

APPENDIX A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 5 2023

FOR THE NINTH CIRCUIT

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

STEPHEN IRELAND, M.D., an individual,

No. 21-35337

Plaintiff-Appellant,

D.C. No. 6:16-cv-02054-MK

v.

MEMORANDUM*

BEND NEUROLOGICAL ASSOCIATES,
LLC, an Oregon limited liability company; et
al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Mustafa T. Kasubhai, Magistrate Judge, Presiding**

Submitted April 5, 2023***

Before: WALLACE, D. NELSON, and FERNANDEZ, Circuit Judges.

Stephen Ireland appeals pro se from the district court's summary judgment
in his action alleging federal and state law claims. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo the district court's decision on cross-motions for summary judgment. *Guatay Christian Fellowship v. Cnty. San Diego*, 670 F.3d 957, 970 (9th Cir. 2011). We affirm.

The district court properly granted summary judgment for defendants on Ireland's "rule of reason" Sherman Act claim because Ireland failed to raise a genuine dispute of material fact as to whether defendants either intended to harm or unreasonably restrain competition or as to whether defendants actually caused an injury to competition. *See Austin v. McNamara*, 979 F.2d 728, 738–39 (9th Cir. 1992) (setting forth elements of a "rule of reason" Sherman Act § 1 claim).

The district court also properly granted summary judgment for defendants on Ireland's intentional interference with economic relations claim because Ireland failed to raise a genuine dispute of material fact as to whether defendants intentionally interfered with a professional or business relationship through improper means or for an improper purpose. *See Kraemer v. Harding*, 976 P.2d 1160, 1170 (Or. App. 1999) (establishing elements of an intentional interference with economic relations claim).

AFFIRMED.

APPENDIX B

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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JUL 19 2023
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STEPHEN IRELAND, M.D., an individual,

Plaintiff-Appellant,

v.

BEND NEUROLOGICAL ASSOCIATES,
LLC, an Oregon limited liability company; et
al.,

Defendants-Appellees.

No. 21-35337

D.C. No. 6:16-cv-02054-MK

ORDER

Before: WALLACE, D. NELSON, and FERNANDEZ, Circuit Judges.

The members of the panel that decided this case voted unanimously to deny the petition for rehearing and recommended denial of the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. (Fed.R. App. P. 35.)

The petition for rehearing and the petition for rehearing en banc are denied.

SO ORDERED.