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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
14 Debtor

15 _____
16 KONSTANTIN KHIONIDI, as Trustee of the
17 COBBS TRUST,

18 vs. Plaintiff,

19 MARY CUMMINS-COBB,
20 Defendant.
21 _____

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

) Chapter 7

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

) OPPOSITION TO DEFENDANT'S *EX PARTE*
) APPLICATION TO CONTINUE HEARING AND
) BRIEFING ON DEFENDANT'S MOTION FOR
) SUMMARY JUDGMENT FROM NOVEMBER
) 26 TO DECEMBER 10, 2019

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

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1 Plaintiff Konstantin Khionidi, as Trustee of the Cobbs Trust, hereby opposes the ex parte Application
2 defendant Mary Cummins-Cobb to Continue her Motion for Summary Judgment scheduled for hearing on
3 November 26, 2019 to December 10, 2019.

4 1. Simply and concisely put, Cummins' Reply was due on Tuesday, November 12. She did not file
5 one. On Friday, November 15, Cummins claimed to have "computer problems" but was apparently able to still
6 email Plaintiff's counsel. Since the Reply was already days late and the Motion for Summary Judgment is vexatious
7 and unsupported by any admissible evidence, Plaintiff would not stipulate to continue the hearing, as there was a
8 total lack of good cause.

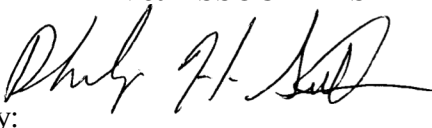
9 2. Cummins still waited another five days to seek any relief from this Court, merely offering that she
0 had "computer" problems. She did not offer any evidence to support this easily made excuse, did not explain why
1 she waited so long after the due date for her Reply to even contact Plaintiff or seek to continue the hearing date so
2 that she could file a Reply, and has failed to offer any evidence that she even has a meritorious Reply, especially
3 given the abject lack of merit to her Motion and in light of the authorities cited in the Opposition to her Motion for
4 Summary Judgment.

5 3. Finally, if the Court is inclined to continue the hearing, the Court should explicitly caution Cummins
6 that the Court is considering entering summary judgment against her pursuant to Fed.R.Civ.P. 56(f)(1).

7 CONCLUSION

8 For the foregoing reasons, Plaintiff Konstantin Khionidi, as Trustee of the Cobbs Trust hereby requests
9 that this Court deny the ex parte Motion or in the alternative, if the Court is inclined to grant the ex parte
0 Application, that the Court explicitly caution Cummins that summary judgment may be entered against her on
1 Plaintiff's Fourth Cause of Action to determine the Nondischargeability of the Texas and California Judgments,
2 pursuant to Fed.R.Civ.P. 56(f)(1).

3 STILLMAN & ASSOCIATES

4 

5 By: _____
Philip H. Stillman, Esq.

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

8 Dated: November 20, 2019

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Stillman & Associates
3015 North Bay Road, Suite B
Miami Beach, Florida 33140

A true and correct copy of the foregoing document entitled (*specify*):

OPPOSITION TO DEFENDANT'S EX PARTE APPLICATION TO CONTINUE HEARING AND BRIEFING ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT FROM NOVEMBER 26 TO DECEMBER 10, 2019

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on Nov. 20, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Debtor and Defendant *in pro per*, Mary Cummins-Cobb, mmarycummins@gmail.com (via email by stipulation of the parties)

Hon. Robert Kwan
US Bankruptcy Court, Central District of California, Room 303
255 E. Temple Street, Suite 1682
Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/20/2019 <i>Date</i>	Philip H. Stillman <i>Printed Name</i>	/s/ Philip H. Stillman <i>Signature</i>
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