

APPENDIX 1

APPENDIX 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LINDA A. NASH,

Plaintiff,

v.

UNITED STATES OF AMERICA CORP.,
et al.,

Defendants.

Civil Action No. 1:23-cv-03134 (CJN)

ORDER

In November 2011, Bank of America filed a foreclosure complaint against Linda Nash in the Eighteenth Judicial Circuit Court of Florida. The case went to trial and Bank of America lost, but on appeal, Florida's Fifth District Court of Appeal reversed. The state trial court then entered judgment in the bank's favor. Nash responded by filing a federal lawsuit in the Middle District of Florida, which the court dismissed for lack of subject matter jurisdiction. *See Nash v. State*, 2019 WL 13400383 (M.D. Fla. 2019). The Eleventh Circuit affirmed, reasoning that Nash's lawsuit, which brought constitutional challenges to the state court's foreclosure suit, was barred by the *Rooker-Feldman* doctrine. *See Nash v. Fifth Dist. Court of Appeals*, 806 F. App'x 870, 873 (11th Cir. 2020).

Nash then brought this *pro se* complaint against Bank of America and various governments. The complaint does not clearly lay out a legal theory. What it does make clear, however, is what relief Nash seeks: an "injunction for estoppel of state court proceedings based on violations of" her rights and an opportunity to receive a federal trial "on the issues regarding her

lawful ownership of this privately owned parcel of American Soil and home without government interference.” See Compl., ECF No. 1, at 2, 9.

The *Rooker-Feldman* doctrine prevents courts from hearing suits “brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

This case falls squarely within *Rooker-Feldman*. Nash received an unfavorable state court judgment and then brought this federal lawsuit to challenge that judgment. Moreover, she challenges the state court judgment on the ground that it was obtained using forged documents—an argument that she acknowledges the state trial court already denied. See Compl. at 6–7. This lawsuit is therefore little more than an attempt to appeal the state court’s ruling to a federal district court. See *Hunter v. U.S. Bank Nat. Ass’n*, 698 F. Supp. 2d 94, 100 (D.D.C. 2010) (“Although [the plaintiff’s] quiet title claim is not styled as an appeal from the foreclosure action, it is clear from the Complaint that [his] claim is based entirely on the alleged impropriety of the foreclosure.”). The U.S. Supreme Court can hear such appeals, see 28 U.S.C. § 1257, but *Rooker-Feldman* prevents district courts from doing the same.

Nash has also filed a panoply of other motions moving the Court to, among other things, enter default judgment and answer questions about its adherence to the Constitution. Because the Court dismisses this case for lack of jurisdiction, it denies those motions as moot.

Accordingly, it is hereby

ORDERED that the Motions to Dismiss, ECF Nos. 7 and 9, are **GRANTED**; and it is further

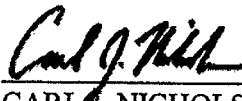
ORDERED that the Motion for Specific Performance, Motion to Compel, Motion for Default Judgment, Motion for Order That the Court Address its Jurisdiction, Motion for Hearing, and Motions to Take Judicial Notice, ECF Nos. 4, 16, 18, and 20–23, are **DENIED**; and it is further

ORDERED that the case is **DISMISSED** without prejudice.

This is a final appealable order.

The Clerk is directed to terminate the case.

DATE: August 26, 2024



CARL J. NICHOLS
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LINDA A. NASH,

Plaintiff,

v.

UNITED STATES OF AMERICA CORP.,
et al.,

Defendants.

Civil Action No. 1:23-cv-03134 (CJN)

ORDER

The Court dismissed this case on the basis of the *Rooker-Feldman* doctrine. *See generally* ECF 24. Plaintiff seeks reconsideration on various grounds. ECF 25. The only one of these grounds that Plaintiff develops revolves around an “extrinsic fraud” exception to *Rooker-Feldman*, which some courts have recognized. *See, e.g., Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1141 (9th Cir. 2004). The Court of Appeals acknowledged that exception in one unpublished opinion, though it did not expressly adopt it. *See Scott v. Frankel*, 2015 WL 4072075 at *1 (D.C. Cir. 2015). The Court of Appeals stated that even if it were “to recognize such an exception,” “appellant has not suggested any reason why he could not have presented his claims of fraud in the state court” case, and so the fraud was not extrinsic. *Id.*

The same is true here. Plaintiff could have raised in state court her argument that the state court judgment was obtained using forged documents. In fact, as the Court pointed out in its order, *see* ECF 24 at 2, Plaintiff’s complaint indicates that she *did* raise that fraud-based argument in a hearing before the state court, and that the court declined to grant her relief, *see* ECF 1 at 6–7. If Plaintiff was unsatisfied with that decision, “she should have taken an appeal” instead of

challenging it in a federal district court. *Morrison v. Bowser*, 2024 WL 3291024 (D.D.C. July 3, 2024).

Because Plaintiff was not prevented from bringing her fraud claims in state court, she does not qualify for the extrinsic-fraud exception, to the extent such an exception exists. *See Scott*, 2015 WL 4072075 at *1. Accordingly, it is **ORDERED** that Plaintiff's Motion for Reconsideration is **DENIED**.

DATE: October 15, 2024



CARL J. NICHOLS
United States District Judge

APPENDIX 3

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR
SEMINOLE COUNTY, FLORIDA**

Bank of America, N.A. Successor
By Merger to BAC Home Loans
Servicing, L.P. FKA Countrywide
Home Loans Servicing L.P.

Plaintiff,

CASE NO.: 2011-CA-004389

v.

Linda A. Nash and Richard Annette

Defendants.

**ORDER DENYING MOTION FOR REHEARING, CLOSING CASE AND
CANCELLING ALL OUTSTANDING HEARINGS**

This matter having come before this Honorable Court upon the Motion for Rehearing filed by Defendant Linda A. Nash, and the Court having reviewed the file, noting the current procedural posture, takes the following actions, in part, and being fully advised in the premises by the Motions and Responses, filed thereto,

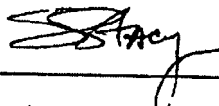
It is hereby,

ORDERED AND ADJUDGED:

1. Defendant Linda A. Nash's Motion for Rehearing is DENIED with prejudice.
2. The Court hereby closes this case and cancels all currently scheduled hearings, as no further relief can be granted pursuant to this matter under Florida law.
3. Any outstanding prayers for relief must be filed under a separate petition.

DONE AND ORDERED in Chambers in Seminole County, Florida, on Tuesday, May 11, 2021.

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Susan Stacy, Circuit Judge
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CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by US MAIL/Email or eportal to the following on Tuesday, May 11, 2021

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