

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 24

BS140207

BAT WORLD SANCTUARY ET AL VS MARY CUMMINS

November 28, 2022

8:30 AM

Judge: Honorable Kristin S. Escalante

Judicial Assistant: A. J. Ortiz

Courtroom Assistant: A.Q. Corwin

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Mary Cummins In Pro per Via LA COURT/CONNECT

Other Appearance Notes: Phillip H. Stillman Via video on LA COURT/CONNECT FOR
konstantin Khionidi

NATURE OF PROCEEDINGS: Hearing on Motion to Vacate Motion to Vacate, Modify Judgment, Renewal of Judgment

The matter is called for hearing on Motion to Vacate Motion to vacated, Modify Judgment, Renewal of judgment.

The Court issues the following ruling:

BS140207: BAT WORLD SANCTUARY ET AL VS MARY CUMMINS

Defendant Mary Cummins' Motion to Vacate or Modify Renewal of Judgment is DENIED. The judicial assistant is directed to give notice.

The issue of the creditor's standing has already been conclusively and finally resolved in the creditor's favor in an adversary bankruptcy proceeding. That ruling has collateral estoppel effect here and is binding on Ms. Cummins. (In re Cummins-Cobb (Bankr. C.D. Cal. Feb. 10, 2020) No. 2:18-ap-01066-RK, 2020 WL 634140, at *13; Cummins-Cobb v. Khionidi (C.D. Cal. Jan. 7, 2021) No. CV 20-02149-AB, 2021 U.S. Dist. LEXIS 5154, at *5-6; Cummins-Cobb v. Khionidi (C.D. Cal. Dec. 21, 2021) 2021 U.S. Dist. LEXIS 247738, *1, 2021 WL 8017854.)

Further, the application for renewal of the judgment is timely. The court entered the judgment on the sister-state judgment on November 9, 2012. The application of renewal was properly filed within 10 years of that date. Further, the time for filing the application for renewal was tolled while the action was stayed during the bankruptcy. (Rubin v. Ross (2021) 65 Cal. App. 5th 153, 167.) The court further finds that the renewed judgment was properly served.

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Finally, the interest is correctly calculated. Post judgment interest “accrues at a rate of 10 percent per annum on the principal amount of a money judgment remaining unsatisfied.” (Code Civ. Proc., §685.010, subd. (a).) When a sister state entry of judgment occurs, “[f]rom the time of entry, interest shall accrue on the judgment so entered at the rate of interest applicable to a judgment entered in this state.” (Code Civ. Proc., § 1710.25, subd. (b).) Here, Here, the court entered judgment on the sister-state judgment on November 9, 2012. Counsel calculated judgment from the time the California entry of judgment occurred to the present at the proper rate of 10%

The Defendant's Motion to Vacate or Modify Judgment, Renewal of Judgment filed by Mary Cummins on 10/21/2022 is Denied.

Clerk's Certificate of Service By Electronic Service is attached.

Certificate of Mailing is attached.