

- **Appendix A    Decision of Civil Court Western District of New York**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LINDA HOWLAND,

Plaintiff,

DECISION AND ORDER

-vs-

19-CV-6811 (CJS)

MICHAEL KELLY and HOLLIS CREEK,

Defendants.

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INTRODUCTION

This action arises out of a real estate transaction involving a property owned by Plaintiff Linda Howland ("Ms. Howland"). Ms. Howland was represented in the transaction by Defendant Michael Kelly ("Mr. Kelly"), an attorney, and the transaction was facilitated by Defendant Hollis Creek ("Ms. Creek"), a real estate professional. Ms. Howland alleges that Mr. Kelly and Ms. Creek harmed her in a multitude of ways, including fraud and sundry violations of New York and federal law. Compl., Nov. 4, 2019, ECF No. 1. The matter is presently before the Court on Defendants' respective motions to dismiss. (ECF No. 10, ECF No. 12.)

Because Plaintiff proceeds *pro se*, the Court liberally construes her pleadings, and interprets her complaint to raise the strongest arguments it suggests. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Abbas v. Dixon*, 480 F.3d 636, 639 (2d Cir. 2007). Nevertheless, for the reasons stated below, the Court finds that this action must be dismissed for lack of subject matter jurisdiction.

**Additional material  
from this filing is  
available in the  
Clerk's Office.**