

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE: . Case No. 2:17-bk-24993 (RK)
. Chapter 7
MARY KATHERINE .
CUMMINS-COBB, .
. Los Angeles, California
Debtor. . Tuesday, April 27, 2021
. 2:30 p.m.
.
KONSTANTIN KHIONIDI, .
As Trustee of the .
Cobb's Trust, . Adv. No. 2:18-ap-01066 (RK)
. .
Plaintiff, .
. .
v. .
. .
MARY KATHERINE .
CUMMINS-COBB, .
. .
Defendant. .
.

TRANSCRIPT OF MOTION TO
REHEAR MOTION TO DISMISS
BEFORE HONORABLE ROBERT KWAN
UNITED STATES BANKRUPTCY COURT JUDGE

TELEPHONIC APPEARANCES:

For the Debtor/
Defendant: By: MARY CUMMINS-COBB, Pro Se
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For the Plaintiff: Stillman & Associates
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APPEARANCES (Cont'd) :

Court Recorder:

SHAFARI TATUM
U.S. Bankruptcy Court
255 East Temple Street, Room 940
Los Angeles, CA 90012
(855) 460-9641

1 THE COURT: Turning to the first part of the calendar
2 we have, let's see, Item Number 10, Khionidi versus Cummins-
3 Cobb. Appearances?

4 MR. STILLMAN: Good afternoon, Your Honor. Philip
5 Stillman for Mr. Khionidi, the nonmoving party.

6 THE COURT: Do we have a moving party defendant, Ms.
7 Cummins?

8 (No audible response)

9 THE COURT: Mr. Stillman, I see Ms. Cummins' tile on
10 the screen, but I don't know if she's -- it says that she's on
11 the phone. Is she on the phone?

12 MR. STILLMAN: I have no idea, Your Honor.

13 THE COURT: Well, I have a note in the chat box. You
14 know, you can look at the chat box. It says I'm on the phone
15 now. And I don't hear anything from Ms. Cummins.

16 Ms. Cummins, are you there? I'm on the phone, I hear
17 you, I'm talking, but -- okay, it says connecting to audio.
18 Okay. It's --

19 MS. CUMMINS-COBB: I'm here.

20 THE COURT: Oh, okay. So, Ms. Cummins, do you want
21 to argue?

22 MS. CUMMINS-COBB: Yes, I would. Number one, I heard
23 the same plaintiff. They never stated what was inflammatory
24 pretrial or during the trial, so that makes it impossible for
25 me to have been found as committed defamation and they never

1 showed or proved any damages. And in this case, in the
2 adversary proceeding, the plaintiff does not exist.

3 The ex-plaintiff, Amanda Lowlar, bragged in person
4 that they were the Russians. And the plaintiff has --
5 plaintiff's attorney, Mr. Stillman, swore that he would prove
6 that the Russian existed by having him notarize an agreement
7 giving the judgment back to the ex-plaintiff, Lawlor. That
8 never happened. He kept saying he was busy and couldn't find a
9 notary.

10 So, because a plaintiff doesn't exist, the adversary
11 proceeding should be dismissed. It's against the federal rules
12 for someone who does not exist to file a lawsuit and I'm asking
13 the Court to please hear the motion to dismiss and then dismiss
14 the lawsuit.

15 THE COURT: Anything else?

16 MS. CUMMINS-COBB: No, that's it.

17 THE COURT: All right. Mr. Stillman, do you want to
18 respond? I know you didn't file a written opposition but I'll
19 let you respond.

20 MR. STILLMAN: I mean, I've opposed this exact thing
21 twice now, Your Honor. And it's clear, first of all, Ms.
22 Cummins, this case has been -- is a judgment. It's been
23 entered. It's been approved on -- it's been affirmed on appeal
24 by the District Court. It was never appealed further to the
25 Ninth Circuit Court of Appeals. The case it's over. It's res

1 judicata on any claims that -- however Ms. Cummins would like
2 to phrase those claims, it's res judicata at this point and her
3 recollection of this -- she's raised this issue of Mr. Khionidi
4 not existing over and over in this case, including an
5 opposition in the motion for summary judgment. And so this has
6 been litigated, decided, judgment's been entered.

7 She raised the same issues in her appeal, the
8 appeal's been dismissed. Excuse me -- your Honor, it's been
9 affirmed that she filed a motion for reconsideration that was
10 denied on the same grounds. I mean, there's a time and Ms.
11 Cummins needs to be told to stop filing motions because -- I
12 can't get sanctions from her and it's just -- so there's no
13 guardrails to keep this from happening again and again. And so
14 the Court has to just put an end to it at this point. There's
15 literally zero legal basis for opening the case up and
16 dismissing this adversary proceeding at this point in the case.

17 THE COURT: Ms. Cummins, do you want to respond?

18 MS. CUMMINS-COBB: Yes, I would like to. Number one,
19 the plaintiff has never proved that the plaintiff exists.
20 Multiple times plaintiff's attorney, Mr. Stillman, said he
21 would prove to the Court that he existed. Every time I filed a
22 motion about this issue, he's never replied and shown that
23 proof.

24 And number two, this Court has never, never allowed
25 both parties to argue the existence of plaintiff before it.

1 The plaintiff has never replied to my motions stating that the
2 plaintiff exists with any proof. And that is not the -- my
3 initial motion for summary judgment, which was denied, it was
4 not for the -- stating that plaintiff does not exist. It was
5 for unclean hands and the judgment is dischargeable. And this
6 Court did not rule on that issue of the plaintiff not existing.

7 THE COURT: All right.

8 MS. CUMMINS-COBB: So, that has not been ruled upon.

9 THE COURT: All right. Thank you, Ms. Cummins. You
10 had your chance to argue a rebuttal.

11 The Court has considered the motion and the arguments
12 of the parties, and this is really the same motion as the prior
13 motion to dismiss that the Court had ruled upon in its order
14 filed and entered on March 18th of this year. And there's no
15 legal basis for this motion.

16 You know, the order granting summary judgment is a
17 final order. And it's res judicata and there's been an appeal.
18 And the remedy here was a prior appeal. The Court had
19 determined that the trust was a valid entity to -- and had
20 standing. And so that is res judicata, is this case. So,
21 motion's denied. The Court will prepare an order. Thank you.

22 MR. STILLMAN: Thank you, Your Honor.

23 MS. CUMMINS-COBB: Can I say something?

24 THE COURT: No, that's it. The hearing is over.

25 MS. CUMMINS-COBB: Okay. Thank you.

1 MR. STILLMAN: Thank you, Your Honor.

2 THE COURT: Your remedy is an appeal, I think.

3 MS. CUMMINS-COBB: Okay. We'll appeal.

4 THE COURT: All right. Well, I guess we'll know.

5 All right. Thank you.

6 MS. CUMMINS-COBB: Okay, thank you.

7 MR. STILLMAN: Thanks, Your Honor.

8 THE COURT: Thank you.

9 * * * * *

10 **C E R T I F I C A T I O N**

11 I, ALYCE H. STINE, court approved transcriber,
12 certify that the foregoing is a correct transcript from the
13 official electronic sound recording of the proceedings in the
14 above-entitled matter, and to the best of my ability.

15
16 /s/ Alyce H. Stine

17 ALYCE H. STINE

18 J&J COURT TRANSCRIBERS, INC. DATE: May 17, 2021

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