

***AMENDED ELD-019**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **25-2816**

FREDERICK WILLIAMS, Appellant

VS.

TOLL BROTHERS BUILDERS, et al.

(D. Del. Civ. No. 1:24-cv-00955)

Present: RESTREPO, PORTER, and BOVE, *Circuit Judges*

Submitted are:

- (1) Motion filed by Appellees William J. Rhodunda, Jr., Esq. and William E. Ward, Esq. to dismiss for lack of jurisdiction;
- (2) Appellant's response thereto;
- (3) Appellant's document titled "Motion to uphold default judgment";
- (4) Appellant's Motion for "Renewal" of that motion;
- (5) Motion filed by Appellees Toll Bros. Inc., Hockessin Chase LP, Alpa V. Bhatia, Esq., Michael Brown, Timothy Hoban, Toll Bros. Builders and Angela Umayra to Dismiss Appeal Or, In The Alternative, Summarily Affirm;
- (6) Appellant's response thereto; and
- (7) ***Appellant's supplemental document in support of appeal**

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellees' motions to dismiss this appeal as untimely are denied. Appellant challenges the District Court's order entered on April 30, 2025. While Appellant would typically have thirty days to appeal from this ruling, *see* Fed. R. App. P. (4)(a)(1)(A), the District Court's two-page order setting forth the case's procedural history and stating its reasons for the dismissal did not comply with the separate judgment rule, *see* Fed. R. Civ. P. 58(a), (c)(2); *LeBoon v. Lancaster Jewish Cnty. Ctr. Ass'n*, 503 F.3d 217, 224 (3d Cir. 2007). As a result, the April 30, 2025 order is deemed entered 150 days after it was docketed, or on September 29, 2025. *See* Fed. R. Civ. P. 58(c)(2)(B). This renders Appellant's September 16, 2025 notice of appeal timely as to the April 30, 2025 order. The notice of appeal is thus also timely as to the District Court's July 31, 2025 order. The District Court's order dismissing the amended complaint is summarily affirmed because the appeal does not present a substantial question. *See* 3d Cir. L.A.R. 27.4; I.O.P. 10.6. Appellant's pending motions are denied.

By the Court,

s/L. Felipe Restrepo
Circuit Judge

Dated: June 10, 2026
Lmr/cc: Frederick Williams
All Counsel of Record

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2816

FREDERICK WILLIAMS,
Appellant

v.

TOLL BROTHERS BUILDERS; HOCKESSIN CHASE LP; MICHAEL BROWN;
TIMOTHY HOBAN; TOLL BROS INC; ALPA V. BHATIA, Esq.; WILLIAM E.
WARD, Esq.; ANGELA UMayA; WILLIAM J. RIIODUNDA, JR., Esq.

(D. Del. Civ. No. 1:24-cv-00955)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, CHUNG, BOVE, and
MASCOTT, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

By the Court,

s/ L. Felipe Restrepo
Circuit Judge

Dated: July 30, 2026
Lmr/cc: Frederick Williams
All Counsel of Record

APPENDIX (A)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FREDERICK WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 24-955-CFC
	)	
TOLL BROTHERS BUILDERS,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER

At Wilmington, this 30th day of April 2025, having reviewed *pro se* Plaintiff's Amended Complaint (D.I. 32), Defendants' motions to dismiss the Amended Complaint (D.I. 33, 39), and Plaintiff's motions for default judgment, hearing, and subpoena (D.I. 44, 53, 58);

WHEREAS the December 2024 Memorandum Opinion and Order of the Court (D.I. 30, 31) dismissed the Complaint (D.I. 1) for failure to state a claim and granted Plaintiff leave to provide a short and plain statement of a timely claim showing Plaintiff is entitled to relief, and amounting to more than legal conclusions and bald assertions (D.I. 30 at 7-8); and

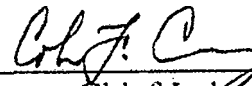
WHEREAS, in their motion to dismiss (D.I. 39), Defendants rightly assert that the Amended Complaint does not cure the deficiencies in the Complaint for which leave to amend was granted;

THEREFORE, IT IS HEREBY ORDERED that Defendants' motion to dismiss the Amended Complaint (D.I. 39) is **GRANTED**;

IT IS FURTHER ORDERED that the Amended Complaint (D.I. 32) is **DISMISSED** without further leave to amend;

IT IS FURTHER ORDERED that the remaining pending motions (D.I. 33, 44, 53, 58) are **DENIED** as moot; and

IT IS FINALLY ORDERED that this case is **CLOSED**.



Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FREDERICK WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 24-955-CFC
	)	
TOLL BROTHERS BUILDERS,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

ORDER

AT WILMINGTON, on this 31st day of July of 2025, having reviewed Plaintiff's motion to amend the complaint (D.I. 64) and Plaintiff's motion for hearing and clarification of mortgage closing costs (D.I. 67);

WHEREAS the Court's April 30, 2025 Order (D.I. 62) granted Defendant's motion to dismiss (D.I. 39) the amended complaint (D.I. 32) and closed this case;

WHEREAS, following dismissal and case closure, Plaintiff filed a motion (D.I. 64) to replace the amended complaint (D.I. 32) with the original complaint (D.I. 1);

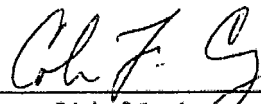
WHEREAS the Court's December 20, 2024 Memorandum Opinion and Order (D.I. 30, 31) granted Defendant's motion to dismiss (D.I. 7) the original complaint (D.I. 1) for lack of subject matter jurisdiction and failure to state a claim; and

WHEREAS nothing in Plaintiff's motion to amend the complaint (D.I. 64) changes either the Court's assessment of the original complaint, or the fact that this matter has already been adjudicated and the case is closed;

Therefore, it is HEREBY ORDERED that Plaintiff's motion to amend the complaint (D.I. 64) is **DENIED**;

It is FURTHER ORDERED that Plaintiff's motion for hearing and clarification of closing costs (D.I. 67), renewed motion for hearing and for clarification of closing costs (D.I. 69), and motion for hearing, amendment to add additional Plaintiff, and default judgment (D.I. 72) are **DENIED** as moot; and

Plaintiff is hereby notified that future filings of a similar nature will be denied, may be found frivolous, and could lead to sanctions. The Court cannot grant leave to amend the complaint, hold hearings, or substantively address party disputes in a closed case where the Court lacks subject matter jurisdiction, and no viable claim has been stated.



Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FREDERICK WILLIAMS,

Plaintiff,

V.

TOLL BROTHERS BUILDERS,
et al.,

Defendants.

Civ. No. 24-955-CFC

ORDER

At Wilmington on this Twentieth day of December in 2024, consistent with
the Memorandum Opinion issued this date,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion to Amend Complaint (D.I. 4) to add Defendant Rhodunda to this action is **GRANTED**.
2. Plaintiff's Motions for Default Judgment (D.I. 9, 24, 27) are **DENIED without prejudice.**³

³ Entry of default judgment is a two-step process. See Fed. R. Civ. P. 55(a), (b). A party seeking to obtain a default judgment must first request that the clerk of the court “enter . . . the default” of the party that has not answered the pleading or “otherwise defend[ed],” within the time required by the rules or as extended by court order. Fed. R. Civ. P. 55(a). Even if default is properly entered, the entry of judgment by default pursuant to Rule 55(b)(2) is within the discretion of the trial court. *Hritz v. Woma Corp.*, 732 F.2d 1178, 1180 (3d Cir. 1984). There has been no entry of default, and there is no basis for an entry of default against Defendants

3. Plaintiff has until January 24, 2025 to perfect service of process on Defendants. **Failure to comply with this deadline may warrant dismissal for failure to effectuate service**, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

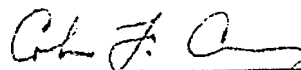
4. Defendants Toll Brothers, Hockessin Chase, Brown, Klein, Hoban, Toll Bros, Bhatia, and Umayya's Motion to Dismiss (D.I. 7) is **GRANTED**.

5. Plaintiff may file an Amended Complaint on or before January 24, 2025, that complies with this Order. An Amended Complaint will wholly replace the Complaint and supporting statement (D.I. 1), and it may not raise any new claims; it may only remedy the deficiencies and elaborate upon matters specified in the Memorandum Opinion. The Complaint (D.I. 1) will be **DISMISSED** without prejudice and this case will be **CLOSED** should Plaintiff fail to timely file an Amended Complaint.

6. Defendants Rhodunda and Ward's Motion to Dismiss or Stay (D.I. 6) is now **MOOT**, in light of the above Orders of the Court. Defendants Rhodunda and Ward may reassert any argument stated in the Motion (D.I. 6) later in this proceeding, should it remain relevant.

no entry of default, and there is no basis for an entry of default against Defendants at this time; therefore, default judgment is both premature and unwarranted.

7. Plaintiff's Motions for Hearing (D.I. 23, 29) are **DENIED** as moot, as this Order resolves all motions currently pending before the Court in this action, obfuscating the need for a hearing at this time.



Chief Judge

**Additional material
from this filing is
available in the
Clerk's Office.**