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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANDREAS BLIKAS; et al.,

Plaintiffs - Appellants,

v.

RESTAURANTS UNLIMITED, a foreign
corporation,

Defendant - Appellee.

No. 11-35980

D.C. No. 3:09-cv-01324-AC

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Argued and Submitted November 6, 2012
Portland, Oregon

Before: RIPPLE,** McKEOWN, and NGUYEN, Circuit Judges.

Andreas Blikas, Michael Borges, James Michael Fry, Greg Gates, Joseph
Gonzales, and Mark Shiflett (collectively “the Chefs”) appeal the district court’s

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Kenneth F. Ripple, Senior Circuit Judge for the
Seventh Circuit, sitting by designation.

grant of summary judgment to Restaurants Unlimited. The Chefs allege that they were terminated in violation of the Age Discrimination in Employment Act. *See* 29 U.S.C. § 623(a)(1).

Shiflett's claim was properly dismissed on statute of limitations grounds. He failed to comply with the filing requirements of 29 U.S.C. § 626(d)(1) and did not introduce any evidence establishing that he was unable to determine the source of his injury or obtain vital information bearing on the existence of his claim within the limitations period. *See Garcia v. Brockway*, 526 F.3d 456, 465 (9th Cir. 2008).

Even assuming that each of the Chefs could have established a prima facie case of age discrimination, their claims fail because Restaurants Unlimited introduced evidence sufficient to demonstrate that each of the Chefs was fired for legitimate, nondiscriminatory reasons and the Chefs failed to introduce evidence that would raise a genuine material factual question as to whether Restaurants Unlimited's proffered reasons were pretextual. *See Pottenger v. Potlatch Corp.*, 329 F.3d 740, 745-49 (9th Cir. 2003).

AFFIRMED.