

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK W. DOBRONSKI,

Plaintiff,

v.

ALEXIS FRANCIS DARAUJO, et al.,

Defendants.

Case No: 25-10169

Honorable Nancy G. Edmunds

Magistrate Judge David R. Grand

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
DECEMBER 1, 2025, REPORT AND RECOMMENDATION [32] AND GRANTING IN
PART AND DENYING IN PART DEFENDANTS' MOTIONS TO DISMISS [21, 29]**

This consumer protection lawsuit was filed by Plaintiff Mark Dobronski against Defendants United of Omaha Life Insurance Company (“Omaha”), Alexis Daraujo (“Daraujo”), and a John Doe “Telemarketer.” (ECF No. 20.) Plaintiff claims that Defendants are responsible for telemarketing calls to his residential phone number that violated the Federal Telephone Consumer Protection Act (“TCPA”), multiple Michigan state statutes, and the Florida Telemarketing Sales Act. (*Id.*)

Omaha and Daraujo filed motions to dismiss. (ECF No. 21, 29.) The magistrate judge dismissed Plaintiff's TCPA claims to the extent that they sought treble damages because Plaintiff admitted to engaging in a “canary-trap scheme” designed to encourage multiple phone calls, such that he effectively consented to some of the challenged phone calls, and the violations arising from those calls were not willful. (ECF No. 32, PageID.481-82); *accord Dobronski v. Total Ins. Brokers, LLC*, No. 21-10035, 2021 WL 4452218, at *4 (E.D. Mich. Sept. 29, 2021) (Levy, J.) (“Because Plaintiff concedes that he engaged in conduct designed to encourage the second call, he gave implied consent to that call.

Accordingly, Plaintiff fails to state a claim that the second call was [] ‘willful.’”). The magistrate judge denied the motions to dismiss in all other respects. (ECF No. 32, PageID.492.)

Although the report and recommendation explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, no objections were filed during that window. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 2012 WL 3639070, at *1 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court nonetheless agrees with the magistrate judge’s reasoning. The Court ACCEPTS AND ADOPTS the Magistrate Judge’s report and recommendation. (ECF No. 32.) Accordingly, IT IS ORDERED that the motions to dismiss (ECF No. 21, 29) are GRANTED to the extent that they seek dismissal of Plaintiff’s claims for treble damages under the TCPA and DENIED in all other respects.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 22, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 22, 2025, by electronic and/or ordinary mail.

s/Marlina Williams
Case Manager