

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 1 2022

FOR THE NINTH CIRCUIT

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

JONATHAN MARC DAVIDSON;  
CORINNA ROSE DAVIDSON,

Plaintiffs-Appellants,

v.

HEWLETT-PACKARD COMPANY; et al.,

Defendants-Appellees.

No. 21-16707

D.C. No. 5:16-cv-01928-EJD

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Edward J. Davila, District Judge, Presiding

Submitted November 30, 2022\*\*  
San Francisco, California

Before: WALLACE, FERNANDEZ, SILVERMAN, Circuit Judges.

Jonathan and Corinna Davidson appeal pro se from the district court's summary judgment. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review a district court's summary judgment de novo. *See Sulyma v. Intel Corp. Inv. Policy*

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\* 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)*.

*Comm.*, 909 F.3d 1069, 1072 (9th Cir. 2018). We affirm.

The district court did not err in granting summary judgment on the Davidsons' invasion-of-privacy claim. Regardless of whether the Davidsons' claim arises under the California Constitution or common law, the Davidsons failed to produce sufficient evidence that the Appellees committed a serious invasion of their privacy. The Davidsons provided no evidence that the Appellees committed any intrusion, and the Davidsons' mere speculation that the Appellees hacked into their electronic devices cannot sustain their summary-judgment burden. *See Loomish v. Cornish*, 836 F.3d 991, 997 (9th Cir. 2016) ("Mere allegation and speculation do not create a factual dispute for purposes of summary judgment.").

Any claim raised for the first time on appeal is waived. *See S.D. Myers, Inc. v. City and Cnty. of San Francisco*, 253 F.3d 461, 473 (9th Cir. 2001).

**AFFIRMED.**