
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CHASE HOME FINANCE,

Plaintiff,

v.

**GARY D. ROGERS and KELLY E.
ROGERS,**

Defendants.

**ORDER AFFIRMING
REPORT & RECOMMENDATION**

Case No. 2:10CV453DAK

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). Defendant Gary Rogers filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction and Defendant Kelly Rogers filed a Motion to Dismiss for Lack of Personal Jurisdiction. Magistrate Judge Wells issued a Report and Recommendation on October 1, 2010, recommending that Defendants' motions be denied. Defendant Gary Rogers requested additional time to file an objection to the Report and Recommendation. This court granted Defendant until November 5, 2010.

On November 5, 2010, Defendant filed a Motion for More Definite Statement. It is not clear whether Defendant intended this motion to be a response to the Report and Recommendation. To the extent that the court construes the filing as an objection to the Report and Recommendation, nothing in Motion for More Definite Statement calls into question the

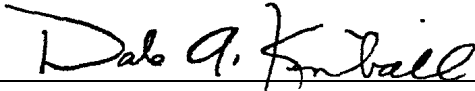
correctness of the analysis in the Report and Recommendation. The court fully agrees with analysis contained in Magistrate Judge Wells' Report and Recommendation. To the extent that the Motion for More Definite Statement is a separate motion to be determined by the court, the court finds it without merit. There are adequate allegations in the Complaint to survive a motion under Rule 12(e) of the Federal Rules of Civil Procedure. The parties can clarify their positions during discovery.

The court notes that Defendant Kelly Rogers did not file an objection to the Report and Recommendation. The Report and Recommendation correctly denies her motion to dismiss.

Accordingly, the court approves and adopts Magistrate Judge Well's Report and Recommendation in its entirety. Defendant Gary Roger's Motion to Dismiss for Lack of Subject Matter Jurisdiction is DENIED, and Defendant Kelly Roger's Motion to Dismiss for Lack of Personal Jurisdiction is DENIED. The court also denies Defendant's recently filed Motion for More Definite Statement as without merit.

DATED this 12th day of November, 2010.

BY THE COURT:



DALE A. KIMBALL
United States District Judge