NOT FOR PUBLICATION

FILED

OCT 29 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AIDA MANUKIAN,

Plaintiff - Appellant,

v.

BBC HOLDINGS, LLC, DBA: Barry's Boot Camp,

Defendant - Appellee,

WOODWAY USA, DOE GYM FACILITY, 1-9, DOE GYM EMPLOYEES, 10-19, DOE GYM MAINTENANCE, 20-29, DOE TREADMILL DESIGNERS, MANUFACTURERS, DISTRIBUTORS, 40-49, DOE TREADMILL REPAIR COMPANY, 30-39, DOE TREADMILL RETAILERS, 50-59, DOES, 60-100, inclusive,

Defendants.

No. 25-3637

D.C. No.
2:23-cv-09606-ODW-MAA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Otis D. Wright, II, District Judge, Presiding

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

Submitted October 27, 2026[**]
Pasadena, California

Before: R. NELSON and H.A. THOMAS, Circuit Judges, and MARTÍNEZ-OLGUÍN, District Judge.[***]

Aida Manukian appeals from the district court's grant of summary judgment in favor of BBC Holdings, LLC dba Barry's Boot Camp on her claims for negligence and premises liability. We have jurisdiction under 28 U.S.C. § 1291. We review the district court's grant of summary judgment de novo. *Burch v. City of Chubbuck*, 146 F.4th 822, 832 (9th Cir. 2025). We affirm.

"Summary judgment is appropriate only when 'there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law.'" *Posey v. Lake Pend Oreille Sch. Dist. No. 84*, 546 F.3d 1121, 1126 (9th Cir. 2008) (quoting Fed. R. Civ. P. 56(c)). We view the evidence in the light most favorable to Manukian, the non-moving party, and draw all justifiable inferences in her favor. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). "The elements of a negligence claim and a premises liability claim are the same: a legal duty of care, breach of that duty, and proximate cause resulting in injury." *Kesner*

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

[***] The Honorable Araceli Martínez-Olguín, United States District Judge for the Northern District of California, sitting by designation.

v. Superior Ct., 1 Cal. 5th 1132, 1158 (2016). "[A] landowner does not have a duty to remedy or warn of an obviously dangerous condition on his or her property." *Nicoletti v. Kest*, 97 Cal. App. 5th 140, 146 (2023).

Viewing the evidence in the light most favorable to Manukian, the danger of the moving treadmill was open and obvious as a matter of law. The video evidence shows that Manukian stepped towards and reached past the black-and-yellow tape to grab for the water bottle. The danger of doing so "should be obvious to [anyone] in the ordinary use of [their] senses" such that Barry's owed Manukian no duty to warn of the condition. *Danieley v. Goldmine Ski Assocs., Inc.*, 218 Cal. App. 3d 111, 121 (1990).

While "the obviousness of a danger may obviate the duty to *warn* of its existence, if it is *foreseeable* that the danger may cause injury despite the fact that it is obvious (e.g., when necessity requires persons to encounter it), there may be a duty to *remedy* the danger." *Osborn v. Mission Ready Mix*, 224 Cal. App. 3d 104, 122 (1990) (emphasis in original). Here, no reasonable jury could conclude it was reasonably foreseeable that Manukian would knowingly accept the obvious risk of reaching towards the underside of a moving treadmill. Because "[s]he was neither required nor invited to do so," Barry's owed no duty to remedy it. *Jacobs v. Coldwell Banker Residential Brokerage Co.*, 14 Cal. App. 5th 438, 448 (2017).

Given that, as a matter of law, Barry's did not owe Manukian a duty of care,

the district court properly granted summary judgment. We thus do not reach the remaining arguments the parties raise in this appeal.

AFFIRMED.