

1 MARY CUMMINS
2 Debtor, Defendant, In Pro Per
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8 UNITED STATES BANKRUPTCY COURT FOR THE
9 CENTRAL DISTRICT OF CALIFORNIA

10 In re:	}	Case No. 2:17-bk-24993-RK
	}	Chapter 7
11 MARY CUMMINS-COBB,	}	Adv. Proc. No. 2:18-ap-01066-RK
	}	BAP No.: CC-20-1033
12 Debtor	}	2:20-cv-02149-AB
	}	DEFENDANT’S MOTION TO
14 KONSTANTIN KHIONIDI v	}	REINSTATE APPEAL
15 MARY CUMMINS-COBB	}	Hearing: July 10, 2020 10:00 a.m.

16
17 Defendant files this Motion to Reinstate Appeal. This Motion is based upon
18 documents filed in the main bankruptcy case, Adversary Proceeding and in this Court.
19 It includes documents and exhibits which will be filed at a later date. Defendant files
20 this Motion with a minimum 35 day notice as Defendant pro se is not sure how much
21 notice is necessary or if there needs to be a hearing on this Motion.

22 **INTRODUCTION**

23 February 10, 2020 Defendant received what Defendant believed to be the final
24 judgment in the Adversary Proceeding case.

25 February 11, 2020 Defendant timely filed notice of appeal of the judgment of the
26 Adversary Proceeding. Because Defendant did not have enough money Defendant had
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1 to return with more cash to pay the fee the next day. Defendant does not have a job,
2 bank account or credit card.

3 Defendant was notified by the Court that the judgment was not final but the appeal
4 would be accepted awaiting the judgment to be final.

5 March 16, 2020 Defendant filed the form requesting to file documents
6 electronically in the appeal.

7 March 17, 2020 Defendant requested a stay in the bankruptcy case, Adversary
8 Proceeding case and the Appeal because of the Coronavirus pandemic. Defendant is
9 legally homeless. Defendant was not able to get to Defendant's mailbox to get the
10 Appeal package sent to pro se parties. The pro se live clinics have been closed.

11 Defendant mailed two notices to the court to be filed in this case. They were not
12 returned and not filed.

13 Defendant only has an old cell phone. The battery failed and the phone could not be
14 used. The cell phone number controls Defendant's email. While the phone was
15 inoperable Defendant logged in via a ten year old notebook and security was activated
16 as the IP numbers were different. This locked Defendant's email accounts. They could
17 only be unlocked via the phone. Defendant could not get court or attorney notices.
18 Defendant still emailed a court notice via another email account. Finally Defendant
19 was able to afford to pay to have an operational phone with that phone number.
20

21 Defendant did not receive permission to file electronically so Defendant called the
22 ecf office for the Court. That office told Defendant that the form had not been received
23 and was advised to resend the form. Defendant again mailed the form.

24 May 8, 2020 this Court granted Defendant's Application for Permission for
25 Electronic Filing. Defendant instantly tried to log in and access the filing link but could
26 not. Defendant emailed the ecf office about the problem. Because Defendant did not
27 receive permission to file electronically originally Defendant sent another online
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1 request for access. This caused there to be two accounts only one of which had access.
2 Within a week the ecf office deleted one account and allowed access on the other.

3 May 26, 2020 Plaintiff filed a Motion to Dismiss. Defendant filed a reply to
4 Plaintiff's Request for Dismissal same day stating that Defendant is filing a Motion to
5 Reinstate along with necessary forms

6 Defendant now files this Motion to Reinstate the Appeal along with request for
7 court record and issues on appeal.

8 **MOTION TO REINSTATE APPEAL SHOULD BE GRANTED**

9 Appellant is not an attorney and does not have access to an attorney. The pro se
10 clinics are closed. Defendant timely filed the notice of appeal and other documents.
11 Defendant tried to file the other items but was not physically able to do so.

12 Appellant, a layperson of the law, should not be penalized for being ignorant of
13 appellate procedures. (People v. Davis (1965) 62 Cal.2d 806.) Moreover, the court
14 must consider appellant's state of health and mind attempting to provide the court with
15 a proper application. Appellant believed that she had proceeded properly and the
16 necessary forms were received by the court. (People v. Hickok (1949) 92 Cal.App.2d
17 539.)] Appellant respectfully requests this court to consider her application in light of
18 the standards announced in People v. Ribero (1971) 4 Cal.3d 55, 65, that the power of
19 appellate courts to grant relief from default ". . . is to be liberally construed to protect
20 the right to appeal."
21

22 **DEFENDANT SHOULD PREVAIL IN THE APPEAL**

23 The judgment is dischargeable

24 Defendant never defamed Plaintiff with malice or otherwise. The judgment does not
25 even include the words "defamation," "libel," "slander," or "malice." Immediately
26 after the August 2017 judgment Plaintiff filed an identical copy/paste complaint. Since
27 that time the Defamation Mitigation Act and Citizen Participation Act passed in Texas.
28 Today a defamation Plaintiff must first send a cease order to the Defendant stating

1 what specifically they feel is defamatory. They also must prove that it is defamatory.
2 Plaintiff failed to do these things. Because Defendant never defamed Plaintiff, Plaintiff
3 had to forge their exhibits and submit perjured sworn written affidavits.

4 That complaint was just dismissed February 25, 2020 because Plaintiff forged their
5 exhibits and filed perjured affidavits stating the exhibits were true and correct copies of
6 the originals which still exist online. That was false. Plaintiff forged the exhibits
7 because Defendant never defamed Plaintiff. Defendant is working with authorities to
8 have Plaintiff prosecuted for forgery, perjury and fraud.

9 Plaintiff has unclean hands

10 The current Plaintiff Konstantin Khionidi is a straw person who does not exist.
11 Plaintiff Amanda Lollar bragged to Defendant that Khionidi does not exist. The
12 purpose was to make discovery impossible. The underlying trust agreement shows that
13 Plaintiff Amanda Lollar is still the Plaintiff and in control of the judgment. Plaintiff
14 swore they'd file a notarized document transferring the judgement back to Lollar.
15 Plaintiff never did this because Plaintiff Khionidi does not exist. For all these reasons
16 and many more which the Defendant will show to the court with physical evidence the
17 judgment is dischargeable.

18 Not all issues resolved in the Adversary Proceeding case

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20 **STATEMENT OF ISSUES ON APPEAL**

21 The Judgment is dischargeable.

22 Plaintiff has unclean hands.

23 Not all issues were resolved in the Adversary Proceeding case.

24 **REQUEST TRANSCRIPT, COURT RECORD FOR APPEAL**

25 Defendant requests that these items be included in the court record for appeal.
26 All of these items are in the Pacer system and were filed in the main bankruptcy case,
27 Adversary Proceeding case and this Appeal. These items include items in the footnotes
28 in the documents filed along with the attached exhibits.

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Defendant will be filing this with the District Court in the Appeal, the bankruptcy court for the Adversary Proceeding and the main bankruptcy case.

Respectfully submitted,



Mary Cummins, Defendant

Dated: May 31, 2020


DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Everything in DEFENDANT’S MOTION was written by me and is the truth to the best of my knowledge.
3. All exhibits cited, footnoted, attached are true and correct copies of the originals.

I, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 31, 2020 at Los Angeles, California.

By: 

MARY CUMMINS

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PROOF OF SERVICE
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles, California 90015-1640. I am over the age of eighteen years.

I further declare that on the date hereof I served a copy of:

MOTION

on the following interested parties by email to the following at .

Philip H. Stillman
Stillman & Associates
pstillman@stillmanassociates.com

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this day, May 31, 2020, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Defendan
645 W. 9th St. #110-140
Los Angeles, CA 90015