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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHERINE FROMSON, Plaintiff - Appellant, v. GEORGIA PACIFIC, LLC, a limited partnership, Defendant - Appellee.	No. 14-15401 D.C. No. 3:13-cv-01294-SC MEMORANDUM[*]

Appeal from the United States District Court
for the Northern District of California
Samuel Conti, Senior District Judge, Presiding

Submitted March 16, 2016[**]
San Francisco, California

Before: FERNANDEZ, GOULD, and FRIEDLAND, Circuit Judges.

Catherine Fromson appeals the district court's grant of summary judgment in favor of her former employer, Georgia Pacific, LLC. We reject Fromson's argument that the district court "erred by weighing the evidence on Fromson's

[*] 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).

gender and age discrimination claims and by failing to draw all inferences in the light most favorable to her as the Plaintiff." The district court properly addressed whether Fromson provided the evidence necessary to defeat the employer's motion for summary judgment under the *McDonnell Douglas*[1] burden-shifting framework. *See Cornwell v. Electra Cent. Credit Union*, 439 F.3d 1018, 1028–31 (9th Cir. 2006).

Assuming without deciding that Fromson established a prima facie case of discrimination, we conclude that Georgia Pacific presented sufficient evidence of its legitimate business reason for terminating Fromson's position "to rebut the presumption of discrimination." *Tex. Dep't of Cmty. Affairs v. Burdine*, 450 U.S. 248, 254–55 (1981). Fromson did not "demonstrate such weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions in the employer's proffered legitimate reasons for its action that a reasonable factfinder could rationally find them unworthy of credence . . . and hence infer that the employer did not act for the . . . non-discriminatory reasons." *Dep't of Fair Emp't & Hous. v. Lucent Techs., Inc.*, 642 F.3d 728, 746 (9th Cir. 2011) (quoting *Morgan v. Regents of the Univ. of Cal.*, 105 Cal. Rptr. 2d 652, 670 (Cal. Ct. App. 2000)).

[1] *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

Because Fromson's retaliation claims are assessed under the same framework, they too fail. *See Dawson v. Entek Int'l*, 630 F.3d 928, 936 (9th Cir. 2011). And because Fromson does not give any independent reasons to support her wrongful termination tort claim, she also does not raise a triable issue of fact on that claim.

AFFIRMED.