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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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KEVIN F JACKSON,

Case No. 20-cv-06007-VKD

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Plaintiff,

JUDGMENT

9

v.

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APPLIED MATERIALS CORPORATION,
et al.,

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Defendants.

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14 On October 7, 2022, the Court confirmed the arbitrator's interim award of summary
15 disposition and final award of attorneys' fees and costs. Dkt. No. 94.

16

17 Pursuant to Federal Rule of Civil Procedure 58, the Court hereby enters judgment in favor
18 of defendants Applied Materials, Inc. and Keith Dupen and against Kevin Jackson in the amount
19 of \$349,519.60.

20

The Clerk of Court shall close the file in this matter.

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IT IS SO ORDERED.

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Dated: October 7, 2022

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Virginia K. Demarchi

VIRGINIA K. DEMARCHI
United States Magistrate Judge

WARNING: AT LEAST ONE DOCUMENT COULD NOT BE INCLUDED!

You were not billed for these documents.

Please see below.

Selected docket entries for case 22-16673

Generated: 12/03/2023 23:21:02

Filed	Document Description	Page	Docket Text
10/18/2023	<u>18</u>		FILED MEMORANDUM (SIDNEY R. THOMAS, M. MARGARET MCKEOWN and ANDREW D. HURWITZ)
	18 Memorandum	0	
	18 Post Judgment Form DOCUMENT COULD NOT BE RETRIEVED!		Defendants' motion to strike Jackson's non-record documents and opening brief (Docket Entry No. 12) is denied. AFFIRMED. FILED AND ENTERED JUDGMENT. [12811453] (CPA)

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

OCT 18 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KEVIN F. JACKSON,

No. 22-16673

Plaintiff-Appellant,

D.C. No. 5:20-cv-06007-VKD

v.

MEMORANDUM*

APPLIED MATERIALS CORPORATION;
KEITH DUPEN, Managing Director Human
Resources,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Virginia K. DeMarchi, Magistrate Judge, Presiding**

Submitted October 10, 2023***

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

Kevin F. Jackson appeals pro se from the district court's judgment in his action alleging federal discrimination and retaliation claims against his former

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

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

employer. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Johnson v. Gruma Corp.*, 614 F.3d 1062, 1065 (9th Cir. 2010) (confirmation of arbitration award); *Chiron Corp. v. Ortho Diagnostic Sys., Inc.*, 207 F.3d 1126, 1130 (9th Cir. 2000) (order compelling arbitration). We affirm.

The district court properly granted defendants' motion to compel arbitration because the parties entered into a valid arbitration agreement encompassing the dispute at issue. *See Kilgore v. KeyBank, Nat'l Ass'n*, 718 F.3d 1052, 1058 (9th Cir. 2013) (Federal Arbitration Act requires that district courts refer cases to arbitration where a valid arbitration agreement covers the dispute at issue); *see also Poublon v. C.H. Robinson Co.*, 846 F.3d 1251, 1260-62 (9th Cir. 2017) (discussing unconscionability defense to arbitration agreement under California law).

The district court properly confirmed the arbitration awards because Jackson did not demonstrate any ground for vacating, modifying, or correcting the interim award of summary disposition or the final award of attorney's fees and costs. *See* 9 U.S.C. §§ 9-11; *Biller v. Toyota Motor Corp.*, 668 F.3d 655, 663-64 (9th Cir. 2012) (establishing procedure for confirmation of arbitration awards, and grounds for vacating, modifying, or correcting such awards).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009). We do not consider documents and facts not presented to the district court. *See United States*

v. Elias, 921 F.2d 870, 874 (9th Cir. 1990).

Defendants' motion to strike Jackson's non-record documents and opening brief (Docket Entry No. 12) is denied.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 09 2023

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

KEVIN F. JACKSON,

Plaintiff - Appellant,

v.

APPLIED MATERIALS
CORPORATION and KEITH DUPEN,
Managing Director Human Resources,

Defendants - Appellees.

No. 22-16673

D.C. No. 5:20-cv-06007-VKD
U.S. District Court for Northern
California, San Jose

MANDATE

The judgment of this Court, entered October 18, 2023, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

8 KEVIN F JACKSON,
9 Plaintiff,
10 v.
11 APPLIED MATERIALS CORPORATION,
et al.,
12 Defendants.

Case No. 20-cv-06007-VKD

JUDGMENT

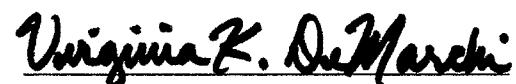
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19 The Clerk of Court shall close the file in this matter.

20 **IT IS SO ORDERED.**

21 Dated: October 7, 2022

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24 VIRGINIA K. DEMARCHE
United States Magistrate Judge
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