

MARY CUMMINS
Defendant Pro Se
P.O. Box 18738
Los Angeles, CA 90018
Telephone: (310) 877-4770
Email: mmmarycummins@gmail.com

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT DIVISION EIGHT**

MARY CUMMINS

Appellant

v.

BAT WORLD SANCTUARY et al

Appellee

) Appeal Case No. B327355

) Trial Case No. B140207

) APPELLANT'S PETITION FOR
REHEARING

APPELLANT'S PETITION FOR REHEARING

TO THE HONORABLE PRESIDING JUSTICE AND THE
HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT DIVISION EIGHT:

Pursuant to rule 8.268 of the California Rules of Court, appellant,
Mary Cummins, petitions this Court for a rehearing in the above-entitled matter
after an unpublished opinion, dated June 18, 2025, which affirmed the trial court order
by Presiding Justice Marie Stratton and Justices John Wiley and Victor Viramontes.

///

///

///

///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

By: Mary Cummins

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS	Page
Certificate of Interested Entities or Persons	2
Index of Authorities	4
Introduction	5
Argument	5
I. Opinion Erred Because Appellant Did Not Receive a Fair Trial	5
II. Opinion Erred Because Konstantin Khionidi Has Never Been Proven to Exist as a Real Person per CCP § 367	7
III. Opinion Erred Because Alleged Deficiencies in Renewal Were Cited	10
IV. Opinion Erred in Regard to Timeliness	16
V. Interest Rate	16
VI. Opinion Erred Because Appellee Khionidi Should Have Lost by Default for Not Legally Replying or Citing the Record	17
VII. Opinion Erred Because Appellees, Plaintiffs Amanda Lollar, Bat World Sanctuary Didn't Reply at All	17
VIII. Opinion Denied Appellant Right to Fair Trial for Pro Se Party	17
Conclusion	19
Certificate of Compliance Word Count	20
Proof of Service	21

INDEX OF AUTHORITIES

Cases

<i>Doers v. Golden Gate Bridge, Highway & Transp. Dist.</i> , 23 Cal. 3d 180 at 184 (1979)	7
<i>Kendall v. Allied Investigations Inc.</i> , 197 Cal. App. 3d 619 at 625 (1988)	7
<i>Water v. County of Merced</i> (2003) 110 Cal. App. 4th 362, 364	8
<i>Peralta v. Heights Medical Center, Inc.</i> (1988) 485 US 80, 86–87, 108 S. Ct. 896, 900	11
<i>Nagel v. P & M Distributors, Inc.</i> (1969) 273 Cal. App. 2d 176	11
<i>Falahati v. Kondo</i> (2005) 127 Cal.App.4th 823, 830	11
<i>Erickson v. Pardus</i> , 551 U.S. at 94 as cited in <i>Perdue v. City of Wilmington</i> , U.S. Dist. Court, D. Delaware 2014	18

Constitutional Provisions

US Constitution 14 th Amendment	5
--	---

Statutes, Rules and Other

Code of Civil Procedure (CCP) Section 170.1(c)	5,6
CCP 367	7,9
CCP 1550	10
CCP 664.5	11,13
Texas Rules of Civil Procedure 505.1(c)(3)	11,14
Texas Civil Practice and Remedies Code 34.001	11,14
CCP 285	12
California Rules of Court 8.268	1

INTRODUCTION

This Court issued its Opinion on June 18, 2025, affirming the lower court order. Respondent seeks a rehearing because the Court's Opinion ("Opinion") contains several critical legal, factual and procedural mistakes that, once corrected, would result in the Motion to Vacate being granted.

Appellant petitions this Court for rehearing and clarification regarding items I, II, III, IV and V. Appellant also requests hearing and clarification on items VI, Appellee didn't cite record or legally reply at all, VII, Plaintiffs, Appellees Amanda Lollar, Bat World Sanctuary did not reply at all, and VIII, Appellant Pro Se has not been allowed to correct technical errors if any.

Appellant incorporates and cites everything in the original Motion to Vacate, Appeal Briefs, Court Record and Oral Argument in this Petition for Rehearing.

ARGUMENT

I. Opinion Erred Because Appellant Did Not Receive a Fair Trial

Under the Due Process Clause of the 14th Amendment of the Constitution, everyone is entitled to an impartial judiciary. Judge Escalante blatantly lying multiple times about a material fact in the case related to the parties or issues creates a conflict of interest, violating CCP 170.1. "A judge's dishonesty casts serious doubt on their ability to remain impartial." "Lying, especially if done intentionally to obstruct justice or gain an unfair advantage, is considered judicial misconduct."

Per California Code of Civil Procedure Section 170.1(c), "an appellate court has the discretionary authority to direct that further proceedings be heard before a different trial judge than the one whose judgment was reviewed. This power exists independent of whether a timely disqualification motion was filed in the trial court. The statute explicitly states that "at the request of a party or on its own motion an appellate court shall consider whether in the interests of justice it should direct that further

1 proceedings be heard before a trial judge other than the judge whose judgment or order
2 was reviewed by the appellate court." 170.1(iii)c.¹

3 Escalante disregarded facts and law in this case to deny a court reporter in the
4 hopes no appeal would be legally possible and no one would ever know what
5 Escalante said in the hearing. Had Appellant not given notice and legally recorded the
6 hearing, the appeal would have been instantly lost. The fact that the Appeals Court
7 made mistakes to deny the Appeal on other grounds is moot. The injustice was
8 committed and can never be undone. Judge Kristin Escalante should not hear this case.
9 Another judge should be appointed. Not all issues have been resolved in this appeal.
10 Appellees Amanda Lollar and Bat World Sanctuary did not reply at all. The underlying
11 judgment is still void because it was not legally renewed in Texas or California.
12 Appellee is still in contempt of two court orders. This case must now go back to the
13 trial court to hear these issues and others.

14 The Court wrote in the Opinion pg 4, paragraph 1, "We presume the honesty and
15 integrity of those serving as judges." The Court cannot assume honesty and integrity in
16 regard to Judge Escalante because Escalante lied and falsely stated Appellant didn't
17 properly request a court reporter with fee waiver (CT V 2 p 445, AUDIO OF
18 HEARING). Escalante's assistant stated twice on the record that Appellant did file the
19 document and even waved it in the air in front of Escalante's face. Appellant also told
20 the court twice that the document was filed. The document was even cited in the
21 Motion to Vacate. Escalante lied in the court order stating the request for reporter was
22 not filed. Only after Escalante saw the hearing audio and transcript months later did
23 Escalante finally state in writing that Escalante made an "error," "mistake." Had there
24 been no audio or transcript Escalante never would have admitted to an "error." It was
25 not an error but an intentional lie and cover up. The case should be sent back to a new
26
27

28 ¹ CCP 170.1 3 iii <https://law.justia.com/codes/california/2005/ccp/170-170.9.html>

1 Judge for a new trial for this reason. Escalante can never be fair to Appellant. Their
2 behavior will only be much worse in the future.

3 **II. Opinion Erred Because Konstantin Khionidi Has Never Been Proven to**
4 **Exist as a Real Person per CCP § 367**

5 The Opinion erred because no Court has ever ruled that Appellee Konstantin
6 Khionidi is a real person who can file a lawsuit per CCP § 367. Code of Civil
7 Procedure Section § 367 in California states that "Every action must be prosecuted in
8 the name of the real party in interest, except as otherwise provided by statute." This
9 means the "real party in interest" is the person or entity with the legal right to bring a
10 lawsuit under the applicable law. They are the ones who hold the title to the claim or
11 property in the legal action. Code of Civil Procedure Section 367 essentially ensures
12 that the correct party files the lawsuit. If the suit is brought by someone who is not the
13 real party in interest, not capable of being a real party, the case should be dismissed.
14 The real party is Amanda Lollar and not Konstantin Khionidi. Amanda Lollar did not
15 file the Motion to Renew Sister State Judgment. It's now too late to renew.

16 There is no res judicata in this case. The Court clearly never bothered to read the
17 record or the cases cited by Appellee which were outside of the court record. Appellant
18 never cited this record or issue in Appellant's Brief. The text of the ruling in the case
19 cited by Appellee is not in Appellant's or Appellee's briefs. Therefore Appellee could
20 not bring up the issue and Court cannot consider it. The text of the ruling is not in the
21 court record. "It is not uncommon for respondent's counsel to move to strike a brief
22 that lacks citations to the record, includes mistaken or misleading citations or where it
23 includes materials in the record that were not before the trial court at the time of
24 decision or are immaterial to the issues on appeal. See *Doers v. Golden Gate Bridge,*
25 *Highway & Transp. Dist.*, 23 Cal. 3d 180 at 184 (1979) and *Kendall v. Allied*
26 *Investigations Inc.*, 197 Cal. App. 3d 619 at 625 (1988). "In cases that grossly misstate
27 facts with erroneous citations to the record or where the record includes inappropriate
28

1 items, an appellant might face a motion for sanctions, as well.” Stillman should have
2 been sanctioned for filing a brief with no real citations to the court record and fake
3 citations.

4 As the California Court of Appeal Second Appellate District states in its Notice
5 to Litigants: ““When practicing appellate law, there are at least three immutable rules:
6 first, take great care to prepare a complete record; second, if it is not in the record, it
7 did not happen; and third, when in doubt, refer back to rules one and two.” Protect Our
8 Water v. County of Merced (2003) 110 Cal. App. 4th 362, 364.”²

9 Most importantly the Court itself miscites the record and legal citation
10 completely. Appellant stated in oral argument that Appellant demands the court cite
11 the actual text of the ruling in the Opinion that states Khionidi was proven with facts
12 and evidence to be a real person who can file a lawsuit per CCP 367. Appellant stated
13 this knowing there are no such words in any court order. Appellant stated they didn’t
14 believe the Court read the ruling and this has now been proven true. This Court stated
15 the below in the Opinion Item II, pg 7, P 1. “(In re Cummins-Cobb (Bankr. C.D.Cal.
16 Feb. 10, 2020, No. 2:17-bk-24993-RK) 2020 Bankr. LEXIS 358, pp. *39–*41;
17 Cummins-Cobb v. Khionidi (In re Cummins-Cobb) (C.D.Cal. Dec. 28, 2021, No. 2:21
18 cv-04671-AB) 2021 U.S. Dist. LEXIS 247738, p. *2.) The trial court correctly
19 concluded that the issue of Khionidi’s standing has already been conclusively and
20 finally resolved in Khionidi’s favor in an adversary bankruptcy proceeding.”

21 There is no pg 39-41 in the Court ruling. There are only 36 pages in the ruling.
22 This proves Court never even bothered to look at it and just took Plaintiff’s attorney’s
23 word for it. Appellant even stated in oral argument that the Court is just believing
24 Stillman’s lying words without any evidence. The ruling never stated that Konstantin
25 Khionidid has been proven with facts and evidence to be a real person who can file a
26

27
28 ² California Courts of Appeal: When Preparing an Appellate Brief, Prep the Record, then Stick to It. LA Times
https://www.counselpress.com/page_blog_single.cfm?bid=122

1 lawsuit per 367 in state court. This is a federal bankruptcy case. The ruling which is
2 outside of the court record and not included in Appellant's brief vaguely and oddly
3 states (sic) "Plaintiff has offered sufficient and uncontroverted evidence of his standing
4 to sue because on the assignment of the judgment of the Texas Courts from Amanda
5 Lollar, the original plaintiff, to him as trustee of the trust." The assignment doesn't
6 prove Khionidi exists. It doesn't prove there were two parties to the assignment or that
7 Khionidi is even legally capable of entering into a contract. This was a bankruptcy
8 case in Federal Court with different regulations and laws. Appellant stated all this in
9 brief and oral argument (April 30, 2025 audio oral argument). Judge Robert Kwan who
10 made that ruling even stated on the record that CCP 367 can and should be raised in
11 state court. Kwan stated it has not and could not be raised in Kwan's federal court.
12 Appellant did as Kwan instructed and raised it in State court.

13
14 Appellant argues in their appeal that Konstantin Khionidi is not a real person and
15 has never been proven to be a real living person by any court. On the contrary the
16 Plaintiff Amanda Lollar has stated many times in writing and orally in court that they
17 are the Russian and real owner of the judgment. Appellee has never denied this.
18 Appellant further argued that Amanda Lollar did sign an assignment of judgment but
19 it's void because Khionidi does not exist. As argued in the trial court and Appeal you
20 need two people for an agreement and a transfer of assets. Khionidi is suing as the
21 trustee of the Cobbs Trust. The judgment is not in the Cobb's trust. The trust is void
22 and invalid for all the reasons stated in the Appeal and Motion to Vacate. A one party
23 only assignment doesn't prove that Khionidi is a real person who can sue per 367.

24 Khionidi has stated many times through their attorney Philip Stillman they will
25 prove they exist and notarize a document. Stillman even stated to the Court they would
26 assign the judgment back to Amanda Lollar. This never happened because Khionidi
27 does not exist. It also proves Khionidi is Lollar if they would sign back over the
28 worthless judgment. If Khionidi could have proven they exist, they would have done

1 so instead of wasting legal fees and years of litigation to try to deflect and skirt the
2 issue.

3 The Court makes other misstatements of the record stating Opinion Pg 2,
4 Paragraph 3, "In 2017, Lollar assigned the judgment to Konstantin Khionidi, as trustee
5 of the Cobbs Trust. On September 1, 2022, Khionidi applied for the renewal of the
6 judgment."

7 This was never proven. It is not fact. This is the issue of the Motion to Vacate
8 and Appeal. You need two people to legally assign a judgment to someone else. One
9 can sign an assignment but it's not valid and actually assigned unless there are two real
10 parties including the one to be assigned, receive the judgment. Khionidid does not exist.
11 If one party assignment of assets were legal, criminals would be hiding ill gotten gains
12 in fake names all the time. This is Contracts 101. In California, for an agreement
13 between two people to be legally binding as a contract, it must meet essential elements
14 as outlined in the California Civil Code, particularly Section 1550.³

15 **III. Opinion Erred Because Alleged Deficiencies in Renewal Were Cited,**
16 **Proven**

17 The record was cited. No examples of lack of citation were given. Appellant
18 cited court orders, transcripts, Plaintiff's exhibits, Defendant's exhibits. There is no
19 way to even reply to this as no examples of lack of citations were made to prove this
20 false statement. If proper citations were missing, Appellant requests the opportunity to
21 correct this technical error.
22

23 There were deficiencies in the renewal. The most important one is you cannot
24 renew a sister state judgment that has already expired in the original state. It is void.
25 "A "sister state judgment" refers to a judgment from a court in one state that a party
26 wants to enforce in another state. If the original judgment has expired based on the
27 laws of the state where it was issued, it's generally not enforceable, and therefore
28

³ CCP Sec 1550 <https://law.justia.com/codes/california/code-civ/division-3/part-2/title-1/chapter-1/section-1550/>

1 cannot be registered or renewed in another state.” Since a void judgment is
2 unenforceable from its inception, there is nothing to renew. The core concept in
3 California law regarding judgments and their renewal is that a void judgment cannot be
4 renewed. A judgment that is void is considered to have no legal force or effect from
5 the beginning ("void ab initio"). *Peralta v. Heights Medical Center, Inc.* (1988) 485 US
6 80, 86–87, 108 S. Ct. 896, 900: This US Supreme Court case established that a void
7 judgment must be set aside regardless of the merits of the underlying lawsuit,
8 particularly in cases involving improper service of summons. *Nagel v. P & M*
9 *Distributors, Inc.* (1969) 273 Cal. App. 2d 176: This California case held that a
10 judgment void on its face is subject to being set aside at any time. *Falahati v. Kondo*
11 (2005) 127 Cal.App.4th 823, 830). A void judgment can be set aside at any time per
12 CCP 664.5.

13 Here is one example that proves the record and law were properly cited. The
14 Texas Judgment is void because the renewal of the Texas judgment was not signed by
15 a judge per Texas Rules of Civil Procedure 505.1(c)(3). 505.1 c (3) states that a
16 judgment and renewal of a judgment must "be signed by the judge." The judgment was
17 not signed by a judge and legally renewed within the ten year date of issuance which
18 was August 27, 2010 per Texas Civil Practice and Remedies Code 34.001. The
19 judgment can no longer be revived because it has been two years since the expiration
20 of the original ten year term per TCP 34.001. This makes the sister state judgment void
21 and unrenovable. All of this was cited to in the Motion to Vacate and Appeal. Legal
22 documents were cited, i.e. Application for Writ of Execution (CT V 1p 284), Writ of
23 Execution (CT V 1 p 247) which show it was not signed by a judge.

24
25 **A. Respondent’s Counsel Philip Stillman Never Substituted in as Attorney of**
26 **Record.**

27 Appellee has had over seven lawyers in case BS140207. Each of them signed a
28 substitution of attorney in the trial court. The previous attorney James J Little signed

1 one then he died. No one from Little's firm continued the case. There was no
2 substitution of attorney form ever filed or served on Appellant which is mandatory per
3 CCP 285⁴. "When an attorney is changed, as provided in the last section, written notice
4 of the change and of the substitution of a new attorney, or of the appearance of the
5 party in person, must be given to the adverse party." All the court notices still go to
6 deceased James J Little and are returned per court document entries, RETURNED
7 MAIL (CT V 1 p19) lacourt.org 03/29/2024 Court Document "RETURNED MAIL
8 Order on Appellant's Proposed Settled Statement filed February 14, 2024; Certificate
9 of Mailing: mailed to: James J. Little, Trial Advocacy Group, LLC, 1901 Avenue of
10 the Stars, Suite 1100, Los Angeles, CA 90067." The Trial Court asked Plaintiff's
11 attorney Stillman in a hearing to substitute in for James J Little but it was never done.
12 In California, to substitute in as attorney of record in a civil case, you need to file a
13 "Substitution of Attorney-Civil" form (MC-050) with the court. This form notifies the
14 court and other parties that a new attorney is taking over representation. The form must
15 be signed by both the outgoing attorney (if applicable) and the incoming attorney, as
16 well as the client. No such form ever filed most likely because Khionidi does not exist.

17 **B. Renewal application**

18 Appellant proved that the renewal of the sister state judgment was void for many
19 reasons. One reason is Appellant was never served with notice of sister state judgment
20 "When domesticating a judgment from another state, the judgment cannot be enforced
21 until it has been served on the debtor and a certain period has passed since service."

22 Appellant was never served with the entry of sister state judgment. There is no proof of
23 service. It was never received. That means the judgment cannot be enforced.

24 "California Code of Civil Procedure Section 664.5⁵: This statute generally outlines the
25 requirements for serving notice of entry of judgment in California. It specifies that in a
26

27
28 ⁴ CCP 285 <https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-285/>

⁵ CCP 664.5 <https://law.justia.com/codes/california/2007/ccp/664-674.html>

1 contested action or special proceeding, the party submitting the judgment for entry
2 must serve a copy of the notice to all parties who have appeared in the case and file the
3 original notice with proof of service with the court.” A party can file a motion to set
4 aside (or vacate) a void judgment. Appellant filed such a Motion to Vacate. “There is
5 no time limit to challenge a judgment that is void on its face (i.e., it's clearly invalid
6 based on the court record).” The renewal was also void because of all the other issues
7 raised and cited in the Motion to Vacate and Appeal.

8 **C. Service of Renewal of Judgment**

9 Appellant was not properly or timely served the Renewal of Judgment for all
10 reasons stated in Motion to Vacate and Appeal. Appellant was not served a copy of the
11 April 2017 Acknowledgement of Assignment of Judgment. The address for Appellant
12 is incorrect on the filing, i.e. 645 W 9th St. Appellant’s address was 645 W 9th St #110-
13 140. That item would have been returned as undeliverable as there are at least 1,000
14 addresses at that location for many businesses, apartments and mailboxes. Appellant
15 was not served a copy of the Application for Entry of Judgement on Sister State
16 Judgment. The lack of service was intentional. Plaintiff intentionally fails to serve
17 documents in hopes of winning issues by default due to lack of response. Plaintiff
18 caused a bench warrant to be issued for Appellant because they did not serve a notice
19 of debtor hearing. The only reason Appellant wasn’t arrested is because Plaintiff
20 bragged online that Appellant would soon be arrested. All of these things make the
21 renewal void.
22

23 **D. Texas Judgment**

24 The Texas Judgment is void because the renewal of the Texas judgment was not
25 signed by a judge per Texas Rules of Civil Procedure 505.1(c)(3) which states that a
26 judgment must "be signed by the judge". The judgment was not legally renewed within
27 the ten year date of issuance which was August 27, 2010 per Texas Civil Practice and
28 Remedies Code 34.001. The judgment can no longer be revived because it has been

1 two years since the expiration of the original ten year term per TCP 34.001. This
2 makes the sister state judgment void and unrenovable. All of this was properly cited to
3 in the Motion to Vacate and Appeal. Legal documents were cited, i.e. Application for
4 Writ of Execution (CT V 1p 284), Writ of Execution (CT V 1 p 247) which show it
5 was not signed by a judge.

6 **E. Unclean Hands**

7 Appellant argued unclean hands specifically citing court records, court orders
8 and the law. The Court cites no example of lack of citation to the record. Here are a
9 couple examples of unclean hands citing the records.

10 Appellant stated Appellee is in contempt of a court order related to posting
11 confidential bank statements in a public document and on the internet in the underlying
12 case BS140207. Then Judge Robert Hess for case ordered Plaintiff to remove bank
13 statements posted in a public legal document. Plaintiff failed to do so. Defendant filed
14 motion for Contempt of a Court order. Judge Hess then ruled October 13, 2016
15 "NOTICE OF MOTION AND MOTION TO SEAL CERTAIN EXHIBITS TO THE
16 OPPOSITION OF PLAINTIFF'S MOTION TO QUASH. The matter is called for
17 hearing and argued. Exhibits D, E, F, H and I to Plaintiff's Opposition filed
18 08/12/2016 are ordered sealed and removed from public imaging system. Counsel for
19 Plaintiff is ordered to appear in Dept 24 November 3, 2016 and show cause why
20 monetary sanctions under CCP 177.5 should not be imposed on Counsel for failure to
21 timely comply with the Court's 08/26/16 order directing forthwith action to seal or
22 remove documents filed in violation of C.R.C. 1.20 b 2."

23
24 Judge Hess then ruled November 11, 2013 "ORDER TO SHOW CAUSE
25 WHY MONETARY SANCTIONS UNDER CCP SECTION 177.6 SHOULD (SIC)
26 NOT BE IMPOSED ON COUNSEL FOR PLAINTIFF FOR FAILURE TO TIMELY
27 COMPLY WITH THE COURT'S 8/26/16 ORDER DIRECTING FORTHWITH
28

1 ACTION TO SEAL OR REMOVE DOCUMENTS FILED IN VIOLATION OF CRC
2 1.20 (b) (2).”

3 The cause is called for hearing.

4 The Court has considered Ms. Conlogue's Declaration. It appears that she failed to
5 take timely and effective steps to remove the materials from public view in significant
6 part because of overwork, but that is ws (sic) ultimatley done. The Court's original
7 "forthwith" order was to vindicate privacy rights. The delay was unacceptable.
8 Monstary (sic) sanctins (sic) in the sun of \$100 are imposed on Ms. Comlogue (sic),
9 payable to the Los Angeles Superior Court on or before December 5, 2016, per CCP
10 Section 177.5."

11 For the record Defendant is the one who got the documents removed by faxing,
12 calling and hand delivering the court order to the court clerk and demanding the
13 documents be removed. Only after days of communication were the documents
14 removed.

15 Even after paying the court sanction November 18, 2016 Plaintiff filed another
16 public document with some of the confidential data which is still publicly available.
17 Plaintiff is still in contempt of the court order and has unclean hands.

18 July 28, 2017 Plaintiff filed for subpoena for debtor hearing and never served
19 Defendant. Disbarred attorney John H Feiner signed the proof of service stating Feiner
20 served Appellant which was a lie. Feiner forged proofs of service multiple times so
21 Defendant would not know about ex parte hearings and lose by default. Defendant had
22 to view the online hearing record multiple times per day for this reason. September 26
23 2017 Judge Edward Morton issued a bench warrant for Defendant. Thankfully Plaintiff
24 bragged that Defendant would be arrested online. Defendant then searched the case,
25 saw the filing and instantly replied with a Motion to Quash, Continue September 2017
26 Had Defendant not done that Defendant could have been arrested and thrown into Los
27 Angeles County jail.
28

1 Judge Edward Morton signed a protective order over the information shared and
2 documents produced during the debtor hearing September 2017. Defendant gave a
3 copy of their passport and home address to Plaintiff in the debtor hearing. Plaintiff
4 publicly posted the passport in a legal document unredacted. Plaintiff included the
5 private home address in multiple public documents including appeal documents.
6 Defendant has a mailing address which can be used so there was no reason to post or
7 use the private home address. Defendant lives with two elderly, senile, physically
8 compromised individuals over 80 years old and their privacy and security has been
9 violated. Defendant receives no mail at this address. Plaintiff publicly posted the
10 address and legal docs to harass and cause emotional distress to Defendant.

11 Appellee never served notice of sister state judgment, notice of assignment of
12 judgment and other documents. Appellee did not even reply to try to show that any of
13 these statements were false. This is all evidence of unclean hands. The doctrine of
14 Unclean Hands is based on the principle that a party who seeks relief from a court
15 should not have engaged in wrongful or unethical conduct related to the same matter.
16 The unclean hands defense operates on the principle of “he who comes into equity
17 must come with clean hands.”

18 **IV. Timeliness**

19 Appellant argued the various issues related to timeliness of the renewal of the
20 sister state judgment. The underlying Texas judgment must be properly renewed or it
21 is void. A void judgment cannot be renewed as a sister state judgment. The underlying
22 judgment was not renewed timely or legally and now cannot be renewed at all. It was
23 not signed by a judge. It was not renewed in Texas by the owner Konstantin Khionidi.
24 This makes the California renewal of the sister state judgment void besides untimely.
25

26 **V. Interest Rate**

27 The other issues on Appeal make the interest rate issue moot.
28

1 **VI. Opinion Erred Because Appellee Should Have Lost by Default for Not**
2 **Legally Replying or Citing the Record**

3 Appellant argued in their Motion to Strike December 2024 and Reply Brief that
4 Appellee should have lost the Appeal by default because they did not legally reply or
5 legally cite the record. Appellee admitted they forgot to order the record so it was
6 technically impossible to cite the record.

7 The Court for some reason has taken it upon themselves to argue and represent
8 the interests of Appellee. This shows clear bias for Appellee and against Appellant.
9 This Court gave Appellee multiple extensions to file and pay the late filing fee.

10 **VII. Opinion Erred Because Appellees, Plaintiffs Amanda Lollar, Bat**
11 **World Sanctuary Didn't Reply at All**

12 Appellees, Plaintiffs Amanda Lollar, Bat World Sanctuary didn't respond to
13 Appellant's brief or the underlying Motion to Vacate. They should lose any interest in
14 the case or judgment by default. While the Opinion mentions they are a party and
15 didn't reply, the Court did not rule about their standing or interest in the judgment.
16 This should be reheard. Appellant requests they lose all interest in the judgment.

17 **VIII. Opinion Denied Appellant Right to Fair Trial for Pro Se Party**

18 If citations were missing or incorrect, the Court should have requested Appellant
19 Pro Se to correct the deficiencies. Appellee, Plaintiff incorrectly attached an Appendix
20 to their original Reply Brief. The Court issued an order stating an Appendix is not
21 allowed and Appellee should cite the court record instead. Appellee was allowed to file
22 a new corrected reply brief. Appellee represented by a lawyer still never cited the court
23 record because they never ordered it and did not have a copy of the record to cite.

24 Appellant was not given the same opportunity to correct an allegedly imperfect
25 brief with allegedly missing citations. This is abuse of discretion, appearance of
26 partiality toward Appellee and proof of bias against Appellant pro se. Appellant is a
27 pro se party and not a lawyer. A lawyer did not write Appellant's brief. Appellant can't
28

1 afford a lawyer because they are indigent as a direct result of this case. Pro se parties
2 must be given a fair trial in light of their pro se status. "Because plaintiff proceeds pro
3 se, his pleading is liberally construed and his complaint, "however inartfully pleaded,
4 must be held to less stringent standards than formal pleadings drafted by lawyers."
5 *Erickson v. Pardus*, 551 U.S. at 94 as cited in *Perdue v. City of Wilmington*, U.S. Dist.
6 Court, D. Delaware 2014.”

7 “Judges are encouraged to provide reasonable accommodations to pro se
8 litigants to ensure they have a fair opportunity to be heard. Judges have a responsibility
9 to ensure that self-represented litigants have a reasonable opportunity to present their
10 case, even if they lack legal knowledge. Judges must ensure that the proceedings are
11 fair, just, and consistent with the law, regardless of the litigant's representation.” “The
12 judge may make reasonable procedural accommodations that will provide a diligent
13 self-represented litigant acting in good faith the opportunity to have his or her case
14 fairly heard. Fundamental justice should not be sacrificed to procedural rules and cases
15 should be decided on their merits. Exercising discretion – not just calling balls and
16 strikes – is the nature of judging, from granting motions for extensions of time to
17 handing out sentences.”⁶

18
19 The Justices did not ask any questions for clarification during oral argument.
20 The Appeals Court did not ask Appellant for any written clarifications, supplemental
21 briefing or corrections including case and record citations. For this reason Appellant
22 requests that this court allow Appellant to correct any alleged technical deficiencies in
23 Appellant’s briefs, citations and rehear the matter or Appellant will be deprived of a
24 fair trial.

25 ///

26 ///

27
28 ⁶ Ethical Issues for Judges when Self-represented Litigants Appear in Court
<https://www.caljudges.org/docs/Ethics%20Opinions/Op%2076%20Final.pdf>

1 **CONCLUSION**

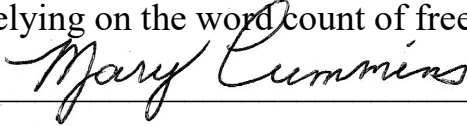
2 Appellant requests that the Court withdraw its Opinion, grant Appellant's
3 rebriefing, rehearing and affirm the Motion to Vacate. Appellant requests that the
4 Court send the case back to the trial court for a new trial with a different judge.

5 
6

7 Mary Cummins July 1, 2025
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF WORD COUNT**

2 I, Mary Cummins, Appellant, certify that this brief consists of 4,738 words exclusive
3 of those portions of the brief specified in California Rules of Court, rule 8.204(c)(3),
4 relying on the word count of free program WPS Office.

5 

6 Mary Cummins July 1, 2025

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

5 I am Defendant in pro per whose address is PO Box 18738, Los Angeles, CA
6 90018. I am over the age of eighteen years.
7 I further declare that on the date hereof I served a copy of:

8 **APPELLANT’S PETITION FOR REHEARING**

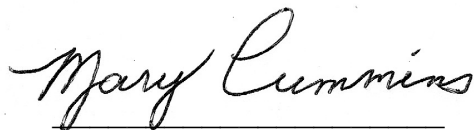
9 on the following interested parties by emailing, electronic service of this document to
10 the following:

11 Philip H. Stillman, Esq. SBN# 152861
12 Tel. and Fax: (888) 235-4279
13 pstillman@stillmanassociates.com
14 Bat World Sanctuary
15 info@batworld.org
16 Amanda Lollar
17 sanctuary@batworld.org
18 Judge Kristin Escalante
19 111 N Hill St Dept 24,
20 Los Angeles, CA 90012

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

23 Executed this day, July 1, 2025, at Los Angeles, California.

24 Respectfully submitted,

25 

26 Mary Cummins, Appellant