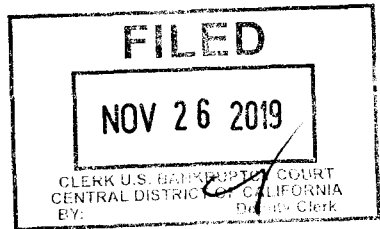


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8 UNITED STATES BANKRUPTCY COURT FOR THE  
9 CENTRAL DISTRICT OF CALIFORNIA

<p>10 In re:</p> <p>11 MARY CUMMINS-COBB,</p> <p>12</p> <p>13 Debtor</p> <hr/> <p>14 KONSTANTIN KHIONIDI, as Trustee</p> <p>15 Of the COBBS TRUST,</p> <p>16</p> <p>17 Plaintiff,</p> <p>18 vs.</p> <p>19 MARY CUMMINS-COBB</p> <p>20 Defendant.</p>	<p>) Case No. 2:17-bk-24993-RK</p> <p>) Chapter 7</p> <p>) Adv. Proc. No. 2:18-ap-01066-RK</p> <p>) DEFENDANT’S REPLY TO</p> <p>) PLAINTIFF’S OPPOSITION TO</p> <p>) DEFENDANT’S MOTION</p> <p>) SUMMARY JUDGMENT</p> <p>) Judge: Honorable Robert N. Kwan</p> <p>) Courtroom: 1675</p> <p>) Edward R. Roybal Federal Building</p> <p>) 255 E. Temple St, Suite 1682</p> <p>) Los Angeles, CA 90012</p> <p>) Hearing: December 10, 2019 2:30 p.m.</p>
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21 **INTRODUCTION**

22 Defendant Mary Cummins has never defamed Plaintiff Lollar with malice or  
23 otherwise. Plaintiff Lollar never even showed one element of defamation in the trial  
24 court.

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28 **DEFENDANT’S REPLY TO PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION**  
**SUMMARY JUDGMENT**

**JUDGMENT IS DISCHARGEABLE**

1  
2 Defendant Mary Cummins filed a motion for summary judgment based on three  
3 arguments, (1) The judgment is dischargeable, (2) Plaintiff Khionidi has no legal  
4 standing in this case and (3) Plaintiff has unclean hands.

5 Plaintiff argues that this Court affirmed that the judgment is not dischargeable  
6 based on Plaintiff's list of alleged uncontroverted facts. The adversary proceeding is  
7 based on the six page judgment and nothing more. On page six of the judgment it  
8 clearly states "All other relief not expressly granted in this judgment is denied." The  
9 judgment does not state it includes the trial minutes or words from the opinion of an  
10 appeal which hadn't even been filed at that time the judgment was made. The  
11 judgment which was given to Plaintiff Khionidi is the same six page only judgment.  
12 The Appeal Opinion was not released before the judgment was filed in California.

13 Defendant stated and argued that the 31 statements are disputed and not correct.

14 Item #4 stated "the Texas Court awarded \$3 million in damages on the defamation  
15 claim and \$3 million in exemplary damages." Nowhere in the six page judgment is the  
16 word "defamation," "defamatory," "libel..." Nowhere in the six page judgment does it  
17 state that any damages are for defamation.  
18

19 Item #5 stated "the trial court included a list of all of the defamatory statements  
20 that, as part of the Texas judgment, Cummins was ordered to take down (Judgement)."  
21 Again, the judgment does not state it's a list of "defamatory statements" made and  
22 posted by "Defendant." Defendant didn't even write many of the items to be removed.  
23 Many were written by Plaintiff Lollar, Lollar's veterinarian, members of the public and  
24 government agencies. None were defamatory. Plaintiff did not show one element of  
25 defamation for any item to be removed as every single item was the truth part of  
26 Defendant's fair and privileged reports to government agencies which can never be  
27 defamation.  
28

1 The original lawsuit was for defamation, breach of contract and liquidated damages.  
2 The judgment is vague and does not specify what damages are for what causes of  
3 action. A judgment must be clear and specific to be enforceable. The Appeals Court  
4 reversed all damages for breach of contract and liquidated damages. Based on the six  
5 page judgment it is impossible to know what damages are related to which complaint.

6 The judgment as written, as filed is dischargeable based on the laws of California.  
7 This Court's May 22, 2018 Order Denying Motion for Judgment on the Pleadings  
8 states the same with legal argument.

9 **PLAINTIFF HAS NO LEGAL STANDING IN THIS CASE**

10 May 24, 2019 Doc 82 this Court stated "the court determines that there are  
11 genuine issues of material fact for trial as to (sic) to whether Plaintiff Konstantin  
12 Khionidi, as Trustee of the Cobbs Trust, created a valid trust and has standing to  
13 pursue a judgment in this adversary proceeding and whether the Assignment meets  
14 all of the requirements for a valid assignment of a judgment ..."

15 Plaintiff's attorney Phillip Stillman stated in Court that his client Plaintiff Khionidi  
16 would physically go to a US notary and notarize a transfer of the judgment back to  
17 Plaintiff Lollar. For months Stillman stated the alleged person Khionidi was traveling  
18 and couldn't find a notary. Defendant believes that Khionidi does not exist and is  
19 merely a straw person. The judgment wasn't transferred back to Plaintiff Lollar as  
20 someone wasn't willing or able to get an agreement notarized by the alleged Khionidi  
21 and signed by an actual US notary. This Court at the last hearing instructed Plaintiff's  
22 attorney Stillman to correct the issue in Stillman's reply to Defendant's Motion for  
23 Summary Judgment. Stillman, Plaintiff did not do that in their reply. This confirms  
24 that Plaintiff has no standing in this case.  
25

26 **PLAINTIFF HAS UNCLEAN HANDS**

27 Defendant restates Defendant's argument for unclean hands. Defendant would like  
28 to add that Plaintiff in their reply (Doc 102) to Defendant's Motion for Continuance

**DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION**

**SUMMARY JUDGMENT**

1 (Doc 103) is more evidence of unclean hands. Plaintiff stated that Defendant emailed  
2 Plaintiff's attorney Stillman from Defendant's laptop. Defendant's Exhibit 1 (Doc 103)  
3 clearly proves that Defendant emailed from Defendant's very old iPhone. It states this  
4 in the email in the signature line. One can see it in the format of the email. If Plaintiff  
5 were to have checked message source, original headers, Plaintiff could have also seen  
6 that the email was delivered by phone and not a computer. This is just more evidence  
7 of Plaintiff's unclean hands and desire to smear Defendant to the Court.

8 **CONCLUSION**

9 For the foregoing reasons Defendant Mary Cummins hereby requests that this Court  
10 dismiss Plaintiff's Adversary Proceeding and discharge the underlying judgment.  
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12 Respectfully submitted,

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14

15 Dated: November 25, 2019

16 Mary Cummins, Defendant pro se  
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