

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

SOLANGE CHADDA : CIVIL ACTION  
v. :  
ALLAN BURCKE : NO. 04-4386

**MEMORANDUM**

**Baylson, J.**

**December 9, 2004**

Plaintiff, appearing pro se, brought an initial complaint against Diane Young Products, Inc. and others, asserting various claims, which are barely intelligible. However, giving Plaintiff all inferences, Plaintiff asserts that she bought certain Diane Young Products, which are inferentially cosmetic products for women, but that Diane Young lied to the public, does not have FDA approval, did not perform scientific trials, and Plaintiff went to a dermatologist and found that she developed an infection, was sick for months, spoke to Diane Young, which harassed Plaintiff by “cranky” phone calls, and she makes other assorted complaints. In her concluding paragraph, Plaintiff alleges “punitive damages for breaking the laws of business, the laws of antitrust, to lie to the American public. . . .”

In a pleading filed subsequently and entitled “Amendment of Complaint” (Docket No. 10), Plaintiff asserts 16 counts which contain various accusations about an individual identified as “Mr. Whishnoff” and although the document is barely intelligible, it once again suggests that Diane Young has put dangerous and defective products in the marketplace. There are references to organized crime and lies to the “FDA”, references to a “Judge Rizzo” and a form of order is

presented that reads “Protection Order against Mr. Whishnoff/Diane Young, No More Tampering with Mail, No More Tampering with Evidences, No More Tampering with Witnesses.”

From the documents, it does not appear that this Court would have any jurisdiction under diversity of citizenship because Plaintiff is a resident of Pennsylvania and at least one of the Defendants, QVC, maintains its principal place of business in Pennsylvania as well.

To the extent that Plaintiff designates this case as an antitrust case, Plaintiff has failed to state a claim under the antitrust laws. There are no suggestions that Diane Young has engaged in any anti-competitive conduct, or that it has violated §§ 1 or 2 of the Sherman Antitrust Act, or that Plaintiff has any damages arising under the antitrust laws.

For these reasons, the Court will grant the Motion of Diane Young Products, Inc. to Dismiss Plaintiff’s Complaint against it for failure to state a claim upon which relief can be granted.

Insofar as the other Defendants are concerned, they have answered the complaint, but if the Court is without subject matter jurisdiction, the complaint must be dismissed to them as well.

An appropriate Order follows.

