

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 20 2026

FOR THE NINTH CIRCUIT

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

OMNI HOTELS MANAGEMENT
CORPORATION, a Delaware for-profit
business corporation; DBA, Omni Tucson
National Resort,

Plaintiff - Appellant,

v.

DANIELLE TARAN, a single woman,

Defendant - Appellee.

No. 25-5755

D.C. No.

4:23-cv-00555-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Argued and Submitted June 12, 2026
San Francisco, California

Before: NGUYEN and VANDYKE, Circuit Judges, and HUIE, District Judge.**

Omni Hotels Management Corporation (“Omni”) appeals the district court’s
grant of summary judgment in favor of Danielle Taran (“Taran”). Omni brought

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

** The Honorable Robert Steven Huie, United States District Judge for
the Southern District of California, sitting by designation.

this action in federal court for alleged fraudulent conduct that occurred in an Arizona state-court action. Taran had sued Omni in state court after she fell and fractured her hand at an Omni hotel facility. After Taran prevailed at trial, Omni discovered Instagram photos showing that in the months leading up to the trial, Taran engaged in pole fitness activities that Omni deemed inconsistent with her trial testimony. Invoking diversity jurisdiction, Omni brought the current suit, alleging that Taran's failure to disclose these activities was a fraud on the state court.

We have jurisdiction under 28 U.S.C. § 1291. We review a district court's decisions on choice of law, *Zinser v. Accufix Rsch. Inst., Inc.*, 253 F.3d 1180, 1187 (9th Cir. 2001), and summary judgment de novo, *Italian Colors Rest. v. Becerra*, 878 F.3d 1165, 1171 (9th Cir. 2018). We affirm.

1. Omni argues that the district court erred in granting summary judgment in Taran's favor because there were material issues of fact as to whether Taran's pole fitness activities were inconsistent with her trial testimony. We disagree. At trial, Taran repeatedly testified that after the incident at an Omni facility, she remained physically active and experienced pain and discomfort rather than total incapacity. Omni does not contest that Taran's participation in pole fitness was modified, and nothing in the record suggests that her physical limitation was such that she would have been unable to engage in such activities. Further, Omni could

have learned of Taran’s participation in pole fitness classes before trial through discovery and during trial through cross-examination. As Omni concedes, its cross-examination of Taran was not limited or curtailed in any way. Omni’s failure to ask the right questions does not mean that it was prevented from having “a real contest before the court of the subject matter of the suit.” *McNeil v. Hoskyns*, 337 P.3d 46, 49 (Ariz. Ct. App. 2014). Thus, its fraud-on-the-court claim fails.

2. Omni also argues that the district court erred in applying federal law rather than Arizona state law to its fraud-on-the-court claim. This argument is belied by the record. Even assuming that a fraud-on-a-state-court claim could be brought as an independent action in federal court, the district court properly looked to Arizona cases for guidance.¹ In any event, as discussed above, Taran did not “obtain[] a judgment by concealing material facts and suppressing the truth with the intent to mislead the court,” *see Cypress*, 257 P.3d at 1179, and Omni’s claim fails under Arizona state law. *See also Trendsettah USA, Inc. v. Swisher Int’l, Inc.*, 31 F.4th 1124, 1132 (9th Cir. 2022) (“[M]ere nondisclosure of evidence is typically not enough to constitute fraud on the court.”).

¹ The district court cited *Cypress on Sunland Homeowners Ass’n v. Orlandini*, 257 P.3d 1168 (Ariz. Ct. App. 2011); *McNeil*, 337 P.3d 46; *Schutt L. Firm PLC v. Subrok, LLC*, 2021 WL 709769 (Ariz. Ct. App. Feb. 23, 2021); and *In re Swanson v. Swanson*, 2023 WL 3842658 (Ariz. Ct. App. June 6, 2023).

AFFIRMED.