

FILED

MAY 25 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS HENNIGHAN,

Plaintiff - Appellant,

v.

INSPHERE INSURANCE SOLUTIONS,
INC.,

Defendant - Appellee.

No. 14-15983

D.C. No. 3:13-cv-00638-WHO

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William H. Orrick III, District Judge, Presiding

Argued and Submitted May 11, 2016
San Francisco, California

Before: McKEOWN and FRIEDLAND, Circuit Judges and LEFKOW,** Senior
District Judge.

Thomas Hennighan appeals the district court's grant of summary judgment
in favor of Insphere Insurance Solutions, Inc., which found that Hennighan was an

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

** The Honorable Joan H. Lefkow, Senior District Judge for the U.S.
District Court for the Northern District of Illinois, sitting by designation.

independent contractor, not employee of Insphere. We have jurisdiction under 28 U.S.C. § 1291 and affirm.

The parties are familiar with the facts, so we will not repeat them here. We review de novo a district court's grant of summary judgment, viewing the evidence in the light most favorable to the non-moving party. *Albino v. Baca*, 747 F.3d 1162, 1168 (9th Cir. 2014) (en banc). We review the district court's evidentiary rulings for abuse of discretion. *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 141 (1997).

Hennighan argues that the district court erred in excluding an Insphere office manager's statements before the California Unemployment Insurance Appeals Board in an unrelated case, and erred in disregarding portions of declarations by Hennighan and his colleagues. Any errors were harmless because admission of that evidence would not have changed the result. *See, e.g., Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 773 (9th Cir. 2002) ("It follows that we must affirm the district court unless its evidentiary ruling was manifestly erroneous *and* prejudicial."). We affirm the grant of summary judgment for the reasons set forth by the district court in its Order dated April 21, 2014.

AFFIRMED.