

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 18 2026

FOR THE NINTH CIRCUIT

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

BRITTANY WOODMAN,

Plaintiff - Appellee,

v.

NPAS SOLUTIONS, LLC,

Defendant - Appellant.

No. 25-5950

D.C. No.

2:22-cv-01540-GMN-BNW

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada

Gloria M. Navarro, District Judge, Presiding

Submitted September 16, 2026**
Phoenix, Arizona

Before: M. SMITH and TUNG, Circuit Judges, and DIMKE, District Judge.***

Appellant NPAS Solutions, LLC appeals the district court's denial of its motion for summary judgment, denial of its motion for judgment as a matter of law,

* 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).

*** The Honorable Mary K. Dimke, United States District Judge for the Eastern District of Washington, sitting by designation.

and denial of its motion for a new trial. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. The district court's denial of NPAS Solutions's motion for summary judgment is not reviewable. Ordinarily, denial of summary judgment is not reviewable after a full trial on the merits because the trial record supersedes the summary judgment record. *Ortiz v. Jordan*, 562 U.S. 180, 184 (2011). While there is an exception for purely legal issues, *Dupree v. Younger*, 598 U.S. 729, 735 (2023), the district court here denied summary judgment because of a factual dispute regarding whether NPAS Solutions, LLC made the four phone calls to Plaintiff Brittany Woodman. That is not a purely legal question. *See Turrey v. Vervent, Inc.*, No. 24-3849, 2026 WL 2330561, at *8 (9th Cir. Aug. 12, 2026).

2. The district court did not err in denying NPAS Solutions's request for judgment as a matter of law under Federal Rule of Civil Procedure 50. NPAS Solutions argues that it did not make the contested phone calls to Plaintiff—a different entity, NPAS, Inc. did. But viewing the evidence in the light most favorable to the verdict and disregarding evidence that the jury was not required to believe, a reasonable jury could find that NPAS Solutions made the phone calls at issue. *See Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150–51 (2000); *Castro v. County of Los Angeles*, 833 F.3d 1060, 1066 (9th Cir. 2016) (en banc). Plaintiff received four pre-recorded phone calls from a number ending in 9899. The

caller identified itself as “NPAS,” and said it was a debt collector calling to collect a debt on behalf of Southern Hills. NPAS Solutions was a debt collector. NPAS Solutions’s lone witness conceded that the two “NPAS” companies share a parent, a formation date, and had common officers/managers, while admitting she had no access to NPAS, Inc.’s records and did not know what NPAS, Inc.’s 2022 voicemails said. While NPAS Solutions put forth a declaration and witness testimony claiming that NPAS Solutions did not own nor use the number, a reasonable jury could have declined to credit that evidence in light of the other evidence presented.

3. The district court did not abuse its discretion in denying NPAS Solutions’s motion for a new trial. *See Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 729 (9th Cir. 2007). NPAS Solutions argues that the verdict was against the clear weight of the evidence. When ruling on the Rule 59 motion, the district court was not required to view the evidence in the light most favorable to the verdict. *Experience Hendrix, L.L.C. v. Hendrixlicensing.com Ltd.*, 762 F.3d 829, 842 (9th Cir. 2014). Rather, the district court was permitted to weigh the evidence itself, *Kode v. Carlson*, 596 F.3d 608, 612–13 (9th Cir. 2010) (per curiam), and it did. As discussed above, there was plenty of evidence that NPAS Solutions made the phone calls, and thus the district court did not abuse its discretion in holding that the verdict was not against the clear weight of the evidence.

4. Finally, NPAS Solutions was not prejudiced by the introduction of certain evidence at trial. NPAS Solutions first argues that the district court erred in taking judicial notice that the Better Business Bureau profile listed the 9899 number as affiliated with NPAS Solutions. But even assuming error, there was no prejudice. The jury heard plenty of other evidence, as explained above, that allowed it to reasonably conclude that NPAS Solutions made the phone calls. Thus, it was more probable than not that the jury would have reached the same verdict even if the evidence had not been admitted. *Obrey v. Johnson*, 400 F.3d 691, 701 (9th Cir. 2005).

NPAS Solutions also argues that it was prejudiced by evidence regarding Plaintiff's medical conditions. NPAS Solutions did object at trial, so the ruling is reviewable as a bare evidentiary error, but only to the extent the objection was overruled—and the court *sustained* the objection to Ms. Woodman's opening description of her health. The testimony that came in later was also relevant: Ms. Woodman sought emotional-distress damages under 15 U.S.C. § 1692k(a)(1), and evidence of physical and emotional manifestations, including from family and friends, is how such damages are proved. NPAS Solutions thus fails to demonstrate how admission of this testimony constituted an abuse of discretion. Because error is not established, we need not presume nor address prejudice. *Barranco v. 3D Systems Corporation*, 952 F.3d 1122, 1127 (9th Cir. 2020). Nevertheless, prejudice

here appears highly speculative. Even if the \$20,000 actual damages award is on the high side, the jury's modest \$1,200 intrusion award suggests it was not simply inflamed.

AFFIRMED.