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

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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>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</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>PLAINTIFF'S DECLARATION OF NO TIMELY RESPONSE AND REQUEST FOR A HEARING ON PLAINTIFF'S MOTION TO DISMISS CAUSES OF ACTION ONE THROUGH THREE OF PLAINTIFF'S COMPLAINT</p> <p>[Fed.R.Bank.P. 7041, Local Rule 9013-1(o)]</p>
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17 Judge: Honorable Robert N. Kwan
Courtroom: 1675
18 Edward R. Roybal Federal Building
255 E. Temple Street, Suite 1682
19 Los Angeles, CA 90012

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1 I, Philip H. Stillman, hereby declare:

2 1. I am counsel of record for plaintiff in this adversary proceeding and a member of
3 the California State Bar in good standing. I have personal knowledge of the facts stated herein
4 and if called as a witness, I could and would testify competently to them.


5 2. On March 5, I served Plaintiff's Motion to Dismiss Causes of Action 1-3 of Plaintiff's
6 adversary complaint without prejudice and served a Motion to Dismiss Remaining Causes of
7 Action in Adversary Proceeding and Notice of Opportunity to Request a Hearing on Motion on all
8 parties, including the U.S. Trustee and the Chapter 7 Trustee.

9 3. A true and correct copy of the filing is attached hereto as Exhibit 1.

10 4. As of March 26, 2020, no timely response and request for hearing was served upon
11 me; and I have checked the docket of the adversary proceeding and no response and request for
12 hearing was timely filed.

13 I declare under penalty of perjury under the laws of the state of California and the United
14 States that the foregoing is true and correct. Signed this 27th day of March, 2020 at Miami Beach,
15 Florida.

16
17 Dated: March 27, 2020


By: _____
Philip H. Stillman, Esq.
*Attorneys for KONSTANTIN KHIONIDI, as Trustee of
the COBBS TRUST*

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Stillman & Associates
3015 North Bay Road, Suite B
Miami Beach, Florida 33140

A true and correct copy of the foregoing document entitled (*specify*):

DECLARATION RE NO OPPOSITION TO MOTION TO DISMISS REMAINING CAUSES OF ACTION IN ADVERSARY PROCEEDING

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 27, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Chapter 7 Trustee Peter J. Mastan, pmastan@gumportlaw.com
U.S. Trustee, ustpreion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) March 27, 2020, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Debtor and Defendant *in pro per*, Mary Cummins-Cobb, mmmarycummins@gmail.com (via email by stipulation of the parties)

Hon. Robert Kwan
US Bankruptcy Court, Central District of California, Room 303
255 E. Temple Street, Suite 1682
Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/27/2020 <i>Date</i>	Philip H. Stillman <i>Printed Name</i>	/s/ Philip H. Stillman <i>Signature</i>
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Exhibit 1

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address PHILIP H. STILLMAN, BAR NO. 152861 3015 N. Bay Rd, Suite B Miami Beach, FL 33140 (888) 235-4279 pstillman@stillmanassociates.com	FOR COURT USE ONLY
<input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> Attorney for: KONSTANTIN KHIONIDI, as TRUSTEE	

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA -**SELECT DIVISION****

In re: Mary Cummins-Cobb	CASE NO.: 18-01066-RK CHAPTER: SELECT CHAPTER
NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION [LBR 9013-1(o)]	
Debtor(s).	[No hearing unless requested in writing]

TO THE U.S. TRUSTEE AND ALL PARTIES ENTITLED TO NOTICE, PLEASE TAKE NOTICE THAT:


1. Movant(s) Konstantin Khionidi, as Trustee of the Cobbs Trust _____, filed a motion or application (Motion) entitled Motion to Dismiss Causes of Action One through Three of Plaintiff's Adversary Complaint Seeking Denial of Defendant's Discharge Pursuant to 11 USC 727(a).
2. Movant(s) is requesting that the court grant the Motion without a hearing as provided for in LBR 9013-1(o), unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing.
3. The Motion is based upon the legal and factual grounds set forth in the Motion. *(Check appropriate box below):*
 The full Motion is attached to this notice; or
 The full Motion was filed with the court as docket entry # _____, and a detailed description of the relief sought is attached to this notice.
4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).


This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- a. If you timely file and serve a written opposition and request for a hearing, movant will file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
- b. If you fail to comply with this deadline:
 - (1) Movant will file a declaration to indicate: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice [LBR 9013-1(o)(3)];
 - (2) Movant will lodge an order that the court may use to grant the Motion; and
 - (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)]

Respectfully submitted,

Date: March 5, 2020 

s/ Philip H. Stillman 
Signature of Movant or attorney for Movant

Philip H. Stillman 
Printed name of Movant or attorney for Movant

1 Plaintiff hereby moves this Court for an Order dismissing the remainder of Plaintiff's
2 Adversary Complaint, Causes of Action One through Three alleging violations of 11 USC § 727
3 without prejudice. As grounds for this Motion, Plaintiff states:

4 1. On March 10, 2018, Plaintiff filed an adversary complaint against debtor and
5 defendant Mary Cummins-Cobb, alleging that (1) she should be denied a discharge pursuant to
6 11 U.S.C. § 727(a) and (2) that Plaintiff's Judgments in the California State Court and Texas
7 State Courts should be determined to be non-dischargeable pursuant to 11 U.S.C. § 523(a)(6).

8 2. On February 10, 2020, this Court denied Defendant's Motion for Summary
9 Judgment and entered an Order granting partial summary judgment on Plaintiff's Fourth Cause of
10 Action to determine the non-dischargeability of Plaintiff's judgments against debtor and
11 Defendant Mary Cummins-Cobb.

12 3. Accordingly, Plaintiff now moves to dismiss his First through Third Causes of Action
13 alleging violations of 11 USC § 727(a) without prejudice.

14 Respectfully Submitted,

15 STILLMAN & ASSOCIATES

16 

17 Dated: March 5, 2020

18 By: _____

19 Philip H. Stillman, Esq.
20 Attorneys for KONSTANTIN KHIONIDI, as Trustee of
21 the COBBS TRUST

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Stillman & Associates
3015 North Bay Road, Suite B
Miami Beach, Florida 33140

A true and correct copy of the foregoing document entitled (*specify*):

MOTION TO DISMISS REMAINING CAUSES OF ACTION IN ADVERSARY PROCEEDING; NOTICE OF OPPORTUNITY TO REQUEST A HEARING ON MOTION

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 5, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Chapter 7 Trustee Peter J. Mastan, pmastan@gumportlaw.com
U.S. Trustee, ustpregion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) MARCH 14, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Debtor and Defendant *in pro per*, Mary Cummins-Cobb, mmmarycummins@gmail.com (via email by stipulation of the parties)

Hon. Robert Kwan
US Bankruptcy Court, Central District of California, Room 303
255 E. Temple Street, Suite 1682
Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/5/2020 <i>Date</i>	Philip H. Stillman <i>Printed Name</i>	/s/ Philip H. Stillman <i>Signature</i>
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