

AUG 16 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAVID WHEELER,

Plaintiff - Appellant,

v.

MGM RESORTS INTERNATIONAL,

Defendant - Appellee.

No. 12-16842

D.C. No. 2:11-cv-02046-PMP-RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, District Judge, Presiding

Submitted August 13, 2013**
San Francisco, California

Before: HAWKINS, THOMAS, and McKEOWN, Circuit Judges.

David Wheeler challenges the district court’s grant of summary judgment to MGM Resorts International (“MGM”). Because the parties are familiar with the

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

facts and history of the case, we need not recount it here. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Wheeler claims that during the time that he worked at Luxor Hotel and Casino, he was subjected to harassment, a hostile work environment, and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. The district court properly awarded summary judgment to MGM because it never employed Wheeler, and Wheeler is entitled to Title VII's protections only if he is an employee of the defendant. *Murray v. Principal Fin. Grp., Inc.*, 613 F.3d 943, 944 (9th Cir. 2010). Wheeler was employed by Ramparts, Inc. d/b/a Luxor Hotel and Casino. Though it is true that MGM Resorts International is the parent corporation to Mandalay Resort Group, and Mandalay Resort Group is the parent corporation to Ramparts, Inc., “[i]n the absence of special circumstances, a parent corporation is not liable for the Title VII violations of its wholly owned subsidiary.” *Watson v. Gulf & W. Indus.*, 650 F.2d 990, 993 (9th Cir. 1981). Here there are no special circumstances to justify piercing the corporate veil.

AFFIRMED.