

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, GALVESTON DIVISION

PNC Bank, National Association v. Castlewall Enterprise, LLC, et al.

PNC Bank v. Castlewall Enterprise · No. 3:25-cv-00361 · Decided March 11, 2026

SUMMARY

The court withdraws the Clerk’s Entry of Default against Castlewall Enterprise, LLC, Tanya Bell, and Keith Bell because the record does not show that the defendants were properly served with PNC Bank’s motion for entry of default or other subsequent filings. The court denies PNC’s motion for default judgment without prejudice as moot. PNC must properly serve the defendants with every filing before further action will be taken.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Galveston Division
WRITING FOR THE COURT	Andrew M. Edison
JURISDICTION	United States District Court for the Southern District of Texas, Galveston Division
DECIDED	March 11, 2026
DOCKET	3:25-cv-00361
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the Clerk entered default against the defendants. The matter had been referred to the magistrate judge for all pretrial purposes.
STANDARD OF REVIEW	The court reviewed whether default had been properly entered and whether default judgment could be considered while service and default remained procedurally defective.
PRECEDENTIAL VALUE	Unknown; district court opinion and source metadata identify no precedential status.

TOPICS

- default
- default judgment
- service of process
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether default could properly be entered when the plaintiff had not served the defendants with its motion for entry of default.
2. Whether the court could consider the plaintiff's motion for default judgment when no defendant was properly in default.
3. Whether the plaintiff must serve the defendants with every filing made before default is entered.

HOLDINGS

1. Default should not have been entered because, before default was entered, PNC was required to serve its motion for entry of default on each defendant and the record showed no such service.
2. The motion for default judgment could not be considered because no defendant was properly in default; the motion was denied without prejudice as moot.
3. PNC must properly serve the defendants with every document it has filed in the case, and no further action will be taken until PNC demonstrates that service has been completed.

KEY QUOTATIONS

“That means that until the court has entered default, all motions, notices, and requests must be served on all parties.” (Opinion and Order)

“Because there is no indication in the record that any defendant has been served with any filing in this case after the initial service of summons—including and especially PNC’s motion for entry of default—default should not have been entered against any defendant.” (Opinion and Order)

“PNC must properly serve Defendants with every document that PNC has filed in this case. No further action will be taken in this case until PNC demonstrates to this court that it has served all its filings in this case on Defendants.” (Opinion and Order)

FACTUAL BACKGROUND

PNC sued Castlewall Enterprise, LLC, Tanya Bell, and Keith Bell. Although the defendants were served with the summons, the record did not indicate that they were served with PNC's subsequent filings, including the motion for entry of default. PNC's later motion for default judgment therefore followed an entry of default that had been made without the required service of the default motion.

PROCEDURAL HISTORY

PNC filed the action on May 16, 2025. Castlewall Enterprise, LLC and Tanya Bell were served on June 13, 2025, and Keith Bell was served on December 2, 2025. PNC moved for entry of default on February 4, 2026, and default was entered on February 11, 2026, although the record did not show that the motion for entry of default had been served. PNC then moved for default judgment on March 10, 2026. The court withdrew the Clerk's entry of default and denied the motion for default judgment without prejudice as moot.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. PNC must properly serve the defendants with every document filed in the case and demonstrate to the court that service has been completed. No further action will be taken until that showing is made. PNC may renew a motion for default judgment only after default has been properly entered.

CASES CITED

- Regal Nails, Salon & Spa, LLC v. Ha, No. 20-14388, 2021 WL 4976529, at *4 (S.D. Fla. Sept. 9, 2021)
- N.Y. Life Ins. Co. v. Brown, 84 F.3d 137, 141 (5th Cir. 1996)
- Carey v. Hannah, Kendrix, Zachary & Assocs., No. 1:11-cv-1782, 2011 WL 13322458, at *1 n.1 (N.D. Ga. Sept. 2, 2011)
- Jou v. Adalian, No. 09-226, 2009 WL 4798204, at *1 (D. Haw. Dec. 3, 2009)
- Field v. Exponential Wealth Inc., No. 21 Civ. 1990, 2023 WL 2263120, at *7 (S.D.N.Y. Feb. 27, 2023)
- Griffin v. Philips, No. 4:22-cv-268, 2023 WL 129416, at *2 (S.D. Ga. Jan. 9, 2023)

OPINION

UNITED STATES DISTRICT COURT March 11, 2026 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk GALVESTON DIVISION PNC BANK, NATIONAL § ASSOCIATION, §
§ Plaintiff. § § V. § CIVIL ACTION NO. 3:25-cv-00361 § CASTLEWALL ENTERPRISE, LLC, §
et al., § § Defendants. § OPINION AND ORDER This case has been referred to me for all pretrial
purposes. See Dkt. 35. Pending before me is Plaintiff PNC Bank, National Association's motion
for default judgment.

See Dkt. 33. It would be inappropriate at this juncture to consider the motion given the unresolved
service issues and the fact that default should not have been entered. PNC instituted this case
against Defendants on May 16, 2025. See Dkt. 1. Defendants Castlewall Enterprise, LLC and
Tanya Bell (Castlewall's registered agent) were served simultaneously at the Bell residence on
June 13, 2025.

See Dkts. 13, 14. Defendant Keith Bell was served on December 2, 2025. See Dkt. 25. On
February 4, 2026, PNC moved for entry of default against all three defendants. See Dkt. 29. PNC
did not include a certificate of service for its motion for entry of default.

On February 11, 2026, default was entered, even though the record suggests that no defendant was
served with PNC's motion for entry of default. On March 10, 2026, PNC filed a motion for default
judgment. See Dkt. 33. "Courts generally require that some notice be given to a defendant between

the time of initial service of process and entry of default judgment.” *Regal Nails, Salon & Spa, LLC v. Ha*, No. 20-14388, 2021 WL 4976529, at *4 (S.D.

Fla. Sept. 9, 2021) (collecting cases). The Federal Rules of Civil Procedure require that orders, pleadings, discovery papers, written motions, written notices, appearances, and similar papers “be served on every party.” Fed. R. Civ. P. 5(a)(1). A party is relieved of the requirement to serve these papers on every party only after the entry of default. See Fed.

R. Civ. P. 5(a)(2). That means that until the court has entered default, all motions, notices, and requests must be served on all parties. Unless and until a party appears through counsel or consents to service via alternate means, the only proper methods for serving a party with a known address who has not yet appeared through counsel and who is not a registered user of the court’s electronic-system (which describes each defendant in this case) are by “handing it to the person,” “leaving it” at the person’s office or usual place of abode, or “mailing it to the person’s last known address.” Fed.

R. Civ. P. 5(b)(2)(A)–(C). Despite these clear rules, the only document that PNC purports to have served on any party was its Notice of Appearance of Counsel. See Dkt. 5. In that document, PNC’s counsel, Jeffrey Leaverton, offers one of the most confusing certificates of service this court has ever encountered: The undersigned converted the foregoing document into an electronic image, via portable document format (.pdf), electronically submitted same to the Internet web portal for the Clerk of this Court utilizing the Electronic Management and Electronic Case Filing system of the Court, which has caused service, via Simple Mail Transfer Protocol (e-mail), of a Notice of Electronic Filing of this imaged document to the below-identified parties on Thursday, May 22, 2025; said e-mail provides an attributable hyperlink to the document, in portable document format, except for Debtor(s), and any other entity so identified below or on the EM/ECF filing sheet, whereas in that instance such document was mailed via First Class United States Mail, to-wit: Castlewall Enterprise LLC Tanya V. Bell Keith Bell Debtors Id. at 2.

The first 100 words of PNC’s certificate of service are superfluous. If the court is reading PNC’s certificate of service correctly, PNC is stating that its notice of appearance was mailed to each defendant via First Class United States mail. Yet, Mr. Leaverton does not state that he or anyone at his firm actually mailed the notice to Defendants. It is possible to read the certificate of service as suggesting that a mailing was generated simply because Mr. Leaverton filed his notice with the court’s electronic-filing system.

But the court does not mail parties’ filings to litigants who are not registered with the court’s electronic-filing system—that is the responsibility of the litigant filing the document. Because the certificate of service is not written in the affirmative, the court cannot be certain that anyone mailed the notice to Defendants. But the certificate of service for Mr. Leaverton’s notice of appearance is neither here nor there, because Mr. Leaverton did not include a certificate of service

for any of his subsequent filings as required by Federal Rule of Civil Procedure 5(d)(1)(B)(i), Local Rule 5.3, and Galveston Division Rule of Practice 6(d).

See Dkts. 11, 12, 27, 29 (all missing a certificate of service). Because there is no indication in the record that any defendant has been served with any filing in this case after the initial service of summons—including and especially PNC’s motion for entry of default—default should not have been entered against any defendant.

Accordingly, the Clerk’s Entry of Default (Dkt. 32) is withdrawn.¹ PNC may apply for a default judgment only after default has been properly entered. See *N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996).

Because no defendant is yet in default, PNC’s motion for default judgment (Dkt. 33) is denied without prejudice as moot.² 1 “When a pretrial matter not dispositive of a party’s claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision.” Fed.

R. Civ. P. 72(a). Setting aside an entry of default is a non-dispositive matter because doing so does not dispose of a party’s claim or defense. See *Carey v. Hannah, Kendrix, Zachary & Assocs.*, No. 1:11-cv-1782, 2011 WL 13322458, at *1 n.1 (N.D. Ga. Sept. 2, 2011); *Jou v. Adalian*, No. 09-226, 2009 WL 4798204, *1 (D. Hawaii, Dec. 3, 2009). 2 Denying PNC’s motion for default judgment without prejudice does not dispose of any party’s claim or defense.

Accordingly, I may rule by order rather than making a recommendation. See *Field v. Exponential Wealth Inc.*, No. 21 Civ. 1990, 2023 WL PNC must properly serve Defendants with every document that PNC has filed in this case. No further action will be taken in this case until PNC demonstrates to this court that it has served all its filings in this case on Defendants.

SIGNED this ____ day of March 2026. _____ ANDREW M. EDISON UNITED STATES MAGISTRATE JUDGE 2263120, at *7 (S.D.N.Y. Feb. 27, 2023) (denial of motion for default judgment without prejudice is within magistrate judge’s authority to order, rather than recommend); *Griffin v. Philips*, No. 4:22-cv-268, 2023 WL 129416, at *2 (S.D. Ga. Jan. 9, 2023) (same).