

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2022

FOR THE NINTH CIRCUIT

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

RENARDO D. ROBERTSON; DONNA
ROBERTSON, individually and their marital
community,

Plaintiffs-Appellants,

v.

CATHOLIC COMMUNITY SERVICES OF
WESTERN WASHINGTON, a Washington
public benefit corporation,

Defendant-Appellee.

No. 21-35545

D.C. No. 2:19-cv-01618-RSM

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Renardo D. Robertson and Donna Robertson appeal pro se from the district
court's summary judgment in their employment action alleging federal and state

* 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).

law claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly granted summary judgment on plaintiffs’ claims for race discrimination and retaliation under Title VII, 42 U.S.C. § 1981, and the Washington Law Against Discrimination (“WLAD”) because plaintiffs failed to raise a genuine dispute of material fact as to whether defendant’s legitimate, nondiscriminatory, and nonretaliatory reasons for its adverse actions were pretextual. *See Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1105-08 (9th Cir. 2008) (discussing *McDonnell Douglas* burden-shifting framework applicable to Title VII and § 1981 claims for discrimination and retaliation); *Cornwell v. Microsoft Corp.*, 430 P.3d 229, 234-39 (Wash. 2018) (applying *McDonnell Douglas* framework to retaliation claims under WLAD); *Mikkelsen v. Pub. Util. Dist. No. 1 of Kittitas County*, 404 P.3d 464, 470 (Wash. 2017) (applying *McDonnell Douglas* framework to discrimination claims under WLAD).

The district court properly granted summary judgment on plaintiffs’ claim for wrongful discharge in violation of public policy because plaintiffs failed to raise a genuine dispute of material fact as to whether the layoff was caused by the public-policy-linked conduct. *See Piel v. City of Fed. Way*, 306 P.3d 879, 881 (Wash. 2013) (elements of a wrongful discharge claim under Washington law).

We do not consider matters not specifically and distinctly raised and argued

in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions are denied.

AFFIRMED.