

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Julie Smith v. BloomTV LLC, Monica Manley, and Devon Kerns

Smith v. BloomTV LLC · No. 1:24-cv-02901-CNS-SBP · Decided December 1, 2025

SUMMARY

The United States District Court for the District of Colorado denies without prejudice Julie Smith’s motion for default judgment against BloomTV LLC and denies the motion as moot as to Devon Kerns. The court concludes that jurisdiction and service were adequate but finds that the pleadings do not sufficiently establish Smith’s entitlement to protection under the Fair Labor Standards Act, including because they do not adequately address her non-exempt employee status or FLSA coverage.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Susan Prose
JURISDICTION	United States District Court for the District of Colorado
DECIDED	December 1, 2025
DOCKET	1:24-cv-02901-CNS-SBP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment against BloomTV LLC and Devon Kerns under Federal Rule of Civil Procedure 55. The magistrate judge denied the motion without prejudice as to BloomTV and as moot as to Kerns after Kerns obtained an order setting aside the Clerk's entry of default.
STANDARD OF REVIEW	Default judgment is committed to the court's sound discretion. The court evaluates whether it has subject-matter and personal jurisdiction, whether the well-pleaded allegations state a legally sufficient and plausible claim, and whether the requested damages are supported.
PRECEDENTIAL VALUE	unpublished
PARTIES	Julie Smith v. BloomTV LLC, Monica Manley, Devon Kerns

TOPICS

- default judgment
- personal jurisdiction
- service of process
- flsa
- wage and hour

PRACTICE AREAS

civil procedure

employment law

wage and hour

Fair Labor Standards Act

remedies

QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction over Smith's FLSA and related state-law claims.
2. Whether the court had personal jurisdiction over BloomTV.
3. Whether service of process on BloomTV was legally effective.
4. Whether the well-pleaded allegations established a plausible FLSA minimum-wage claim sufficient to support default judgment.
5. Whether default judgment should be entered against BloomTV and Kerns.

HOLDINGS

1. The court had personal jurisdiction over BloomTV because the allegations established general and specific contacts with Colorado sufficient to satisfy due process.
2. Service on BloomTV was legally proper and perfected, so service did not bar entry of default judgment.
3. The existence of an employee-employer relationship and FLSA individual or enterprise coverage are elements of an FLSA claim, not subject-matter-jurisdiction prerequisites.
4. Smith did not plead sufficient facts to establish that she was a nonexempt employee protected by the FLSA or that either individual or enterprise coverage applied; consequently, the complaint did not state a plausible FLSA claim supporting default judgment.
5. Default judgment against BloomTV was denied without prejudice because, although default admitted the well-pleaded factual allegations, it did not establish legal conclusions or cure the failure to plead a plausible FLSA claim.

KEY QUOTATIONS

“Even after default, however, it remains for the court to consider whether the unchallenged facts constitute a legitimate cause of action, since a party in default does not admit conclusions of law.” (Analysis, Legal Standard)

“Viewed through that prism, the well-pleaded facts are insufficient to nudge Ms. Smith’s FLSA claim “across the line from conceivable or speculative to plausible.”” (Analysis, II.B.3)

“Ms. Smith’s Motion for Default Judgment (ECF No. 36) is DENIED without prejudice as to Defendant BloomTV and DENIED as moot as to Defendant Devon Kerns.” (Conclusion)

FACTUAL BACKGROUND

Smith alleged that BloomTV hired her as a salaried executive assistant at an annual salary of \$125,000 plus a signing bonus. She alleged that BloomTV stopped paying her after three paychecks, promised compensation that it did not provide, and continued to employ her for approximately nine months without salary before she ended

the employment in May 2024. BloomTV was served by certified mail pursuant to an order authorizing substitute service but never appeared; Kerns's default was later set aside.

PROCEDURAL HISTORY

Smith filed this federal-question action asserting an FLSA minimum-wage claim and related Colorado-law claims. After substitute service on BloomTV, the Clerk entered default against BloomTV and Kerns. Kerns later obtained counsel and successfully moved to set aside the default. The court concluded that Smith established jurisdiction and valid service over BloomTV but failed to plead facts plausibly establishing FLSA employee status or individual or enterprise coverage, and therefore denied default judgment without prejudice.

DISPOSITION

other

CASES CITED

- Williams v. Smithson, 57 F.3d 1081, 1995 WL 365988, at *1 (10th Cir. June 20, 1995)
- Meehan v. Snow, 652 F.2d 274, 276 (2d Cir. 1981)
- Olcott v. Del. Flood Co., 327 F.3d 1115, 1124 (10th Cir. 2003)
- In re Rains, 946 F.2d 731, 732-33 (10th Cir. 1991)
- Dennis Garberg & Assocs., Inc. v. Pack-Tech Int'l Corp., 115 F.3d 767, 772 (10th Cir. 1997)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Tripodi v. Welch, 810 F.3d 761, 765 (10th Cir. 2016)
- Bixler v. Foster, 596 F.3d 751, 762 (10th Cir. 2010)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Rambo v. Am. S. Ins. Co., 839 F.2d 1415, 1417 (10th Cir. 1988)
- Dudnikov v. Chalk & Vermilion Fine Arts, Inc., 514 F.3d 1063, 1070, 1078 (10th Cir. 2008)
- AST Sports Sci., Inc. v. CLF Distrib. Ltd., 514 F.3d 1054, 1057 (10th Cir. 2008)
- Trujillo v. Williams, 465 F.3d 1210, 1217 (10th Cir. 2006)
- Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187, 1193 (Colo. 2005)
- International Shoe Co. v. State of Washington, Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Daimler AG v. Bauman, 571 U.S. 117, 137 (2014)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 924 (2011)
- Jenkins v. City of Topeka, 136 F.3d 1274, 1275 (10th Cir. 1998)
- Okla. Radio Assocs. v. Fed. Deposit Ins. Co., 969 F.2d 940, 943 (10th Cir. 1992)
- Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999)
- Tony & Susan Alamo Found. v. Sec'y of Lab., 471 U.S. 290, 295 (1985)
- Ellis v. J.R.'s Country Stores, Inc., 779 F.3d 1184, 1187 (10th Cir. 2015)

- Reagor v. Okmulgee County Family Resource Center, 501 F. App'x 805, 808-09 (10th Cir. 2012)
- Josendis v. Wall to Wall Residence Repairs, Inc., 662 F.3d 1292, 1298-99 (11th Cir. 2011)
- Harlas v. Barn, LLC, 853 F. App'x 292, 293-94 (10th Cir. 2021)
- Decker v. 'Murica, LLC, No. 19-cv-00104-MSK-SKC, 2020 WL 491188, at *2, *4 (D. Colo. Jan. 30, 2020)
- Bixler v. Foster, 596 F.3d 751, 762 (10th Cir. 2010)
- Arbaugh v. Y & H Corp., 546 U.S. 500, 511 (2006)
- Voter Reference Found., LLC v. Torrez, No. 24-2133, 2025 WL 3280300, at *5 (10th Cir. Nov. 25, 2025)
- Clingman v. Drive Coffee, LLC, No. 20-cv-01485-RBJ, 2021 WL 4990303, at *7 (D. Colo. Oct. 27, 2021)
- Sinclair Wyo. Ref. Co. v. A & B Builders, Ltd., 989 F.3d 747, 783 (10th Cir. 2021)
- Morales-Fernandez v. INS, 418 F.3d 1116, 1119, 1122 (10th Cir. 2005)

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