



1 MARY CUMMINS
2 Debtor, Defendant, In Pro Per
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 Direct: (310) 877-4770
6 Fax: (310) 494-9395
7 Email: mmmaryinla@aol.com

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

<p>10 In re:</p> <p>11 MARY CUMMINS-COBB,</p> <p>12</p> <p>13 Debtor</p> <hr/> <p>14 KONSTANTIN KHIONIDI, as Trustee</p> <p>15 Of the COBBS TRUST,</p> <p>16</p> <p>17 Plaintiff,</p> <p>18 vs.</p> <p>19 MARY CUMMINS-COBB</p> <p>20 Defendant.</p>	<p>) Case No. 2:17-bk-24993-RK</p> <p>) Chapter 7</p> <p>) Adv. Proc. No. 2:18-ap-01066-RK</p> <p>) DEFENDANT’S MOTION TO DISMISS ADVERSARY PROCEEDING DUE TO UNCLEAN HANDS</p> <p>) Judge: Honorable Robert N. Kwan Courtroom: 1675 Edward R. Roybal Federal Building 255 E. Temple St, Suite 1682 Los Angeles, CA 90012</p> <p>) March 25, 2019 2:30 p.m.</p>
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21 Defendant met and conferred per the rules of court with Plaintiff’s attorney via
22 email March 1, 2019 (Exhibit 1 email, Joint Stipulation). Plaintiff did not reply at all.

23 Defendant files this motion to dismiss along with the accompanying Memorandum
24 of Points and Authorities, and all papers and pleadings on file herein, footnotes,
25 internet links and such other evidence that may be presented to the Court at or prior to
26 the hearing.

27
28 ///

INTRODUCTION

1
2 Plaintiff Konstantin Khionidi trustee of the Cobbs Trust through their past attorney,
3 James J Little, past legal assistant, permanently disbarred attorney, John H Feiner¹,
4 attorney friend, Benjamin Falcioni, current attorney, Philip Stillman and Stillman's
5 "legal assistant," ex-Plaintiff Amanda Lollar, have come to this Court with unclean
6 hands, *Keystone Driller Co v. General Excavator Co.*, 290 U.S. 240, 244-45, 54 S. Ct.
7 146, 78 L.Ed. 293 (1933):² Based on the conduct by Plaintiff and Plaintiff's legal team
8 the unclean hands doctrine squarely applies and requires this Court to shut its doors
9 against the guilty parties, and to refuse to interfere on their behalf, to acknowledge
10 their right or to award them any remedy in these adversary proceedings.

11 During the course of this litigation and the litigation related to the sister state
12 judgment which is the basis of the current claim Plaintiff has forged multiple
13 documents and submitted perjured testimony. Plaintiff has also filed numerous false
14 complaints against Defendant to police, USDA, Fish & Wildlife, city council members
15 and other government agencies. Defendant has been cleared of any and all
16 wrongdoing.

17 Plaintiff intentionally mailed the original April 10, 2017 acknowledgment of
18 assignment of judgment to the wrong address so Defendant never received it (Exhibit
19 2). They left off the suite number. The complex has thousands of people at that
20 address. Plaintiff then forged service of the May 5, 2017 application and order for
21

22
23 ¹ John Feiner disbarred <http://members.calbar.ca.gov/fal/Licensee/Detail/89201>

24 ² See *Keystone Driller Co v. General Excavator Co.*, 290 U.S. 240, 244-45, 54 S. Ct. 146, 78 L.Ed. 293 (1933): "It is one
25 of the fundamental principles upon which equity jurisprudence is founded, that before a complainant can have a standing
26 in court he must first show not only that he has a good and meritorious cause of action, but he must come into court with
27 clean hands . . . The governing principle is 'that whenever a party who, as actor, seeks to set the judicial machinery in
28 motion and obtain some remedy, has violated conscience, or good faith, or other equitable principle, in his prior conduct,
then the doors of the court will be shut against him in limine; the court will refuse to interfere on his behalf, to
acknowledge his right or to award him any remedy' . . . 'A court of equity acts only when and as conscience commands,
and if the conduct of the plaintiff be offensive to the dictates of natural justice, then, whatever may be the rights he
possesses and whatever use he may make of them in a court of law, he will be held remediless in a court of equity.'" [italics in original].

1 appearance and examination. Plaintiff then forged service of two ex-parte motions so
2 Defendant would not appear and lose by default which happened.

3 The purpose was to get a bench warrant against Defendant so Defendant would be
4 falsely arrested. Plaintiff received a bench warrant against Defendant. Defendant
5 would have been arrested had Plaintiff not bragged on the internet about the debtor
6 hearing (Exhibit 3). Defendant checked the calendar and saw the motion to compel
7 debtor hearing with a subpoena. At this time lacourt.org online court access was very
8 slow. Documents and hearing dates would not show up for days if not longer. This was
9 during the transition of the court records from paper to digital.

10 Defendant asked Plaintiff's ex attorney James Little in email (Exhibit 4) for the
11 subpoena which they did not serve on Defendant. Little refused to give Defendant the
12 subpoena. Subpoenas are not available online. Defendant finally obtained a copy of the
13 subpoena. Defendant went to the debtor hearing then Plaintiff gave Defendant a
14 different subpoena duces tecum requesting documents which Defendant of course did
15 not bring. Plaintiff's attorney Little lied to the Judge and stated the subpoena duces
16 tecum Little just handed to Defendant was the same subpoena they originally served.
17 Little then lied to the Judge and said the subpoena is in the file. Subpoenas aren't in the
18 court file. Legal assistant permanently disbarred attorney John H Feiner then stated
19 "she has no documents! She will be arrested!" (Declaration).
20

21 Plaintiff also forged proof of service of unrelated party Jennifer Charnofsky (Doc
22 24, Charnofsky Declaration). Plaintiff's attorney Philip Stillman then falsely stated to
23 this Court that Charnofsky was timely served even though the dates of the email and
24 fake service were not timely i.e. at least 20 days before the deposition date (Exhibit 5).
25 The subpoena is dated October 12, 2018 for an October 30, 2019 depo but was only
26 emailed to Defendant October 15, 2018 (Exhibit 6). Charnofsky was never served with
27 the subpoena.
28

1 Philip Stillman also accidentally emailed Defendant when intending to email
2 Plaintiff or Plaintiff's legal team, "You know what? Send a copy of the Subpoena via
3 fed-x to Charnofsky as well. There is some case law that if someone is avoiding
4 service, getting them to sign for a fed-x would suffice." (Exhibit 7). Stillman
5 embarrassed about the mix-up then stated to Defendant in email (Exhibit 8) that he
6 intended to send that to Defendant which makes absolutely no sense besides being
7 utterly bizarre.

8 Plaintiff's deceased attorney James Little told the court that ex-Plaintiff Amanda
9 Lollar was his "legal assistant" so she may be allowed in the debtor hearing. Lollar is
10 not a legal assistant and has not gone past the 8th grade per Lollar. As Plaintiff's "legal
11 assistant" Lollar has been posting on the public internet Defendant's passport and other
12 items which are violations of protection orders besides other false and defamatory
13 items for harassment purposes. Lollar has been posting incredibly obscene
14 Photoshop'd images of Defendant's head on the naked body of a morbidly obese
15 woman besides other revolting images calling Defendant childish names. Lollar also
16 falsely posted on the internet that Defendant has a criminal record for credit card
17 forgery and fraud when Lollar knows that is absolutely false.

18 Lollar did not realize that Lollar is not anonymous when Lollar uses
19 Google/Gmail/Blogger user name Rachel Thompson³ doublerachel2012@gmail.com.
20 Lollar has posted over 400 blogs about Defendant since 2010. These blogs are highly
21 defamatory stating Defendant is a pedophile⁴ has AIDs, herpes, STD, gonorrhea,
22 syphllis which is false. They also falsely stated that Defendant is a convicted criminal,
23 was found guilty of credit card forgery, fraud and theft. The purpose is to make it
24 impossible for Defendant to get work. In fact Lollar has contacted friends and
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28 ³ User name Rachel Thompson <https://plus.google.com/108068286286891391391>

⁴ Mary Cummins pedophile <http://aboutmarycummins.blogspot.com/2014/10/>

1 coworkers of Defendant and defamed Defendant to them stating Defendant is a
2 convicted criminal.

3 Lollar even attacked well respected Los Angeles attorney David Casselman because
4 Casselman wrote a pro bono amicus brief on behalf of Defendant stating this judgment
5 is not supported by any law⁵. Lollar stated that Casselman is not helping elephants⁶
6 when he has logged over \$5,000,000 in pro bono hours fighting for elephants and has
7 won many cases.

8 Defendant has never been charged with or convicted of any crime. Defendant has
9 been a real estate appraiser since 1983 with a perfect record for 36 years (Curriculum
10 Vitae⁷). Defendant must pass annual background checks to work for banks, attorneys,
11 lenders and others. Defendant has passed every single one. Defendant has also been an
12 animal rescuer for over 30 years. Defendant has worked with the City of Los Angeles
13 to get the new wildlife policy passed⁸. Defendant also got an amendment to zoning to
14 allow wildlife rehabilitation⁹. Defendant had to pass background checks to go through
15 the police academy and to volunteer with children (Curriculum Vitae¹⁰). Defendant has
16 positively worked with the City and County of Los Angeles for many years and even
17 received awards. Lollar went so far as to send defamatory material to all of the Los
18 Angeles City Council members who instantly forwarded them to Defendant.
19

20 Defendant filed an ex-parte application in the sister state case BS140207. Plaintiff's
21 reply contained many, many false statements of the case and events. Plaintiff lied and
22 stated Plaintiff tried to continue the hearing with the Judge but the hearing ran late.
23 The truth of the matter was Plaintiff's attorney James Little decided to take drugs in

24 ⁵ David Casselman amicus brief

25 http://www.animaladvocates.us/mary_cummins_v_bat_world_sanctuary_amicus_letter.pdf

26 ⁶ Lollar states Casselman doesn't help elephants <http://aboutmarycummins.blogspot.com/2016/01/mary-cummins-david-casselmann-peas-in-pod.html>

27 ⁷ Mary Cummins curriculum vitae <http://www.marycummins.com/marycumminscurriculumvitae.pdf>

28 ⁸ LA wildlife policy <http://www.animaladvocates.us/news/082404.htm>

⁹ LA County zoning amendment <http://www.animaladvocates.us/countyallowswildliferehabilitation.htm>

¹⁰ Curriculum Vitae Mary Cummins

http://www.animaladvocates.us/Mary_Cummins_Animal_Advocates_Curriculum_Vitae.pdf

1 the debtor hearing and even lit up a cigarette in the hearing room. Plaintiff ended the
2 hearing very early after Plaintiff's attorney James Little started to talk about his drug,
3 alcohol and cigarette additions in the hearing. Plaintiff's then attorney James Little did
4 not show for the ex-parte hearing. Instead attorney Benjamin Falcioni who is merely a
5 personal friend of James Little and not an attorney in this case showed up in the
6 courtroom. Falcioni told the Court's clerk in front of Defendant that he was James
7 Little. Falcioni is a young healthy man and James Little was an older man confined to
8 a wheelchair. Defendant told the clerk that was not Little then Falcioni fled the court
9 room (Declaration). Later in email Falcioni admitted he appeared for Little even
10 though he is not the attorney of record (Exhibit 9). Defendant won that ex-parte
11 application.

12 During the course of this adversary proceeding Plaintiff has made many, many false
13 statements about the facts in court and in legal filings to this Court. Defendant noted
14 the false statements of fact in Defendant's reply to the adversary proceeding Doc #8.
15 Defendant has been noting all of these false statements in Defendant's multiple legal
16 replies to this Court. Plaintiff's false statements were intentional to smear Defendant to
17 the Court and to the public. Lollar publicly posted the false and defamatory adversary
18 proceeding legal documents online to further defame Defendant. Their goal is not to
19 collect a debt but to make sure Defendant can never make any money by harming
20 Defendant's reputation. Plaintiff Lollar has stated that Lollar wants Defendant to be in
21 jail or homeless on the streets.

22 While Plaintiff Lollar still owned the judgment after the appeal opinion was
23 released Lollar filed the exact same copy/paste defamation lawsuit against Defendant.
24 Plaintiff stated Defendant had returned all the items ordered to be taken down. Even
25 though the Appeals Court reversed the judgment on the take down order and
26 Defendant could return them, Defendant did not return the items.
27
28

1 Texas wanted to cut down on the many frivolous defamation lawsuits in the state.
2 Since the original 2010 lawsuit they passed the Defamation Mitigation Act and Citizen
3 Participation Act. Now a Plaintiff must first send a cease letter specifically noting any
4 items Plaintiff feels is defamatory. They also must prove the items are defamatory.
5 Plaintiff did not do this. Because Defendant has never defamed Plaintiff, Plaintiff was
6 forced to forge every exhibit. Most exhibits do not exist anywhere. Most were outside
7 of the statute of limitations of defamation in Texas. That is why Lollar forged exhibits
8 adding comments made by a user "Mary Cummins" which were just barely within the
9 statute of limitations. Defendant believes that Plaintiff's Texas attorney Randy Turner
10 instructed Lollar to make sure the forged exhibits were within the statute of limitations.
11 Below is just one of the many forgeries. There is no comment by Mary Cummins in
12 the online article. Defendant didn't write the articles or make the comments.

13 Plaintiff Lollar's Exhibit 5 <http://animaladvocates.us/exhibit%205.pdf>

14 Actual Exhibit 5 printed http://animaladvocates.us/def_exhibit_5.pdf

15 Real online Exhibit 5 <https://www.indybay.org/newsitems/2013/02/21/18732538.php>

16
17 After Lollar submitted the forgeries Lollar signed an affidavit saying they were all
18 copies of the originals which still exist today online. Plaintiff committed not only
19 multiple forgeries but also perjury. Defendant did not write the articles or make the
20 comments. Plaintiff could have found the identities of the posters via subpoena but
21 Plaintiff never did knowing that Plaintiff made the comments.

22 During this adversary proceeding Plaintiff has violated protective orders, the
23 redaction rules and is in contempt of court orders.

24 Based on the foregoing Plaintiff has committed the crimes of forgery, fraud and
25 perjury. For the foregoing reasons the unclean hands doctrine squarely applies and
26 requires this Court to shut its doors against the guilty parties, and to refuse to interfere
27 on their behalf, to acknowledge their right or to award them any remedy in these
28 adversary proceedings. For all of these reasons Plaintiff's adversary proceeding and all

1 claims for relief against Defendant should be dismissed with prejudice and the
2 judgment should be discharged.

3
4 **I.**

5 **PLAINTIFF'S ADVERSARY PROCEEDING MUST BE DISMISSED DUE TO**
6 **PLAINTIFF'S UNCLEAN HANDS**

7 The purpose of the unclean hands doctrine is not to protect the defendant – it is to
8 protect the court from becoming an aider and abettor of iniquity. Committing crimes of
9 forgery, fraud and perjury in the Court is unclean hands. (citing) *Karpenko v.*
10 *Leendertz*, 619 F.3d 259, 267 (3d Cir. 2010) (“As we have explained previously, the
11 equitable doctrine of unclean hands is not a matter of defense to the defendant. Rather,
12 in apply it[,] courts are concerned primarily with their own integrity, and with avoiding
13 becoming the abettor of iniquity.” Aldisert, J., dissenting, citing *Ne. Women’s Ctr., Inc.*
14 *v. McMonagle*, 868 F.2d 1342, 1354 (3d Cir. 1989).

15 The burden of proof applicable here is proof by clear and convincing evidence.
16 *Astra Aktiebolag v. Andrx Pharms., Inc. (In re Omeprazole Patent Litig.)*, 483 F.3d
17 1364, 1374 (Fed. Cir. 2007); *Aptix Corp. v. Quickturn Design Sys.*, 269 F.3d 1369,
18 1374 (Fed. Cir. 2001); *Gilead Scis., Inc. v. Merck & Co., Inc.*, No. 13-cv-04057-BLF,
19 2016 U.S. Dist. LEXIS 73595, 2016 WL 3143943 (N.D. Cal. June 6, 2016). Defendant
20 has provided this proof. Plaintiff has unclean hands.

21 **CONCLUSION**

22 For the foregoing reasons, Defendant requests that this Court grant Defendant’s
23 Motion to Dismiss the Plaintiff’s adversary proceeding.

24 Respectfully submitted,

25
26 

27 Mary Cummins, Defendant

28 Dated: March 4, 2019

1
2 **DECLARATION OF DEFENDANT MARY CUMMINS**

3 I, MARY CUMMINS, declare as follows:

- 4 1. I am Mary Cummins Defendant in pro per. I make this declaration on my
5 personal knowledge of the facts set forth herein.
6 2. Everything in DEFENDANT'S MOTION TO DISMISS was written by me and
7 is the truth to the best of my knowledge.
8 3. All exhibits cited, footnoted, attached are true and correct copies of the originals.

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

11 Executed on March 4, 2019 at Los Angeles, California.

Mary Cummins

12
13 By: _____

14 MARY CUMMINS
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Mary Cummins <mmmarycummins@gmail.com>

Meet and confer motion to dismiss adversary proceeding for unclean hands

1 message

Mary Cummins <mmmarycummins@gmail.com>

Fri, Mar 1, 2019 at 11:44 AM

To: "Philip H. Stillman" <pstillman@stillmanassociates.com>

I am meeting and conferring with you on my motion to dismiss adversary proceeding on the basis of Plaintiff's unclean hands. Attached is my joint stipulation for the motion to dismiss in .doc and .pdf format.

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins

Los Angeles, California

MaryCummins.com

[facebook.com/CumminsRealEstateServices](https://www.facebook.com/CumminsRealEstateServices)

Direct: (310) 877-4770

Fax: (310) 877-4770

Se habla Español

We're a paperless office. Please, don't give us paper copies of comps. Just email them. Thanks.

2 attachments**Cummins joint stipulation motion dismiss unclean hands.doc**

108K

**Cummins_joint_stipulation_motion_dismiss_unclean_hands.pdf**

136K

EXHIBIT 1

DECLARATION 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 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 1100, Los Angeles, California 90067.

On April 10, 2017 I served the document(s) described as

ACKNOWLEDGEMENT OF ASSIGNMENT OF JUDGMENT

on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Mary Cummins
645 W. 9th Street
Los Angeles, CA 90015

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with 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.

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

Executed on April 10, 2017, at Los Angeles, California.



K. KENNETH KOTLER

EXHIBIT 2

California Debtor's Court date

"In May 2017 investigators finally located Cummins and served her with an Order to Produce Statement of Assets and to Appear for Examination," Turner added.

Cummins "has been ordered to appear in California Debtor's Court at 1:30 p.m. on September 18, 2017," Turner wrote, "where she will be grilled under oath about everything she owns, her income, assets, vehicles, expenditures, monthly living expenses, inheritance, trust funds, and all bank accounts she has access to. Her assets will be seized shortly thereafter," pending further twists in the already seven-year-old case.

From
<https://www.animals24-7.org/2017/08/18/when-cyberspace-aint-big-enough-for-sanctuarrians-their-critics/>



Mary Cummins <mmmarycummins@gmail.com>

BS140207 - You didn't notice me for 9/26 ex-parte motion

1 message

Mary Cummins <mmmarycummins@gmail.com>

Wed, Sep 27, 2017 at 2:00 PM

To: JJ@jjlittlelaw.com

You didn't notice me or give me a copy.

Please, give me the subpoena. I still haven't seen it.

I have no tax returns, no receipts, no assets, no trust fund, no inheritance.

--

Mary Cummins
(310) 877-4770

EXHIBIT 4

UNITED STATES BANKRUPTCY COURT

CENTRAL District of CALIFORNIA

In re MARY CUMMINS-COBB
Debtor

Case No. 2:17-bk-24993-RK

(Complete if issued in an adversary proceeding)

KONSTANTIN KHIONIDI, Trustee
Plaintiff

Chapter 7

v.
MARY CUMMINS-COBB
Defendant

Adv. Proc. No. 2:18-ap-01066-RK

SUBPOENA TO TESTIFY AT A DEPOSITION
IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Jennifer Charnofsky

(Name of person to whom the subpoena is directed)

[X] Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this bankruptcy case (or adversary proceeding). If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

PLACE	DATE AND TIME
9171 Wilshire Blvd, Suite 500, Beverly Hills, California, 90210	October 30, 2018 at 10 a.m.

The deposition will be recorded by this method:

[X] Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

Documents listed on Exhibit A attached hereto.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: October 12, 2018

CLERK OF COURT

OR 

Signature of Clerk or Deputy Clerk

Attorney’s signature

The name, address, email address, and telephone number of the attorney representing (name of party) Konstantin Khionidi, Trustee, who issues or requests this subpoena, are: Philip Stillman, 3015 North Bay Road, Suite B, Miami Beach, FL 33140, tel. no. (888) 235-4279, pstillman@stillmanassociates.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Mary Cummins <mmmarycummins@gmail.com>

Subpoena Duces Tecum To Jennifer Charnofsky

1 message

Philip H. Stillman <pstillman@stillmanassociates.com>

Mon, Oct 15, 2018 at 12:40 PM

To: Mary Cummins <mmmarycummins@gmail.com>

Attached please find a copy of Plaintiff's Subpoena Duces Tecum to Jennifer Charnofsky for October 30. In the event that you execute the Stipulation today and it is ordered by the Court, I would be happy to move the date of the deposition. However, without the Stipulation, I must go forward as is.

Philip H. Stillman | STILLMAN • ASSOCIATES
3015 North Bay Road | Suite B |
Miami Beach, FL 33140 |
V: 888.235.4279 | F: 888.235.4279
pstillman@stillmanassociates.com
www.stillmanassociates.com

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EXHIBIT 6



Mary Cummins <mmmarycummins@gmail.com>

Re: Did you send a thug to Charnofsky's home?

1 message

Philip H. Stillman <pstillman@stillmanassociates.com>

Thu, Oct 18, 2018 at 3:49 PM

To: Mary Cummins <mmmarycummins@gmail.com>

You know what? Send a copy of the Subpoena via fed-x to Charnofsky as well. There is some case law that if someone is avoiding service, getting them to sign for a fed-x would suffice. We still want to get her in hand, but the Fed-X can be a back-up.

From: Mary Cummins <mmmarycummins@gmail.com>

Date: Thursday, October 18, 2018 at 5:33 PM

To: Philip Stillman <pstillman@stillmanassociates.com>

Subject: Did you send a thug to Charnofsky's home?

Did you send a thug who looked like a street person to Charnofsky's home late last night? She has a TBI and quite a few other health issues. You could cause her to have a heart attack or stroke. I warned Little about this. She is a very well respected person in this community. She's well connected with City Hall and LAPD. Harassing a disabled elderly woman is truly disgusting. Not even Little did that. Would you like someone to do that to your parents? Rhetorical question. Not a threat.

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins
Los Angeles, California

MaryCummins.com

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Direct: (310) 877-4770

Fax: (310) 877-4770

Se habla Español

EXHIBIT 7



Mary Cummins <mmarycummins@gmail.com>

Re: Did you send a thug to Charnofsky's home?

1 message

Philip H. Stillman <pstillman@stillmanassociates.com>

Fri, Oct 19, 2018 at 10:26 AM

To: Mary Cummins <mmarycummins@gmail.com>

No, that was to you. I inadvertently omitted the "I'll" before "send." Should have proofed it. I was suggesting an alternative if it was acceptable.

As I have said before, please keep your opinions to yourself.

From: Mary Cummins <mmarycummins@gmail.com>
Date: Friday, October 19, 2018 at 1:21 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Re: Did you send a thug to Charnofsky's home?

Did you mean to email that to your client? That means you lied about the process server to me. You are a god damn liar.

On Thu, Oct 18, 2018 at 3:49 PM Philip H. Stillman <pstillman@stillmanassociates.com> wrote:

You know what? Send a copy of the Subpoena via fed-x to Charnofsky as well. There is some case law that if someone is avoiding service, getting them to sign for a fed-x would suffice. We still want to get her in hand, but the Fed-X can be a back-up.

From: Mary Cummins <mmarycummins@gmail.com>
Date: Thursday, October 18, 2018 at 5:33 PM
To: Philip Stillman <pstillman@stillmanassociates.com>
Subject: Did you send a thug to Charnofsky's home?

Did you send a thug who looked like a street person to Charnofsky's home late last night? She has a TBI and quite a few other health issues. You could cause her to have a heart attack or stroke. I warned Little about this. She is a very well respected person in this community. She's well connected with City Hall and LAPD. Harassing a disabled elderly woman is truly disgusting. Not even Little did that. Would you like someone to do that to your parents? Rhetorical question. Not a threat.

--

Real Estate Appraiser, Expert witness for over 30 years

Mary Cummins
Los Angeles, California

EXHIBIT 8



Mary Cummins <mmmarycummins@gmail.com>

Re: Are you James Little's new attorney?

1 message

Benjamin Falcioni <falcionilaw@gmail.com>

Tue, Feb 6, 2018 at 11:06 AM

To: Mary Cummins <mmmarycummins@gmail.com>

I will be doing no more on your case.

On Feb 6, 2018 10:55 AM, "Mary Cummins" <mmmarycummins@gmail.com> wrote:

You filed an ex parte motion in the court room December 2017. I was there. The motion stated that James Little was present when he was not. He had to be present for his motion to be heard. I still won even though you lied to the court clerk and said you were James Little. I asked the clerk who you were. The motion you filed was full of perjured statements and outright lies.

On Tue, Feb 6, 2018 at 10:46 AM, Benjamin Falcioni <falcionilaw@gmail.com> wrote:

I had helped JJ with appearances, but I was never on the case. I know a bit about it, but I am not stepping in on any level to assist with it. There's alot going on with it. I wish you the best as you defend this case.

Ben

On Feb 6, 2018 10:44 AM, "Benjamin Falcioni" <falcionilaw@gmail.com> wrote:

I am not. I do not have the time or energy to give this case the thoughtful consideration and hard work it deserves. My baby is beautiful and I am devoting as much time as possible to being a present father and husband.
Ben

On Feb 6, 2018 10:27 AM, "Mary Cummins" <mmmarycummins@gmail.com> wrote:

--

Mary Cummins
(310) 877-4770

--

Mary Cummins
(310) 877-4770

EXHIBIT 9

1 MARY CUMMINS
2 Debtor, Defendant, In Pro Per
3 645 W. 9th St. #110-140
4 Los Angeles, CA 90015
5 Direct: (310) 877-4770
6 Fax: (310) 494-9395
7 Email: mmmaryinla@aol.com

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

<p>10 In re:</p> <p>11 MARY CUMMINS-COBB,</p> <p>12 Debtor</p> <hr/> <p>14 KONSTANTIN KHIONIDI, as Trustee</p> <p>15 Of the COBBS TRUST,</p> <p>16 Plaintiff,</p> <p>17 vs.</p> <p>18 MARY CUMMINS-COBB</p> <p>19 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>) DEFENDANT’S JOINT</p> <p>) STIPULATION OF THE PARTIES RE</p> <p>) MOTION TO DISMISS ADVERSARY</p> <p>) PROCEEDING DUE TO UNCLEAN</p> <p>) HANDS</p> <p>) Judge: Honorable Robert N. Kwan</p> <p>) Courtroom: 1675</p> <p>) Edward R. Roybal Federal Building</p> <p>) 255 E. Temple St, Suite 1682</p> <p>) Los Angeles, CA 90012</p>
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22 **INTRODUCTION**

23 **Defendant’s Introduction.**

24 Plaintiff Konstantin Khionidi of the Cobbs Trust through their past attorney, James
25 J Little, past legal assistant, permanently disbarred attorney, John H Feiner, attorney,
26 Benjamin Falcioni, current attorney, Philip Stillman and Stillman’s “legal assistant,”
27 ex-Plaintiff Amanda Lollar, have come to this Court with unclean hands, *Keystone*
28 *Driller Co v. General Excavator Co.*, 290 U.S. 240, 244-45, 54 S. Ct. 146, 78 L.Ed.

DEFENDANT’S JOINT STIPULATION OF THE PARTIES RE MOTION TO DISMISS
ADVERSARY PROCEEDING DUE TO UNCLEAN HANDS

1 293 (1933):¹ Based on the conduct by Plaintiff and Plaintiff's legal team the unclean
2 hands doctrine squarely applies and requires this Court to shut its doors against the
3 guilty parties, and to refuse to interfere on their behalf, to acknowledge their right or to
4 award them any remedy in these adversary proceedings.

5 During the course of this litigation and the litigation related to the sister state
6 judgment which is the basis of the current claim Plaintiff has forged multiple proofs of
7 service. Plaintiff forged service of ex-parte motions so Defendant would not appear
8 and lose by default which happened (Exhibit). The purpose was to get a bench warrant
9 against Defendant so Defendant would be falsely arrested. Plaintiff received a bench
10 warrant against Defendant. Defendant would have been arrested had Plaintiff not
11 bragged on the internet about getting Defendant arrested (Exhibit). Defendant checked
12 the calendar and saw the motion to compel debtor hearing with a subpoena. Defendant
13 asked Plaintiff's ex attorney James Little in email (Exhibit) for the subpoena which
14 they did not serve on Defendant. Little refused to give Defendant the subpoena.
15 Defendant went to the debtor hearing then Plaintiff gave Defendant a different
16 subpoena duces tecum requesting documents which Defendant did not bring. Legal
17 assistant permanently disbarred attorney John H Feiner stated "she has no documents!
18 She will be arrested!" (Declaration).

19
20 Plaintiff also forged proof of service of unrelated party Jennifer Charnofsky
21 (Exhibit, Charnofsky Declaration). Plaintiff's attorney Philip Stillman then falsely
22 stated to this Court that Charnofsky was timely served even though the dates of the
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24 ¹ See *Keystone Driller Co v. General Excavator Co.*, 290 U.S. 240, 244-45, 54 S. Ct. 146, 78 L.Ed. 293 (1933): "It is one
25 of the fundamental principles upon which equity jurisprudence is founded, that before a complainant can have a standing
26 in court he must first show not only that he has a good and meritorious cause of action, but he must come into court with
27 clean hands . . . The governing principle is 'that whenever a party who, as actor, seeks to set the judicial machinery in
28 motion and obtain some remedy, has violated conscience, or good faith, or other equitable principle, in his prior conduct,
and if the conduct of the plaintiff be offensive to the dictates of natural justice, then, whatever may be the rights he
possesses and whatever use he may make of them in a court of law, he will be held remediless in a court of equity.'" [italics in original].

1 email and fake service were not timely. Philip Stillman also accidentally emailed
2 Defendant when intending to email Plaintiff or Plaintiff's legal team (Exhibit). The
3 email instructed the legal team to send an overnight Fedex to trick Charnofsky to get a
4 signature and use that as proof of service. Stillman embarrassed about the mix-up then
5 stated to Defendant in email (Exhibit) that he intended to send that to Defendant which
6 makes absolutely no sense besides being utterly bizarre.

7 Plaintiff's deceased attorney James Little told the court that ex-Plaintiff Amanda
8 Lollar was his "legal assistant" so she may be allowed in the debtor hearing. Lollar is
9 not a legal assistant and has not gone past the 8th grade per Lollar. As Plaintiff's "legal
10 assistant" Lollar has been posting on the public internet Defendant's passport and other
11 items which are violations of protection orders besides other false and defamatory
12 items for harassment purposes (Exhibit). Lollar has been posting incredibly obscene
13 Photoshop'd images of Defendant's head on the naked body of a morbidly obese
14 woman besides other revolting images calling Defendant childish names (Exhibit).
15 Lollar also falsely posted on the internet that Defendant has a criminal record for credit
16 card forgery and fraud when Lollar knows that is absolutely false (Exhibit).

17
18 Defendant filed an ex-parte application in the sister state case (Exhibit). Plaintiff's
19 reply contained many, many false statements of the case and events (Exhibit).

20 Plaintiff's then attorney James Little did not show for the ex-parte hearing. Instead
21 attorney Benjamin Falcioni who is merely a personal friend of James Little and not an
22 attorney in this case showed up in the courtroom. Falcioni told the Court's clerk in
23 front of Defendant that he was James Little. Falcioni is a young healthy man and
24 James Little was an older man confined to a wheelchair. Defendant told the clerk that
25 was not Little then Falcioni fled the court room (Declaration). Defendant won that ex-
26 parte application.

27 During the course of this adversary proceeding Plaintiff has made many, many false
28 statements about the facts in court and in legal filings to this Court (Exhibit).

DEFENDANT'S JOINT STIPULATION OF THE PARTIES RE MOTION TO DISMISS
ADVERSARY PROCEEDING DUE TO UNCLEAR HANDS

1 Defendant noted the false statements of fact in Defendant's reply to the adversary
2 proceeding Doc #8. Defendant has been noting all of these false statements in
3 Defendant's multiple legal replies to this Court. Plaintiff's false statements were
4 intentional to smear Defendant to the Court and to the public. Lollar publicly posted
5 the adversary proceeding legal documents online to further defame Defendant.

6 For the foregoing reasons the unclean hands doctrine squarely applies and requires
7 this Court to shut its doors against the guilty parties, and to refuse to interfere on their
8 behalf, to acknowledge their right or to award them any remedy in these adversary
9 proceedings. For all of these reasons Plaintiff's adversary proceeding and all claims for
10 relief against Defendant should be dismissed with prejudice and the judgment should
11 be discharged.

12 **I.**

13 **PLAINTIFF'S ADVERSARY PROCEEDING MUST BE DISMISSED DUE TO**
14 **PLAINTIFF'S UNCLEAN HANDS**

15 **Defendant's Position:**

16 The purpose of the unclean hands doctrine is not to protect the defendant – it is to
17 protect the court from becoming an aider and abettor of iniquity. (citing) *Karpenko v.*
18 *Leendertz*, 619 F.3d 259, 267 (3d Cir. 2010) (“As we have explained previously, the
19 equitable doctrine of unclean hands is not a matter of defense to the defendant. Rather,
20 in apply it[,] courts are concerned primarily with their own integrity, and with avoiding
21 becoming the abettor of iniquity.” Aldisert, J., dissenting, citing *Ne. Women's Ctr., Inc.*
22 *v. McMonagle*, 868 F.2d 1342, 1354 (3d Cir. 1989).

23 The burden of proof applicable here is proof by clear and convincing evidence.
24 *Astra Aktiebolag v. Andrx Pharms., Inc. (In re Omeprazole Patent Litig.)*, 483 F.3d
25 1364, 1374 (Fed. Cir. 2007); *Aptix Corp. v. Quickturn Design Sys.*, 269 F.3d 1369,
26 1374 (Fed. Cir. 2001); *Gilead Scis., Inc. v. Merck & Co., Inc.*, No. 13-cv-04057-BLF,
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1 2016 U.S. Dist. LEXIS 73595, 2016 WL 3143943 (N.D. Cal. June 6, 2016). Defendant
2 has provided this proof. Plaintiff has unclean hands.

3 Plaintiff's Position

4
5 **CONCLUSION**

6 For the foregoing reasons, Defendant requests that this Court grant Defendant's
7 Motion to Dismiss the Plaintiff's adversary proceeding.

8 Respectfully submitted,

9
10 

11 _____
Mary Cummins, Defendant

12 Dated: March 1, 2019

13
14 STILLMAN & ASSOCIATES

15 /s/ Philip H. Stillman

16 By: _____
17 Attorneys for Plaintiff KONSTANTIN
18 KHIONIDI

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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:

DEFENDANT'S JOINT STIPULATION OF THE PARTIES RE MOTION TO DISMISS ADVERSARY PROCEEDING DUE TO UNCLEAR HANDS

on the following interested parties by email to the following at .

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, March 1, 2019, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Plaintiff
Dated: March 1, 2019
645 W. 9th St. #110-140
Los Angeles, CA 90015

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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:

MOTION TO DISMISS ADVERSARY PROCEEDING DUE TO UNCLEAN HANDS

on the following interested parties by email to the following at .

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, March 4, 2019, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Defendant

Dated: March 4, 2019

645 W. 9th St. #110-140

Los Angeles, CA 90015