

December 3, 2014

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VIA FEDEX (OVERNIGHT DELIVERY)

Clerk's Office
 CALIFORNIA COURT OF APPEAL
 Second District, Division Three
 Ronald Reagan State Building
 300 S. Spring St., Second Floor
 Los Angeles, California 90013

Re: Supplemental Letter Brief
Mary Cummins v. Amanda Lollar
Appeal No.: B251854
LASC Central District, Case No.: BS143169
Our Client: Respondent Amanda Lollar

Dear Clerk:

In response to the Court's request for supplemental briefing, we respectfully submit our response to the inquiries raised in the recent letter from the clerk's office.

Our client's position is that the scope of the appeal must be limited to the matters identified in the notice of appeal, as pointed out in the Court's order. To summarize the issues raised on appeal, the following chart identifies the various orders and the corresponding grounds for affirming each other:

Order challenged in appellant's briefs	Identified or subsumed in the notice of appeal?	Basis for affirming the challenged order or dismissing appellate review
7/1/2013 order denying TRO (AOB 11-13; CT 9)	identified in the notice of appeal	Violations of rules of court and inadequate record (RB 1-10)
7/1/2013 order awarding attorneys' fees (AOB 11-13 & 28; CT 9)	subsumed in the notice of appeal	Violations of rules of court and inadequate record (RB 1-10)

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<p>8/6/13 order denying motion for reconsideration or new trial request (CT 67; AOB 13-21; 23-27)</p>	<p>not separately appealable</p>	<p>Denial of reconsideration is not separately appealable but may be reviewed on appeal from the prior order if the latter is appealable. (CCP § 1008, subd. (g).)</p> <p>Denial of motion for new trial is not separately appealable but may be reviewed on appeal from the judgment itself. <i>Walker v. Los Angeles County Metropolitan Transportation Authority</i> (2005) 35 Cal.4th 15</p> <p>Here, however, appellant failed to comply with the jurisdictional requirements for seeking a new trial. (RB 11-13.) She also failed to follow the proper procedure for seeking reconsideration in the trial court. (RB 10-11.)</p>
<p>9/6/13 and 9/27/13 orders denying judicial disqualification (CT 248; CT 314; AOB 21-23)</p>	<p>Not appealable; subject to writ which was denied. (RB 13-14.)</p>	<p>Although the rulings were made before the notice of appeal was filed, assuming (erroneously) that these rulings are appealable, they were not identified in the notice of appeal as pointed out in this Court's letter.</p>

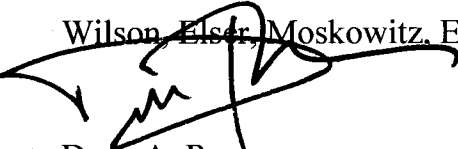
Finally, as Justice Aldrich recently pointed out in another case, Cummins' failure to follow the proper procedures for challenging the July 1, 2013 order bars her appeal based on the grounds advanced in our brief. (RB 11-13). See *Conservatorship of Townsend* (Nov. 17, 2014, B247366) __Cal.App.4th__ [2014 Cal. App. LEXIS 1044] (appellant's failure to file with the trial court papers being presented to the temporary judge, combined with appellant's failure to pay the filing fees associated with such a court filing, rendered appellant's post-trial motion procedurally invalid, thus requiring

dismissal of the appeal).

Accordingly, the Court should affirm the lower court's rulings based on the grounds articulated above and in our appellate brief.

Respectfully submitted,

~~Wilson Elser Moskowitz, Edelman & Dicker LLP~~

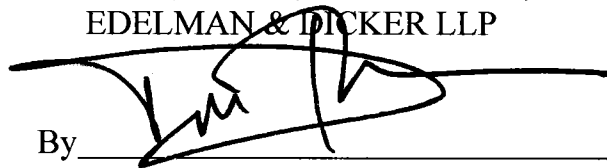

Dean A. Rocco

CERTIFICATE OF WORD COUNT
Cal. Rules of Court, rule 8.204(c)

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Dated: December 3, 2014

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP



By _____

Dean A. Rocco
Attorneys for Defendant/Respondent
AMANDA LOLLAR

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18. I am not a party to this action. My business address is 555 South Flower Street, 29th Floor, Los Angeles, California 90071.

On **December 3, 2014**, the documents described as **SUPPLEMENTAL LETTER BRIEF** is being served on the interested parties in this action:

by placing the true copy(ies) the original(s) thereof enclosed in sealed envelopes addressed as follows:

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(BY MAIL) I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am “readily familiar” with the firm’s practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY-FEDERAL EXPRESS) I caused said document(s) to be picked up by Federal Express for overnight delivery to the offices of the addressees listed on the Service List.

Executed on **December 3, 2014** at Los Angeles, California

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



Karina Ramirez

SERVICE LIST

<p>Mary Cummins 645 W. 9th Street, #110-140 Los Angeles, CA 90015 T: (310) 877-4770 E: mmmaryinla@aol.com By US Mail</p>	<p>Plaintiff / Appellant In Pro Per</p> <p>MARY CUMMINS</p>
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