

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
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 MARY CUMMINS-COBB</p> <p>15</p> <p>16 Appellant</p> <p>17 KONSTANTIN KHIONIDI, as Trustee</p> <p>18 of the COBBS TRUST,</p> <p>19</p> <p>20 Appellee.</p>	<p>) BAP No. CC-21-1100</p> <p>) Bk. No. 2:17-bk-24993-RK</p> <p>) Adv. No. 2:18-ap-01066-RK</p> <p>) DEFENDANT’S REPLY TO</p> <p>) APPELLEE’S ELECTION TO HAVE</p> <p>) APPEAL PROCEED IN UNITED</p> <p>) STATES DISTRICT COURT</p>
--	--

21
22 Appellant Mary Cummins (“Appellant”) hereby files Appellant’s Objection to
23 Appellee’s Statement of Election to Have Appeal Proceed in the United States District
24 Court for the Central District of California regarding the May 10, 2021 appeal of the
25 Orders (1) Denying Defendant’s “Motion to Dismiss Adversary Proceeding” entered
26 on March 18, 2021 [ECF 202] and (2) denying Defendant’s “Motion to Rehear” which
27 was entered on April 27, 2021 [ECF 208].
28

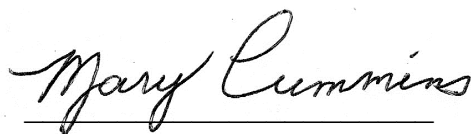
1 Appellee stated the Appeal is substantially related to a previous appeal
2 in Cummins-Cobb v. Khionidi, Case No. 2:20-cv-02149-AB (C.D.Cal. Jan. 7. 2021)
3 stating Appellant is “seeking literally to re-argue the issues already decided in the prior
4 appeal.” This is false. Appellant raises an issue which was not previously under appeal.
5 The issue is that Plaintiff Konstantin Khionidi does not exist. A party who does not
6 exist cannot file a lawsuit per Federal Rules of Civil Procedure 17(a) “An action must
7 be prosecuted in the name of the real party in interest.”.

8 Appellant objects to proceeding in the District Court. District Court Judge Andre
9 Birot who oversaw the prior case refused to hear any motions. Appellant lost the
10 motions by default because Judge Birot refused to hear them Docket 2:20-cv-02149-
11 AB. It’s clear that Judge Andre Birot and the District Court don’t have the time to hear
12 the case.

13 Judge Birot is also prejudiced against pro se parties based on Judge Birot’s actions
14 and words. Judge Andre Birot refused to make any allowances for an indigent pro se
15 party during the beginning of the pandemic. Ultimately the Court system finally made
16 allowances for pro se parties during the pandemic. Appellant would have lost had it not
17 been for those allowances made solely by the Court system.

18 For these reasons Appellant requests that the case not be transferred to the District
19 Court or to the Court of Judge Andre Birot.
20

21 Respectfully submitted,

22 
23

24 Mary Cummins, Appellant pro se

25 June 7, 2021
26
27
28

1
2 **DECLARATION OF APPELLANT 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 APPELLANT’S REPLY TO APPELLEE’S ELECTION was
7 written by me and 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 4. Ex Plaintiff Amanda Lollar told me in person to my face in 2015 that the
10 Russian Konstantin Khionidi does not exist. Lollar stated Lollar is the alleged
11 “Russian” then Lollar laughed at me.

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


14 Executed on June 7, 2021 at Los Angeles, California.

15
16 By: 
17 MARY CUMMINS
18
19
20
21
22
23
24
25
26
27
28

**CERTIFICATE OF CONFERENCE
MEET AND CONFER**

1
2
3 Appellant previously conferred with Philip Stillman attorney for Plaintiff in email
4 about this issue. Appellant also previously filed an objection to transfer the case to the
5
6 District Court or to the Court of Judge Andre Birot.

7 Executed this day, 7th of June, 2021, at Los Angeles, California.
8

9
10 

11 Mary Cummins, Appellant
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2 PROOF OF SERVICE
3 (FRCivP 5 (b)) or
4 (CCP 1013a, 2015.5) or
5 (FRAP 25 (d))

6 I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles,
7 California 90015-1640. I am over the age of eighteen years.

8 I further declare that on the date hereof I served a copy of:

9 APPELLANT'S REPLY TO APPELLEE'S ELECTION

10 on the following interested parties by email to the following atand also by ECF.

11 Philip H. Stillman
12 Stillman & Associates
13 pstillman@stillmanassociates.com
14

15
16 I declare under penalty of perjury, under the laws of the State of California, that the
17 foregoing is true and correct.

18 Executed this day, June 7, 2021, at Los Angeles, California.

19 Respectfully submitted,

20
21 

22
23 Mary Cummins, Defendant
24 645 W. 9th St. #110-140
25 Los Angeles, CA 90015
26
27
28