

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Julia Davis-Harris v. Makower Abbate Guerra Wegner & Vollmer,
PLLC, et al.

Case No. 4:24-cv-11380 · No. 4:24-cv-11380 · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan overruled the plaintiff’s objections to orders setting aside certain defaults and accepted and adopted two magistrate judge reports and recommendations. The court denied the plaintiff’s motion for default judgment against Ajax and granted the defendants’ motions to dismiss, concluding that the operative complaint was procedurally deficient and that the claims in the purported second amended complaint also failed on the merits.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 5, 2026
DOCKET	4:24-cv-11380
DISPOSITION	other
PROCEDURAL POSTURE	District court review of a magistrate judge's non-dispositive order and reports and recommendations addressing entries of default, a motion for default judgment, and multiple motions to dismiss.
STANDARD OF REVIEW	For objections to a magistrate judge's non-dispositive order, the court applied the clearly erroneous or contrary to law standard under Federal Rule of Civil Procedure 72(a). For objections to dispositive recommendations, the court conducted de novo review under 28 U.S.C. § 636(b)(1)(B)-(C) and Federal Rule of Civil Procedure 72(b). The court reviewed the pleadings under the Rule 12(b)(6) standard, accepting well-pleaded factual allegations as true and construing the

	complaint in the plaintiff's favor, while requiring fraud to be pleaded with particularity under Rule 9(b).
PRECEDENTIAL VALUE	district court opinion; precedential status unknown
PARTIES	Julia Davis-Harris v. Makower Abbate Guerra Wegner & Vollmer, PLLC, Todd Skowronski, Evan M. Alexander, Jennifer Igweiler, Sarah McCoskey, Stephen Guerra, Tetyana Begerskyi, Farmers Insurance Exchange, Travis Spaman, Spaman Insurance Agency, Redmond Walsh, Christine Conkling, Anastasia Kilanowski-Reyes, Adam Gordon, Vandever Garzia, Ajax Corporation

TOPICS

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QUESTIONS PRESENTED

1. Whether the plaintiff's objections to the magistrate judge's order setting aside entries of default satisfied the applicable timeliness and specificity requirements.
2. Whether default judgment could be entered against Ajax after the entry of default had been set aside.
3. Whether the plaintiff's objections to the magistrate judge's dispositive report and recommendation were sufficiently specific under Federal Rule of Civil Procedure 72(b) and Eastern District of Michigan Local Rule 72.1(d)(1).
4. Whether the operative first amended complaint, and alternatively the allegations in the improperly filed purported second amended complaint, stated claims for relief against the Makower, Farmers, Vandever, and Ajax defendants.
5. Whether the claims for wrongful foreclosure, breach of contract, fraud, slander of title, RESPA violations, and negligence/Lanham Act violations were legally and factually sufficient.

HOLDINGS

1. A general objection that does not identify a particular portion of the magistrate judge's order or the basis for the objection does not satisfy the governing objection requirements, and the order setting aside the Farmers defendants' defaults was not clearly erroneous or contrary to law.
2. Default judgment cannot be entered when the underlying entry of default has already been set aside, because entry of default is a prerequisite to default judgment.
3. Objections to a magistrate judge's dispositive report and recommendation must identify the challenged portion and state the basis for the objection; vague, conclusory, and nonresponsive objections are insufficient.

4. Dismissal with prejudice is appropriate when a plaintiff has been given multiple opportunities to correct a deficient pleading under Rule 8 but persists in noncompliance with the pleading requirements and court orders.
5. The plaintiff failed to state viable claims against the Makower, Farmers, Vandevveer, and Ajax defendants, and the motions to dismiss were properly granted.

KEY QUOTATIONS

“entry of default is a prerequisite to default judgment.” (Section IV.B)

“That, this court finds on de novo review, is sufficient to dismiss this case with prejudice under Rule 8 and for failure to comply with the court’s orders.” (Section IV.C.1)

“This is not a final order and does not close the case.” (Section V)

FACTUAL BACKGROUND

Davis-Harris previously owned a condominium in the Lochmoor Homeowners Association. After she allegedly failed to pay assessments and fees, Lochmoor obtained a state-court judgment for \$8,461 and authorization to sell the condominium at public auction. Various defendants represented Lochmoor, provided insurance or related services, or performed paving work that Davis-Harris associated with liens and the alleged wrongful foreclosure. She asserted claims for wrongful foreclosure, breach of contract, fraud, slander of title, RESPA violations, and negligence/Lanham Act violations.

PROCEDURAL HISTORY

Davis-Harris filed the action on May 23, 2024, and later filed a first amended complaint. After the court ordered her to file a compliant second amended complaint, she emailed a purported second amended complaint to defendants but never properly filed it. Several defendants moved to dismiss, and Davis-Harris sought default entries and default judgment against other defendants. The magistrate judge set aside certain defaults, recommended denial of default judgment against Ajax, and recommended granting the motions to dismiss. The district court overruled Davis-Harris's objections, adopted both recommendations, denied default judgment, and dismissed the claims against the moving defendants with prejudice.

DISPOSITION

other

CASES CITED

- United States v. Mabry, 518 F.3d 442, 449 (6th Cir. 2008)
- United States v. United States Gypsum Co., 333 U.S. 364, 395 (1948)
- Pearce v. Chrysler Grp. LLC Pension Plan, 893 F.3d 339, 346 (6th Cir. 2018)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)

- Thomas v. Arn, 474 U.S. 140, 147, 149 (1985)
- Hall v. Rawal, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012)
- League of United Latin American Citizens v. Bredesen, 500 F.3d 523, 527 (6th Cir. 2007)
- Yuhasz v. Brush Wellman, Inc., 341 F.3d 559, 562 (6th Cir. 2003)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 545 (2007)
- Conley v. Gibson, 355 U.S. 41, 47 (1957)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-678 (2009)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Martin v. Overton, 391 F.3d 710, 714 (6th Cir. 2004)
- Beebe v. Birkett, 749 F. Supp. 2d 580, 587 (E.D. Mich. 2010)
- Dekoven v. Bell, 140 F. Supp. 2d 748, 755 (E.D. Mich. 2001)
- Breeze Smoke LLC v. Speed Wholesale, Inc., No. 2:25-cv-10184, 2025 LX 317757, at *6 (E.D. Mich. Aug. 8, 2025)
- Jones v. Bengtson, No. 2:21-CV-10181, 2021 WL 4047385, at *4 (E.D. Mich. Aug. 3, 2021)
- Obduskey v. McCarthy & Holthus LLP, 139 S. Ct. 1029, 1038 (2019)
- Lloyd v. Pluese, Becker & Saltzman, LLC, No. 18-9420, 2019 U.S. Dist. LEXIS 78783, at *5 n.4 (D.N.J. May 9, 2019)
- Barnes v. Routh Crabtree Olsen PC, 963 F.3d 993, 1001 (9th Cir. 2020)
- Burley v. Williams-Ward, No. 18-12239, 2022 LX 77160, at *3 (E.D. Mich. Dec. 1, 2022)
- United States v. Huntington National Bank, 574 F.3d 329, 332 (6th Cir. 2009)
- Bates v. Green Farms Condominium Association, 958 F.3d 470, 478 (6th Cir. 2020)
- Glazer v. Chase Home Finance, LLC, 704 F.3d 453 (6th Cir. 2013)
- Hicks v. Concorde Career College, 449 F. App'x 484, 487 (6th Cir. 2011)
- Clark v. City of Dublin, 178 F. App'x 522, 524-525 (6th Cir. 2006)
- Slater v. Potter, 28 F. App'x 512, 513 (6th Cir. 2002)
- Crawford v. Crestar Foods, No. 98-3144, 2000 U.S. App. LEXIS 6695, 2000 WL 377349 (6th Cir. Apr. 6, 2000)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Kensu v. Corizon, Inc., 5 F.4th 646, 653 (6th Cir. 2021)