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5 Attorneys for KONSTANTIN KHIONIDI, as Trustee of the  
COBBS TRUST, judgment creditor  
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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR LOS ANGELES COUNTY**

9	AMANDA LOLLAR,	)	Case No. BS140207
10		)	DECLARATION OF PHILIP STILLMAN IN
11	v.	)	SUPPORT OF OPPOSITION TO MOTION TO
12	MARY CUMMINS,	)	VACATE RENEWAL OF JUDGMENT
13		)	Date: November 28, 2022
14		)	Time: 8:30 a.m.
		)	Room: Dept 24

15 Hon. Kristin S. Escalante  
Reservation ID: 425701048689  
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1 **DECLARATION OF PHILIP H. STILLMAN**

2 I, Philip H. Stillman, hereby declare:

3 1. I am a member of the California State Bar in good standing and counsel of record  
4 for judgment creditor Konstantin Khionidi, as Trustee of the Cobbs Trust. I have personal  
5 knowledge of the facts stated herein and if called as a witness, I could and would testify  
6 competently to them.

7 2. Amanda Lollar obtained a judgment against Cummins in the principal amount of  
8 \$6,121,039.42, including costs and interest on August 27, 2012. On November 9, 2012, Lollar  
9 domesticated the Sister State Judgment pursuant to Code Civ. P. § 1714.10 *et seq.* In the amount  
10 of \$6,000,000 plus interest in the amount of \$120,821.92 and \$217.50 in costs, for a total of  
11 \$6,121,039.42, a copy of which is attached to the Application for Renewal of Judgment, filed on  
12 September 19, 2022 in this Court.

13 3. The District Court has already found that the claims made here are frivolous. “The  
14 Court certifies that the proposed appeal is not taken in good faith under 28 U.S.C. 1915(a) *and is*  
15 *frivolous, without merit and does not present a substantial question* within the meaning of 28  
16 U.S.C.753(f).” *In re Cummins-Cobb*, Case No. 2:21-cv-04671-AB (C.D.Cal. May 9, 2022). A true  
17 and correct copy of this Order is attached hereto as Exhibit 1.

18 4. On April 25, 2013, the judgment was recorded with the County. A copy of the  
19 recording is attached hereto as Exhibit 2.

20 5. After Cummins filed bankruptcy, Mr. Khionidi commenced an Adversary Proceeding to  
21 the determine that the judgment was nondischargeable pursuant to 11 U.S.C. § 523(a)(6). The  
22 bankruptcy Court ultimately granted summary judgment against Cummins, which was affirmed on  
23 appeal. Cummins then filed a Motion to Dismiss the Adversary proceeding (although judgment had  
24 already entered and was affirmed), based on the same arguments. That Motion was denied:  
25 Rejecting Cummins' basis for the Motion, the Bankruptcy Court held that

26 This court's judgment affirmed on appeal determined that the Cobbs Trust was valid  
27 and plaintiff as its representative had standing to bring the adversary proceeding.  
28 Thus, the court's determinations already addressed the issue raised by defendant in  
her motion to dismiss regarding whether plaintiff is the real party in interest under  
Federal Rule of Civil Procedure 17(a). In determining that the trust is valid and that

1 plaintiff as its representative had standing to bring the adversary proceeding, the court  
2 determines that plaintiff was the real party in interest under Federal Rules of Civil  
3 Procedure 17(a). Defendant's remedy to contest the judgment based on the court's  
determinations is an appeal, not a post-judgment motion to dismiss, which the court  
determines to lack merit.

4 *In re Cummins*, Case 2:18-ap-01066-RK (Bank. C.D.Cal. Mar. 18, 2021), Order Denying Motion to  
5 Dismiss, p. 2, hereto as Exhibit 3. Cummins appealed that Order to the District Court which again  
6 affirmed the Bankruptcy Court, as quoted above. *Cummins-Cobb v. Khionidi (In re*  
7 *Cummins-Cobb)*, No. 2:21-cv-04671-AB, 2021 U.S. Dist. LEXIS 247738, at \*2 (C.D. Cal. Dec. 28,  
8 2021). Cummins then appealed to the Ninth Circuit, and the District Court entered an Order finding  
9 that her appeal was frivolous. *In re Cummins-Cobb*, Case No. 2:21-cv-04671-AB (C.D.Cal. May 9,  
10 2022). A copy of this Order is attached hereto as Exhibit 1.

11 6. On September 1, 2022, I filed the Application for Renewal of Judgment. However, it  
12 was not processed by the Clerk until September 19, 2022. Once issued, I caused the Notice of  
13 Renewal of Judgment to be mailed to Cummins from my Los Angeles office. Mr. Hoffman works for  
14 me as a paralegal and mailed the Notice of Renewal and the Application for Renewal to Cummins  
15 and I filed the Proof of Service with the Court.

16 7. Cummins challenges the calculation of the amount of the judgment, contending that  
17 she was not given credit for \$4,390.75 that had been seized. That is incorrect. In calculating the  
18 amount of the judgment, I first took the initial amount of the California judgment and subtracted the  
19 \$4,390.75 from that amount, before calculating the interest due. Thus, as shown here and in the  
20 Application, Cummins was given credit for that amount.

21 8. To assist the Court in confirming the correct amount of the renewed judgment, my  
22 calculations are:

23 Gross amount of Judgment	\$6,121,039.42
24 Credit	4,390.75
25 Net before interest:	\$6,116,648.67
26 Interest @ 10% per year	611,664.86
27 Per diem = 611,664.86/365	\$1,675.79
28 Number of days as of Sept. 1 = 3,580 x 1,675.79 = total interest	\$5,999,328.20

1 Renewed judgment and interest: \$6,116,648.67 + \$5,999,328.20 = \$12,115,976.90

2 Costs of collection and filing fee 4,891.08

3 **TOTAL:** \$12,120,868.00

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5 I declare under penalty of perjury under the laws of the State of California and the United  
6 States that the foregoing is true and correct. Signed this 14<sup>th</sup> day of November, 2022 at Miami  
7 Beach, Florida.

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10 By: \_\_\_\_\_

Philip H. Stillman, Esq.

11 *Attorneys for KONSTANTIN KHIONIDI, as Trustee of*  
*the COBBS TRUST*

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1 **PROOF OF SERVICE**

2 Case Name: *Amanda Lollar et al. v. Mary Cummins,*  
3 Case Number: BS140207  
4 Court: Los Angeles County Superior Court

5 I, the undersigned, declare that I am over the age of 18 years and not a party to the within action or  
6 proceeding. I have an office in Los Angeles, California where the mailing occurred.

7 On November 14, 2022, I caused to be served the following document(s):

8 **OPPOSITION TO MOTION TO VACATE RENEWED JUDGMENT; DECLARATION OF  
9 PHILIP STILLMAN**

10 on the interested parties in this action by email through OneLegal Attorney Service to:

11 Mary Cummins a/k/a Mary Cummins-Cobb  
12 645 W. 9th St. #110-140,  
13 Los Angeles, CA 90015  
14 [mmmarycummins@gmail.com](mailto:mmmarycummins@gmail.com)

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
16 and correct. Executed on November 14, 2022 at Miami Beach, Florida.

17 

18 By: \_\_\_\_\_  
19 Philip H. Stillman, Esq.