NOT FOR PUBLICATION

FILED

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MILDRED BRUNNER; ERIC BRUNNER,

Plaintiffs - Appellants,

and

SOLID EDGE AVIATION, LLC,

Plaintiff,

v.

COUNTY OF YAVAPAI, named as Yavapai County, Arizona; SEDONA-OAK CREEK AIRPORT AUTHORITY, INC., a Non-Profit Entity; PAM FAZZINI, an Individual, in her Official Capacity as Board President of Sedona-Oak Creek Airport Authority; EDWARD ROSE, Current Manager of SOCAA, resident of Arizona; UNKNOWN PARTIES, named as Past and Present Board Members and Managers of the Sedona-Oak Creek Airport Authority, in their Individual Capacities, to be later named but now identified as Does 1-10; UNKNOWN PARTIES, named as Past and Present Members of the Yavapai County Board of Supervisors, in their Individual Capacities, to be later named but now

No. 25-1981

D.C. No.
3:23-cv-08517-KML

MEMORANDUM*

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

Identified as Does 1-10,

Defendants - Appellees.

Appeal from the United States District Court
for the District of Arizona
Krissa M. Lanham, District Judge, Presiding

Submitted February 2, 2026[**]
Phoenix, Arizona

Before: CALLAHAN, OWENS, and FRIEDLAND, Circuit Judges.

Plaintiffs Mildred and Eric Brunner[1] sued Defendants Yavapai County, the Yavapai County Board of Supervisors, Sedona-Oak Creek Airport Authority ("SOCAA"), and staff and board members of SOCAA, alleging that Defendants had engaged in a pattern of discrimination that included defaming Eric and that ultimately culminated in the eviction of Dakota,[2] Mildred's air touring company, from the airport. The district court granted Defendants' motion to dismiss without giving Plaintiffs leave to amend, holding that Mildred lacked standing and that Plaintiffs' claims were untimely. We affirm.

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

[1] Because Plaintiffs share the same last name, they will be identified by their first names in this disposition.

[2] The company's full name is Dakota Territory Tours. Mildred is its sole owner, and Eric is its manager and operator.

We have jurisdiction under 28 U.S.C. § 1291, and we review the district court's grant of a motion to dismiss de novo. *Keates v. Koile*, 883 F.3d 1228, 1234 (9th Cir. 2018). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation modified).

1. The district court correctly determined that Mildred Brunner does not have standing because her claimed injuries are based on harm to Dakota, not direct harm to her as an individual. Generally, shareholders (even sole shareholders) do not have standing to assert an injury to a corporation, and "it is not sufficient [to establish harm for individual standing purposes] for the plaintiff [shareholder] to assert a personal economic injury resulting from a wrong to the corporation." *Soranno's Gasco, Inc. v. Morgan*, 874 F.2d 1310, 1318 (9th Cir. 1989). Most of Mildred's alleged harms are economic injuries that expressly flow from harm to Dakota. The Complaint alleges that Defendants caused damage to Plaintiffs' "personal and business reputation and goodwill," but Mildred does not appear to be seeking compensation for any reputational harms, so, in context, that allegation is most reasonably read as referring to the reputational harm allegedly caused to Eric. To the extent that Mildred alleges her own emotional or reputational harms, those harms do not appear to be sufficiently distinct from the harms that flow from economic injury to Dakota to support individual standing.

2. The district court correctly determined that Eric's claims (the only claims left after Mildred's claims are dismissed for lack of standing) are untimely. The parties agree that the applicable statute of limitations is two years, but they disagree about when the claims accrued. A "claim accrues when the plaintiff knows or has reason to know of the injury that is the basis of the action." *Pouncil v. Tilton*, 704 F.3d 568, 574 (9th Cir. 2012). The only discriminatory act within the statute of limitations that Plaintiffs allege is Dakota's eviction from the Sedona-Oak Creek Airport. Even if we were to assume that Dakota's eviction was an act that caused harm to Eric that was independent of the harm done to Dakota, any claim regarding the eviction accrued when Dakota, which Eric operated and managed, was informed that its lease was being terminated, not on the day Dakota was eventually evicted, because the eviction was a "delayed, but inevitable, consequence of" the lease being terminated. *See Del. State Coll. v. Ricks*, 449 U.S. 250, 257-59 (1980) (holding, in an employment discrimination case alleging wrongful denial of tenure, that the claim accrued on the date that the tenure decision was made and communicated to the plaintiff, not the date when the plaintiff's employment was terminated); *see also RK Ventures, Inc. v. City of Seattle*, 307 F.3d 1045, 1058 (9th Cir. 2002) (holding that a claim alleging discriminatory enforcement of a public nuisance ordinance accrued when the plaintiffs received notice of a pending abatement action against them, not when the

abatement proceeding began). Dakota was informed that its lease was being terminated more than two years before Plaintiffs filed suit, so Eric's remaining individual claims are untimely.

3. The district court did not err by dismissing without leave to amend. "Dismissal without leave to amend is improper unless it is clear, upon *de novo* review, that the complaint could not be saved by any amendment." *Missouri ex rel. Koster v. Harris*, 847 F.3d 646, 655-56 (9th Cir. 2017) (quotation marks omitted). "An amendment is futile when no set of facts can be proved under the amendment to the pleadings that would constitute a valid and sufficient claim or defense." *Id.* at 656 (citation modified). Plaintiffs do not, in their briefing before this court, suggest that if they were given the opportunity to amend, they would allege additional acts that occurred within the statute of limitations. The only amendments Plaintiffs suggest they might make would "clarify the protected basis for discrimination and provide comparator evidence." Such amendments would not cure the fatal defect that Plaintiffs' claims are untimely. Leave to amend would therefore be futile.

AFFIRMED.