

BAT WORLD SANCTUARY
AND AMANDA LOLLAR

Plaintiffs,

v.

MARY CUMMINS

Defendant.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

352nd JUDICIAL DISTRICT

MOTION FOR PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MARY CUMMINS, hereafter referred to as "Movant", and pursuant to Tex.R.Civ.Pr. 192.6 moves this Court for a Protective Order, and in support would show the following:

I.

BACKGROUND

On June 10, 2011, Movant was served with a Notice of Intent To Take Oral Deposition Of Defendant, Mary Cummins, which Notice requires Movant Mary Cummins to appear in the offices of Randall E. Turner on June 22, 2011 at 10:00 a.m. for oral deposition. Attached to the Notice is a Duces Tecum List requesting the production of voluminous documents. A true and correct copy of the Notice is attached hereto as Exhibit "A." Movant Mary Cummins resides in Los Angeles, California.

On June 21, 2011, Movant, who has been pro se in this matter, retained [REDACTED] as her legal counsel in this matter. [REDACTED] has not had time to become familiar with the file and cannot effectively represent Movant at a deposition on June 22, 2011. Furthermore, Movant is financially unable to travel back and forth between California and Texas to defend herself in this lawsuit.

The Dukes Tecum List requests documents evidencing Movant's net worth, home address, any criminal proceedings against Movant, California Fish and Wildlife inspection reports and USDA inspection reports. The Dukes Tecum also requests documents evidencing Movant's compliance with a Temporary Injunction signed by Court on May 4, 2011. Any requests for documents related to Movant's net worth, criminal proceedings, California Fish and Wildlife and USDA inspection reports are not relevant nor likely to lead to the discovery of admissible evidence. Such requests are made for the purpose of undue burden, annoyance and harassment and are an invasion of personal rights.

With regard to documents related to her home address, Movant asserts a right of privacy as Movant contends that Plaintiffs have cyber stalked her and will use her home address to continue to stalk her and harass her. Movant asks that the Court allow her to withhold her home address from discovery in the interest of her personal security. Movant's home address is also not relevant nor likely to lead to the discovery of admissible evidence. Movant has provided

Plaintiffs with an alternative address in this case which Plaintiffs have used regularly for mailings, etc.

Lastly, the Temporary Injunction is void because it does not set any bond as required by Tex.R.Civ.Pr. 684. Therefore, Plaintiff is not entitled to discovery related to Movant's "...effort to comply with the Temporary Injunction..."

II.

PROTECTION SOUGHT

Movant requests that the deposition be postponed until sometime after July 15, 2011 in order to allow Movant's counsel to adequately prepare for same and to become familiar with the case file.

Pursuant to Tex.R.Civ.Pr. 192.6 and 199.1(b), and in order to protect Movant from undue burden, unnecessary expense and in the interest of justice, Movant requests that this Court order that the deposition be taken by telephone and allow witness and Movant Mary Cummins to give her testimony in California and not be required to travel to Texas for the deposition.

Lastly, Movant asks that the Court protect her from having to produce the documents requested in Duces Tecum numbers 7, 8, 9, 10, 11, 12 and 13 for the reasons set out hereinabove.

WHEREFORE, Movant requests that on final hearing on this matter, the Court enter its protective order, and grant the protections from discovery

sought herein and grant such other and further relief to which Movant may show herself entitled.

Respectfully submitted,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ATTORNEY FOR MOVANT

CERTIFICATE OF CONFERENCE

I hereby certify that on this the 20th day of June, 2011, I conferred with counsel for Plaintiffs, Randall E. Turner, by telephone and email, and an agreement could not be reached on the merits of this Motion For Protective Order.



CERTIFICATE OF SERVICE

This is to certify that on the 21st day of June, 2011, a copy of the foregoing was served by facsimile, fax number 817-268-1563 to the following counsel of record:

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

