UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Joshua Warren Labonte v. BOKF, N.A., Universal Lending Corporation, Mortgage Electronic Registration Systems, Inc., and Chuck Broerman, Public Trustee

Labonte · No. 25-cv-02947-MDB · Decided February 10, 2026

SUMMARY

The United States District Court for the District of Colorado granted defendants' motions to dismiss claims arising from mortgage and pending foreclosure proceedings. The court held that the plaintiff's Truth in Lending Act, Colorado Consumer Protection Act, and fraudulent misrepresentation claims were time-barred, and that the quiet title allegations failed to establish superior title. The court dismissed Claims 1 through 3 with prejudice and Claims 4 and 5 without prejudice, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Maritza Dominguez Braswell
JURISDICTION	United States District Court for the District of Colorado
DECIDED	February 10, 2026
DOCKET	25-cv-02947-MDB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss Plaintiff's amended complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The court granted all motions, dismissed Claims 1 through 3 with prejudice and Claims 4 and 5 without prejudice, and closed the case.
STANDARD OF REVIEW	For a facial Rule 12(b)(1) challenge, the court accepts the complaint's allegations as true; for a factual Rule 12(b)(1) challenge supported by evidence, the court makes its own factual findings without converting the motion to one for summary judgment. On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and views them in the light most favorable to the plaintiff, but requires sufficient factual matter to plausibly support each element of the asserted claims. A statute-of-limitations defense may be resolved on a Rule 12(b)(6) motion when the relevant dates are clear from the face of the complaint.

PRECEDENTIAL VALUE	unpublished
PARTIES	Joshua Warren Labonte v. BOKF, N.A., Universal Lending Corporation, Mortgage Electronic Registration Systems, Inc., Chuck Broerman, Public Trustee

TOPICS

motions to dismiss · statute of limitations · foreclosure · quiet title · injunctions

PRACTICE AREAS

civil procedure · foreclosure · mortgages · consumer protection · real estate · remedies

QUESTIONS PRESENTED

1. Whether the Rooker-Feldman doctrine deprived the federal district court of subject matter jurisdiction over claims seeking to enjoin a pending foreclosure before a foreclosure sale occurred.
2. Whether the TILA claim was barred by TILA's one-year statute of limitations and whether the recoupment, setoff, or equitable-tolling theories avoided dismissal.
3. Whether the CCPA and fraudulent-misrepresentation claims were barred by their applicable three-year statutes of limitations.
4. Whether the amended complaint plausibly stated a quiet-title claim by alleging that Plaintiff's title was superior to Defendants' interests.
5. Whether Plaintiff could obtain a permanent injunction when the substantive claims underlying the requested relief were dismissed.

HOLDINGS

1. The Rooker-Feldman doctrine did not deprive the district court of subject matter jurisdiction because Plaintiff filed before a foreclosure sale and there had been no state-court proceeding confirming the Rule 120 order.
2. The TILA claim was barred because the alleged disclosure violations occurred when the mortgage transaction was consummated in 2020, while the action was filed in September 2025, well beyond TILA's one-year limitations period.
3. The CCPA and fraudulent-misrepresentation claims were time-barred because they were filed nearly five years after the mortgage transaction, whereas the applicable limitations periods were three years.
4. The amended complaint failed to state a plausible quiet-title claim because it attacked Defendants' title and alleged statutory violations but did not explain why Plaintiff's title was superior to Defendants' interests.
5. Plaintiff was not entitled to a permanent injunction because an injunction is a remedy rather than an independent cause of action, and dismissal of the substantive claims left no underlying legal right supporting equitable relief.

KEY QUOTATIONS

> *"The Rooker-Feldman doctrine provides that only the Supreme Court has jurisdiction to hear appeals from final state court judgments."*

> *"An injunction is not an independent cause of action; it is a remedy potentially available only after a plaintiff can make a showing that some independent legal right is being infringed"*

FACTUAL BACKGROUND

Labonte alleged that he obtained a mortgage loan from Universal Lending Corporation for his Colorado property on October 2, 2020, and that the loan documents omitted or misstated disclosures required by TILA. He alleged that BOKF initiated a nonjudicial foreclosure under Colorado Rule of Civil Procedure 120 in August 2025 and that a state court authorized the foreclosure, but no foreclosure sale had occurred. His amended complaint asserted TILA, CCPA, fraudulent misrepresentation, quiet title, and injunctive-relief claims.

PROCEDURAL HISTORY

Labonte filed a federal action seeking relief arising from a pending Colorado Rule 120 foreclosure proceeding. He later filed an amended complaint asserting claims under the Truth in Lending Act, the Colorado Consumer Protection Act, fraudulent misrepresentation, quiet title, and injunctive relief. Defendants moved to dismiss; after briefing, the district court concluded that it had subject matter jurisdiction notwithstanding Rooker-Feldman but that the claims were untimely or inadequately pleaded.

DISPOSITION

other

CASES CITED

- Citizen Center v. Gessler, 770 F.3d 900, 913 (10th Cir.)
- Creek Red Nation, LLC v. Jeffco Midget Football Ass'n., Inc., 175 F. Supp. 3d 1290, 1293 (D. Colo. 2016)
- Holt v. United States, 46 F.3d 1000, 1002-03 (10th Cir. 1995)
- Casanova v. Ulibarri, 595 F.3d 1120, 1124 (10th Cir. 2010)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545 (2007)
- Bixler v. Foster, 596 F.3d 751, 756 (10th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 667 (2009)
- Forest Guardians v. Forsgren, 478 F.3d 1149, 1160 (10th Cir. 2007)
- Smith v. Allbaugh, 921 F.3d 1261, 1268 (10th Cir. 2019)
- United States v. Griffith, 928 F.3d 855, 864 n.1 (10th Cir. 2019)
- Requena v. Roberts, 893 F.3d 1195, 1205 (10th Cir. 2018)
- Dodson v. Bd. of Cnty. Comm'rs, 878 F. Supp. 2d 1227, 1236 (D. Colo. 2012)
- Campbell v. City of Spencer, 682 F.3d 1278, 1281 (10th Cir. 2012)

- State v. National Indian Gaming Commission, 151 F. Supp. 3d 1199, 1208 (D. Kan. 2015), aff'd sub nom. Kansas ex rel. Schmidt v. Zinke, 861 F.3d 1024 (10th Cir. 2017)
- Bell v. Hood, 327 U.S. 678, 682 (1946)
- Mayotte v. U.S. Bank Nat'l Ass'n, 880 F.3d 1169, 1173 (10th Cir. 2018)
- Bear v. Patton, 451 F.3d 639, 641 (10th Cir. 2006)
- Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)
- Lance v. Dennis, 546 U.S. 459, 460, 465 (2006)
- Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 284 (2005)
- Viegas v. Partner Colorado Credit Union, 2025 WL 365865, at *5 (D. Colo. Jan. 31, 2025)
- Grigat v. Mortgage Lenders Network, USA, 2017 WL 4251943, at *3 (D. Colo. Sept. 26, 2017), report and recommendation adopted sub nom. Grigat v. Mortgage Lenders Network USA, Inc., 2017 WL 6033686 (D. Colo. Oct. 31, 2017)
- McDonald v. J.P. Morgan Chase Bank, N.A., 2014 WL 334813, at *3 (D. Colo. Jan. 30, 2014)
- In re Miller, 666 F.3d 1255, 1262 (10th Cir. 2012)
- Lanier v. Sylvester, 2008 WL 4830797, at *3 (D. Colo. Nov. 4, 2008)
- Brickert v. Deutsche Bank National Trust Co., 380 F. Supp. 3d 1127, 1137 (D. Colo. 2019)
- Ulm v. Bank of Am., N.A., 2019 WL 859708, at *4 (D. Colo. Feb. 22, 2019), report and recommendation adopted, 2019 WL 1236747 (D. Colo. Mar. 18, 2019)
- Dryden v. Lou Budke's Arrow Finance Co., 630 F.2d 641, 646 (8th Cir. 1980)
- Plymouth Capital Co. v. District Court, 955 P.2d 1014, 1017 (Colo. 1998)
- Mortgage Investors Corp. v. Battle Mountain Corp., 70 P.3d 1176, 1183 (Colo. 2003), as modified on denial of reh'g (June 9, 2003)
- Savard v. JP Morgan Chase Bank, N.A., 2010 WL 2802543, at *5 (D. Colo. July 14, 2010)
- Kraft v. JP Morgan Chase Bank, Nat'l Ass'n, 2010 WL 4869099, at *5 (D. Colo. Nov. 23, 2010)
- Shell Western E&P, Inc. v. Dolores County Board of Commissioners, 948 P.2d 1002, 1007 (Colo. 1997)
- Dean Witter
- Yang v. Archuleta, 525 F.3d 925, 928 (10th Cir. 2008)
- Montoya v. Chao, 296 F.3d 952, 958 (10th Cir. 2002)
- Centennial Bankshares, Inc. v. Utah through Utah Department of Financial Institutions, 834 F. App'x 448, 452 (10th Cir. 2020)
- Dalton v. Countrywide Home Loans, Inc., 828 F. Supp. 2d 1242, 1249 (D. Colo. 2011)
- Hinojos v. Lohmann, 182 P.3d 692, 696-97 (Colo. App. 2008)
- Knowles v. Bank of Am., N.A., 2012 WL 5882570, at *5 (D. Colo. Nov. 21, 2012)
- School District No. 6 in Weld County v. Russell, 156 Colo. 75, 396 P.2d 929, 932 (Colo. 1964)
- McKinsey v. GMAC Mortgage, LLC, 2013 WL 3448483, at *14 (D. Colo. July 9, 2013), aff'd, 574 F. App'x 818 (10th Cir. 2014)
- Romstad v. City of Colorado Springs, 650 F. App'x 576, 585 n.7 (10th Cir. 2016) (unpublished)
- zvelo, Inc. v. Akamai Technologies, Inc., 2019 WL 4751809, at *6 (D. Colo. Sept. 30, 2019)

- Sterling v. Velsicol Chem. Corp., 855 F.2d 1188
- Harris v. Sand Canyon Corp., 274 F.R.D. 556
