

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Brandon Tomlinson and The Tomlinson Law Group v. Maher Asi-Mahmoud

Tomlinson · No. 3:25-cv-12241 (RK) (JTQ) · Decided December 15, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Plaintiffs’ motion for default judgment and dismissed the complaint without prejudice. The court held that Plaintiffs failed to adequately plead diversity jurisdiction, including the citizenship of all plaintiffs and the entity status and citizenship of The Tomlinson Law Group. The court also denied Plaintiffs’ pending motion for alternative service as moot and noted potential deficiencies concerning service of process and damages.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Robert Kirsch
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 15, 2025
DOCKET	3:25-cv-12241 (RK) (JTQ)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs moved for default judgment after the Clerk entered default against Defendant. The court denied the motion and dismissed the complaint without prejudice for inadequate pleading of diversity jurisdiction, denying as moot Plaintiffs' pending motion for alternative service.
STANDARD OF REVIEW	Entry of default judgment under Rule 55(b) is largely discretionary, but that discretion is limited. Before entering default judgment, the court must independently confirm subject matter jurisdiction and consider the sufficiency of the complaint, service, default-judgment factors, and damages.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brandon Tomlinson, The Tomlinson Law Group v. Maher Asi-Mahmoud

TOPICS

default judgment

subject matter jurisdiction

service of process

pleadings

civil procedure

PRACTICE AREAS

civil procedure

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether the court could enter default judgment when the complaint failed to adequately plead complete diversity of citizenship under 28 U.S.C. § 1332(a).
2. Whether the complaint should be dismissed without prejudice for failure to establish subject matter jurisdiction.
3. Whether Plaintiffs' pending motion for alternative service should be denied as moot after dismissal of the complaint.

HOLDINGS

1. A court may not enter default judgment unless it first confirms subject matter jurisdiction, and a plaintiff's failure to adequately plead complete diversity requires denial of the default-judgment motion.
2. The complaint was dismissed without prejudice because Plaintiffs failed to plead complete diversity of citizenship.

KEY QUOTATIONS

"Before entering a default judgment pursuant to Rule 55(b), a court must confirm that it has subject matter jurisdiction over the dispute" (Legal Discussion)

"Complete diversity requires that, in cases with multiple plaintiffs or multiple defendants, no plaintiff be a citizen of the same state as any defendant" (Legal Discussion)

"Accordingly, given Plaintiffs' failure to plead complete diversity of the parties, among other patent deficiencies, the instant Motion for Default Judgment is DENIED and Plaintiffs' Complaint is DISMISSED WITHOUT PREJUDICE." (Conclusion)

FACTUAL BACKGROUND

Plaintiffs alleged that Defendant entered into agreements in April 2021 concerning legal representation related to a claim against Cambridge Financial Insurance Company. They alleged that Defendant breached the agreements by failing to pay \$112,910.23 in legal fees. The complaint identified The Tomlinson Law Group only as a legal entity allegedly located in a place described as "New Florida," did not plead Brandon Tomlinson's citizenship, and did not identify the entity form or citizenship of the law group. Defendant did not appear, and Plaintiffs attempted service through Defendant's brother at an address different from the address alleged to be Defendant's residence.

PROCEDURAL HISTORY

Plaintiffs filed a diversity action seeking unpaid legal fees. Defendant did not answer or otherwise appear, and the Clerk entered default under Federal Rule of Civil Procedure 55(a). Plaintiffs then moved for default judgment under Rule 55(b), while a motion for alternative service remained pending. The court concluded that Plaintiffs had not adequately pleaded complete diversity and dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Chanel, Inc. v. Gordashevsky, 558 F. Supp. 2d 532, 535-36 (D.N.J. 2008)
- Hritz v. Woma Corp., 732 F.2d 1178, 1181 (3d Cir. 1984)
- Loc. 365 Pension Fund v. Kaplan Bros. Blue Flame Corp., No. 20-10536, 2021 WL 1976700, at *2 (D.N.J. May 18, 2021)
- United States v. \$55,518.05 in U.S. Currency, 728 F.2d 192, 194 (3d Cir. 1984)
- Wilmington Sav. Fund Soc'y, FSB v. Left Field Props., L.L.C., No. 10-4061, 2011 WL 2470672, at *1-*2 (D.N.J. June 20, 2011)
- Directv, Inc. v. Asher, No. 03-1969, 2006 WL 680533, at *1 (D.N.J. Mar. 14, 2006)
- Tri-Union Seafoods, LLC v. Ecuatorianita Imp. & Exp. Corp., No. 20-9537, 2021 WL 1541054, at *7 (D.N.J. Apr. 20, 2021)
- Days Inns Worldwide, Inc. v. Jinisha Inc., No. 14-6794, 2015 WL 4508413, at *2 (D.N.J. July 24, 2015)
- Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir. 1990)
- Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 419-20 (3d Cir. 2010)
- Exxon Mobil Corp. v. Allapattah Servs. Inc., 545 U.S. 546, 553 (2005)
- Republic Bank of Chi. v. Comer Grp. Inc., No. 21-13185, 2021 WL 5168490, at *1 (D.N.J. July 7, 2021)
- Republic Bank of Chi. v. Gehrisch Ins. & Fin. Servs., No. 21-415, 2021 WL 2258421, at *1 (M.D. Fla. June 3, 2021)
- State Farm Indem. Co. v. Houtsma, No. 25-745, 2025 WL 3157875, at *2 (D.N.J. Nov. 12, 2025)