

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Ryan Lee v. Capital One Bank (USA), N.A.; Johnson Mark, LLC;
ABC Legal Services

Lee v. Capital One Bank · No. 2:25-cv-540 · Decided February 24, 2026

SUMMARY

This Report and Recommendation addresses Defendant ABC Legal Services’ motion to dismiss claims arising from allegedly improper service of process in a state-court debt-collection action. The magistrate judge recommends denying dismissal under Rule 12(b)(5) but granting dismissal under Rule 12(b)(6), concluding that the plaintiff’s claims under the FDCPA, FCRA, and state tort law were insufficiently pleaded. The plaintiff was also admonished to ensure accuracy in filings assisted by generative artificial intelligence.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Dustin B. Pead
JURISDICTION	United States District Court for the District of Utah
DECIDED	February 24, 2026
DOCKET	2:25-cv-540
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on ABC Legal Services' motions to dismiss under Federal Rules of Civil Procedure 12(b)(5) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. Conclusory allegations and formulaic recitations of the elements are insufficient. On a Rule 12(b)(5) motion, the plaintiff bears the burden of making a prima facie showing that service satisfied statutory and due-process requirements.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ryan Lee v. Capital One Bank (USA), N.A., Johnson Mark, LLC, ABC Legal Services

TOPICS

motions to dismiss

service of process

fair debt collection

credit reporting

torts

PRACTICE AREAS

Civil procedure

Fair Debt Collection Practices Act

Fair Credit Reporting Act

Utah tort law

Privacy

QUESTIONS PRESENTED

1. Whether ABC Legal Services was entitled to dismissal for insufficient service of process under Rule 12(b)(5).
2. Whether the First Amended Complaint plausibly stated claims against ABC Legal Services for tortious interference, abuse of process, invasion of privacy or unauthorized disclosure, and violations of the FDCPA and FCRA.
3. Whether the court should disregard or sanction alleged AI-generated portions of Plaintiff's opposition.

HOLDINGS

1. The Rule 12(b)(5) challenge should be denied because Plaintiff re-served ABC Legal Services, making service sufficient for purposes of proceeding to the merits of the motion to dismiss.
2. A complaint must contain sufficient factual matter to state a claim for relief that is plausible on its face; conclusory allegations and formulaic recitations of the elements do not suffice.
3. Lee failed to state a tortious-interference claim because he did not plausibly allege that a contractual relationship was disrupted and alleged only generalized 'lost opportunities.'
4. Lee failed to state an abuse-of-process claim because he did not allege an ulterior purpose and a corroborating willful act independent of the legal process itself.
5. Lee failed to state invasion-of-privacy and unauthorized-disclosure claims because he did not allege the required publicity element; communicating a fact about private life to one person or a small group is not, standing alone, an invasion of privacy.
6. The FDCPA and FCRA claims against ABC Legal Services were either inapplicable to that defendant or inadequately pleaded and therefore should be dismissed.

KEY QUOTATIONS

“Legal process with a bad motive is not enough.” (Discussion)

“Accuracy and honesty matter.” (Discussion)

FACTUAL BACKGROUND

The action arose from ABC Legal Services' attempt to serve Lee with process in a Utah state-court debt-collection action brought by Capital One Bank. ABC Legal repeatedly attempted service at an address believed to be Lee's residence, but the address belonged to Lee's former spouse; a process server ultimately filed an affidavit stating that substitute service had been completed by delivering documents to an individual at that

address. Lee asserted claims under the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, Utah tort law, and invasion-of-privacy theories, seeking damages and injunctive and declaratory relief.

PROCEDURAL HISTORY

Pro se Plaintiff Ryan Lee filed the action and a First Amended Complaint on July 29, 2025. ABC Legal Services moved to dismiss for insufficient service of process and failure to state a claim. The magistrate judge concluded that service was sufficient and recommended denying the Rule 12(b)(5) challenge, but recommended granting dismissal under Rule 12(b)(6) and dismissing the action as to ABC Legal. The parties were notified of their right to object under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

DISPOSITION

other

CASES CITED

- Trackwell v. United States, 472 F.3d 1242, 1243 (10th Cir.)
- Garrett v. Selby Connor Maddux & Janer, 425 F.3d 836, 840 (10th Cir.)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir.)
- Serna v. Irvine, 2023 U.S. Dist. LEXIS 33171, at *4 (D. Colo. Feb. 28, 2023)
- Ogden v. San Juan County, 32 F.3d 452, 455 (10th Cir.)
- DiCesare v. Stuart, 12 F.3d 973, 980 (10th Cir. 1993)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Gallagher v. Shelton, 587 F.3d 1063, 1068 (10th Cir.)
- Miller v. Glanz, 948 F.2d 1562, 1565 (10th Cir.)
- Espinoza v. United States, 52 F.3d 838 (10th Cir. 1995)
- Pell v. Azar Nut Co., 711 F.2d 949, 950 n.2 (10th Cir. 1983)
- Lasky v. Lansford, 76 F. App'x 240, 242 (10th Cir.)
- SMHG Phase I, LLC v. Eisenberg, No. 1:22-CV-00035-DBB-JCB, 2024 WL 1578193, at *6-*7 (D. Utah Mar. 15, 2024)
- Gallan v. Bloom Business Jets, LLC, No. 19-CV-3050-WJM-SKC, 2020 WL 4904580 (D. Colo. Aug. 20, 2020)
- St. Benedict's Dev. Co. v. St. Benedict's Hosp., 811 P.2d 194, 201 (Utah 1991)
- Segment Consulting Mgmt., LTD. v. Streamline Mfg., LLC, No. 2:19-CV-933 TS-EJF, 2020 WL 907154, at *3 (D. Utah Feb. 25, 2020)
- Anderson Dev. Co. v. Tobias, 116 P.3d 323, 341 (Utah 2005)
- Hatch v. Davis, 147 P.3d 383, 390 (Utah 2006)
- Shields v. Professional Bureau of Collections of Maryland, Inc., 55 F.4th 823, 829 (10th Cir. 2022)
- Lexos Media IP, LLC v. Overstock.com, Inc., No. 22-2324-JAR, 2026 WL 265581 (D. Kan. Feb. 2, 2026)

- *Coomer v. Lindell*, No. 22-CV-01129, 2025 WL 1865282, at *3 (D. Colo. July 7, 2025)
- *Chumpitaz-Morales v. Bondi*, No. 25-9527, 2026 WL 382144, at *4 (10th Cir. Feb. 11, 2026)
- *Grant v. City of Long Beach*, 96 F.4th 1255, 1257 (9th Cir. 2024)
- *Ali v. IT People Corp., Inc.*, No. 2:25-CV-10815, 2025 WL 2682622, at *3 (E.D. Mich. Sept. 19, 2025)
- *Jones v. Kankakee County Sheriff's Department*, 164 F.4th 967, 970 (7th Cir. 2026)
- *Sheldon v. Vermonty*, 269 F.3d 1202, 1207 n.5 (10th Cir.)
- *United States v. One Parcel of Real Property Known as 2121 East 30th Street, Tulsa, Oklahoma*, 73 F.3d 1057, 1060 (10th Cir.)

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