

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Kortnie Dix and Donna Dix v. Repros Recovery, LLC; Ally Financial Inc.; Adesa Salt Lake; and Ally Servicing, LLC

Dix · No. 2:25-cv-01058 · Decided April 28, 2026

SUMMARY

The United States District Court for the District of Utah adopted a magistrate judge’s Report and Recommendation concerning Plaintiffs’ motion to remand. Because Plaintiffs had amended their complaint to remove all federal claims and Defendants did not oppose remand, the court remanded the action to Utah state court. The court denied Plaintiffs’ request for fees and costs because Defendants had a reasonable basis for removal.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	April 28, 2026
DOCKET	2:25-cv-01058
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs amended their complaint after removal to eliminate all federal claims and moved to remand the remaining state-law claims, seeking fees and costs. The district court reviewed and adopted the magistrate judge's report and recommendation after Plaintiffs filed no timely objections.
STANDARD OF REVIEW	Clear-error review of the magistrate judge's report and recommendation because Plaintiffs filed no timely objections.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kortnie Dix, Donna Dix v. Repros Recovery, LLC, Ally Financial Inc., Adesa Salt Lake, Ally Servicing, LLC

TOPICS

subject matter jurisdiction

civil procedure

attorney fees

costs

consumer protection

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Consumer protection

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to remand the action to state court should be adopted after the federal claims were removed from the amended complaint.
2. Whether Plaintiffs should receive fees and costs associated with removal and remand.
3. Whether the report and recommendation should be reviewed for clear error because Plaintiffs filed no timely objections.

HOLDINGS

1. When a party does not timely object to a magistrate judge's report and recommendation, the district court reviews the recommendation for clear error rather than conducting de novo review.
2. Remand to state court is appropriate where no federal claims remain and the defendants do not oppose remand.
3. Plaintiffs were not entitled to fees and costs because Defendants had a reasonable basis to remove the action when the original complaint asserted federal claims.

KEY QUOTATIONS

“The court DENIES the award of fees and costs to Plaintiffs, and REMANDS Plaintiffs’ action to the Third Judicial District Court, Salt Lake County, for the State of Utah.”

FACTUAL BACKGROUND

Plaintiffs asserted claims under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Truth in Lending Act, and related state law arising from the alleged wrongful repossession of their vehicle. Defendants removed the action based on federal-question jurisdiction. Plaintiffs amended their complaint two weeks later to eliminate all federal claims and sought remand, fees, and costs; Defendants did not oppose remand but disputed the fee request.

PROCEDURAL HISTORY

Defendants removed the action from the Third Judicial District Court, Salt Lake County, based on federal-question jurisdiction because the original complaint asserted federal claims. Plaintiffs then amended the complaint to remove those claims and moved for remand and an award of fees and costs. The magistrate judge recommended remand but denial of fees and costs. Plaintiffs did not timely object, so the district court reviewed the recommendation for clear error, adopted it, denied fees and costs, and remanded the action.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The action is remanded to the Third Judicial District Court, Salt Lake County, for the State of Utah. The order does not direct further proceedings beyond remand.

CASES CITED

- Johnson v. Progressive Leasing, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah June 16, 2023)
- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Port City Props. v. Union Pac. R. Co., 518 F.3d 1186, 1190 n.1 (10th Cir. 2008)
- United States v. 2121 E. 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF UTAH KORTNIE DIX; and DONNA DIX, ORDER ADOPTING [26] REPORT AND RECOMMENDATION Plaintiffs, Case No. 2:25-cv-01058 v. District Judge David Barlow REPROS RECOVERY, LLC; ALLY FINANCIAL INC.; ADESA SALT LAKE; Magistrate Judge Daphne A. Oberg and ALLY SERVICING, LLC, Defendants.

The Report and Recommendation issued by the magistrate judge on April 13, 2026 recommends that the court remand Plaintiffs Kortnie Dix and Donna Dix's ("Plaintiffs") case to the Third Judicial District Court, Salt Lake County, for the State of Utah.¹ Plaintiffs asserted claims against Defendants Repros Recovery, LLC, Ally Financial Inc., Adesa Salt Lake, and Ally Servicing, LLC ("Defendants") under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Truth in Lending Act, and related state law claims for wrongful repossession of their vehicle.² Defendants timely removed the action to federal court on the basis of federal question jurisdiction.³ Two weeks later, Plaintiffs amended their complaint to remove all federal claims and moved to remand the case to state court.⁴ Plaintiffs also request fees and 1 R. & R. to Grant in part & Deny in Part Mot. to Remand ("R&R"), ECF No. 26, filed Apr.

13, 2026. ² Notice of Removal, ECF No. 1, filed Nov. 20, 2025. ³ See id. ⁴ Pls.' Second Am. Compl. ¶¶ 42–63, ECF No. 7, filed Dec. 3, 2025; Pls.' Mot. to Remand, ECF No. 8, filed Dec. 3, 2025. costs, alleging the removal was procedurally defective.⁵ Defendants do not oppose remanding the remaining state law claims but argue a fee award would be improper given the Plaintiffs' pro se status and their original assertion of federal claims.⁶ Because no federal claims remain in this case, and Defendants do not oppose remand,⁷ the magistrate judge recommends the court grant the motion insofar as it requests a remand of this action to state court.⁸ But where Defendants had a reasonable basis to seek removal, the magistrate judge also recommends that the court deny Plaintiffs' motion to the extent it requests fees and costs.⁹ Plaintiffs were advised of their right to object to the Report and Recommendation within fourteen days of its service

pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.¹⁰ Plaintiffs did not file an objection within fourteen days.

Therefore, the court reviews the Report and Recommendation for clear error.¹¹ Having done so, the court finds that the magistrate judge's analysis and conclusions are sound and no clear error appears on the face of the record. ⁵ ECF No. 8 at 8–10. ⁶ See generally Answer filed by Ally Financial, Ally Servicing, ECF No. 23, filed Feb. 23, 2026; Answer filed by Repros Recovery, ECF No. 24, filed Feb.

23, 2026; Answer filed by Adesa Salt Lake, ECF No. 25, filed Feb. 23, 2026. ⁷ Defs.' Resp. to Pls.' Mot. to Remand 1–2, ECF No. 18, filed Dec. 17, 2025. ⁸ R&R 5. ⁹ R&R 5–6. ¹⁰ R&R 6. ¹¹ Johnson v. Progressive Leasing, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah June 16, 2023) (citing Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)). “[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” Port City Props. v. Union Pac.

R. Co., 518 F.3d 1186, 1190 n.1 (10th Cir. 2008) (alteration in original) (quoting United States v. 2121 E. 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996)). Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation” is ADOPTED.

The court DENIES the award of fees and costs to Plaintiffs, and REMANDS Plaintiffs' action to the Third Judicial District Court, Salt Lake County, for the State of Utah. Signed April 28, 2026. BY THE COURT David Barlow United States District Judge ECF No. 26.