

1 MARY CUMMINS
2 Debtor
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 In Pro Per
6 Telephone: (310) 877-4770
7 Email: mmmaryinla@aol.com

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

10 In re:
11 MARY CUMMINS-COBB,
12 Debtor
13 _____
14 KONSTANTIN KHIONIDI, as Trustee
15 Of the COBBS TRUST,
16 Plaintiff,
17 vs.
18 MARY CUMMINS-COBB
19 _____
20 Defendant.

Case No. 2:17-bk-24993-RK
Chapter 7
Adv. Proc. No. 2:18-ap-01066-RK
REPLY TO MOTION FOR ORDER
TO CONTINUE DISCOVERY
CUTOFF, PRETRIAL CONFERENCE
Judge: Honorable Robert N. Kwan
Courtroom: 1675
Edward R. Roybal Federal Building
255 E. Temple St, Suite 1682
Los Angeles, CA 90012
Date: November 27, 2018
Time: 2:30 p.m.

21 Debtor and Defendant MARY CUMMINS, (hereinafter "Defendant") replies to
22 Creditor and Plaintiff KONSTANTIN KHIONIDI's Motion for an order amending
23 scheduling order to continue discovery cutoff and pretrial conference. In support
24 thereof Defendant alleges as follows.

25 Defendant objects to Plaintiff's motion for an order amending scheduling order to
26 continue discovery cutoff and pretrial conference. The scheduling order was signed
27

28 **REPLY TO MOTION FOR ORDER TO CONTINUE DISCOVERY CUTOFF, PRETRIAL
CONFERENCE**

1 June 29, 2018. Discovery cutoff was October 31, 2018. Discovery is over. A noticed
2 motion to extend discovery had to be filed before discovery was over. It was not done.

3 Defendant met and conferred about this extension. Defendant told Plaintiff that
4 Defendant objects to this extension.

5 INTRODUCTION

6 The scheduling order was entered June 29, 2018. Plaintiff had four months for
7 discovery. Plaintiff did not even start discovery until two months after it commenced.
8 Plaintiff's statement "Plaintiff's discovery was timely propounded in order to be
9 completed by the October 31 cutoff" is clearly false. Defendant answered Plaintiff's
10 interrogatories and requests for production. Plaintiff did not respond to any of
11 Defendant's interrogatories or requests for discovery.

12 Defendant asked Plaintiff for a protective order over Defendant's tax return and
13 other confidential discovery items. Defendant also asked to depose Plaintiff Amanda
14 Lollar who lives in Texas at the same time as Defendant's deposition in Los Angeles
15 as Plaintiff Lollar would be at Defendant's deposition. Plaintiff refused.

16 This motion is not timely filed. It had to be noticed and heard before the October
17 31, 2018 discovery cutoff time. Discovery is over. While Defendant did not receive the
18 requested discovery from Plaintiff, Defendant is fine with that outcome.

19 Plaintiff, Plaintiff's attorney continues to intentionally misrepresent the facts of the
20 case to the court. Plaintiff has a copy of the auto purchase agreement (Declaration
21 Defendant Mary Cummins). Jennifer Charnofsky sold Charnofsky's 2005 Prius to
22 Defendant. The contract was supposed to state that it was sold to Animal Advocates
23 which was the agreement but Charnofsky wrote down the name of Defendant.
24 Defendant registered the car to Animal Advocates as Animal Advocates paid for the
25 car. Purchase price was \$7,000. \$3,500 has been paid and \$3,500 is still outstanding.
26 The car purchase agreement states that Defendant has to pay Charnofsky for the car.
27 The debt per the contract legally belongs to Defendant. That is why Defendant

1 included the car in the bankruptcy filing. There is no lien on the car as Charnofsky and
2 Defendant did not know how to file a lien. Instead the contract calls for Charnofsky to
3 keep the pink slip until the car is fully paid.

4 Defendant did not “coach” Charnofsky to do anything. The only reason Plaintiff
5 wants to depose Charnofsky is because Plaintiff knows Charnofsky is a disabled
6 elderly woman with a TBI. Plaintiff wants to depose Charnofsky for harassment
7 purposes only to upset Defendant. Plaintiff has a long history of deposing Defendant
8 for harassment purposes only. Plaintiff has posted all of the transcripts for all of the
9 depositions and court hearings since 2010 on the public internet. Those transcripts
10 contain Defendant’s driver’s license number, full name, date of birth, place of birth,
11 net worth, bank account information, income, names of relatives... Any transcript of
12 any deposition would end up on the internet. In fact there are over 100 videos of
13 Defendant’s depositions on YouTube.com¹. In one instance there was written
14 agreement that the transcript and video of the deposition will not be posted on the
15 internet. Plaintiff Lollar still posted that transcript on the internet.

16
17 Plaintiff deposed Defendant for harassment purposes only in the debtor hearings for
18 the underlying sister state judgment case BS140207 in 2017. In those debtor hearings
19 Plaintiff’s previous attorney James Little at Plaintiff Amanda Lollar’s order asked
20 questions about “pornography” and “pole dancing.” Defendant has nothing to do with
21 pornography or pole dancing. Defendant is a real estate appraiser. The questions were
22 asked for harassment purposes only. Plaintiff Amanda Lollar took extreme delight
23 telling her attorney to ask those specific questions. Lollar took extreme pleasure while
24 Defendant was asked those questions. Any deposition of Charnofsky would only be for
25 harassment purposes. Charnofsky already answered the items Plaintiff requested in
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27
28 ¹ Plaintiff’s YouTube channel depositions of Defendant
<https://www.youtube.com/channel/UC7XrZT3bTW2mAYrqQiX5erA>

1 Charnofsky's statement in the previous filing by Defendant Doc 24. The Court has
2 already ruled that any car would be exempt. This is a no asset bankruptcy.

3 As Defendant stated in Defendant's previous filing Plaintiff did not timely serve
4 Charnofsky with the subpoena. Any subpoena for deposition must be served at least 20
5 days before the deposition date. This was not done. It wasn't even written 20 days
6 before the deposition date Doc 24. On top of that Plaintiff had someone forge a proof
7 of service. Even the date on that forged proof of service was not timely.

8 STATEMENT OF FACTS

9 A. Factual Background To this Action

10 Defendant is a pro se party. Defendant is not an attorney. Defendant would only
11 be considered an "experienced litigant" if being sued for eight years by Plaintiff
12 Lollar makes one "experienced." Plaintiff on the other hand has a lawyer.

13 Defendant never defamed Plaintiff. Plaintiff never stated before or during the
14 trial what Plaintiff felt was defamatory. Plaintiff never even showed one element of
15 defamation before or during the trial. One would have to show defamation before
16 one can show malice. The court order does not include the word "defamation" or
17 "malice." The judgment in question is based on the final signed court order. It's
18 only a take down order. That judgment is all that matters.

19 B. Plaintiff's Discovery

20 Defendant did not make any false statements on Defendant's schedules.
21 Defendant did not fail to disclose any income or assets. Plaintiff has made false
22 statements about Defendant to the Court. Plaintiff goes on to state that Plaintiff
23 needs discovery to prove Plaintiff's statement that Defendant made false
24 statements. This means that Plaintiff has no evidence that Defendant has made any
25 false statements. Plaintiff is lying to the Court and defaming Defendant.

26 Defendant gave Plaintiff the car agreement and information about the ownership
27 of the car in the debtor hearings. Plaintiff is flat out lying about the ownership of
28

1 the car to the court. Defendant previously stated that Animal Advocates owned the
2 car.

3 The judgment filed in this case Doc 1 does not contain the word “defamation” or
4 “malice.” It is an unconstitutional take down order only. Defendant didn’t even
5 write all the items to be taken down. Most were written by Plaintiff Lollar,
6 government agencies and others. None were defamatory. The only document that
7 matters in the case of the judgment is the actual signed judgment. The Appeals
8 Court can’t rule on anything that was not in the judgment.

9 1. Plaintiff did NOT Timely Propound Written Discovery

10 Plaintiff did not start discovery until two months after it started. Plaintiff’s
11 strategy was to intentionally start discovery late so Defendant would reply as
12 Defendant always has but Plaintiff would not reply to discovery. In previous
13 litigation Defendant has always had to file multiple motions to compel
14 discovery. In fact in one case Defendant filed a motion to compel Plaintiff to
15 produce a copy of the deposition video. The Court ordered Plaintiff to produce
16 it. Plaintiff then stated it was corrupted and/or lost. That is how Plaintiff deals
17 with discovery. It’s a one way street.

18 Defendant did not refuse to confer with counsel regarding discovery
19 responses or deposition. Defendant clearly conferred with counsel multiple
20 times. Plaintiff did not try to negotiate a protective order. Defendant requested
21 that Defendant’s tax return be under a protective order. Plaintiff flat out refused
22 stating all tax returns and financial documents are always public in bankruptcy
23 cases. Defendant knows that Plaintiff would post Defendant’s tax return with
24 Defendant’s social security number on the internet. Plaintiff posted unredacted
25 bank records of other people on the public internet. The Court ordered them
26 removed from the internet and from public legal filings in the BS140207
27 underlying case. Plaintiff was sanctioned and fined by the court.

1 2. Plaintiff did not give sufficient notice of taking of depositions

2 Plaintiff did not timely serve Jennifer Charnofsky. This was stated in
3 Defendant's previous reply Doc 24. Any subpoena duces tecum had to be served
4 20 days before the deposition date. It wasn't even written 20 days before the
5 deposition date. Lawyer Phil Stillman has previously been sued for malpractice.

6 Plaintiff again violated the protective order over the debtor hearings! Plaintiff
7 just publicly posted Defendant's home address in their motion AGAIN. The
8 clerk stated they only needed to know where Defendant lived to determine the
9 proper region to file it. Defendant stated on the bankruptcy application that
10 Defendant's home address was an intersection. Defendant only uses the p.o. box
11 listed in this filing.

12 Jennifer Charnofsky signed a statement under oath in Defendant's previous
13 filing answering Plaintiff's questions Doc 24.

14 Defendant replied to interrogatories and discovery. Plaintiff did not reply to
15 any interrogatories or discovery.

16 **ARGUMENT**

17 1. There is no good cause for extending the deadlines

18 Plaintiff had four months for discovery. Plaintiff did not start under after two
19 months. Plaintiff should have started earlier. Plaintiff had to file any motion
20 for extension before the end of discovery. Plaintiff failed to do so.

21 A. Plaintiff did not schedule all discovery to be completed before
22 discovery cut off.

23 See previous statements.

24 B. Plaintiff did not timely seek the Court's intervention

25 Plaintiff had to schedule a noticed motion before the end of discovery.
26 Plaintiff did not do so. The Court already ruled Doc 27 as such by
27 refusing to hear the application for ex parte expedited.
28

1 C. There is prejudice

2 Defendant replied to interrogatories and discovery. Plaintiff is lying to the
3 court by stating Defendant did not reply.

4 D. Defendant Cummins did NOT agree to the extension

5 Defendant did not agree to the extension. Defendant opposes the
6 extension. Defendant is fine not receiving discovery from Plaintiff.

7 II. Pretrial conference date should not be continued

8 The date should not be continued. Plaintiff had four months for discovery and did
9 not start until after two months. Plaintiff didn't file this motion timely.

10 **CONCLUSION**

11 For the foregoing reasons Defendant Cummins hereby requests this Court to deny
12 Plaintiff's request to continue discovery and the pretrial conference. Plaintiff requests
13 that if discovery is continued it should only be continued for Plaintiff and not
14 Defendant. Defendant objects.

15 Respectfully submitted,

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18 Mary Cummins, Defendant

19 Dated: November 9, 2018

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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:

REPLY TO MOTION FOR ORDER TO CONTINUE DISCOVERY CUTOFF,
PRETRIAL CONFERENCE

on the following interested parties by email to the following.

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, November 9, 2018, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff
Dated: November 9, 2018
645 W. 9th St. #110-140
Los Angeles, CA 90015

**REPLY TO MOTION FOR ORDER TO CONTINUE DISCOVERY CUTOFF, PRETRIAL
CONFERENCE**

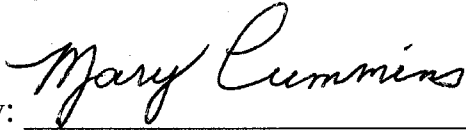
DECLARATION OF DEFENDANT MARY CUMMINS

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 my REPLY TO MOTION FOR ORDER TO CONTINUE DISCOVERY CUTOFF, PRETRIAL CONFERENCE was written by me and is the truth to the best of my knowledge.

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

Executed on November 9, 2018 at Los Angeles, California.

By:  _____

MARY CUMMINS