

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Kort Christoffersen v. Nucor Corporation, doing business as Nucor Steel Utah-Plymouth Division; Don Harris, melter; Matt Buttars, interim melter; Kenny Christoffersen, Dayshift supervisor

Christoffersen · No. 4:25-cv-00118-DN-PK · Decided June 5, 2026

SUMMARY

The United States District Court for the District of Utah adopted in full a magistrate judge’s Report and Recommendation addressing a partial motion to dismiss Kort Christoffersen’s Second Amended Complaint against Nucor Corporation and individual defendants. The court dismissed with prejudice the Rehabilitation Act discrimination claim and the Utah negligent hiring, supervision, and retention claim, denied further leave to amend, and allowed Counts 1 through 4 to proceed. The decision was signed on June 5, 2026.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Nuffer
JURISDICTION	United States District Court for the District of Utah
DECIDED	June 5, 2026
DOCKET	4:25-cv-00118-DN-PK
DISPOSITION	other
PROCEDURAL POSTURE	The district court conducted de novo review of the portions of a magistrate judge's Report and Recommendation to which Plaintiff objected, concerning dismissal of Rehabilitation Act and Utah negligent-employment claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district judge reviews de novo those portions of a magistrate judge's report and recommendation to which a timely objection is made. For portions without timely objection, the court reviews for clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished district court memorandum decision

PARTIES

Kort Christoffersen v. Nucor Corporation, doing business as Nucor Steel Utah-Plymouth Division, Don Harris, Matt Buttars, Kenny Christoffersen

TOPICS

motions to dismiss

civil procedure

disability discrimination

negligent supervision

negligent hiring

PRACTICE AREAS

civil procedure

employment law

disability discrimination

negligence

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the Rehabilitation Act claim with prejudice.
2. Whether the Second Amended Complaint plausibly alleged that Nucor received federal financial assistance, as required for a Rehabilitation Act claim.
3. Whether the Second Amended Complaint plausibly alleged that Nucor had actual or constructive knowledge of the employee misconduct underlying the negligent hiring, supervision, and retention claim.
4. Whether Plaintiff should receive further leave to amend.

HOLDINGS

1. A Rehabilitation Act claim requires allegations that the defendant itself was the intended recipient of federal financial assistance; alleging only that the defendant participated in programs or activities that received such assistance is insufficient. Because Christoffersen alleged that unidentified programs received the assistance and did not allege that Nucor received it, Count 5 was properly dismissed.
2. A Utah negligent-employment claim requires a plausible allegation that the employer knew or should have known that its employee posed a foreseeable risk of the specific misconduct causing the injury. Alleging that an employee previously engaged in misconduct, without alleging that the employer knew or had reason to know of it, is insufficient.
3. Leave to amend may be denied when a pro se plaintiff has failed to cure pleading deficiencies through amendments previously allowed. Because Christoffersen had already amended twice and repeated the same deficiencies despite prior instruction, further amendment was denied.

KEY QUOTATIONS

“the Rehabilitation Act] covers those who receive the aid, but does not extend as far as those who benefit from it.” (Section 1.1)

“The question is not whether discovery might later reveal that Nucor had notice; it is whether the SAC as pleaded plausibly alleges it.” (Section 1.2)

“IT IS HEREBY FURTHER ORDERED that the following claims are DISMISSED WITH PREJUDICE:”
(Order)

FACTUAL BACKGROUND

Christoffersen alleged that Nucor participated in programs receiving federal financial assistance and therefore was subject to the Rehabilitation Act. He also alleged that a Nucor supervisor had previously displayed workplace surveillance footage to unauthorized individuals, but did not allege facts showing that Nucor knew or should have known of that conduct. The district court concluded that these allegations did not plausibly establish either Nucor's receipt of federal financial assistance or the employer-knowledge element of negligent employment.

PROCEDURAL HISTORY

Plaintiff filed a Second Amended Complaint asserting six claims, including FMLA interference and retaliation, ADA failure to accommodate and retaliation, Rehabilitation Act disability discrimination, and Utah negligent hiring, supervision, and retention. Defendants moved to dismiss Counts 5 and 6. The magistrate judge recommended dismissal with prejudice and denial of leave to amend. After Plaintiff objected, the district court adopted the Report and Recommendation in full, supplemented its reasoning, dismissed Counts 5 and 6 with prejudice, and left Counts 1 through 4 pending.

DISPOSITION

other

CASES CITED

- Miller ex rel. S.M. v. Bd. of Educ. of Albuquerque Pub. Schs., 565 F.3d 1232, 1246 (10th Cir. 2009)
- Hollonbeck v. U.S. Olympic Comm., 513 F.3d 1191, 1194 (10th Cir.), cert. denied, 555 U.S. 938, 129 S. Ct. 114, 172 L. Ed. 2d 240 (2008)
- U.S. Dep't of Transp. v. Paralyzed Veterans of Am., 477 U.S. 597, 606, 106 S. Ct. 2705, 2711-12, 91 L. Ed. 2d 494 (1986)
- Doe H. v. Haskell Indian Nations Univ., 266 F. Supp. 3d 1277 (D. Kan. 2017)
- Edmonds-Radford v. Sw. Airlines Co., 17 F.4th 975 (10th Cir. 2021)
- Indep. Hous. Servs. of San Francisco v. Fillmore Ctr. Assocs., 840 F. Supp. 1328 (N.D. Cal. 1993)
- C.C. v. Roadrunner Trucking, Inc., 823 F. Supp. 913, 922 (D. Utah 1993)
- Retherford v. AT & T Communications of the Mountain States, Inc., 844 P.2d 949, 973 & n.15 (Utah 1992)
- Clover v. Snowbird Ski Resort, 808 P.2d 1037, 1048 (Utah 1991)
- Duncan v. Manager, Dep't of Safety, City & County of Denver, 397 F.3d 1300, 1315 (10th Cir. 2005)
- Wilkerson v. Shinseki, 606 F.3d 1256, 1267 (10th Cir. 2010)
- Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007)
- In re Snowflake, Inc., Data Sec. Breach Litig., No. MDL 3126, 2026 WL 323102, at *2 (U.S. Jud. Pan. Mult. Lit. Feb. 5, 2026)

- Reilly v. Connecticut Interlocal Risk Mgmt. Agency, No. 25-630, 2025 WL 1726366, at *2-3 (D. Conn. June 20, 2025)

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