

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

APR 25 2016

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

BRENDA CARLSEN,

Plaintiff - Appellant,

v.

STANFORD UNIVERSITY,

Defendant - Appellee.

No. 14-15579

D.C. No. 5:13-cv-04738-PSG

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Paul S. Grewal, Magistrate Judge, Presiding

Argued and Submitted April 14, 2016  
San Francisco, California

Before: WALLACE, SCHROEDER, and KOZINSKI, Circuit Judges.

Brenda Carlsen appeals from the district court's judgment denying remand and dismissing her case against Stanford University. Carlsen seeks damages for loss of consortium, stemming from Stanford's termination of her husband, Dan Gazzano. We affirm. Res judicata bars Carlsen's claim because when she

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

attempted to join her husband's lawsuit, the district court dismissed her claim, as preempted by § 301 of the Labor Management Relations Act, and she did not appeal that judgment. *See Federated Dep't Stores, Inc. v. Moitie*, 452 U.S. 394, 398 (1981).

Stanford's motion to take judicial notice is denied.

**AFFIRMED.**