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4

5 Attorneys for plaintiff KONSTANTIN KHIONIDI, as Trustee of the  
COBBS TRUST  
6

7 **UNITED STATES BANKRUPTCY COURT FOR THE**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

<p>9 In re:</p> <p>10 MARY CUMMINS-COBB,</p> <p style="text-align: right;">Debtor</p> <hr/> <p>11 KONSTANTIN KHIONIDI, as Trustee of the</p> <p>12 COBBS TRUST,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>13 MARY CUMMINS-COBB,</p> <p style="text-align: right;">Defendant.</p> <hr/>	<p>) Case No. 2:17-bk-24993-RK</p> <p>) Chapter 7</p> <p>) Adv. Proc. No. 2:18-ap-01066-RK</p> <p>) REPLY DECLARATION OF PHILIP H.</p> <p>) STILLMAN IN SUPPORT OF MOTION TO</p> <p>) AMEND SCHEDULING ORDER TO EXTEND</p> <p>) THE DISCOVERY CUTOFF AND PRETRIAL</p> <p>) CONFERENCE DATES</p> <p>) Hearing Date: November 27, 2018</p> <p>) Time: 2:30 p.m.</p>
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14 Judge: Honorable Robert N. Kwan  
15 Courtroom: 1675  
16 Edward R. Roybal Federal Building  
17 255 E. Temple Street, Suite 1682  
18 Los Angeles, CA 90012  
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**DECLARATION OF PHILIP H. STILLMAN**

I, Philip H. Stillman hereby declare:

1. I am attorney of record for the Plaintiff, Konstantin Khionidi, as Trustee of the Cobbs Trust, and a member in good standing of the California State Bar in good standing. I have personal knowledge of the facts stated herein and could and would testify competently to them. I make this Reply Declaration in support of Plaintiff's Motion to Extend the Scheduling Order Discovery Cutoff and Pretrial Conference Dates.

2. I have tried to confer with Cummins to attempt to resolve or narrow the discovery disputes. After being advised that she had seven days to confer on discovery, she refused to confer on the written discovery, stating that it was past the discovery cutoff.

3. Plaintiff's counsel then served Cummins with a Joint Stipulation required by LBR 7026-1, which she refused to complete.

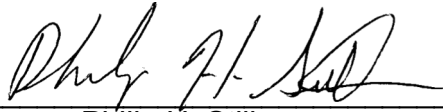
4. Thus, Cummins is even delaying Plaintiff's efforts to prepare a Motion to Compel further responses to the written discovery at this time. Plaintiff must now prepare the motions without her cooperation, must move to compel her deposition, and must move to compel the deposition of Jennifer Charnofsky – all creating more delay solely to prejudice Plaintiff's ability to prepare his case.

5. Attached hereto as Exhibit 1 is a true and correct copy of the relevant pages of the Transcript of Proceedings in *Bat World Sanctuary et al. v. Cummins*, Tarrant County Case No. 352-248169-10 on August 17, 2012, sanctioning Cummins for bad faith and observing that her comments posted on her "blog" made her motion appear to be motivated by harassment.

6. Attached hereto as Exhibit 2 is a true and correct copy of the Order of the Los Angeles Superior Court dated November 9, 2017 denying Cummins' Motion to Quash Third Party Subpoenas.

7. Attached hereto as Exhibit 3 is a true and correct copy of Cummins' document production in connection with her Debtor's Exam in the Los Angeles Superior Court.

1 I declare under the penalty of perjury under the laws of California that the foregoing is true  
2 and correct. Signed this 20<sup>th</sup> day of November, 2018 at Miami Beach, Florida.

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5 Philip H. Stillman  
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**Exhibit 1**

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EXCERPT OF REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
TRIAL COURT CAUSE NO. 352-248169-10  
COURT OF APPEALS CAUSE NO. 02-12-00285-CV

BAT WORLD SANCTUARY, ET AL ) IN THE 352ND JUDICIAL  
 )  
vs. ) DISTRICT COURT OF TEXAS  
 )  
MARY CUMMINS ) IN AND FOR TARRANT COUNTY

---

**EXCERPTS OF PROCEEDINGS**

August 17, 2012

On the 12th day of August, 2012, the following  
proceedings came on to be heard in the above-titled and  
numbered cause before the Honorable Jeff Walker, Judge  
Presiding, held in Fort Worth, Texas, reported by machine  
shorthand utilizing computer-aided transcription.

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**APPEARANCES**

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Pro Se

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1 PROCEEDINGS

2 (Fifth Amendment Right Invoked)

3 \* \* \*

4 **THE COURT:** All right. Mr. Turner, do you have  
5 evidence to present?

6 **MR. TURNER:** I do want to call Ms. Cummins,  
7 briefly, Your Honor, to the witness stand.

8 **THE COURT:** This is an unusual situation,  
9 Ms. Cummins. Hold on just a second. You don't have to go  
10 back, stay where you are.

11 This sanction motion under Rule 13 has as  
12 potential punishment those set forth in Rule 215 of the Rules  
13 of Civil Procedure, which include contempt. That is a quasi  
14 criminal matter. As such, you're entitled to your  
15 Constitutional rights under the Fifth Amendment and otherwise.  
16 Your right to remain silent. If you put on any evidence you  
17 waive that right.

18 Do you understand what I'm saying?

19 **MS. CUMMINS:** Yes. But if this is a -- could  
20 possibly be criminal contempt, wouldn't I then be allowed an  
21 attorney?

22 **THE COURT:** That's -- you may have an attorney.  
23 This is not a criminal case. I cannot assign you one, but you  
24 have the right to have an attorney if you want to get one. We  
25 can reschedule this hearing until you have a lawyer.



1                    *MS. CUMMINS:* There's no way I'd be able to  
2 afford a lawyer. But Judge Sudderth told me that if I were to  
3 be in criminal contempt I would be able to have an attorney  
4 appointed.

5                    *THE COURT:* Then you need to deal with  
6 Ms. Sudderth.

7                    *MS. CUMMINS:* Okay. Didn't you just say this  
8 was a quasi criminal situation?

9                    *THE COURT:* It is. And because of it, I feel  
10 like I'm obligated to tell you what your rights are. The  
11 right to remain silent, the right to counsel, all those other  
12 things you've seen a number of times, right?

13                   *MS. CUMMINS:* Yes.

14                   *THE COURT:* He's about to put you on the stand.  
15 You're not required to testify unless you want to. If you do,  
16 either through Mr. Turner putting you on the stand or you  
17 voluntarily get on the stand, you waive that Fifth Amendment  
18 right. That's where I'm going with all this.

19                   *MS. CUMMINS:* Okay.

20                   *THE COURT:* It's entirely up to you.

21                   *MS. CUMMINS:* Then I won't take the stand.

22                   *THE COURT:* I'm sorry?

23                   *MS. CUMMINS:* Then I won't take the stand.

24                   *THE COURT:* Okay.

25                   \* \* \*

1                   *(Rulings by the Court)*

2                   **THE COURT:** Mr. Turner, I'm reading Rule 13, and  
3 the thing that I think you have a problem with here is -- the  
4 opening sentence of that rule says: The signatures of  
5 attorneys or parties constitute a certificate by them that  
6 they have read the pleadings, motion or other paper that to  
7 the best of their knowledge, information and belief formed,  
8 after reasonable inquiry, the instrument is not groundless and  
9 brought in bad faith or groundless and brought for purposes of  
10 harassment. It's that word "belief" that is, I think, the  
11 problem that you have.

12                   From what I've heard from Ms. Cummins, she  
13 stated it was her belief and she stated the basis for her  
14 belief. Your motion for Rule 13 sanctions is denied.

15                   ***(Brief pause.)***

16                   **THE COURT:** I'm now looking at the sanctions  
17 rule contained in Rule 18a, which provides for monetary  
18 sanctions in the form of reasonable attorney's fees and  
19 expenses and do not include any of the other sanctions under  
20 Rule 215.

21                   Rule 18a -- and I'm cutting down to the part  
22 that I want to touch on -- after notice of hearing the Judge  
23 who hears the motion may order the party or attorney who filed  
24 the motion or both to pay a reasonable attorney's fees and  
25 expenses incurred by other parties if the Judge determines

1 that the motion was, one, groundless and filed in bad faith  
2 or, for the purposes of harassment; or, two, clearly brought  
3 for unnecessary -- clearly brought for unnecessary delay and  
4 without sufficient cause.

5 Ms. Cummins, the grounds that you have stated  
6 and you put on evidence of raises a question of how groundless  
7 must it be. I have read all of your motions, your  
8 responses -- both parties -- your attachments, your exhibits.  
9 It seemed pretty clear to me that there was an awful lot of  
10 ranker on your part about the process, about the good 'ol  
11 boys, about your feeling of ill treatment at the hands of the  
12 judiciary in the State of Texas that you put out there for the  
13 whole world. And now I've heard the evidence, which, quite  
14 frankly, don't substantiate any of those statements. Makes  
15 one wonder if you did it for purposes of harassment.

16 You know, in one of your e-mails your -- I guess  
17 it's a blog, I don't do that sort of thing -- that you sent  
18 out under some kind of byline that you have, you talked about  
19 this nice female judge, Bonnie Sudderth, and that her  
20 supervisor swapped her out of the case for an old white guy.

21 **MS. CUMMINS:** I don't remember saying that  
22 specifically.

23 **THE COURT:** Well, for Judge Brigham.

24 Where did you get the idea that I swap one for  
25 Judge Sudderth without her knowledge or consent?

1                    *MS. CUMMINS:* Um, when Judge William Brigham  
2 came into the courtroom he says, I have been appointed to this  
3 case by Supervising Judge Jeffrey Walker for jurisdictional  
4 purposes.

5                    *THE COURT:* He didn't say why he did that?

6                    *MS. CUMMINS:* No.

7                    *THE COURT:* Did you know that Judge Sudderth had  
8 asked for him?

9                    *MS. CUMMINS:* Did she?

10                   *THE COURT:* Did you know that Judge Sudderth had  
11 asked for Judge Brigham?

12                   *MS. CUMMINS:* No. May I ask if she did?

13                   *THE COURT:* I knew you were going to ask that  
14 question. Here's her written request.

15                   *MS. CUMMINS:* May I view it?

16                   *THE COURT:* Sure. Come on up here and take a  
17 look at it.

18                   *(Brief pause.)*

19                   *MS. CUMMINS:* If she made the request, why  
20 didn't she give me notice that he would be the visiting judge?

21                   *THE COURT:* She's under no obligation to do  
22 that.

23                   I'm in a situation, Ms. Cummins, where, under  
24 Rule 13, the lawyer or the party is obligated to check their  
25 facts before they put them in the pleadings. And they verify

1 that when they put their signature on that pleading; whether  
2 it's a motion or a petition or whatever it happens to be. And  
3 that signature then becomes their verification that they've  
4 checked their facts before they set them down on paper, so  
5 that they're nothing more than uninformed opinions.

6 Rule 18 has no requirement like that, requiring  
7 you to set out those kind of facts that you have done your  
8 research. But it does require you to swear to the contents.  
9 You know, I told you I was going to overlook that because you  
10 are a pro se litigant.

11 I cannot, however, overlook the fact that you  
12 have done little in working on background before you put it  
13 all down on paper.

14 *MS. CUMMINS:* Would -- may I ask a question?

15 *THE COURT:* Yes, ma'am.

16 *MS. CUMMINS:* Um, I had no idea I would have  
17 been able to find out the exact reason why Judge Brigham was  
18 on -- the visiting judge. I had no idea I could have been  
19 able to find out what the reason was. I just took what he  
20 said when he came to the courtroom as the truth.

21 *THE COURT:* So what's your point?

22 *MS. CUMMINS:* My question is, I did not know  
23 that I would have been able to call up the Court and say, hey,  
24 what -- in fact, I actually did e-mail Linda Blair and I said,  
25 what happened to Judge Bonnie Sudderth? And she never got

1 back to me. So there's no way I would have been able to find  
2 out because Ms. Blair did not tell me. I said what happened  
3 to Judge Bonnie, where is she? And she never replied.

4 *THE COURT:* But you do remember your comments in  
5 your blog? And I'm only referring to those because it tells  
6 me something about who you are and how it affects the motion  
7 that you filed.

8 Where you put in there about how you were being  
9 treated in Texas courts. Do you remember those statements?  
10 Do you want to look back at your paperwork?

11 *MS. CUMMINS:* Well, I don't have it in front of  
12 me, and we haven't authenticated any of his exhibits. I don't  
13 know if that's exactly what I said.

14 I have repeatedly said that Judge Bonnie  
15 Sudderth has always been fair and polite and kind in all the  
16 pretrial motions. I didn't have any problems with Judge  
17 Sudderth.

18 *THE COURT:* But you made it sound like some kind  
19 of conspiracy was going on among the good 'ol boys to remove  
20 this judge you favored for one you knew nothing about.

21 *MS. CUMMINS:* Um, I -- I -- I knew about Judge  
22 Brigham. And obviously if I had known he was going to be the  
23 visiting judge I would have timely filed the motion to recuse.

24 All I know is that he showed up there and I was  
25 given no notice or no option that I would even be able to

1 recuse right then and there at the beginning of the trial.

2 **THE COURT:** Well, Ms. Cummins, I'm going to  
3 sanction you under Rule 18a, Subparagraph H. **The sanction**  
4 **is -- I'll make a finding that your motion to recuse was**  
5 **groundless and filed in bad faith.** It only provides for  
6 attorney's fees and expenses, and I'm going to set that at  
7 \$500. You'll have 30 days in which to pay that to Mr. Turner.

8 And I will have a prepared order in the mail to  
9 you soon as I have it written up, signed and placed in the  
10 file.

11 That concludes this hearing.

12 **MR. TURNER:** Thank you, Your Honor.

13 *(Proceedings adjourned)*

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1 STATE OF TEXAS

2 COUNTY OF TARRANT

3 I, Monica J. Willenburg, Official Court Reporter  
4 in and for the 352nd District Court of Texas in and for  
5 Tarrant County, do hereby certify that the above and foregoing  
6 contains a true and correct transcription of an excerpt of  
7 portions of evidence and other proceedings requested in  
8 writing by counsel for the parties to be included in this  
9 volume of the Reporter's Record in the above-styled and  
10 numbered cause, all of which occurred in open court or in  
11 chambers and were reported by me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the exhibits, if  
14 any, offered by the respective parties, if requested.

15 I further certify that the total cost for the  
16 preparation of this Reporter's Record is \$ 60.00  
17 and was paid/will be paid by PLAINTIFF.

18 WITNESS MY OFFICIAL HAND, on this the 10th of  
19 September, 2012.

20  
21  
22 Monica J. Willenburg, CSR, RPR  
23 Texas CSR No. 3386, Exp: 12/31/12  
24 Official Court Reporter  
25 352nd District Court  
401 W. Belknap, 8th Floor  
Fort Worth, Texas 76196  
Telephone: (817)884-2732  
email: mwillenburg@tarrantcounty.com





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**FILED**  
Superior Court of California  
County of Los Angeles

NOV 09 2017

Sherril R. Carter, Executive Officer/Clerk  
By Jed Jimenez, Deputy  
Jed Jimenez

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

BAT WORLD SANCTUARY et al  
*Plaintiffs*

) Case No. BS140207

v.

) ~~PROPOSED~~ ORDER

MARY CUMMINS  
*Defendant*

) Date: November 8, 2017  
) Time: 8:30  
) Dept.: 44  
) Judge: Edward Moreton

GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED THAT: ~~October~~

~~29, 2017 subpoena duces tecum is stricken, Animal Advocates bank and PayPal records may not be used, no questions about Animal Advocates will be allowed, no videotape of the debtor hearing will be allowed, there is a protective order over the debtor hearing content, transcript and documents. They are not to be posted on the internet or shared in any other way.~~

IT IS SO ORDERED.

Dated: 11/3/17



Judge Edward Moreton

DEFENDANT'S EX PARTE MOTION

11/20/2017



Mary Cummins



This is a reply to Plaintiffs' 10/28/2017 subpoena duces tecum for production of documents and things for debtor hearing 11/03/2017 items 1 - 76. I was served the subpoena on 10/29/2017.

When I moved September 2015 I could not afford a mover, storage or place of my own to live. For this reason I got rid of all my paper files, filing cabinets, furniture, crashed hard drives, home decor, linens, kitchenware, tools...everything except a very small amount of personal belongings. I will reply to these requests to the best of my ability.

1. I have no documents, contracts, checks, check stubs, deposit receipts...for the time period 01/01/2012 to the present. I have no such documents concerning future income.
2. None.
3. None.
4. None.
5. I threw away all paper files September 2015 when I moved as I couldn't afford to move them. My iMac crashed January 2016. I have no state or federal tax documents.
6. None.
7. None.
8. None.
9. None.
10. None.
11. None.
12. None.
13. None.
14. None.
15. None.

16. None.

17. None.

18. None.

19. None.

20. None.

21. None.

22. None.

23. None.

24. None.

25. None.

26. None.

27. None.

28. None.

29. None.

30. None.

31. None.

32. None.

33. None.

34. None.

35. None except this case and case in appeal in Texas.

36. None.

37. None.

38. None.

39. None.

40. None.

41. None.

42. None.

43. None.

44. None.

45. None.

46. None.

47. None.

48. None.

49. None.

50. None.

51. E & O Insurance.

52. None.

53. None.

54. None.

55. None.

56. None.

57. None.

58. None.

59. None.

60. None.

61. None.

62. None.

63. None.

64. None.

65. None.

66. California driver's license, USDA permit, Fish & Wildlife permit. You already have them. They are publicly available.

67. None.

68. None.

69. None. When the gift card is empty, I throw it away. They're not reloadable. There are no statements.

70. None.

71. When I moved September 2015 I threw away all paper files. My iMac crashed 2016. I lost all of my digital files.

72. None.

73. None.

74. No documents.

75. You already have a copy of it. I will give you another. It's the same passport.

76. None.