

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *ex rel.*  
EDWARD O'DONNELL,

Plaintiff,

-v-

BANK OF AMERICA CORPORATION,  
successor to COUNTRYWIDE FINANCIAL  
CORPORATION, COUNTRYWIDE HOME LOANS,  
INC., and FULL SPECTRUM LENDING,

Defendants.  
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UNITED STATES OF AMERICA,

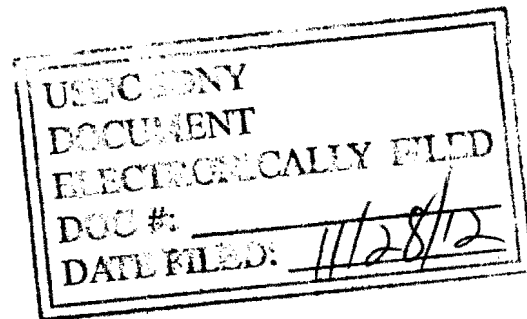
Plaintiff-Intervenor,

-v-

BANK OF AMERICA CORPORATION,  
successor to COUNTRYWIDE FINANCIAL  
CORPORATION, COUNTRYWIDE HOME LOANS,  
INC., and FULL SPECTRUM LENDING,

Defendants.  
----- X

JED S. RAKOFF, U.S.D.J.



12 Civ. 1422 (JSR)

MEMORANDUM ORDER

On November 9, 2012, Meera Singh filed a pro se motion to intervene in the above-captioned case pursuant to Federal Rule of Civil Procedure 24(a). Singh claims a "conditional right to intervene" under Rule 24(a), and seeks leave "to intervene as a matter of right," though she does not specify which statute confers upon her any right (unconditional or otherwise) to intervene. The motion also makes

reference to "questions of law and fact in common" due to Bank of America's alleged "forged proof of claim on [Singh's] property" in Cedar Park, Texas. Singh argues that she, like the Government, "believed that the claims made [to possess title in her property] were legitimate when in fact Bank of America made claims of title ownership and possession that were patently false."

Because the Court construes pro se motions liberally, it has considered Singh's motion to intervene "as of right" under Federal Rule of Civil Procedure 24(a)(1) or, in the alternative, to intervene upon permission by the Court pursuant to Rule 24(b)(1)(B). Unlike Rule 24(a)(1), which recognizes an intervenor's absolute right to intervene in a suit where she "is given an unconditional right to [do so] by a federal statute," Rule 24(b)(1)(B) permits, at the Court's discretion, intervention where the intervenor "has a claim or defense that shares with the main action a common question of law or fact."

Singh posits no right--unconditional or conditional--conferred to her by federal statute that would permit her to intervene as of right in this case. Moreover, the relator's Complaint and the Government's Complaint-in-Intervention in this action are premised, in part, upon the False Claims Act, by which "a relator[] brings suit on behalf of the Government to recover a remedy for a harm done to the Government." U.S. ex rel. Feldman v. van Gorp, 697 F.3d 78, 84 n.3 (2d

Cir. 2012). Consequently, Singh's motion to intervene pursuant to Rule 24(a) is hereby denied.

Construing Singh's motion as proceeding under a theory of permissive intervention yields the same result. Under Rule 24(b)(1)(B), the Court may permit Singh to intervene on a showing that she "has a claim or defense that shares with the main action a common question of law or fact." Such a determination is committed to the "very broad" discretion of the Court. See H.L. Hayden Co. of New York, Inc. v. Siemens Medical Systems, Inc., 797 F.2d 85, 89 (2d Cir. 1986). The Court considers "whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties" and "factors includ[ing] the nature and extent of the intervenors' interests, the degree to which those interests are adequately represented by other parties, and whether parties seeking intervention will significantly contribute to full development of the underlying factual issues in the suit and to the just and equitable adjudication of the legal questions presented." Id.

The gravamen of Singh's dispute with Bank of America appears to be that the bank foreclosed on her property without "possess[ing] any legal rights to [do so]," such as holding title to the property. Singh's allegation, whatever its legal merit, holds no similarity with the Government's claims for relief sounding in the False Claims Act and the Financial Institutions Reform, Recovery, and Enforcement Act. As such it is highly unlikely that Singh's intervention will

contribute to the development of the underlying suit or to the just and equitable adjudication of the Government's claims for relief.

Therefore, the Court hereby denies Singh's motion to intervene in full. The Clerk of the Court is directed to close document number 19 on the docket sheet of this case

SO ORDERED.

  
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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
November 28 2012