in a court is the final signed and filed court order. The final order was only a take down order and it was unconstitutional. Randy Turner is a personal injury lawyer not a freedom of speech lawyer. Still, with the help of his corrupt judge friends and other court parties he could spit on a piece of paper, file it and win by default as a Plaintiff. It took the appeals court 18 months and a change of three judges to write their rationalization of "justice?"

This is the wildest part of this current case. I never defamed Amanda Lollar or Bat World Sanctuary. They tried to claim I wrote certain articles on Indymedia, blogs, other websites... Those articles were written by known others, unknown others, robots and even Amanda Lollar herself.

In the trial court I was only told to take down items which I allegedly posted in sites I allegedly controlled, Exhibit 17. Items posted by others Exhibit 18 and my fair and privileged reports to authorities Exhibit 19 were not in the final order. Nothing in any of exhibits 17, 18 or 19 was defamatory.

In the current case they could only sue me for items I wrote, posted within the one year of statute of limitations for defamation in Texas. That would be items within a year of their April 2015 file date. I didn't defame them so they had no evidence. What did they do? They forged the evidence! Namely Amanda Lollar made defamatory statements about herself and signed my name to them in public websites with anonymous users.

It's even more bizarre. Lollar defamed herself, added my name to the comment, used a date within the one year statute of limitations but she didn't publish the comment. She instead used the top of the real article and posted the fake comment on it, printed it out and used it as an exhibit. The comment is not on the public article. No one made a comment on that day or even that year. The articles were from 2011. Why would anyone still be commenting on it four years later? Almost every single exhibit was forged!

After Lollar forged the exhibits she signed a sworn affidavit stating they are true copies of the exhibits online. I easily proved they were forged. The articles are still online for easy viewing.

It gets even more bizarre. Dr Laurie Gage of USDA wrote an email stating she viewed the video of Lollar trying to do an episiotomy in 2011. Dr Laurie Gage stated Lollar caused "bats pain, suffering and death," and "violated the Animal Welfare Act." Lollar lost her permit after Dr Gage wrote that email. Lollar of course in trial stated she was investigated and no violations were found in June 2012. She was already found guilty and lost her permit. Perjury and fraud.

How does Lollar deal with the 2011 email stating she was guilty of animal cruelty? She forged the head of the USDA Dr Robert Gibbens email. In the forged email Dr Gibbens allegedly clears Lollar of all wrong doing and trashes me. I've communicated with Dr Gibbens for years. He was always polite and honest. I knew he didn't write that email so I did a Freedom of Information Act request to get a copy. I actually did three. The email does not exist. I then did a search and realized that Lollar forged three separate versions of the emails with different subject, text, dates...!

Randy Turner then uses that forged email to state that I caused Dr Gage to write a defamatory email by lying to her. I've never communicated with Dr Gage ever. Turner stated Dr Laurie Gage's 2011 email written in Colorado is MY defamation. That's the basis of the current case! The entire current lawsuit is forgery, fraud, perjury and just plain bizarre. They knew her email was the truth. If it were defamatory, they should have sued USDA, Dr Gage in Colorado within a year of the 2011 email. That would have been before my trial in June 2012. This is how corrupt the Texas judicial system is! In fact it's so corrupt that Turner, his client and now three judges brag about how corrupt they are.

Anyway I filed two motions to recuse Judge Jennifer Rymell due to bias. Rymell refused to recuse herself. The Motion was heard February 16, 2016 by Judge Jennifer Rymell. Rymell stated she would rule and sign an order before the end of the week. Instead after finally reading my motion and seeing the evidence Judge Jennifer Rymell recused herself. Take a look at the article on Texas lawyers and judges gaming the system in the links. Many Texas journalists wrote about this same gaming of the system. It appears Rymell was not willing to destroy her reputation by falsely ruling in favor of her friend so she decided not to rule at all. That's gaming the system. Judge and lawyers both do it. Rymell should have ruled in my favor and reported her friend Turner but she didn't. She passed the buck to Judge Mike Hrabal.

The case was reassigned to Judge Mike Hrabal in County Court 3. The motion was heard May 17, 2016. I argued my side. Randy Turner stated they had nothing to add that's not in his

reply. Randy Turner said their proof of defamation is the (perjured) affidavit of Amanda Lollar. Lollar merely stated that I defamed her. Then she stated the exhibits were true copies of the originals online which they were not.

Judge Mike Hrabal instantly gave an oral order. He said "I believe there is enough evidence to support Plaintiff's claim. Motion is denied." That was it. Judge Mike Hrabal did not sign an order on the motion or my indigence. I filed an appeal as indigent to the Second Court of Appeals. That is the status of this case as of May 22, 2016.

In the meantime Randy Turner is filing motions for contempt, sanctions because I told him I can't physically go to Texas due to my indigence and back injury. I'm awaiting back surgery and am now legally, permanently disabled. The kicker is I injured my back while in the old wild Bat World Sanctuary! Randy Turner has been telling me he will throw me in jail for five years now. I believe there is something very wrong with Randy Turner. There is something even more wrong with the Texas Judicial system when corruption, fraud, forgery and perjury is rewarded in this manner.

Related Links - Court Documents, Reference

[Link to Appeal in Court website](#)

[April 6, 2012 Deposition Amanda Lollar](#)

[11/08/2011 Deposition Amanda Lollar case #352-248169-10](#)

[Docket for case #2015-002259-3 up to 05/20/2016](#)

[Notice of Appeal 2015-002259-3](#)

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***Mary Cummins Disclaimer**

This blog contains a copy of the public legal documents filed in this lawsuit. It will also include the hearing minutes and record. The purpose is to show people what is happening in this lawsuit.

The items in this blog are of public interest and concern. The images, quoted text and video snippets are used under the Fair Use of Copyright act for non-profit comment and education. Everything in this blog is the truth to the best of my knowledge. If you see a mistake, please, contact me with proof so I can edit or delete it.

I generally post links to back up all of the statements I make so you can review the documents and come to your own conclusion. Everything else in the blog is my personal opinion and belief. Nothing in this blog is confidential. Everything is public information. The purpose of this blog is to share this public information about public people for the good of the public.

If you don't like the honest items I've posted here and want to sue me, I will file an anti-SIAPP motion and you will owe legal fees. I have been sued twice before for defamation. I represented myself both times and won. The first was Ashton Technology, Fredric Rittereiser vs Mary Cummins. The second was Kathy Knight-McConnell vs Mary Cummins. A third case which this blog is about is currently in Appeal.

Labels

[07-16-00337-cv](#)

[2015-002259-3](#)

[292083](#)

352-248169-10

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molnar
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motion to dismiss
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