

JAN 19 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

W.S.B. & ASSOCIATES, INC.,

Petitioner - Appellant,

v.

SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL  
1877,

Respondent - Appellee.

No. 09-17252

D.C. No. 4:08-cv-05266-WDB

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Wayne D. Brazil, Magistrate Judge, Presiding

Submitted January 14, 2011\*\*  
San Francisco, California

Before: WALLACE, NOONAN, and SILVERMAN, Circuit Judges.

W.S.B. & Associates, Inc. (“WSB”) raised its objection to the collective bargaining agreement’s liquidated damages clause for the first time in its motion

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

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

for summary judgment. Because WSB did not sufficiently present this ground for vacating the arbitration award to the district court, its objection is waived on appeal. *See Navaho Nation v. U.S. Forest Serv.*, 535 F.3d 1058, 1079-80 (9th Cir. 2008) (en banc), *cert. denied*, 129 S. Ct. 2763 (2009); Fed. R. Civ. P. 8(a).

**AFFIRMED.**