

FILED

AUG 21 2018

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LAURA ALEXIS, an Individual,

Plaintiff-Appellee,

v.

JAMES B. ROGERS; et al.,

Defendants-Appellants.

No. 17-56481

D.C. No. 3:15-cv-00691-CAB-
BLM

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Cathy Ann Bencivengo, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

James B. Rogers, Gladys Holdings, LLC, and Beeland Interests, Inc. appeal from the district court's order denying their motion for attorney's fees. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *EEOC v. United Parcel Serv., Inc.*, 424 F.3d 1060, 1068 (9th Cir. 2005). We affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

1 The district court did not abuse its discretion by denying defendants' motion
2 for attorney's fees because the record does not support a finding that plaintiff's
3 claims were frivolous, unreasonable, or without foundation. *See Rosenman v.*
4 *Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro*, 110 Cal. Rptr. 2d 903,
5 906-09 (Ct. App. 2001) (discussing standard for awarding attorney's fees under
6 Cal. Gov. Code § 12965(b) and explaining that attorney's fees should only be
7 awarded to prevailing defendants in "rare cases").

8 **AFFIRMED.**