FILED

DEC 30 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HILDA L. SOLIS, Secretary of Labor, United States Department of Labor, Plaintiff - Appellee, v. BEST MIRACLE CORPORATION, A California Corporation; THUY THI LE, Individually and as Managing Agent of the Corporate Defendant; TOAN VAN NGUYEN, Individually and as Managing Agent of the Corporate Defendant, Defendants - Appellants.	No. 10-56146 D.C. No. 8:08-cv-00998-CJC-MLG MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted December 5, 2011**
Pasadena, California

Before: D.W. NELSON, GOULD, and IKUTA, Circuit Judges.

---

* 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).

Best Miracle Corporation, Thuy Thi Le ("Le"), and Toan Van Nguyen (collectively, "Best Miracle") appeal the district court's judgment concluding that they willfully violated the Fair Labor Standards Act ("FLSA"). Specifically, they argue the district court abused its discretion during the bench trial by admitting an exhibit as an adoptive admission by Le.

We need not decide whether the district court erred. Even if the admission of the exhibit was erroneous, it would be harmless error. The record contains overwhelming independent evidence that Best Miracle willfully violated the FLSA. Therefore, it is more probable than not that the district court would have reached the same verdict even if the exhibit had been excluded. *See Obrey v. Johnson*, 400 F.3d 691, 701 (9th Cir. 2005).

AFFIRMED.