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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MAZEN ARAKJI,
Plaintiff,

v.

MICROCHIP TECHNOLOGY, INC.,
Defendant.

Case No. 19-cv-02936-BLF

**ORDER DENYING MOTION FOR
RELIEF FROM FINAL JUDGMENT**

Before the Court is Plaintiff Mazen Arakji’s Motion for Relief from Final Judgment under Federal Rule of Civil Procedure 60 in this hiring discrimination case. *See* Motion, ECF No. 110. Mr. Arakji seeks relief from the Court’s judgment in favor of Defendant Microchip Technology, Inc. (“Microchip”) following the Court’s order granting Microchip’s summary judgment motion. *See* ECF Nos. 108, 109. Under Local Rule 7-1(b), the Court finds that Mr. Arakji’s motion can be resolved without oral argument. Based on the below reasoning, the Court DENIES Mr. Arakji’s motion.

Under Federal Rule of Civil Procedure 60(b), a court may relieve a party from a final judgment for one of the following reasons: “(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b).

Microchip’s summary judgment motion was directed to Mr. Arakji’s sole remaining claim

1 for discrimination under the Fair Employment and House Act (“FEHA”). *See* Summary Judgment
2 Motion, ECF No. 100. Under the *McDonnell Douglas* burden-shifting framework for
3 discrimination claims, a plaintiff must first establish a prima facie case of discrimination. *See*
4 *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973). If the plaintiff succeeds, then the
5 burden shifts to the defendant to articulate some legitimate, nondiscriminatory reason for the
6 plaintiff’s rejection. *See id.* If the defendant meets its burden, then the plaintiff must show that the
7 defendant’s stated reason for the plaintiff’s rejection was in fact pretext for discrimination. *See id.*

8 Mr. Arakji alleged that Microchip discriminated against him based on his religion, national
9 origin, race, and disability by declining to hire him for a Senior Engineer position. *See* First
10 Amended Complaint, ECF No. 22; *see also* ECF No. 42. In its summary judgment motion,
11 Microchip argued that Mr. Arakji had not established a prima facie discrimination case because
12 Microchip did not have actual knowledge of his religion, national origin, race, or disability,
13 including because Mr. Arakji’s interviewers at Microchip did not notice his alleged disability (an
14 issue with his left hand). *See* Summary Judgment Motion, ECF No. 100 at 13–17. Further,
15 Microchip argued that it had legitimate, nondiscriminatory reasons for declining to hire Mr. Arakji,
16 including lack of relevant experience and gaps in his employment history. *See id.* at 18–22. In its
17 order granting Microchip’s summary judgment motion, the Court found that while there were
18 disputes of material fact as to whether Mr. Arakji had established a prima facie case of
19 discrimination, there were no disputes of fact that Microchip had articulated legitimate,
20 nondiscriminatory reasons for Mr. Arakji’s rejection. *See* Order, ECF No. 108 at 12–13. Further,
21 the Court found that Mr. Arakji provided no evidence that Microchip’s articulated reasons were
22 pretextual. *See id.* at 13–15. Accordingly, the Court granted summary judgment in favor of
23 Microchip.

24 In his motion for relief from the Court’s final judgment, Mr. Arakji argues that “there is no
25 way” his disability would have gone unnoticed to his interviewers at Microchip. *See* Motion,
26 ECF No. 110 ¶ 2. Otherwise, Mr. Arakji provides rambling and incomprehensible briefing on
27 “[c]orruption in government,” which has no relevance to the present case. *See id.* at 1–4.

28 The Court finds that Mr. Arakji has not met his burden for showing that he is entitled to

1 relief from the Court’s judgment. Mr. Arakji’s only relevant argument is that his interviewers at
2 Microchip must have noticed his disability. *See* Motion, ECF No. 110 ¶ 2. Mr. Arakji’s argument
3 is insufficient to meet his burden on a Rule 60 motion for two reasons. First, Mr. Arakji’s argument
4 does not fit into any of the categories of reasons that can justify relief from a final judgment under
5 Federal Rule of Civil Procedure 60(b). Mr. Arakji already raised the argument that his interviewers
6 must have noticed his disability in his opposition to Microchip’s summary judgment motion. *See*
7 Opposition, ECF No. 103 ¶¶ 21–24. Courts decline to grant Rule 60 motions based on previously
8 raised arguments. *See Amer. Ironworks & Erectors, Inc. v. N. Amer. Const. Corp.*, 248 F.3d 892,
9 899 (9th Cir. 2001) (affirming denial of Rule 60(b) motion where movants “simply reargued their
10 case and offered no basis for withdrawal of the . . . order” at issue).

11 Second, Mr. Arakji’s argument relates to his prima facie case for discrimination—which was
12 not the basis for the Court’s summary judgment order. As outlined above, the Court found that there
13 were disputes of material fact regarding whether Mr. Arakji had made a prima facie case for
14 discrimination. *See* Order, ECF No. 108 at 10–12. Accordingly, the Court’s summary judgment
15 order was *not* based on Mr. Arakji’s prima facie case. Rather, the Court granted summary judgment
16 in favor of Microchip because it found that there were no disputes of material fact that Microchip
17 had articulated legitimate, nondiscriminatory reasons for declining to hire Mr. Arakji. *See id.*
18 at 12–13. Additionally, the Court found that Mr. Arakji provided no evidence to indicate that
19 Microchip’s articulated reasons were pretextual. *See id.* at 13–15. Mr. Arakji fails to provide
20 arguments or evidence challenging the Court’s findings regarding Microchip’s legitimate,
21 nondiscriminatory reasons for declining to hire Mr. Arakji. Accordingly, even if the Court were to
22 agree with Mr. Arakji—that “there is no way” his disability would have gone unnoticed during his
23 interviews with Microchip—this would not change the ruling of its summary judgment order.

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Based on the above reasoning, the Court DENIES Mr. Arakji's Motion for Relief from Final Judgment.

IT IS SO ORDERED.

Dated: May 9, 2022



BETH LABSON FREEMAN
United States District Judge