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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT

No. 18-2187

On Appeal from the United States District Court for the
District of New Jersey

(D.C. Civil Action No. 1:15-cv-08324)

District Judge: Honorable Robert B. Kugler

Submitted Pursuant to Third Circuit L.A.R. 34.1(a) July
19, 2019

Before: KRAUSE, SCIRICA and

NYGAARD, Circuit Judges

(Opinion filed: August 1, 2019)

PER CURIAM

In 2015, Chris Ann Jaye filed a complaint against numerous individuals and businesses, alleging that they violated her rights in connection with several state court cases. Those state cases involve a dispute between Jaye

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent. and her condominium association regarding unpaid assessments and fees.

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Various defendants moved to dismiss the complaint, arguing, inter alia, that the District Court lacked jurisdiction under the Rooker-Feldman doctrine and the doctrine of res judicata, that Jaye failed to state a claim for the federal causes of action, that the applicable statutes of limitations had expired, and that Jaye had signed a stipulation of dismissal in state court that precluded the federal suit. By order entered November 30, 2016, the District Court granted the moving defendants' motions and dismissed all claims against all parties. Jaye sought reconsideration, but the District Court denied relief. Jaye timely appealed, and we affirmed. Jaye v. Oak Knoll Vill. Condo. Owners Ass'n, 751 F. App'x 293, 300 (3d Cir. 2018) (not precedential).

Meanwhile, Jaye filed in the District Court various post-judgment motions. As relevant here, she moved to vacate an order that denied her motion reconsideration, her prior motions to vacate, and her motion for sanctions. (Dist. Ct. Doc. No. 367). She also filed a motion to consolidate the case with other District Court actions. (Dist. Ct. Doc. No. 384). Finally, she moved to correct the record and vacate the District Court's judgment of November 30, 2016. (Dist. Ct. Doc. No. 385). The District Court denied those motions by order entered May 18, 2018. (Dist. Ct. Doc. No. 397).

Jaye filed a timely notice of appeal.¹ (Dist. Ct. Doc. No. 398).

We have jurisdiction pursuant to 28 U.S.C. § 1291, see Isidor Paiewonsky Assocs., Inc. v. Sharp Props., Inc., 998 F.2d 145, 149-50 (3d Cir. 1993) (post-judgment orders are final and immediately appealable), and review the denial of Jaye's post-judgment motions for abuse of discretion. See Budget Blinds, Inc. v. White, 536 F.3d 244, 251 (3d Cir. 2008) (Rule 60(b) motions); Lehman Bros. Holdings v. Gateway Funding Diversified Mortg. Servs., L.P., 785 F.3d 96, 102 (3d Cir. 2015) (motions to consolidate). We may affirm on any basis supported by the record. See Fairview Twp. v. EPA, 773 F.2d 517, 525 n.15 (3d Cir. 1985). The District Court properly denied Jaye's motions. In her motion to vacate, (Dist. Ct. Doc. No. 367), Jaye alleged that the District Court improperly "transformed" three "valid, timely post-judgment motions[.]" (Dist. Ct. Doc. Nos. 312, 329, & 347),

¹ Although Jaye's notice of appeal identified numerous orders entered by the District Court prior to her earlier appeal, the notice of appeal is timely as to only the order entered May 18, 2018.

into untimely motions under Local Civil Rule 7.1(i). See Rule 7.1(i) (providing that, “[u]nless otherwise provided by statute or rule . . . , a motion for reconsideration shall be served and filed within 14 days after the entry of the order or judgment . . .”). But even if the District Court had treated Jaye’s post-judgment motions as timely brought under Federal Rule of Civil Procedure 60(b), as Jaye contends it should have, she would not have been entitled to relief. A Rule 60(b) motion “may not be used as a substitute for an appeal, and . . . legal error, without more does not warrant relief under that provision.” United States v. Fiorelli, 337 F.3d 282, 288 (3d Cir. 2003). In her post-judgment motions, Jaye simply alleged legal error in orders entered prior to the appeal that resulted in our decision affirming the dismissal of her complaint. Because Jaye could have raised (and in some instances did raise) on appeal her arguments challenging the entry of the orders, relief was unavailable under Rule 60(b). See Martinez-McBean v. Gov’t of V.I., 562 F.2d 908, 911-12 (3d Cir. 1977). Jaye’s motion to vacate also sought to challenge the District Court’s denial of her motion for sanctions. The District Court’s denial of the motion for sanctions was proper, however. In that motion, (Dist. Ct. Doc. No. 330), Jaye repeated her allegation that some of the defendants had made false representations in their submissions to the District

Court. But a Magistrate Judge had earlier concluded that those allegations were meritless, (Dist. Ct. Doc. No. 261), and Jaye's motion for sanctions offered no basis upon which to revisit that determination. Accordingly, the District Court correctly denied Jaye's motion to vacate.

Furthermore, the District Court did not abuse its discretion in determining that consolidation of Jaye's District Court cases would be neither convenient nor economical "at this late date." Jaye filed a motion to consolidate the underlying action with three other cases that she had filed in the District of New Jersey. Notably, however, when Jaye filed the consolidation motion on April 6, 2018, judgments already had been entered in all the cases. Furthermore, in large part, those cases involved different parties.² In addition, Jaye's motion failed to explain what common questions of law or fact the cases shared. See Fed. R. Civ. P. 42(a).

² The underlying complaint named various individuals and businesses as defendants, and, while there was some overlap, the actions that Jaye sought to consolidate with that complaint were brought primarily against federal and state court judges, court staff, and the New Jersey Attorney General. Jaye v. NJ Attorney Gen. John Hoffman, D.N.J. Civ. No. 1:14-cv-07471; Jaye v. Hoffman, D.N.J. Civ. No. 1:16-cv-07771; Jaye v. Fed. Judge Michael Shipp, D.N.J. Civ. No. 1:17-cv-05257.

Under these circumstances, we agree that judicial economy would not have been served by consolidating Jaye's cases.

Finally, the District Court properly denied Jaye's motion to correct the record and to vacate the District Court's judgment of November 30, 2016. The District Court denied relief because, under Federal Rule of Civil Procedure 60(b), the motion was not filed within "a reasonable time" of the submissions and orders that she sought to challenge. Even if the motion were timely, however, we conclude that it lacked merit. With respect to the request to vacate, we have already affirmed the judgment entered by the District Court on November 30, 2016. See Jaye, 751 F. App'x at 300. In addition, Jaye failed to adequately support her assertions that certain defendants misled the District Court, that the District Court Clerk failed to enter a default against some of the defendants, that the District Court failed to adjudicate all her prior motions, and that the Judge Shipp was biased and had "a known conflict."

For the foregoing reasons, we will affirm the judgment of the District Court.³

³ Jaye has filed in this Court numerous motions and letters, including requests for an injunction, to correct the record,

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and to suspend or disbar one of the appellees. After careful consideration of those requests, they are denied. We also deny the motions filed by appellees for summary action. The appellees' motions for sanctions and to preclude Jaye from filing further documents in the appeal are addressed in a separate order.

**UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT**

C.A. No. 18-2187

CHRIS ANN JAYE, Appellant VS.
OAK KNOLL VILLAGE CONDOMINIUM OWNERS
ASSOCIATION INC, ET AL. (D.N.J. Civ. No. 1:15-cv-
08324)

Present: KRAUSE, SCIRICA and
NYGAARD, Circuit Judges

ORDER

Upon consideration of the Appellees' motions for sanctions and motion to preclude Appellant Chris Ann Jaye from filing further documents in this appeal, and Jaye's responses thereto, the Appellees' motions are granted.

Jaye has filed in state and federal court numerous complaints and appeals, all of which pertain to a dispute between her and her condominium association regarding unpaid assessments and fees. Because of her repetitive and frivolous filings in the United States District Court for the District of New Jersey, that court has (1) directed that the defendants need not respond to Jaye's motions unless ordered to do so, see Jaye v.

Hoffman, D.N.J. Civ. No. 1:14-cv-07471 (order entered May 18, 2018); Jaye v. Hoffman, D.N.J. Civ. No. 1:16-cv-07771 (order entered Apr. 9, 2018); (2) warned Jaye that “false statements and reckless accusations of misconduct against Defendants in the face of clear evidence to the contrary are potential grounds for sanctions against Plaintiff,” Jaye v. Oak Knoll Vill. Condo. Owners Ass’n, Civ. No. 1:15-cv-08324, 2016 WL 7013468, at *6 n.11 (D.N.J. Nov. 30, 2016); and (3) prohibited Jaye, when proceeding pro se, from filing lawsuits “relating to disputes concerning the payment of her condominium fees, or foreclosure proceedings, or any perceived conspiracies emanating out of them, Jaye v. Shipp, D.N.J. Civ. No. 1:17-cv-05257 (order entered May 18, 2018).

We, too, have warned Jaye that duplicative or frivolous motions may result in sanctions. See Jaye v. Att’y Gen. New Jersey, C.A. No. 16-2641 (order entered Sept. 22, 2016); Jaye v. Oak Knoll Vill. Condo. Assoc., C.A. No. 18-2187 (order entered Aug. 2, 2018); Jaye v. Oak Knoll Vill. Condo. Assoc., C.A. No. 17-2564, 751 F. App’x 293, 300 (Sept. 13, 2018). In the case at bar, C.A. No. 18-2187, we advised Jaye that if “she continues to make disparaging remarks against opposing parties, counsel, or judges or allegations of criminal behavior or other wrongdoing by persons involved in the litigation that

are not supported by clear evidence, she will be subject to sanctions, including monetary fines.” (order entered Aug. 2, 2018).

Despite that warning, Jaye has continued her baseless attacks against opposing counsel, accusing him of criminal conduct, using profanity to make her points, and threatening him by referencing his children by name. For instance, in an email sent to opposing counsel after he moved for sanctions, Jaye calls him a “complete and total illegal, criminal ass,” a “shyster,” and a “piece of shit, scumbag lawyer.” She also accuses him of “pull[ing] this shit in the prior case,” of using “teeny-bopper tactics,” and of “trying to hide your illegal and criminal acts behind these monstrous filings whereby you cry and bemoan my conduct as a basis for relief in the law.” Jaye further states that “if there is any justice, the world will come crashing down on YOU ...” and she “hopes [that his children, who Jaye names] are in the prime of their life to see you dragged out in handcuffs when it does!” Notice of Mot. (filed Nov. 27, 2018). Moreover, in a submission opposing the appellees’ motion for sanctions, Jay accuses opposing counsel of “illegal conduct,” calling him, inter alia, a “thief,” “embezzler,” “extortionist,” “shyster,” and “conman.” Opp’n, p. 2 (filed on Dec. 7, 2018). Jaye also claims that he “committed perjury and obstructed justice.” *Id.* at 5.

Jaye further claims that he is a “a liar and a perjurer” who “uses his law license to steal.” Mot. to Suspend or Disbar, p. 3, 8 (filed on Dec. 7, 2018); see also Letter Br., p. 4 (filed on Jan. 16, 2019). But she offers no specific evidence in support of those allegations, which appear baseless, vindictive, and abusive.

Jaye also has sustained her attacks on state and federal judges and clerks. For example, in the motion that she filed on November 16, 2018, Jaye complained of “the obvious fraud by yet another judge (Judge Kugler).” In that motion, Jaye further claimed that “the court and its staff have rigged the filings in order to rig the outcomes.” Moreover, Jaye has alleged that “judges and clerks alike have ensured my rights have been violated ... [a]nd they have proceeded on this time-wasting venture of fraud, lies and deception to rig the outcome as advocates for the defendants.” Letter Br., p. 3 (filed on Jan. 16, 2019). More recently, Jaye stated that judges of this Court “sit back on your useless, corrupt asses and refuse to rule to undo any of the illegal acts you have done” Letter, p. 2 (filed on May 22, 2019). She also personally attacks District Court judges, calling Judge Shipp an “idiot” and “filth,” and Judge Kugler “scum.” Id. at p. 3.

Based on Jaye's failure to adhere to our prior admonitions, and her continued, unwarranted attacks on opposing counsel, judges, and court staff, we impose on Jaye a monetary fine of \$1000, payable immediately. See Coghlan v. Starkey, 852 F.2d 806, 808, 817 (5th Cir. 1988) (noting that courts of appeals have authority to impose sanctions). The Clerk is instructed to not accept any further filings from Jaye until the fine is paid in full. After the fine is fully paid, Jaye may file only one petition for rehearing in this appeal. We also direct the Clerk not to accept for filing in this case any other documents from her. See In re Oliver, 682 F.2d 443, 445 (3d Cir. 1982) (recognizing power to issue orders to restrict the filing of meritless pleadings under the All Writs Act, 28 U.S.C. § 1651(a)). Finally, given the abusive and frivolous nature of Jaye's submissions, the appellees need not file any responsive documents in any future appeal filed by Jaye unless specifically directed to do so by the Court.

By the Court,
s/ Richard L. Nygaard Circuit Judge

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DLD-253 June 28, 2018
UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT

C.A. No. 18-2187

CHRIS ANN JAYE, Appellant VS.
OAK KNOLL VILLAGE CONDOMINIUM OWNERS
ASSOCIATION INC, ET AL. (D.N.J. Civ. No. 1-15-cv-
08324)

Present: JORDAN, SHWARTZ and
KRAUSE, Circuit Judges

Submitted is Appellant's "Motion to REMAND and
Notice to Chief Justice of Misfiling" in the above-
captioned case.

Respectfully, Clerk

ORDER

To the extent that Appellant's "Motion to
REMAND and Notice to Chief Justice of Misfiling" seeks
to consolidate this appeal with the pending appeal at
C.A. No. 17- 2564, her request is denied. If Appellant
wishes to proceed with this appeal, she must pay the full
applicable filing and docketing fees in the amount of
\$505 to the District Court within fourteen (14) days of

the date of this order. Failure to pay the filing fees within that time will result in dismissal of the appeal without further notice. See 3d Cir. LAR 107.1(a). To the extent that Appellant's "Motion to REMAND" seeks any other relief, the Clerk shall refer it to the merits panel once the fees are paid. We note that several parties have filed other motions; these motions will also be submitted to the merits panel at the appropriate time. No further filings from any of the parties are needed at this time.

The Court notes with significant concern that Ms. Jaye has filed numerous repetitive and frivolous motions in her appeals. A number of these filings make accusations of criminal behavior and other wrongdoing by opposing parties, opposing counsel, as well as the state and federal judges who have been assigned to her cases. Ms. Jaye makes these allegations without any evidentiary basis. Moreover, many filings contain disparaging remarks about those persons. The Court does not countenance such character attacks. Such behavior taxes the Court's resources, unnecessarily delays resolution of appeals, and will not be tolerated.

Accordingly, the Clerk is hereby directed to immediately terminate Ms. Jaye's electronic filing privileges pursuant to 3d Cir. LAR 113.2(d). Ms. Jaye must send all filings to the Court by mail. The Clerk will

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review the filings. No action will be taken on any motion that seeks the same relief that has already been requested in any of Ms. Jaye's appeals. Ms. Jaye is further advised that if she continues to submit repetitive and frivolous documents to the Court, the Court will issue an order to show cause why Ms. Jaye should not be enjoined from filing. Finally, Ms. Jaye is directed to use caution in drafting any future submission to this Court. If she continues to make disparaging remarks against opposing parties, counsel, or judges or allegations of criminal behavior or other wrongdoing by persons involved in the litigation that are not supported by clear evidence, she will be subject to sanctions, including monetary fines.

By the Court,
s/ Cheryl Ann Krause
Circuit Judge

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Filed: 12/14/2018

UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT

No. 18-2187

Jaye v. Oak Knoll Village Condominium Owners
Association, Inc.

To: Clerk

1. Motion by Appellees Brown Moskowitz &
Kallendef and Steven R. Rowland for Sanctions
2. Supplemental Motion by Appellees Brown
Moskowitz & Kallendef and Steven R. Rowland for
Sanctions

The foregoing motions, and any response thereto, are
referred to the merits panel.

For the Court,
s/ Patricia S. Dodszuweit Clerk

Dated: December 14, 2018 CLW/cc: Ms. Chris Ann Jaye
ALL COUNEL OF RECORD

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY CAMDEN
VICINAGE**

Chris Ann JAYE,	:	
Plaintiff,	:	Civil No. 15-8324
	:	(RBK/KMW)
v.	:	
OAK KNOLL VILLAGE	:	ORDER
CONDOMINIUM OWNERS	:	
ASSOCIATION, INC., <i>et al.</i> ,	:	
Defendants.	:	
	:	

KUGLER, United States District Judge:

THIS MATTER having come before the Court upon Plaintiff Chris Ann Jaye's Motion to Vacate (ECF No. 367) the Court's order denying reconsideration (ECF No. 363); Plaintiff's Motion to Consolidate this case with similar proceedings in 14-7471, 16-7771, and 17-5257 (ECF No. 384); and Plaintiff's Motion to Correct Record by Clerk and Vacate (ECF No. 385) the Court's November 30, 2016 opinion (ECF No. 305);

FIRST, the Court notes that pursuant to Fed. R. Civ. P. 60(b)(1), (3), and (6), Plaintiff seeks to vacate this Court's prior order denying reconsideration, alleging mistake and fraud;

THE COURT FINDING, however, that Plaintiff appears to attribute the judgment to an unspecified personal animus on the part of Judge Shipp, and has not articulated a particularized basis for vacating the Court's previous order denying reconsideration;

SECOND, the Court notes that under Fed. R. Civ. P. 42(a), the Court may consolidate actions "to avoid unnecessary cost or delay," *see Johnson v. Manhattan Ry. Co.*, 289 U.S. 479, 496, 53 S. Ct. 721, 727-28, 77 L. Ed. 1331 (1933) ("consolidation is permitted as a matter of convenience and economy in administration");

THE COURT FINDING that at this late date it would be neither convenient nor economical to consolidate these cases;

THIRD, the Court notes that Plaintiff's "Motion to Correct Record by Clerk and Vacate ECF 305 Entirely" (ECF No. 385), which addresses ECF Nos. 72 100, 104, 136, 156, 208, 270, 305, 312, 316, and 363, was filed April 6, 2018, over two years after the earliest of the challenged docket entries and thus not filed within "a reasonable time" under Rule 60(c);

THE COURT ALSO NOTING that Plaintiff's motion seeks "the vacating of any and all rulings granting any relief to Defendant BSRJ" on the basis that they had been in default, despite Defendant BSRJ having filed a letter joining in the motion to dismiss of another party;

THE COURT FURTHER NOTING that Plaintiff's motion once again raises the same allegations of Judge Shipp's fraud and personalized malice that the Court and is essentially duplicative of her motion for reconsideration (ECF No. 367), alleging that Judge Shipp "had a clear bias towards me as one with full knowledge that he was going to be sued by me";

IT IS HEREBY ORDERED that Plaintiff's Motion to Vacate (ECF No. 367) is **DENIED**;

IT IS FURTHER ORDERED that Plaintiff's Motion to Consolidate (ECF No. 384) is **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff's Motion to Correct Record by Clerk and Vacate (ECF No. 385) is **DENIED**; and

IT IS FURTHER ORDERED that Defendants in this matter have no further obligation to respond to Plaintiff's submissions unless directed otherwise by the Court.

Dated: May 18, 2018

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge