

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 12 2020

FOR THE NINTH CIRCUIT

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

EUROSESMILLAS, S.A.,

Plaintiff-counter-
defendant,

v.

MOHAN UTTARWAR; PIYUSH GUPTA,

Third-party-defendants-
Appellants,

v.

PLC DIAGNOSTICS, INC.; et al.,

Defendants-third-party-
plaintiffs-cross-claimants-
Appellees.

No. 19-16202

D.C. No. 3:17-cv-03159-TSH

MEMORANDUM*

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

Submitted August 10, 2020**
San Francisco, California

* 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).

Before: CHRISTEN and OWENS, Circuit Judges, and BATAILLON,*** District Judge.

Mohan Uttarwar and Piyush Gupta appeal from the district court’s denial of their motion for sanctions under Federal Rule of Civil Procedure 11. We review for an abuse of discretion a district court’s decision regarding Rule 11 sanctions. *Holgate v. Baldwin*, 425 F.3d 671, 675 (9th Cir. 2005). As the parties are familiar with the facts, we do not recount them here. We affirm.

An attorney may be subject to Rule 11 sanctions if he or she files a pleading that is frivolous or presented for an improper purpose. *See* Fed. R. Civ. P. 11(b)(1)-(2); *Holgate*, 425 F.3d at 675-76. Here, the district court concluded that sanctions were unwarranted because the Third Party Complaint was not frivolous or brought for an improper purpose. This decision was within the district court’s broad discretion in such matters. *See Holgate*, 425 F.3d at 675; *see also Operating Eng’rs Pension Tr. v. A-C Co.*, 859 F.2d 1336, 1344 (9th Cir. 1988) (noting that Rule 11 sanctions are generally reserved for “rare and exceptional” cases).

AFFIRMED.

*** The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska, sitting by designation.