

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2023

FOR THE NINTH CIRCUIT

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

COLLEEN STEWART,

Plaintiff-Appellant,

v.

PROPERTY AND CASUALTY
INSURANCE COMPANY OF
HARTFORD,

Defendant-Appellee.

No. 21-15753

D.C. No. 2:17-cv-02418-TLN-KJN

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Colleen Stewart appeals from the district court's summary judgment in her diversity action arising out of Stewart's homeowners' insurance claim. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Vasquez v. County of*

* 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).

Los Angeles, 349 F.3d 634, 639 (9th Cir. 2003). We affirm.

The district court properly granted summary judgment because Stewart failed to raise a genuine dispute of material fact as to whether defendant's investigation of her insurance claim and offer of benefits was neither fair nor reasonable. See *Oasis W. Realty, LLC v. Goldman*, 250 P.3d 1115, 1121 (Cal. 2011) (elements of a breach of contract claim); *Kransco v. Am. Empire Surplus Lines Ins. Co.*, 2 P.3d 1, 8 (Cal. 2000) (requirements for breach of the implied covenant of good faith and fair dealing).

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).

Stewart's motions for an extension of time to file the reply brief (Docket Entry Nos. 34, 38) are denied.

AFFIRMED.