

# United States Court of Appeals For the First Circuit

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No. 20-1363

VEENA SHARMA,

Plaintiff - Appellant,

v.

DOMENIC S. TERRANOVA; ANDOVER GARDENS CONDOMINIUM TRUST; MICHAEL B. FEINMAN; PETER J. CARUSO, SR.,

Defendants - Appellees.

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Before

Thompson, Kayatta and Barron,  
Circuit Judges.

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## JUDGMENT

Entered: March 8, 2021

Pro se plaintiff-appellant Veena Sharma appeals from a judgment of the district court dismissing her complaint against defendants Peter Caruso, Sr., Domenic Terranova, Michael Feinman, and Andover Gardens Condominium Trust on the grounds that the claims set out therein, even when construed in the light most favorable to appellant as a pro se litigant, failed to comply with the applicable statutes of limitations and were further barred under the doctrine of res judicata.

As an initial matter, appellant's motion for entry of default judgment is denied. See Fed. R. App. P. 31(c). We assume, arguendo, that de novo review applies to the screening dismissal. Even so, after our own careful review of appellant's submissions and the record below, we affirm the judgment of dismissal, specifically on statute of limitations grounds. Appellant's contention that a ten-year "federal" statute of limitations applies to her claims is unavailing. Appellant has not identified a specific statute of limitations that applies, and, with respect to the federal criminal statutes she cites, 18 U.S.C. §1344, 18 U.S.C. §1341, and 18 U.S.C. §1343, appellant has failed to explain how those statutes might create a right of action for a private civil litigant. As the district court correctly concluded, whether construed as sounding in tort, contract, or consumer protection, appellant's claims were clearly time-barred. See Mass. Gen. Laws ch. 260, §§ 2A (three-year statute of limitations for tort claims), 5A (four-year statute of limitations for consumer claims under chapter 93A), and 2 (six-year statute of limitations for breach of contract claims).

Finally, we discern no error and no abuse of discretion in the district court's decision to dismiss without first sua sponte providing appellant leave to amend her complaint; as the claims were clearly time-barred based on appellant's own factual allegations, amendment would have been futile. See, e.g., Gonzalez-Gonzalez v. United States, 257 F.3d 31, 37 (1st Cir. 2001)(sua sponte dismissal without leave to amend is appropriate "where the allegations in the complaint, viewed in the light most favorable to plaintiff, are patently meritless and beyond all hope of redemption, i.e., where it is crystal clear that the plaintiff cannot prevail and that amending the complaint would be futile").

Accordingly, the judgment of the district court is affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Veena Sharma  
Domenic S. Terranova  
Michael B. Feinman  
Peter J. Caruso Sr.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VEENA SHARMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	19-12184-FDS
SANTANDER BANK,	)	
	)	
Defendant.	)	
	)	
VEENA SHARMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	19-12186-FDS
FIDELITY INVESTMENTS,	)	
	)	
Defendant.	)	
	)	
VEENA SHARMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	19-12220-FDS
ATTORNEY DOMENIC S. TERRANOVA, et al.,	)	
	)	
Defendants.	)	
	)	

MEMORANDUM AND ORDER

SAYLOR, J.

In October 2019, plaintiff Veena Sharma filed these three civil actions, all of which are related to three earlier actions in Essex Superior Court to which she was a party. She is

proceeding *pro se* and *in forma pauperis*.

As set forth below, in 2010, the Trustees of the Andover Gardens Condominium Trust procured a judgment in Essex Superior Court against plaintiff for unpaid condominium fees. Shortly thereafter, the Trustees commenced a second action against her for the appointment of a receiver. In February 2011, the court appointed a receiver, and, on January 26, 2012, he filed a final account and asked to be discharged. Plaintiff (who was represented by counsel) and the Trustees assented to the motion and the case was dismissed.

On November 13, 2018, plaintiff commenced an action in Superior Court against the Trustees. That action alleged that in June 2011 she had learned that the Trustees had unlawfully withdrawn funds totaling \$192,000 from her accounts at Sovereign Bank (now known as Santander Bank) and Fidelity Investments. Applying the Massachusetts three-year tort statute of limitations, the court dismissed the action as time-barred.

In these three federal actions, plaintiff now seeks damages based on claims that Santander, Fidelity, the Trust, the Trust's attorney, the receiver, and her own attorney committed the federal crimes of bank embezzlement, mail fraud, wire fraud, and bank fraud.

Summons have not issued pending the court's review of the complaints. The court may dismiss any complaint brought by a party proceeding *in forma pauperis* if it is malicious, frivolous, seeks damages against a party immune from such relief, or fails to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2). In conducting its review, the court must construe the complaint liberally because plaintiff is proceeding *pro se*. A federal court also has an obligation to inquire *sua sponte* into its own jurisdiction. *See United States v. Univ. of Mass., Worcester*, 812 F.3d 35, 44 (1st Cir. 2016).

For the reasons stated below, it is at least doubtful that the court has subject-matter

jurisdiction, because the claims are “insubstantial, implausible, . . . [and] otherwise completely devoid of merit.” *Oneida Indian Nation of N.Y. v. County of Oneida*, 414 U.S. 661, 666 (1974). But because such jurisdiction appears to exist, the cases will be dismissed for failure to state a claim because they are barred by the statute of limitations and principles of claim preclusion.

**I. Factual Background**

**A. Prior State Actions**

On October 9, 2008, the Trustees initiated an action against plaintiff in Essex Superior Court seeking unpaid condominium common charges. *See Trustees of Andover Gardens Condo Trust v. Sharma*, 0877CV02005 (Essex Superior Ct., Mass.) (*Trustees of Andover Gardens Condo Trust v. Sharma I*).<sup>1</sup> On the docket, the lawsuit is characterized as one for “Condominium Lien & Charges.” Domenic S. Terranova was the attorney for the Trustees. Plaintiff appeared *pro se*. In June 2010, the Superior Court granted the Trustees’ motion for summary judgment and entered judgment in its favor for \$18,059 in unpaid common expenses.

On September 2, 2010, the Trustees commenced a second action against plaintiff, seeking the appointment of a receiver. *See Trustees of Andover Gardens Condo Trust v. Sharma*, 1077CV01869 (Essex Superior Ct., Mass.) (“*Trustees of Andover Gardens Condo Trust v. Sharma II*”). Attorney Terranova again represented the Trustees. On January 19, 2011, after plaintiff had defaulted on the complaint, attorney Peter J. Caruso entered an appearance on their behalf. On February 10, 2011, the court appointed Michael B. Feinman, Esq., as a receiver. Attorney Feinman filed an Amended Final Account and Request for Dismissal on January 26, 2012. The following day, the court allowed the motion, noting that the parties had assented to it.

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<sup>1</sup> The court takes judicial notice of the three prior state cases between plaintiff and the Trustees, including the proceedings and orders on the public docket. With one exception, the quotations in this section are taken from the dockets of the state-court actions. These dockets are available to the public through [www.masscourts.org](http://www.masscourts.org) (last visited Feb. 10, 2020).

The docket text does not provide any specifics of the amended final account.

On November 13, 2018, plaintiff, proceeding *pro se*, commenced an action against the Trustees. *See Sharma v. Trustees of Andover Gardens Condo Trust*, 1877CV01631 (Essex Superior Ct., Mass.). In that complaint, plaintiff alleged that “she came to know on June 3, 2011 that Trustees of Andover Garden Condominium Trust ha[d] unlawfully managed to withdraw approximately \$192,000 dollars from [her] accounts at Sovereign Bank [now Santander] and Fidelity Investments for [the] unpaid condominium fee of approximately \$18,059.33 without my permission.” Compl. ¶ 2, *Sharma v. Andover Gardens Condo Trust*.<sup>2</sup>

On June 11, 2019, the Trustees, represented by attorney Terranova, filed a motion to dismiss. According to the docket, the Trustees argued that “part of this action alleging conversion of the plaintiffs’ funds from Sovereign [now Santander] Bank and Fidelity Investments as the claim for conversion is time barred under [the] statute of limitations, MGL C. 260, sections 2A and 4.” On September 20, 2019, in an endorsed order set forth on the docket of the case, the court granted the Trustees’ motion to dismiss the complaint as time-barred.

**B. Actions Pending in this Court**

**1. Sharma v. Santander Bank, C.A. No. 19-12184-FDS**

The complaint in *Sharma v. Santander Bank*, C.A. No. 19-12184-FDS, alleges that in 2011, plaintiff discovered that all her funds in an account with Santander Bank were missing. Santander is the only defendant. The complaint alleges that despite her several inquiries to Santander concerning the disappearance of her funds, the bank was not able or refused to disclose to her what had happened to the funds in her account. It further alleges that in 2017, she

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<sup>2</sup> Plaintiff’s one-page complaint in *Sharma v. Andover Gardens Condo Trust*, 1877CV01631 (Essex Superior Ct., Mass.), was included as an exhibit to Santander Bank’s memorandum in support of its motion to dismiss. *See Sharma v. Santander Bank*, C.A. No. 19-12184-FDS, Compl. Ex. 1, at 1.

discovered that Santander had issued a check from her account in the amount of \$28,069.09 to attorney Michael Feinman, and that attorney Feinman had submitted a letter to the bank “with Falsified information and false pretense.” Compl. at 6 (as in original). The complaint alleges that “Attorney Feinman and Santander Bank committed wire and mail fraud by intercepting [plaintiff’s] mail to obtain information on my bank accounts and identify theft.” *Id.* at 7.

The complaint invokes this court’s federal-question jurisdiction. *Id.* at 3; *see* 28 U.S.C. § 1331 (providing that “[t]he [federal] district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States”). It purports to assert a claim under 18 U.S.C. § 656, which provides criminal penalties for theft, embezzlement, or misapplication of assets by a bank officer or employee, as the basis for that jurisdiction. It seeks \$10.5 million in damages.

Although a summons has not issued in the case, on November 26, 2019, counsel for Santander appeared and filed a motion for dismissal for failure to state a claim upon which relief can be granted. Santander argues that plaintiff’s claims are time-barred and barred by the doctrine of claim preclusion. Plaintiff did not file an opposition to the motion to dismiss.

**2. Sharma v. Fidelity Investments, C.A. No. 19-12186-FDS**

The complaint in *Sharma v. Fidelity Investments*, C.A. No. 19-12186-FDS, alleges that attorney Feinman and Fidelity “conspired and committed bank fraud by getting hold of [plaintiff’s] account and conversion of [her] stocks at Fidelity Investments” without her knowledge or authorization. Compl. at 6. The complaint alleges that she called Fidelity in 2011 to check on the status of her stocks and was informed that she did not have any. Fidelity allegedly represented to plaintiff that it did not know what happened to her stocks. According to the complaint, after she reported the matter to the Andover Police Department, three detectives

worked with her on the matter for two weeks but were unable to make any progress.

The complaint further alleges that in 2017 plaintiff made a complaint against attorney Feinman with the Board of Bar Overseers. It alleges that, in response to her complaint, “attorney Feinman provided 40-50 pages of document[s] to me which included copies of three checks issued by Fidelity Investments to attorney Feinman in the amounts of approximately \$166,000.” *Id.* at 7. It further alleges that attorney Feinman “got this money on the basis of falsified documents.” *Id.*

As in the complaint against Santander, the complaint purports to assert claims under 18 U.S.C. § 656 and invokes federal-question jurisdiction. It seeks \$11 million in damages “for participating in these federal crimes (mail, wire, and bank fraud).” *Id.* at 8. Fidelity is the only defendant.

### 3. Sharma v. Terranova, et al., C.A. No. 19-12220-FDS

The third action is against attorney Feinman, attorney Terranova, attorney Peter Caruso, and the Andover Gardens Condominium Trust.<sup>3</sup> The complaint alleges that these parties “conspired and defrauded” Fidelity and Santander to steal a total of \$206,000 of plaintiff’s money from those institutions in 2011. Compl. at 6. It further alleges that the Trust and the three defendant attorneys “intercepted [her] mail to obtain information on [her] bank accounts, investments, real estate including [her] primary residence and rental properties, [her] goods in the house, and other personal information for more than a year.” *Id.* It further alleges that

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<sup>3</sup> The complaint identifies “Andover Gardens Condominium Trust” as a defendant. However, subject to an exception not applicable here, under Massachusetts law “a trust is not a legal entity which can be sued directly.” *Morrison v. Lennett*, 415 Mass. 857, 859-60 & n.7 (1993); *see also Keefan v. Pellerin*, 76 Mass. App. Ct. 186, 187 n.2 (2010) (citing *Morrison* and noting that, in lawsuit brought against a condominium trust, “the trust was not the proper party to sue”); M.G.L. ch. 182, § 1 (defining “trust” for purposes of M.G.L. ch. 182 as a trust “operating under a written instrument or declaration of trust, the beneficial interest under which is divided into transferable certificates of participation or shares . . .”); M.G.L. ch. 182, § 6 (providing that a “trust” may be sued).

attorney Terranova represented the Trustees in *Trustees of Andover Gardens Condo Trust v. Sharma II* without their authorization. According to plaintiff, attorney Terranova “created [sic] a counsel, attorney Peter Caruso,” to represent plaintiff, and he “abused the legal process” by “[i]nitiating a trial without probable cause,” engineering the appointment of his friend attorney Feinman as receiver, filing motions for default, and “fabricating” court judgments. *Id.* at 7. The complaint alleges that all the defendants conspired to commit bank fraud, and that the Trust “conspired in a silent way by not stopping” the three attorney defendants. *Id.* at 8. It concludes that “[a]ll four defendants conspired against [her] to commit bank fraud.” *Id.*

The complaint purports to assert claims under 18 U.S.C. §§ 1341, 1343, and 1344, and again invokes federal-question jurisdiction. *See* Compl. at 3. It seeks \$15 million in damages against each of the attorney defendants and \$6 million in damages against the Trust.

## II. Discussion

### A. Subject-Matter Jurisdiction

Federal courts are of limited jurisdiction, “and the requirement of subject-matter jurisdiction ‘functions as a restriction on federal power.’” *Fafel v. Dipaola*, 399 F.3d 403, 410 (1st Cir. 2005) (quoting *Ins. Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982)). As a general matter, federal courts may exercise jurisdiction over civil actions arising under federal laws, *see* 28 U.S.C. § 1331, and over certain actions in which the parties are of diverse citizenship and the amount in controversy exceeds \$75,000, *see* 28 U.S.C. § 1332.<sup>4</sup> All three complaints invoke the court’s federal-question jurisdiction.

The complaints purport to assert claims arising under various federal criminal statutes:

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<sup>4</sup> Plaintiff here does not invoke the court’s jurisdiction under § 1332, nor does she purport to assert any state-law claims. In any event, diversity of citizenship clearly does not exist between the parties in *Sharma v. Terranova*, and there are no allegations in the other two complaints as to the citizenship of either Santander or Fidelity; indeed, plaintiff left those portions of the form complaint blank.

those creating the crimes of bank embezzlement, mail fraud, wire fraud, and bank fraud. Those statutes do not, however, create a private right of action to bring a civil claim against an alleged wrongdoer. *See, e.g., Wisdom v. First Midwest Bank, of Poplar Bluff*, 165 F.3d 402, 408 (8th Cir. 1999) (holding that no private right of action exists under 18 U.S.C. §§ 1341 or 1343); *Lowe v. ViewPoint Bank*, 972 F. Supp. 2d 947, 954-55 (N.D. Tex. 2013) (same, as to 18 U.S.C. § 656); *Milgrom v. Burstein*, 374 F. Supp. 2d 523, 529 (E.D. Ky. 2005) (same, as to 18 U.S.C. § 1344).

Plaintiff's attempted assertion of a civil right of action under federal criminal statutes is "so devoid of merit" as to call into question the existence of federal-question jurisdiction. *See Oneida Indian Nation of N.Y. v. County of Oneida*, 414 U.S. 661, 666 (1974) (stating that dismissal for lack of subject-matter jurisdiction based on the inadequacy of the federal claim is appropriate where the claim is "so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a federal controversy"); *Bell v. Hood*, 327 U.S. 678, 682 (1946) (holding that dismissal for lack of jurisdiction is appropriate if it is not colorable, that is, "immaterial and made solely for the purpose of obtaining jurisdiction" or "wholly insubstantial and frivolous"); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998); *Merrell Dow Pharm Inc. v. Thompson*, 478 U.S. 804, 817 (1986).

Unfortunately, the case law as to the "dichotomy" between lack of subject-matter jurisdiction and failure to state a claim is often confused and inconsistent. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 511 (2006) (discussing how courts have been "less than meticulous" in addressing the issue). Moreover, the court can never assume the existence of subject-matter jurisdiction, but must make an affirmative decision as to its existence. Under the circumstances, the Court concludes that the claims here—which, again, purport to assert civil causes of action

arising out of federal criminal statutes—are sufficiently colorable to confer federal-question jurisdiction, even if only barely so. The Court will therefore address the merits of the claims.

**B. Failure to State a Claim**

The asserted claims present two obvious issues: the statute of limitations and claim preclusion.<sup>5</sup>

**1. Statute of Limitations**

Depending on how the claims are construed, they could be subject to a three, four, or six-year period of limitations under Massachusetts law, which applies in this context. *See Mass. Gen. Laws ch. 260, §§ 2A* (three-year statute of limitations for tort claims), 5A (four-year statute of limitations for action for consumer claims under chapter 93A), and 2 (six-year statute of limitations for breach of contract claims). Here, by her own representations, plaintiff knew at least seven years before filing three lawsuits that she had been harmed by the alleged misconduct. Thus, regardless of how her claims are construed, they are time-barred.

**2. Claim Preclusion**

All three cases involve claims that were, or should have been, raised in *Sharma v. Trustees of Andover Gardens Condo Trust*, her earlier state court proceeding (which itself was dismissed as time-barred). The new claims are therefore barred under principles of claim preclusion.

The doctrine of claim preclusion, or *res judicata*, prohibits parties from contesting issues that they have had a “full and fair opportunity to litigate.” *Taylor v. Sturgell*, 553 U.S. 880, 892

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<sup>5</sup> Although the statute of limitations and claim preclusion are affirmative defenses, and the Federal Rules of Civil Procedure do not require a plaintiff to plead facts to avoid potential affirmative defenses, a complaint can be dismissed for failure to state a claim if its allegations show that relief is barred by the defense. *See Bock v. Jones*, 549 U.S. 199, 215 (2007).

(2008). Claim preclusion requires proof of three elements: "(1) the earlier suit resulted in a final judgment on the merits, (2) the causes of action asserted in the earlier and later suits are sufficiently identical or related, and (3) the parties in the two suits are sufficiently identical or closely related." *Airframe Sys., Inc. v. Raytheon Co.*, 601 F.3d 9, 14 (1st Cir. 2010). Those three elements are clearly satisfied here.

First, plaintiff brought an earlier suit, which was dismissed by the court and not appealed. That dismissal constitutes a final judgment on the merits for purposes of claim preclusion. See *Airframe*, 601 F.3d at 14 (citing *AVX Corp. v. Cabot Corp.*, 424 F.3d 28, 30 (1st Cir. 2005)) (holding that dismissal for failure to state a claim is "plainly a final judgment on the merits").

Second, plaintiff's claims all arise from the same basic allegation that the Trustees stole money from her accounts at Santander Bank and Fidelity. Those claims either were actually brought, or should have been brought, in the earlier action.

Third, the defendants in this suit are sufficiently identical or closely related to the defendant named in the earlier suit such that principles of claim preclusion should apply.

Accordingly, because all three elements are satisfied, plaintiff's claims are barred by principles of claim preclusion.

### **III. Conclusion**

For the foregoing reasons:

1. Defendant's motion to dismiss in *Sharma v. Santander Bank*, C.A. No. 19-12184-FDS, is GRANTED and the action is DISMISSED.
2. *Sharma v. Fidelity Investments*, C.A. No. 19-12186-FDS, is DISMISSED.
3. *Sharma v. Terranova*, C.A. No. 19-12220-FDS, is DISMISSED.

**So Ordered.**

/s/ F. Dennis Saylor IV

F. Dennis Saylor IV

Chief Judge, United States District Court

Dated: February 25, 2020

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## UNITED STATES DISTRICT COURT

for the

District of Massachusetts

VEENA SHARMA

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

1. ATTORNEY DOMINIC S. TERRANOVA
2. ANDOVER GARDENS CONDOMINIUM TRUST
3. ATTORNEY MICHAEL B. FEINMAN
4. ATTORNEY PETER CARGIAPPI, SR.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one)  Yes  NoFILED  
IN CLERK'S OFFICE

2016 OCT 28 PM 2:13

MAILED  
TO PLAINTIFF  
IN THE DISTRICT COURT  
OF MASSACHUSETTS

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

VEENA SHARMA

Street Address

6 WEDGEWOOD DRIVE

City and County

ANDOVER, ESSEX

State and Zip Code

MA 01810

Telephone Number

978-290-3275

E-mail Address

jaipuri@ad.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name ATTORNEY DOMENIC S. TERRANOVA  
Job or Title (*if known*)  
Street Address 89 MAIN STREET; ~~ESSEX~~  
City and County NORTH ANDOVER; ~~ESSEX~~  
State and Zip Code MA 01845  
Telephone Number 978-975-4540  
E-mail Address (*if known*)

Defendant No. 2

Name ANDOVER GARDENS CONDOMINIUM TRUST  
Job or Title (*if known*)  
Street Address 12 CRESCENT DRIVE  
City and County ANDOVER; ~~ESSEX~~  
State and Zip Code MA 01810  
Telephone Number 978-475-4929  
E-mail Address (*if known*)

Defendant No. 3

Name ATTORNEY MICHAEL B. FEINMAN  
Job or Title (*if known*)  
Street Address 23 MAIN STREET  
City and County ANDOVER; ~~ESSEX~~  
State and Zip Code MA 01810  
Telephone Number 978-494-6669  
E-mail Address (*if known*)

Defendant No. 4

Name ATTORNEY PETER CARUSSO  
Job or Title (*if known*)  
Street Address 68 MAIN STREET  
City and County ANDOVER; ~~ESSEX~~  
State and Zip Code MA 01810  
Telephone Number 978-475-2200  
E-mail Address (*if known*)

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

1. BANK FRAUD : 18 USC 1344
2. MAIL FRAUD : 18 USC 1341
3. WIRE FRAUD : 18 USC 1343

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### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

PLEASE REFER TO ENCLOSURE NO: 1

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PLEASE REFER TO ENCLOSURE NO: 2

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/25/2019

Signature of Plaintiff

Veeva Sharma

Printed Name of Plaintiff

VEENA SHARMA

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Street Address

\_\_\_\_\_

State and Zip Code

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

E-mail Address

\_\_\_\_\_