

20-6636

ORIGINAL

No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

DEC 08 2020

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
Lan Tu Trinh

— PETITIONER

(Your Name)

vs.

Citizens Business Banking & Vanessa Barbetti

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals in the Third Circuit

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
Lan Tu Trinh

(Your Name)

\_\_\_\_\_  
775 Mustin Lane

(Address)

\_\_\_\_\_  
Villanova, PA 19085

(City, State, Zip Code)

\_\_\_\_\_  
215-313-3858

(Phone Number)

## QUESTIONS PRESENTED

1. Should Citizens Business Banking consider the protection of its customers' money and line of credit as one of its essential responsibilities?
2. When the bank is notified that a school's operations are undermined by sabotage, fraudulence, conspiracy, and contentious and complicated legal battles, should the bank strive to prevent procedural abuses that would exacerbate harm towards schools as educational institution and business?
3. Should Citizens Business Banking implement safeguards to prevent the acceptance of inadequately approved documentation or unauthorized money transfers – especially when concerns of institutional sabotage have been presented?
4. How does Citizens Bank protect their clients' privacy and attain their clients' authorization for any release of money or credit line when it neglects to contact its clients of significant money transfers or changes?
5. When Citizens Business Banking claims that money is “automatically and electronically transferred,” does this imply that no one at Citizens Bank facilitates transfers, or checks the validity of a transfer?
6. Is the Respondent's use of the phrase “automatically and electronically transferred” a means of covering up the person that approved the unauthorized transfer?
7. Should Citizens Business Banking implement policies and consequences that would discourage such harmful actions towards its integrity and federal law?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

19-2468, Lan Tu Trinh v Citizens Business Banking & Vanessa M. Barbetti  
US Court of Appeals for the Third Circuit

18-1662, Lan Tu Trinh v Citizens Business Banking & Vanessa M. Barbetti  
US District Court, Eastern District of Pennsylvania

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## INDEX OF APPENDICES

- A. Order filed by the U.S. Court of Appeals for the Third Circuit on September 14, 2020 denying Appellant's Petition for Rehearing.
- B. Judgment and Opinion filed by the U.S. Court of Appeals for the Third Circuit on May 29, 2020.
- C. Order and Memorandum Opinion filed on May 29, 2020 by the U.S. District Court for the Eastern District of Pennsylvania.
- D. Fictitious Name document from the beginning of LTIBS in 1993, which shows Lan Tu Trinh as President, primary owner, and founder
- E. Default Judgment on February 9, 2016 from Court of Common Pleas
- F. Various police reports about the misconduct and fraudulence committed by Kathleen Trinh and her team against LTIBS

- G. Transcript of hearing on August 22, 2017 in Court of Common Pleas
- H. "Consent" order on August 23, 2017. I had not given consent to the terms of the order, as seen in Appendix F.
- I. The invoice of the unauthorized transfer of LTIBS' line of credit.
- J. Communications with Vanessa M. Barbetti and other employees of Citizens Business Banking.
- K. The transcript of the pretrial conference that occurred on September 13, 2018 in the U.S. District Court regarding this matter.

## TABLE OF AUTHORITIES CITED

### CASES

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### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix <sup>A</sup> \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix <sup>B</sup> \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: September 14, 2020 \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix <sup>c</sup> \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### 18 U.S. Code § 1344. Bank fraud:

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

- (1) to defraud a financial institution; or
- (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

(Added Pub. L. 98-473, title II, § 1108(a), Oct. 12, 1984, 98 Stat. 2147; amended Pub. L. 101-73, title IX, § 961(k), Aug. 9, 1989, 103 Stat. 500; Pub. L. 101-647, title XXV, § 2504(j), Nov. 29, 1990, 104 Stat. 4861.)

### 31 CFR § 1020.320 Reports by banks of suspicious transactions:

(a) General.

- (1) Every bank shall file with the Treasury Department, to the extent and in the manner required by this section, a report of any suspicious transaction relevant to a possible violation of law or regulation. A bank may also file with the Treasury Department by using the Suspicious Activity Report specified in paragraph (b)(1) of this section or otherwise, a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by this section.

### 18 U.S. Code § 1349. Attempt and conspiracy:

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

## STATEMENT OF THE CASE

1. I, Petitioner Lan Tu Trinh, was co-owner of LT International Beauty School, Inc. (LTIBS) with my sister, Kathleen Lien Trinh. I was president of LTIBS since 1993 and thereafter at all relevant times. (Appendix D)
2. The school obtained accreditation in 1998 and was since in good standing academically and financially.
3. Kathleen refused to compensate me or share access to records or bank accounts; she attempted to steal ownership of LTIBS.
4. For her misconduct, threats, and aggressive and abusive behavior, I filed a lawsuit against her on January 7, 2016 in the Court of Common Pleas in Philadelphia, PA.
5. The proceedings that occurred in the Court of Common Pleas did not provide relief to the damages I have endured. The court issued a default judgment in February 9<sup>th</sup>, 2016, ordering Kathleen to give back control and access of various accounts and documents to Plaintiff (Appendix E).
6. My business partner realized she would be unable to push me out and take over LTIBS, so she resolved to destroy and dissolve LTIBS to start a new business without me. She ignored the default judgment and actively sabotaged the school's operations hereafter, conspiring to shut down LTIBS with her legal team through fraudulent activities in documentation and banking matters, the Court of Common Pleas' favor, and the complicity of the LTIBS' auditor, accountants, and federal funding agency. She wanted her

own cosmetology school business without my involvement and without competition.

7. Due to Kathleen and her legal team's efforts at sabotage, such as her previous siphoning of over \$1 million from LTIBS and the agitation of students and teachers to cause disruptions, I operated LTIBS with little more than my personal funds and without receipt of the tuition and governmental financial aid funds for students through 2016-17. Kathleen took funds from her students and turned them over to me to educate without their tuition secured, and it is likely that Kathleen used funds she stole for personal use and the establishment of her own school. She had Citizens Bank and her legal team support in fraudulent activities.
8. In addition, Kathleen would sign documents and inappropriately act in authority without my knowledge or authorization, which ultimately undermined the business and prevented its recovery.
9. Petitioner had reported these incidents to the police and detective in Philadelphia (Appendix F), but they neglected to protect the school's operations and the students' education even in the face of these facts. Even so, the petitioner continued to manage LTIBS with hope of recovery after the end of the case.
10. Kathleen and her legal team stole LTIBS' premises on July 11<sup>th</sup>, 2017 by locking me out with the Philadelphia Court of Common Pleas' support, and they dissolved LTIBS on August 23<sup>rd</sup>, 2017, all without my consent and

giving me \$0.00. They planned to kick me out of my own private properties and business, and steal my funds from the line of credit.

11. On July 10<sup>th</sup>, 2017, the Court of Common Pleas held a hearing that resulted in my loss of ownership over LTIBS properties despite my expressed disagreement and unwillingness towards the deal, without any compensation afterwards. I was forced and ordered by the court to sign away my properties, locking me out of the premises immediately.
12. On August 22<sup>nd</sup>, 2017, the Court of Common Pleas held a hearing that dissolved LTIBS through a “consent” order while ignoring my objections. (Appendix G, page 46, line 4 & Appendix H.) I had repeatedly mentioned that I did not agree to any closure or sale, especially because they did not have the money to pay, but the court and its legal persons ignored and misrepresented me and twisted my words, including my own counsel. (G, p.36, line 18.)
13. In January 2018, \$87,550.00 was transferred from the Citizens Bank account of LTIBS without notifying me or asking for my authorization. The money was transferred from LTIBS’ line of credit at Citizens Bank to the Department of Education, without my authorization. The credit line would not have expired until 2019. (Appendix I)
14. The Respondent, Citizens Business Banking, claims that this money was “automatically and electronically transferred.” This statement is the bank trying to not take any blame.

15. I have asked the Respondents why they allowed for the withdrawal of LTIBS monies without my authorization. I also asked for the identity of the employee that facilitated this improper transfer. There were no other answers from her or other bank employees regarding these questions.

(Appendix J)

16. When I received the form used to justify the transfer of monies, it did not have my signature and only possessed one other signature (Appendix K).

17. Ms. Barbetti confirmed that two people had to sign for confirmation of any transaction, and the district court verified that it was not my signature.

(Appendix L, p. 8, line 4-6)

18. I filed my complaint against Citizens Business Banking and Vanessa Barbetti on April 17, 2018 in the U.S. District Court.

19. The pretrial conference occurred on September 13, 2018, in which the court ordered the defendant to get a higher manager to set up a meeting and apologize. (Appendix L, p. 12, line 11-19)

20. The defendants did not comply with the court by refusing to schedule a meeting with a higher manager for me, which the court requested in the enclosed transcript of that hearing.

21. I have not received any answers that ensured the bank acted in consideration of my business' security, nor have I received any apologies. They ignored their criminal activity, and I believe they are attempting to cover up their violation of United States law by ignoring the court's order.

## REASONS FOR GRANTING THE WRIT

As a direct result of this faulty and lax procedure on the part of Citizens Bank, the Bank permitted and facilitated the school's sole funding source to disappear and the withdrawal of its line of credit prior to legitimate confirmation from Petitioner as LTIBS' president. The school was put in a significantly more difficult position to continue due to lack of economic viability. Such an extremely important event, the withdrawal of US Department of Education funding, should not have been so easily facilitated due to poor procedural practices, as it became illegal activity to steal the funds.

The form used to justify the transfer of monies did not have my signature and only possessed one other signature. Thus, the transfer was unauthorized and founded upon fraudulence. (18 U.S. Code 1344) Despite being alerted of the suspicious nature of this transaction, Citizens Bank neglected to take action in reporting or rectifying the issue. (31 CFR 1020.320). Citizens Bank's willful negligence should be considered as part of conspiracy with the saboteurs of the legal actors involved in the case from the Court of Common Pleas in Philadelphia, as the Respondent had knowingly proceeded without my verification to take money from the LTIBS bank account to send to US Department of Education. (18 U.S. Code § 1349)

The Defendant has claimed that the federal courts do not have subject matter jurisdiction, but the bank's negligence assisted in the fraudulence that plagued the

case in the Court of Common Pleas and should be considered a considerable security issue beyond the scope of a single individual. This issue calls into question what protections banks are legally required to provide to consumers and businesses throughout the country. The bank must protect their clients' privacy and attain their clients' authorization for any release of money or credit line, specifically with the proper signature and identity of the credit line's owner. The value of my claims exceed \$75,000, which is additional reason of the federal court's subject matter jurisdiction. Additionally, since the Appellee is a federally insured FDIC institution, this is a case of the bank's noncompliance to federal law and the federal implications of this matter have not been explored.

The actions of Citizens Banking display fraudulence and improper conduct, and the court must discourage further negligence and assistance in fraudulent activities by the Respondent and other banking institutions without consequence. I request for the court to order Citizens Bank to return my money and pay for damages, including the loss of my business when its actions took away its financial viability.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lan Tu Trinh

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Date: December 9, 2020