

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Maria J. Prkic v. Sezzle, Inc.

Civil Action No. 24-cv-02624-PAB-NRN (D. Colo. Apr. 7, 2026) · No. 24-cv-02624-PAB-NRN · Decided April 7, 2026

SUMMARY

The United States District Court for the District of Colorado accepted the magistrate judge’s recommendation after no party filed objections. The court granted in part and denied in part Sezzle, Inc.’s partial motion to dismiss, dismissing the plaintiff’s EPEWA discrimination claim and three wrongful-termination claims.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Philip A. Brimmer
JURISDICTION	United States District Court for the District of Colorado
DECIDED	April 7, 2026
DOCKET	24-cv-02624-PAB-NRN
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and accepted a magistrate judge's unobjected-to recommendation concerning Defendant's partial motion to dismiss Plaintiff's First Amended Complaint.
STANDARD OF REVIEW	When no party objects to a magistrate judge's recommendation, the district court may review the recommendation under any standard it deems appropriate. The court reviewed the recommendation to determine whether there was clear error on the face of the record.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- motions to dismiss
- wrongful termination
- employment discrimination
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law
- employment discrimination
- wrongful termination

QUESTIONS PRESENTED

1. What standard of review should the district court apply to an unobjected-to magistrate judge's recommendation?
2. Whether Defendant's partial motion to dismiss should be granted in part and denied in part.
3. Whether Plaintiff's EPEWA discrimination claim and specified wrongful-termination-in-violation-of-public-policy claims should be dismissed.

HOLDINGS

1. When no party objects to a magistrate judge's recommendation, the district court may review the recommendation under any standard it deems appropriate; here, the court reviewed the recommendation for clear error on the face of the record.
2. Defendant Sezzle, Inc.'s Partial Motion to Dismiss Plaintiff's First Amended Complaint was granted in part and denied in part.
3. The court dismissed Plaintiff's EPEWA discrimination claim, her wrongful-termination-in-violation-of-public-policy claim based on alleged EPEWA violations, and her wrongful-termination-in-violation-of-public-policy claim based on Sezzle's failure to confer an official AML title and corresponding pay.

KEY QUOTATIONS

"In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate." (Order)

"Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law." (Order)

FACTUAL BACKGROUND

Plaintiff Maria J. Prkic asserted, among other claims, an EPEWA discrimination claim and wrongful-termination-in-violation-of-public-policy claims based on alleged EPEWA violations and Sezzle's failure to confer an official AML title and corresponding pay. The district court accepted the magistrate judge's recommendation and dismissed those claims.

PROCEDURAL HISTORY

The magistrate judge issued a recommendation on Defendant's partial motion to dismiss, and the recommendation was served on March 17, 2026. No party filed objections within the fourteen-day period. The district court reviewed the recommendation for clear error on the face of the record, accepted it, granted in part and denied in part Defendant's partial motion to dismiss, and dismissed specified claims.

DISPOSITION

other

CASES CITED

- Summers v. Utah, 927 F.2d 1165, 1167 (10th Cir. 1991)
- Thomas v. Arn, 474 U.S. 140, 150 (1985)

OPINION

Prkic

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Judge Philip A. Brimmer Civil Action No. 24-cv-02624-PAB-NRN

MARIA J. PRKIC,

Plaintiff, v.

SEZZLE, INC.,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This matter is before the Court on the Recommendation of United States Magistrate Judge [Docket No. 165]. The Recommendation states that objections to the Recommendation must be filed within fourteen days after its service on the parties. Docket No. 165 at 19-20; see also 28 U.S.C. § 636(b)(1)(C). The Recommendation was served on March 17, 2026. No party has objected to the Recommendation. In the absence of an objection, the district court may review a magistrate judge's recommendation under any standard it deems appropriate. See *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). In this matter, the Court has reviewed the Recommendation to satisfy itself that there is "no clear error on the face of the record." Fed. R. Civ. P. 72(b), Advisory Committee Notes. Based on this review, the Court has concluded that the Recommendation is a correct application of the facts and the law. Accordingly, it is ORDERED that the Recommendation of United States Magistrate Judge [Docket No. 165] is ACCEPTED. It is further ORDERED that Defendant Sezzle Inc.'s Partial Motion to Dismiss Plaintiff's First Amended Complaint [Docket No. 125] is GRANTED in part and DENIED in part. It is further ORDERED that plaintiffs EPEWA discrimination claim is DISMISSED. It is further ORDERED that plaintiff's wrong termination in violation of public policy claim based on alleged EPEWA violations is DISMISSED. It is further ORDERED that plaintiff's wrongful termination in violation of public policy claim based on Sezzle's failure to confer on plaintiff an official AML title and corresponding pay is DISMISSED. DATED April 7, 2026. BY THE COURT: ia of
PHILIP A. BRIMMER

United States District Judge ' This standard of review is something less than a "clearly erroneous"

or “contrary to law” standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a de novo review. Fed. R. Civ. P. 72(b).

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