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4

5 Attorneys for plaintiff KONSTANTIN KHIONIDI, as Trustee of the  
COBBS TRUST

6  
7 **UNITED STATES BANKRUPTCY COURT FOR THE**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 In re: ) Case No. 2:17-bk-24993-RK  
10 MARY CUMMINS-COBB, )  
Debtor ) Chapter 7  
11 ) Adv. Proc. No. 2:18-ap-01066-RK  
12 \_\_\_\_\_ )  
KONSTANTIN KHIONIDI, as Trustee of the )  
COBBS TRUST, )  
13 )  
Plaintiff, )  
14 vs. )  
15 MARY CUMMINS-COBB, )  
Defendant. )  
16 \_\_\_\_\_ )  
17 Judge: Honorable Robert N. Kwan  
Courtroom: 1675  
18 Edward R. Roybal Federal Building  
255 E. Temple Street, Suite 1682  
19 Los Angeles, CA 90012  
20  
21  
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23  
24  
25  
26  
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28

1 PLEASE TAKE NOTICE that Plaintiff KONSTANTIN KHIONIDI, as Trustee of the  
2 COBBS TRUST hereby objects to the purported Motion to Compel Production of Documents and  
3 Interrogatories, refusing to prepare a joint Stipulation as required by LBR 7026-3(c) despite being  
4 repeatedly informed of the specific requirements of LBR 7026-3(c) and requests that the Court  
5 take Cummins' Motion to Compel Further Responses to Interrogatories and Document Requests  
6 until such time as she complies with LBR 7026-3(c), in accordance with LB 7026-1(d).

### 7 INTRODUCTION

8 Cummins first voiced her dissatisfaction with Plaintiff's responses to her document  
9 requests and interrogatories on January 3, 2019. Specifically, Cummins' idea of meeting and  
10 conferring was to say that:

11 Request to meet and confer in re motion compel discovery replies, for contempt of  
12 court protective order, request for sanctions for violaing redaction rule and  
13 protective [sic] order. If I don't hear back from you by tomorrow, I will assume you  
14 still won't produce the discovery requested. You did not reply to discovery requests.  
15 This is in compliance of "meet and confer" requirements of Federal Rule of Civil  
16 Procedure 37(a)(1) and Local Bankruptcy Rule 7026-1(c). I am hereby asking for a  
17 joint discovery dispute stipulation. If I don't hear back from you by tomorrow, I will  
18 file a declaration of lack of cooperation by you along with the motion.

19 See January 3, 2019 email from Cummins to Philip H. Stillman, attached to the Stillman  
20 Declaration as Exhibit 1.

21 In response, Mr. Stillman tried to explain the requirements of meeting and conferring to  
22 narrow the issues and stated that he would like to attempt to narrow the issues in dispute if it was  
23 possible:

24 That is not even close to a meet and confer. First, you don't discuss any of the  
25 requests, why they are relevant and what compromises we could potentially make  
26 to resolve the requests, second you don't identify anything that you contend should  
27 be subject to a protective order, something that I have asked you repeatedly. Third,  
28 it is on you as the party complaining about a discovery response, to prepare the  
Joint Stipulation, with your contentions about each discovery request that you  
believe should be compelled. When I receive that, I then put my own positions in  
regarding why you are not entitled to that discovery. You clearly know this, so let's  
stop playing games.

Alternatively, I have been willing to accept a comprehensive meet and confer letter  
from you that identifies all of the foregoing, or you can prepare a Joint Stipulation  
(which is separate for each set of discovery, such as one for interrogatories, one for  
document requests) and then if there is room for compromise, I can let you know.  
As I said before, I am willing to narrow the issues of dispute with you but I can only  
do so once I understand what it is that you are looking for, specifically. That is the

1 purpose of conferring – so that parties can narrow the disputes to those that must  
2 require court intervention. I am spelling this out clearly for you so that you cannot  
3 say that you did not understand what your duties were as a pro per party. You are  
4 now on precise notice of your obligations.

5 January 15, 2019 Email from Stillman to Cummins, attached as Exhibit 2 to the Stillman  
6 Declaration. On January 22, Cummins sent a motion to compel that did not comply with LBR  
7 7026-3(c). On January 23, Stillman responded:

8 I'm sorry, but perhaps I wasn't clear or the rules that I cited for you weren't clear. In  
9 order to do a joint stipulation, there needs to be one for each dispute. So, for  
10 example, as I said before, you need to put in each interrogatory, the response,  
11 then, as to each interrogatory (or document request) that you are seeking to  
12 compel, why you believe that you are entitled to an order compelling a further  
13 response to that interrogatory or document request. Then I put my position in  
14 regarding that specific request. You do not do that, and you lump everything all  
15 together. That is why I have asked you to identify what it is that you really are  
16 looking for in order to see if we can reach some compromise without a motion to  
17 compel. That way, we both work to narrow the issues that the court must decide.

18 LBR 7026-1(c)(3) spells it all out for you:

19 (3) Moving Papers. If counsel are unable to resolve the dispute, the party seeking  
20 discovery must file and serve a notice of motion together with a written stipulation  
21 by the parties.

22 (A) The stipulation must be contained in 1 document and must identify,  
23 separately and with particularity, each disputed issue that remains to be determined  
24 at the hearing and the contentions and points and authorities of each party as to  
25 each issue.

26 (B) **The stipulation must not simply refer the court to the document  
27 containing the discovery request forming the basis of the dispute. For  
28 example, if the sufficiency of an answer to an interrogatory is in issue, the  
stipulation must contain, verbatim, both the interrogatory and the allegedly  
insufficient answer, followed by each party's contentions, separately stated.**

I await a compliant Joint Stipulation from you. However, I encourage you to focus  
specifically on each interrogatory and/or document request, and ask yourself why it  
is important to the case, and what are you really seeking. I assure you that  
although the discovery is overly broad and objectionable as set forth in the  
Responses, I am ready, willing and able to try to reach some compromises with you  
in order to narrow the issues once I understand the significance of whatever we are  
discussing to your defense, even though we may not be able to agree on  
everything.

January 23 email from Stillman to Cummins (emphasis in original), attached as Exhibit 3 to the  
Stillman Decl. By January 24, Stillman had still not received any Joint Stipulation from Cummins  
that complied with LBR 7026-3(c), and in particular, nothing that set forth each Interrogatory or  
Document Request as cited to Cummins twice. Accordingly Stillman sent yet another email to  
Cummins, again emphasizing her obligations pursuant to LBR 7026-3(c)(3)(B):

1 I know that you are an experienced litigant and know procedure. I have cited the requirements  
2 of LBR 7026-1(c)(3)(B) several times. How on earth to think that, putting aside the other  
3 stipulations, your stipulation regarding the document requests and interrogatories in any way  
4 complies with that Rule, which *again* states that" ***(B) The stipulation must not simply refer***  
5 ***the court to the document containing the discovery request forming the basis of the***  
6 ***dispute. For example, if the sufficiency of an answer to an***  
7 ***interrogatory is in issue, the stipulation must***  
8 ***contain, verbatim, both the interrogatory and the***  
9 ***allegedly insufficient answer, followed by each***  
10 ***party's contentions, separately stated.***

11 This is not a game. These rules are there for a reason. When you get me a JOINT  
12 stipulation that identifies each interrogatory on which you are seeking further answers  
13 and each document request, followed by my response, and then for each of those,  
14 present some argument regarding why you are entitled to a further response, I can  
15 respond.

16 LBR 7026-1 states that the Court will not consider a discovery motion that does not  
17 follow those requirements.

18 Moreover, I have other cases. I have been waiting for you to provide compliant Joint  
19 Stipulations since Jan. 16. To get them to me in noncompliant form on a Thursday  
20 and demand that I complete my section by Friday is the epitome of bad faith.

21 Finally, to say that I did not object to the form of the Stipulations is ludicrous. I have  
22 objected to the form repeatedly and coached you on how to do it right. How many  
23 times and in what size font do I have to explain it to you. If you file anything tomorrow  
24 I will move to strike it for (1) failing to confer, (2) failing to prepare a proper joint  
25 stipulation and (3) failing to provide me with adequate time to respond.

26 January 24, 2019 email from Stillman to Cummins (emphasis in original), attached to the Stillman  
27 Decl. as Exhibit 4.

28 One last time, Mr. Stillman attempted to persuade Cummins to at least prepare a Joint  
Stipulation that set out each discovery request, the response, why she felt that it should be  
compelled and to provide a space for Mr. Stillman to respond to whatever arguments that she  
made. On February 4, 2019, Mr. Stillman stated:

If you had followed the Local Rules in the first place, you would have had to confer  
on what you really wanted and why. You didn't. then you refused to prepare a  
complying joint stipulation that set forth your position as to each interrogatory and  
each document request. Then I could have responded. You didn't. It is all  
improper and if you don't do it right, I will move to strike it all, as I have said for the  
last month. This is truly absurd. . .

For the very last time, READ 7026-1(C). IN THE JOINT STIPULATION, you are  
required to first state the interrogatory, then the response, and then why you believe  
a further response is required. Then I put my position in as to each request. Do  
you not read my emails?

A copy of Mr. Stillman's February 4, 2019 email to Cummins is attached to the Stillman Decl., as

1 Exhibit 5.

2 Notwithstanding Mr. Stillman's repeated efforts to get Cummins to comply with the Local  
3 Bankruptcy Rules regarding discovery disputes and specifically disputes regarding interrogatories  
4 and document requests, Cummins has simply refused to meet and confer. Despite Mr. Stillman's  
5 repeated requests that she cooperate in narrowing down any discovery issues, she simply  
6 refused. Despite repeated explanations of what was required, Cummins simply refused and  
7 instead just submitted her general motion, no joint Stipulation, no explanation of the relevance of  
8 her discovery requests and no explanation of her refusal to comply with the bankruptcy rules  
9 regarding discovery. It is grossly unfair to force Plaintiff's counsel to waste needless time and  
10 legal fees in an futile effort to get Cummins to cooperate. She is an experienced litigant and  
11 should be and is required to be held to the knowledge of the Rules of Bankruptcy Procedure and  
12 comply with them.

13 Accordingly, for failing to meet and confer on her Interrogatories and Document Requests,  
14 the Court should refuse to hear those disputes until such time as Cummins complies with the  
15 requirements of LBR 7026-1(c)(3).

16 Respectfully Submitted,

17 STILLMAN & ASSOCIATES

18 

19 Dated: February 19, 2019

20 By: \_\_\_\_\_

21 Philip H. Stillman, Esq.  
22 *Attorneys for KONSTANTIN KHIONIDI, as Trustee of*  
23 *the COBBS TRUST*

1 Philip H. Stillman, Esq. SBN# 152861  
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5 Tel. and Fax: (888) 235-4279  
6 pstillman@stillmanassociates.com

7 Attorneys for plaintiff KONSTANTIN KHIONIDI, as Trustee of the  
8 COBBS TRUST

9 **UNITED STATES BANKRUPTCY COURT FOR THE**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 In re:  
12 MARY CUMMINS-COBB,  
13 Debtor

14 KONSTANTIN KHIONIDI, as Trustee of the  
15 COBBS TRUST,

16 vs. Plaintiff,

17 MARY CUMMINS-COBB,  
18 Defendant.

) Case No. 2:17-bk-24993-RK

) Chapter 7

) Adv. Proc. No. 2:18-ap-01066-RK

) DECLARATION OF PHILIP H. STILLMAN IN  
SUPPORT OF PLAINTIFF'S OBJECTION TO  
MOTION TO COMPEL INTERROGATORIES  
AND DOCUMENTS

) Hearing Date: February 26, 2019  
Time: 2:30 p.m.

) Judge: Honorable Robert N. Kwan  
Courtroom: 1675  
Edward R. Roybal Federal Building  
255 E. Temple Street, Suite 1682  
Los Angeles, CA 90012

**DECLARATION OF PHILIP H. STILLMAN**

I, Philip H. Stillman hereby declare:

1. I am attorney of record for the Plaintiff, Konstantin Khionidi, as Trustee of the Cobbs Trust, and a member in good standing of the California State Bar in good standing. I have personal knowledge of the facts stated herein and could and would testify competently to them. I make this Declaration in support of Plaintiff's Objection to Cummins' "Motion to Compel Discovery.

2. In connection with her Motion to Compel discover, Cummins has simply refused to meet and confer and refused to prepare a Joint Stipulation that complies with LBR 7026-1(c)(3) despite my best and repeated efforts to get her to comply with her obligations.

3. A true and correct copy of the January 3, 2019 email from Cummins to Philip H. Stillman, attached hereto as Exhibit 1.

4. A true and correct copy of the January 15, 2019 Email from Stillman to Cummins, attached as Exhibit 2.

5. A true and correct copy of the January 23 email from Stillman to Cummins is attached as Exhibit 3.

6. A true and correct copy of the January 24, 2019 email from Stillman to Cummins (emphasis in original), attached hereto as Exhibit 4.

7. A true and correct copy of Mr. Stillman's February 4, 2019 email to Cummins is attached hereto as Exhibit 5.

I declare under the penalty of perjury under the laws of California that the foregoing is true and correct. Signed this 19<sup>th</sup> day of February, 2019 at Miami Beach, Florida.



Philip H. Stillman

**Exhibit 1**

**Subject:** Request meet and confer inre motion compel discovery, for contempt of court order, request for sanctions

**Date:** Thursday, January 3, 2019 at 3:51:32 PM Eastern Standard Time

**From:** Mary Cummins

**To:** Philip H. Stillman

Request to meet and confer inre motion compel discovery replies, for contempt of court protective order, request for sanctions for violating redaction rule and protective order. If I don't hear back from you by tomorrow, I will assume you still won't produce the discovery requested. You did not reply to discovery requests. This is in compliance of "meet and confer" requirements of Federal Rule of Civil Procedure 37(a)(1) and Local Bankruptcy Rule 7026-1(c). I am hereby asking for a joint discovery dispute stipulation. If I don't hear back from you by tomorrow, I will file a declaration of lack of cooperation by you along with the motion.

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

Los Angeles, California

[MaryCummins.com](http://MaryCummins.com)

[facebook.com/CumminsRealEstateServices](https://facebook.com/CumminsRealEstateServices)

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We're a paperless office. Please, don't give us paper copies of comps. Just email them. Thanks.



**Subject:** Re: Proposed Joint Stipulation re Motion to Compel Deposition  
**Date:** Tuesday, January 15, 2019 at 8:41:10 AM Eastern Standard Time  
**From:** Philip H. Stillman  
**To:** Mary Cummins

That is not even close to a meet and confer. First, you don't discuss any of the requests, why they are relevant and what compromises we could potentially make to resolve the requests, second you don't identify anything that you contend should be subject to a protective order, something that I have asked you repeatedly. Third, it is on *you* as the party complaining about a discovery response, to prepare the Joint Stipulation, with your contentions about each discovery request that you believe should be compelled. When I receive that, I then put my own positions in regarding why you are not entitled to that discovery. You clearly know this, so let's stop playing games.

Alternatively, I have been willing to accept a comprehensive meet and confer letter from you that identifies all of the foregoing, or you can prepare a Joint Stipulation (which is separate for each set of discovery, such as one for interrogatories, one for document requests) and then if there is room for compromise, I can let you know. As I said before, I am willing to narrow the issues of dispute with you but I can only do so once I understand what it is that you are looking for, specifically. That is the purpose of conferring – so that parties can narrow the disputes to those that must require court intervention. I am spelling this out clearly for you so that you cannot say that you did not understand what your duties were as a pro per party. You are now on precise notice of your obligations.

---

**From:** Mary Cummins <mmmarycummins@gmail.com>  
**Date:** Monday, January 14, 2019 at 7:05 PM  
**To:** Philip Stillman <pstillman@stillmanassociates.com>  
**Subject:** Re: Proposed Joint Stipulation re Motion to Compel Deposition

I did meet and confer via email. See below.

Thu, Jan 3, 12:51 PM (11 days ago)  
to Philip

Request to meet and confer in re motion compel discovery replies, for contempt of court protective order, request for sanctions for violating redaction rule and protective order. If I don't hear back from you by tomorrow, I will assume you still won't produce the discovery requested. You did not reply to discovery requests. This is in compliance of "meet and confer" requirements of Federal Rule of Civil Procedure 37(a)(1) and Local Bankruptcy Rule 7026-1(c). I am hereby asking for a joint discovery dispute stipulation. If I don't hear back from you by tomorrow, I will file a declaration of lack of cooperation by you along with the motion.

On Mon, Jan 14, 2019 at 2:18 PM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

I sent it to you so that you could enter your response. There is no "research" necessary on it since it is so fundamentally obvious that you cannot avoid being deposed. How much time do you need for that minimal motion?

I think that you are putting the cart before the horse on the remaining motions that you would like to file. You still have not met and conferred with me on *any* motion to compel discovery, which is a mandatory requirement, as quoted to you previously. Moreover, I want to work with you to try to narrow the issues on your discovery, but I cannot do that until you identify what the specific issues are. I am willing to accept

a letter from you as long as it is very specific and does not just say generally that you are entitled to something. For example, you ask several things about the Plaintiff. But what is the relevance of any of that when the Assignment is filed with the Court and complies in all respects with the statute?

Similarly, I have asked you what the basis for a motion to quash the records of Animal Advocates but you have not identified anything other the discussion at the meeting of creditors, which is irrelevant. If that is the sole basis on which you are basing a motion to quash, then we can consider that to have been our conference on that issue.

On the Protective Order, I again have no idea what you are seeking a protective order *for*. Thus, you will either need to confer with me via telephone, or at a minimum, send me a letter that identifies what it is that you are seeking a protective order on. For example, I agreed, the court ordered, but you never produced your tax returns. If there are other categories of documents that you believe should be legitimately subject to a protective order, I have repeatedly asked you, and I am again asking you, to identify those documents with specificity, so that I can either agree to it or explain why I do not agree. That is the purpose of meeting and conferring.

On the “redaction rule” issue, I have no idea what you are talking about, but if you are referring to me putting your correct address in a motion, your address is not confidential and is not appropriate under 9<sup>th</sup> Circuit law.

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>  
**Date:** Monday, January 14, 2019 at 4:04 PM  
**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>  
**Subject:** Re: Proposed Joint Stipulation re Motion to Compel Deposition

I will reply to this but I need more than a day. I'm a pro se and have to research. I am also writing a motion to compel discovery, for a protective order over discovery and for sanctions for violating redaction rule and court order. Let us file at the same time so we have a hearing at the same time. I'm also finishing up my motion to quash subpoena for any records of Animal Advocates. Since you weren't at the meeting of creditors I will tell you what was said. Judge asked how much Animal Advocates had in their bank accounts. I said \$300. He said that would still be exempt even if it were mine which it is not. Animal Advocates has less now.

On Mon, Jan 14, 2019 at 12:45 PM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

As I discussed with you before, LBR 7026-1 requires that the parties submit one document setting forth the contentions of each party regarding the discovery dispute. I am therefore providing you with a Joint Stipulation in Word so that you can put in whatever contentions that you have regarding your deposition under each section marked “Defendant’s Position.” If you do not want to provide you position in the Stipulation – despite the requirements of LBR 7026-1, please let me know by 5 p.m. Pacific time on Tuesday, January 15.

Philip H. Stillman | **STILLMAN • ASSOCIATES**  
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Miami Beach, FL 33140 |  
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--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

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**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb  
**Date:** Wednesday, January 23, 2019 at 2:06:40 PM Eastern Standard Time  
**From:** Philip H. Stillman  
**To:** Mary Cummins

Two different issues. The informal letter that I referred to (and which you didn't send anyway) referred to our efforts to meet and confer. The Joint Stipulation is the second stage, on the issues that we could not compromise on. That is precisely why I wanted you to put your thoughts in an organized fashion in a letter – in order to narrow the issues, not just complain about a global “discovery” dispute. I realize that preparing a Joint Stipulation as required by LBR 7026-1(c)(3) is a pain to do, but I think that it is meant to be, in order to encourage and force the parties to try to compromise.

As for separate Joint Stipulations, that is what is required, I am sorry to say. But I will give you as quick a turn-around as possible, keeping in mind that yours is not the only case that I have . . .

---

**From:** Mary Cummins <mmmarycummins@gmail.com>  
**Date:** Wednesday, January 23, 2019 at 1:15 PM  
**To:** Philip Stillman <pstillman@stillmanassociates.com>  
**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb

Previously you said you would even accept just an informal letter. Now you want me to put the different discovery issues in separate legal docs? I will do it but I still gave you the exact same data January 16, 2019.

On Wed, Jan 23, 2019 at 9:53 AM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

I'm sorry, but perhaps I wasn't clear or the rules that I cited for you weren't clear. In order to do a joint stipulation, there needs to be one for each dispute. So, for example, as I said before, you need to put in each interrogatory, the response, then, as to each interrogatory (or document request) that you are seeking to compel, why you believe that you are entitled to an order compelling a further response to that interrogatory or document request. Then I put my position in regarding that specific request. You do not do that, and you lump everything all together. That is why I have asked you to identify what it is that you really are looking for in order to see if we can reach some compromise without a motion to compel. That way, we both work to narrow the issues that the court must decide. LBR 7026-1(c)(3) spells it all out for you:

1. (3) Moving Papers. If counsel are unable to resolve the dispute, the party seeking discovery must file and serve a notice of motion together with a written stipulation by the parties.
  1. (A) The stipulation must be contained in 1 document and must identify, separately and with particularity, each disputed issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue.
  2. (B) *The stipulation must not simply refer the court to the document containing the discovery request forming the basis of the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation must contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated.*

I await a compliant Joint Stipulation from you. However, I encourage you to focus specifically on each interrogatory and/or document request, and ask yourself why it is important to the case, and what are you really seeking. I assure you that although the discovery is overly broad and objectionable as set forth in

the Responses, I am ready, willing and able to try to reach some compromises with you in order to narrow the issues once I understand the significance of whatever we are discussing to your defense, even though we may not be able to agree on everything.

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On Jan 23, 2019, at 12:37 PM, Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)> wrote:

<reply joint stipulation motion discovery defendant.doc>

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

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**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb  
**Date:** Thursday, January 24, 2019 at 6:42:32 PM Eastern Standard Time  
**From:** Philip H. Stillman  
**To:** Mary Cummins

I know that you are an experienced litigant and know procedure. I have cited the requirements of LBR 7026-1(c)(3)(B) several times. How on earth to think that, putting aside the other stipulations, your stipulation regarding the document requests and interrogatories in any way complies with that Rule, which *again* states that” ***(B) The stipulation must not simply refer the court to the document containing the discovery request forming the basis of the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation must contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party’s contentions, separately stated.***

This is not a game. These rules are there for a reason. When you get me a JOINT stipulation that identifies each interrogatory on which you are seeking further answers and each document request, followed by my response, and then for each of those, present some argument regarding why you are entitled to a further response, I can respond.

LBR 7026-1 states that the Court will not consider a discovery motion that does not follow those requirements.

Moreover, I have other cases. I have been waiting for you to provide compliant Joint Stipulations since Jan. 16. To get them to me in noncompliant form on a Thursday and demand that I complete my section by Friday is the epitome of bad faith.

Finally, to say that I did not object to the form of the Stipulations is ludicrous. I have objected to the form repeatedly and coached you on how to do it right. How many times and in what size font do I have to explain it to you. If you file anything tomorrow I will move to strike it for (1) failing to confer, (2) failing to prepare a proper joint stipulation and (3) failing to provide me with adequate time to respond.

---

**From:** Mary Cummins <mmmarycummins@gmail.com>  
**Date:** Thursday, January 24, 2019 at 6:10 PM  
**To:** Philip Stillman <pstillman@stillmanassociates.com>  
**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb

You received the exact same data 1/16. You didn't object to form at that time. 1/16 is the date you received it. That is the timeline. Your reply is due today. I'm filing my motion tomorrow.

On Thu, Jan 24, 2019 at 10:41 AM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

Thanks. I will start working on them. However, I am just receiving them now, not Jan. 16. These should be substantively different, at least as to the interrogatories and document requests and the motion for a protective order. However, I will look them over and let you know.

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**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>  
**Date:** Thursday, January 24, 2019 at 1:38 PM  
**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>  
**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb

Attached are Defendant's joint stipulation discovery items. They are the same items I sent you January 16, 2019. I just broke them into separate pages. January 16, 2019 is the date you received them.

On Wed, Jan 23, 2019 at 11:06 AM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

Two different issues. The informal letter that I referred to (and which you didn't send anyway) referred to our efforts to meet and confer. The Joint Stipulation is the second stage, on the issues that we could not compromise on. That is precisely why I wanted you to put your thoughts in an organized fashion in a letter – in order to narrow the issues, not just complain about a global “discovery” dispute. I realize that preparing a Joint Stipulation as required by LBR 7026-1(c)(3) is a pain to do, but I think that it is meant to be, in order to encourage and force the parties to try to compromise.

As for separate Joint Stipulations, that is what is required, I am sorry to say. But I will give you as quick a turn-around as possible, keeping in mind that yours is not the only case that I have . . .

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>  
**Date:** Wednesday, January 23, 2019 at 1:15 PM  
**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>  
**Subject:** Re: Motion to Compel Deposition of Mary Cummins-Cobb

Previously you said you would even accept just an informal letter. Now you want me to put the different discovery issues in separate legal docs? I will do it but I still gave you the exact same data January 16, 2019.

On Wed, Jan 23, 2019 at 9:53 AM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

I'm sorry, but perhaps I wasn't clear or the rules that I cited for you weren't clear. In order to do a joint stipulation, there needs to be one for each dispute. So, for example, as I said before, you need to put in each interrogatory, the response, then, as to each interrogatory (or document request) that you are seeking to compel, why you believe that you are entitled to an order compelling a further response to that interrogatory or document request. Then I put my position in regarding that specific request. You do not do that, and you lump everything all together. That is why I have asked you to identify what it is that you really are looking for in order to see if we can reach some compromise without a motion to compel. That way, we both work to narrow the issues that the court must decide. LBR 7026-1(c)(3) spells it all out for you:

1. (3) Moving Papers. If counsel are unable to resolve the dispute, the party seeking discovery must file and serve a notice of motion together with a written stipulation by the parties.

1. (A) The stipulation must be contained in 1 document and must identify, separately and with particularity, each disputed issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue.
2. (B) ***The stipulation must not simply refer the court to the document containing the discovery request forming the basis of the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation must contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated.***

I await a compliant Joint Stipulation from you. However, I encourage you to focus specifically on each interrogatory and/or document request, and ask yourself why it is important to the case, and what are you really seeking. I assure you that although the discovery is overly broad and objectionable as set forth in the Responses, I am ready, willing and able to try to reach some compromises with you in order to narrow the issues once I understand the significance of whatever we are discussing to your defense, even though we may not be able to agree on everything.

Philip H. Stillman | **STILLMAN • ASSOCIATES**  
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On Jan 23, 2019, at 12:37 PM, Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)> wrote:

<reply joint stipulation motion discovery defendant.doc>

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

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**Subject:** Re: Motion compel discovery

**Date:** Monday, February 4, 2019 at 8:57:16 PM Eastern Standard Time

**From:** Philip H. Stillman

**To:** Mary Cummins

If you had followed the Local Rules in the first place, you would have had to confer on what you really wanted and why. You didn't. then you refused to prepare a complying joint stipulation that set forth your position as to each interrogatory and each document request. Then I could have responded. You didn't. It is all improper and if you don't do it right, I will move to strike it all, as I have said for the last month. This is truly absurd.

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>

**Date:** Monday, February 4, 2019 at 8:43 PM

**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>

**Subject:** Re: Motion compel discovery

I'll do it in the morning. Considering you didn't answer any discovery request or interrogatory this seems ridiculous. The Court can clearly see you provided no discovery and still won't even tell me who owns the judgment, who is the beneficiary of the judgment or trust, who has any interest in the judgment, you provided no evidence of any trust, corporation...

On Mon, Feb 4, 2019 at 5:31 PM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

For the very last time, READ 7026-1(C). IN THE JOINT STIPULATION, you are required to first state the interrogatory, then the response, and then why you believe a further response is required. Then I put my position in as to each request. Do you not read my emails?

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>

**Date:** Monday, February 4, 2019 at 8:28 PM

**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>

**Subject:** Re: Motion compel discovery

I will file them in the morning. I sent you discovery requests and interrogatories the same way you gave them to me. How can they not be correct if they are the same as your requests?

On Mon, Feb 4, 2019 at 5:25 PM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

Yes, the Joint Stips are barely readable. You know that they are not formatted at all the way they look on the computer. Do them right or not at all. I don't want the judge thinking that I would condone the filing of such documents "jointly," and of course, you still haven't complied with Local Rule 7026-1(c) regarding the document requests and interrogatories, which is strikeable in any event.

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>  
**Date:** Monday, February 4, 2019 at 8:20 PM  
**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>  
**Subject:** Re: Motion compel discovery

I took exactly what you gave to me and just hit print without opening it. That is how it printed. It does not look like the format I sent it to you in. I can go and edit them so they look like the original format and refile if that's what you want. I just didn't think you'd want me to edit them especially in light of the fact that you highly edited the one I signed after I signed it. You brought in a whole new crazy story. The court reporter could not even see my attorney, see attached. The tiny piece of blue shirt on the far left is my lawyer's shirt. I do have a still of him asleep but I'm a little busy to go searching for it now.

On Mon, Feb 4, 2019 at 5:14 PM Philip H. Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)> wrote:

None of this is formatted correctly and looks nothing like the Joint Stipulations that we prepared. I am moving to strike consideration of them unless you submit them correctly, formatted as I have provided them to you

---

**From:** Mary Cummins <[mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)>  
**Date:** Monday, February 4, 2019 at 8:05 PM  
**To:** Philip Stillman <[pstillman@stillmanassociates.com](mailto:pstillman@stillmanassociates.com)>  
**Subject:** Motion compel discovery

Motion to compel discovery  
Declaration of Mary Cummins  
Joint Stipulation  
Notice of hearing

--

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