UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Ruth T. McLean v. Aimee D. Sumitra, et al.

Civil Action No. 23-22842 (RK) (IBD) · No. Civil Action No. 23-22842 (RK) (IBD) · Decided December 1, 2025

SUMMARY

The United States District Court for the District of New Jersey denied Ruth T. McLean's motion under Federal Rule of Civil Procedure 60(b) to reopen the closed case and amend her complaint. The court held that neither Rule 60(b)(5) nor Rule 60(b)(6) applied and that the proposed claims were unrelated to the previously dismissed action. The court also denied defendants' cross-motion for attorney's fees and costs as procedurally premature and declined to impose fees under its inherent authority.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Robert Kirsch, District Judge
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 1, 2025
DOCKET	Civil Action No. 23-22842 (RK) (IBD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(5) and (6) to reopen a closed federal action and amend her complaint for a third time. Defendants opposed and cross-moved for attorney's fees and costs based on contractual fee-shifting provisions and the court's inherent authority to sanction bad-faith litigation conduct.
STANDARD OF REVIEW	Rule 60(b)(5) and (6) relief requires satisfaction of the rule's specified grounds; Rule 60(b)(6) relief requires extraordinary circumstances and extreme, unexpected hardship. Attorney's-fee motions are governed by Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rule 54.2(a). Exercise of inherent authority to award fees requires an adequate factual predicate and a sanction tailored to the identified harm.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Ruth T. McLean v. Aimee D. Sumitra, PNC Bank, N.A., Thomas W. Morris

TOPICS

motion for reconsideration · attorney fees · sanctions · foreclosure · civil procedure

PRACTICE AREAS

civil procedure · foreclosure · attorney fees · sanctions · mortgages

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated grounds under Federal Rule of Civil Procedure 60(b)(5) or (6) to reopen the previously dismissed federal action and amend her complaint.
2. Whether Defendants' motion for contractual attorney's fees and costs was timely and procedurally proper under Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rule 54.2(a).
3. Whether the court should exercise its inherent authority to sanction Plaintiff and award Defendants attorney's fees for alleged bad-faith litigation conduct.

HOLDINGS

1. Rule 60(b)(5) did not provide a basis to reopen the case because no judgment in this action had been satisfied, released, or discharged, the prior federal dismissal was not based on the state foreclosure judgment, and the dismissal order was not prospective.
2. Plaintiff was not entitled to Rule 60(b)(6) relief because she failed to demonstrate extraordinary circumstances or extreme and unexpected hardship justifying reopening the judgment.
3. Defendants' request for attorney's fees and costs under the mortgage was denied as procedurally premature because it was not filed within 30 days after entry of the relevant judgment or order and did not comply with the required fee-support documentation.
4. The court declined to exercise its inherent authority to sanction Plaintiff or award Defendants attorney's fees at that juncture.

KEY QUOTATIONS

> *"A party seeking Rule 60(b)(6) relief must demonstrate the existence of 'extraordinary circumstances' that justify reopening the judgment."* (Rule 60(b)(6) analysis)

> *"there must be "adequate factual predicate for flexing its substantial muscle under its inherent powers, and [courts] must also ensure that the sanction is tailored to address the harm identified.""* (Section I.B)

FACTUAL BACKGROUND

Plaintiff pursued a federal action seeking to halt a state foreclosure proceeding involving her New Jersey property and filed multiple complaints and motions over an extended period. She later paid $75,325.30 to reinstate her mortgage and prevent the foreclosure sale, after which the state trial court vacated the foreclosure judgment and dismissed the foreclosure action; the state appellate court dismissed Plaintiff's appeal as moot. Plaintiff's proposed Third Amended Complaint sought to assert new state-law claims concerning the mortgage and recover the amount she had paid to stop the foreclosure.

PROCEDURAL HISTORY

Plaintiff filed the action in November 2023 and filed multiple amended complaints. The court dismissed the operative complaint in September 2024 for violating the Anti-Injunction Act and failing to satisfy Federal Rule of Civil Procedure 8, while allowing an amendment to cure the identified defects. Plaintiff then filed a Second Amended Complaint, which the court dismissed on February 11, 2025, with prejudice as to the original defendants and without prejudice but without leave to amend as to improperly joined defendants. After a related state foreclosure action was vacated and dismissed following Plaintiff's payment to reinstate the mortgage, Plaintiff moved to reopen this closed federal case; the court denied that motion and Defendants' fee motion.

DISPOSITION

other

CASES CITED

- Cement Masons and Plasterers Local Union 699 Annuity Fund v. Kerrigan Assocs., No. 01-2383, 2008 WL 4559754, at *2 (D.N.J. Oct. 8, 2008)
- Budget Blinds, Inc. v. White, 536 F.3d 244, 255, 260 (3d Cir. 2008)
- United States v. Alsol Corp., 620 F. App'x 133, 135-36 (3d Cir. 2015)
- Jackson v. Danberg, 656 F.3d 157, 166 (3d Cir. 2011)
- Campbell v. Royal Bank Supplemental Exec. Ret. Plan, 646 F. Supp. 3d 629, 638 (E.D. Pa. 2022)
- Planned Parenthood of Cent. N.J. v. Attorney Gen. of N.J., 297 F.3d 253, 261 (3d Cir. 2002)
- Dunkin' Donuts, Inc. v. Liu, No. 99-3344, 2002 WL 32348280, at *5 (E.D. Pa. Apr. 17, 2002)
- Chambers v. NASCO, Inc., 501 U.S. 32, 45-46 (1991)
- Republic of Philippines v. Westinghouse Elec. Corp., 43 F.3d 65, 74 (3d Cir. 1994)
- U.S. Bank Nat'l Assoc. v. Edwards, No. 16-1307, 2019 WL 2331704, at *2 (D. Or. Mar. 14, 2019)
- Wells Fargo Bank, NA v. Schiano, No. 3404-22, 2025 WL 2025820 (N.J. Super. Ct. App. Div. July 21, 2025)
- Sokoloff v. Gen. Nutrition Cos., Inc., No. 00-641, 2001 WL 536072, at *8 (D.N.J. May 21, 2001)
- Shafer, 2010 WL 743983, at *1 n.2