

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Patricia Ammerman and Harris S. Ammerman v. David Lloyd Fisher, et al.

Ammerman · No. 2:24-cv-00790-JNP-DAO · Decided March 5, 2026

SUMMARY

The United States District Court for the District of Utah adopted a magistrate judge’s report and recommendation because no party objected to it. The court granted Nola Conrad, LLC’s motion to dismiss for lack of personal jurisdiction and dismissed all claims against that defendant without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Jill N. Parrish
JURISDICTION	United States District Court for the District of Utah
DECIDED	March 5, 2026
DOCKET	2:24-cv-00790-JNP-DAO
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal of all claims against Nola Conrad, LLC for lack of personal jurisdiction. No party objected to the report and recommendation.
STANDARD OF REVIEW	The court reviewed the unobjected-to report and recommendation under the Tenth Circuit's waiver rule and declined to review the merits because no exception for the interests of justice applied.
PRECEDENTIAL VALUE	Unknown
PARTIES	Patricia Ammerman, Harris S. Ammerman v. David Lloyd Fisher, et al., Nola Conrad, LLC

TOPICS

- personal jurisdiction
- motions to dismiss
- waiver
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the parties waived objections to the magistrate judge's report and recommendation by failing to object.
2. Whether the interests of justice required an exception to the waiver rule.
3. Whether the report and recommendation should be adopted and the claims against Nola Conrad, LLC dismissed without prejudice for lack of personal jurisdiction.

HOLDINGS

1. A party that fails to object to a magistrate judge's report and recommendation waives arguments that the recommendation was erroneous, subject to a possible exception when the interests of justice so dictate.
2. The court adopted the magistrate judge's report and recommendation in full and granted Nola Conrad, LLC's motion to dismiss, dismissing all claims against that defendant without prejudice.

FACTUAL BACKGROUND

Plaintiffs brought claims against Nola Conrad, LLC and other defendants in federal court. The magistrate judge concluded that plaintiffs had not established personal jurisdiction over Nola Conrad, LLC and recommended dismissal of the claims against it. No party objected to that recommendation.

PROCEDURAL HISTORY

Magistrate Judge Daphne A. Oberg recommended granting Nola Conrad, LLC's motion to dismiss because plaintiffs failed to establish personal jurisdiction. The district court found that objections were waived, adopted the report and recommendation in full, granted the motion to dismiss, and dismissed the claims against Nola Conrad without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- Duffield v. Jackson, 545 F.3d 1234, 1238 (10th Cir. 2008)
- Morales-Fernandez v. I.N.S., 418 F.3d 1116, 1120 (10th Cir. 2005)

OPINION

Ammerman

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
PATRICIA AMMERMAN and HARRIS S.
AMMERMAN, ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS

Plaintiffs, Case No. 2:24-cv-00790-JNP-DAO v. Chief District Judge Jill N. Parrish DAVID LLOYD FISHER, et al, Magistrate Judge Daphne A. Oberg Defendants. Magistrate Daphne A. Oberg issued a report and recommendation, ECF No. 121, that the court grant Defendant Nola Conrad, LLC's motion to dismiss, ECF No. 106, because Plaintiffs failed to establish that this court has personal jurisdiction over Nola Conrad. Because no party objected to the report and recommendation, any argument that it was in error has been waived. See *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). In determining whether the interests of justice require an exception to the waiver rule, the Tenth Circuit has "considered factors such as 'a pro se litigant's effort to comply, the force and plausibility of the explanation for his failure to comply, and the importance of the issues raised.'" *Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008) (quoting *Morales-Fernandez v. I.N.S.*, 418 F.3d 1116, 1120 (10th Cir. 2005)). In this case, there is no indication that the interests of justice require the court to deviate from the waiver rule. Thus, the court finds that all objections are waived and adopts the report and recommendation in full. Accordingly, the court ORDERS as follows:

1. Judge Oberg's report and recommendation, ECF No. 121, is ADOPTED IN FULL.
2. Nola Conrad's motion to dismiss, ECF No. 106, is GRANTED and all claims against Nola Conrad are DISMISSED without prejudice. DATED March 5, 2026

BY THE COURT

CH N. eA Wt JUIN. Parrish United States District Court Judge