

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Tran v. California

280 F. App'x 653 (9th Cir. 2008) · Decided May 28, 2008

SUMMARY

The Ninth Circuit affirmed summary judgment and judgment as a matter of law for Caltrans in Connie T. Tran’s Title VII action alleging sexual harassment and retaliation. The court also upheld the taxation of costs to Tran, concluding that Caltrans provided legitimate nondiscriminatory reasons for its actions and that Tran failed to establish pretext or a sufficiently severe hostile work environment.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
JURISDICTION	Federal
DECIDED	May 28, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pro se plaintiff appealed from the district court's grant of summary judgment and judgment as a matter of law in favor of Caltrans in a Title VII action, and from the award of taxable costs.
STANDARD OF REVIEW	The court reviewed the grant of summary judgment and judgment as a matter of law de novo and reviewed the approval of taxable costs for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Connie T. Tran v. State of California, Department of Transportation (Caltrans)

TOPICS

- title vii
- sexual harassment
- retaliation
- hostile work environment
- summary judgment

PRACTICE AREAS

- employment law
- civil rights
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court properly granted summary judgment to Caltrans on Tran's sexual-harassment claim concerning her husband's supervisor.

2. Whether the district court properly granted summary judgment to Caltrans on Tran's retaliation claim.
3. Whether the district court properly granted judgment as a matter of law to Caltrans on Tran's sexual-harassment claim concerning her supervisor.
4. Whether the district court abused its discretion by approving Caltrans's application to tax costs.

HOLDINGS

1. The district court properly granted summary judgment to Caltrans because Caltrans demonstrated legitimate nondiscriminatory reasons for its adverse employment actions and Tran failed to create a triable issue that those reasons were pretextual.
2. The district court properly granted summary judgment to Caltrans because Caltrans produced legitimate, nonretaliatory reasons for its adverse employment actions and Tran failed to raise a triable issue that those reasons were pretextual.
3. The district court properly granted judgment as a matter of law to Caltrans because Tran failed to establish discrimination sufficiently severe to create a hostile or abusive work environment.
4. The district court did not abuse its discretion by approving Caltrans's application to tax costs because Caltrans was the prevailing party and filed a timely application.

KEY QUOTATIONS

“[A] district court is not required to comb the record to find some reason to deny a motion for summary judgment.” (654)

FACTUAL BACKGROUND

Tran alleged that she was subjected to sexual harassment by her husband's supervisor and by her own supervisor while employed by Caltrans. She also alleged that Caltrans retaliated against her through adverse employment actions. Caltrans asserted legitimate, nondiscriminatory and nonretaliatory reasons for its actions, and the trial evidence did not establish discrimination sufficiently severe to create a hostile or abusive work environment.

PROCEDURAL HISTORY

Tran brought Title VII claims alleging sexual harassment and retaliation against Caltrans. The district court granted Caltrans summary judgment on Tran's claims involving harassment by her husband's supervisor and retaliation, granted judgment as a matter of law on her claim involving harassment by her supervisor, and approved Caltrans's application to tax costs. The Ninth Circuit reviewed the rulings and affirmed.

DISPOSITION

affirmed

CASES CITED

- Bradley v. Harcourt, Brace & Co., 104 F.3d 267, 269-70 (9th Cir. 1996)

- Fisher v. City of San Jose, 509 F.3d 952, 957 (9th Cir. 2007)
- Carmen v. San Francisco Unified School District, 237 F.3d 1026, 1029 (9th Cir. 2001)
- Surrell v. California Water Service Co., 518 F.3d 1097, 1108 (9th Cir. 2008)
- Nichols v. Azteca Restaurant Enterprises, Inc., 256 F.3d 864, 871-72 (9th Cir. 2001)

OPINION

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PER CURIAM.

MEMORANDUM **

Connie T. Tran appeals pro se from the district court's summary judgment and judgment as a matter of law in favor of the State of California, Department of Transportation ("Caltrans") in her Title VII action alleging sexual harassment and retaliation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's grant of summary judgment and judgment as a matter of law. *Bradley v. Harcourt, Brace & Co.*, 104 F.3d 267, 269 (9th Cir.1996); *Fisher v. City of San Jose*, 509 F.3d 952, 957 (9th Cir.2007). We affirm. The district court did not err in granting summary judgment to Caltrans on Tran's claim that she was sexually harassed by her husband's supervisor. Caltrans demonstrated legitimate nondiscriminatory reasons for its adverse employment actions, and Tran failed to create a triable issue as to whether Caltrans' nondiscriminatory reasons were pretextual. See *Bradley*, 104 F.3d at 270; see also *Carmen v. S.F. Unified Sch. Dist.*, 237 F.3d 1026, 1029 (9th Cir.2001) ("[A] district court is not required to comb the record to find some reason to deny a motion for summary judgment.") (internal quotations and citation omitted). The district court did not err in granting summary judgment to Caltrans on Tran's retaliation claim. Caltrans produced legitimate, nonretaliatory reasons for its adverse employment actions, and Tran failed to raise a triable issue that Caltrans' nondiscriminatory reasons were a pretext for retaliation. See *Surrell v. Cal. Water Sen. Co.*, 518 F.3d 1097, 1108 (9th Cir.2008); see also *Carmen*, 237 F.3d at 1029. The district court did not err in granting judgment as a matter of law to Caltrans on Tran's claim that she was sexually harassed by her supervisor. The record supports the district court's conclusion that, based on the evidence presented at trial, Tran failed to establish discrimination severe enough to create a hostile or abusive work environment. See *Nichols v. Azteca Restaurant Enters., Inc.*, 256 F.3d 864, 871-72 (9th Cir.2001) (holding that, to prevail on a hostile environment claim, a *654plaintiff must prove that a reasonable person would find the workplace to be hostile or abusive). Tran also contends that the district court abused its discretion by approving Caltrans' application to tax costs. We disagree. Caltrans was entitled to costs as the prevailing party and filed a timely application. See Fed.R.Civ.P. 54(d)(1); C.D. Cal. R. 54-3. AFFIRMED. This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.