

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

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

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