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DATE FILED: 7/24/2024**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Amanda Sima,

Plaintiff,

v.

Nelson, Mullins, Riley & Scarborough
LLP et al

Defendants.

Case No. 1:24-cv-03909

Hon. Valerie E. Caproni

Magistrate Judge James L. Cott

**PLAINTIFF'S MOTION FOR LIMITED DISCOVERY TO ALLOW FOR THE
INCLUSION OF SPECIFIC DEFENDANTS AND DISMISSAL OF OTHERS**

Plaintiff, Amanda Sima, respectfully asks the Court for an order directing limited discovery in this case so that the appropriate Defendants may be identified and included in the Second Amended Complaint, and any inappropriate Defendants may be dismissed. This discovery is critical not only in ensuring the accused parties are accurately party to the case, but also that innocent parties are spared.

On May, 20, 2024, the Plaintiff filed her original Complaint against Defendants Nelson, Mullins, Riley & Scarborough LLP and Ashley Summer, Esq., alleging multiple counts of fraud, among other claims, in the United States District Court for the Southern District of New York. She states in her Complaint that "Venue in this judicial district is proper under 28 U.S. Code § 1332. Diversity of citizenship exists among all parties, and the damages sought exceed \$75,000. Defendants have business relations within the district of this court." Upon the successful filing

of the lawsuit, she subsequently filed for an issuance of summons for the Defendants on June 1, 2024.

On June 6, 2024, the Court ordered the Plaintiff to file an Amended Complaint which “adequately alleges that this Court has subject matter jurisdiction.” In response to this order, the Plaintiff filed a First Amended Complaint on June 6, 2024, stating “Venue in this judicial district is proper under 28 U.S. Code § 1332. Diversity of citizenship exists among all parties, and the damages sought exceed \$75,000. Defendant Nelson Mullins Riley & Scarborough have a full-service law office located at 330 Madison Avenue, 27th Floor, New York, New York 10017. Defendant Ashley Summer is a Partner with the full-service law office listed above, and it is where he engaged in unlawful conduct on behalf of his employer.”

On June 11, the Court ordered that that “by no later than Tuesday, June 25, 2024, Plaintiff must file a Second Amended Complaint that adequately alleges facts from which the Court can reasonably infer that it has subject matter jurisdiction or the case will be dismissed for lack of subject matter jurisdiction.”

Now with the understanding that the Court required verification of diversity among all equity holders of the partnership to properly claim venue within the Southern District of New York, the Plaintiff filed a Motion for Production of Shareholders on June 14, 2024, which was granted on June 20, 2024. On July 11, 2024, Julia MacAllister, Counsel for the Defendants, filed a response listing three equity shareholders residing in the state of Colorado. As a reminder, the Plaintiff is also a resident of Colorado. Ms. MacAllister then asked the Court to dismiss this case based on a lack of subject matter jurisdiction citing lack of diversity.

The Plaintiff sent a demand letter with her concerns to the Defendants on May 6, 2024, giving them ample opportunity to discuss with the Plaintiff the details of those concerns and, in

the event of a filed case, work through potential technicalities that would need to be addressed, such as diversity. Instead, they ignored her. Because the Defendants refused to communicate with the Plaintiff outside of the Court's order, she is not educated on many things, including which particular staff members and attorneys within the Nelson Mullins Law Firm worked on her settlement discussions with Novolex Holdings in addition to Defendant Summer. Having no insight into exactly which individuals engaged in the alleged unlawful conduct left the Plaintiff no choice but to list the law firm entity as a Defendant, despite believing the culpable parties to be Attorney Ashley Summer, members of the Nelson Mullins Law Firm's New York office and executives operating out of, and residing, in the corporate headquarters' state of South Carolina. The Plaintiff believes the three equity shareholders in Colorado, in addition to multiple others, are not party to this case. The Plaintiff therefore asks the Court to allow the parties to engage in very limited discovery so the proper individual Defendants may be identified and listed in the Second Amended Complaint. Within this limited scope, the Plaintiff would merely be seeking any attorneys and staff members within the Nelson Mullins Law Firm who actively engaged in decision-making surrounding the Plaintiff's original claims against Waddington North America and the retention of the Nelson Mullins law firm by Waddington North America's parent company, Novolex Holdings. Once the identification is complete, the Plaintiff will move to file her Second Amended Complaint listing the appropriate Defendants, as previously ordered by the Court.

Respectfully submitted,

DATED: July 15, 2024

/s/Amanda Sima

Amanda Sima, *Pro se* Plaintiff

561 Bristolwood Lane

Castle Pines, CO 80108

614-260-8222

mandasima@gmail.com

Application DENIED. This case is dismissed for lack of subject matter jurisdiction. The Clerk of Court is respectfully directed to terminate all open motions and to close the case.

SO ORDERED.



7/24/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE