

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

OCEANSIDE HEALTH PRODUCTS
LLC,

Plaintiff,

v.

INSTOCK GOODIES INC. and DOES
1-10, inclusive,

Defendants.

Case No.: SACV 23-00266-CJC (DFMx)

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS [Dkt. 13]

I. INTRODUCTION & BACKGROUND

Plaintiff Oceanside Health Products LLC brings this action against Defendant Instock Goodies Inc. and unnamed Does for intentional interference with contractual relations and trademark infringement. (See Dkt. 1 [Complaint].) Plaintiff is an e-commerce brand that asserts it has exclusive rights to sell products made by a company called Detoxify, LLC. (See *id.* ¶¶ 7, 11.) Detoxify has a trademark registered under U.S.

1 Trademark Registration No. 1898539 (the “Detoxify Mark”), which Plaintiff purportedly
2 has power of attorney to enforce. (*See id.* ¶ 9.) Plaintiff alleges that “[Defendant] is
3 infringing on the Detoxify Mark by listing, advertising and selling products on the
4 Amazon.com marketplace bearing the Detoxify Mark that are not subject to, do not abide
5 by, and interfere with Detoxify’s and [Plaintiff’s] quality controls and customer service
6 requirements.” (*Id.* ¶ 19.)
7

8 Now before the Court is Defendant’s motion to dismiss under Federal Rule of Civil
9 Procedure 12(b)(2) for lack of personal jurisdiction. For the following reasons,
10 Defendant’s motion is **GRANTED**.¹
11

12 **II. LEGAL STANDARD**

13

14 A party may move to dismiss an action for lack of personal jurisdiction pursuant to
15 Federal Rule of Civil Procedure 12(b)(2). In determining the bounds of their personal
16 jurisdiction, “[f]ederal courts ordinarily follow state law.” *Daimler AG v. Bauman*, 571
17 U.S. 117, 125 (2014). Because California’s long-arm statute “allows the exercise of
18 personal jurisdiction to the full extent permissible under the U.S. Constitution,” the Court
19 need only analyze whether personal jurisdiction over Defendant comports with
20 constitutional due process. *Id.*
21

22 Constitutional due process concerns are satisfied when a nonresident defendant has
23 “certain minimum contacts” with the forum state “such that the maintenance of the suit
24 does not offend traditional notions of fair play and substantial justice.” *Doe v. Unocal*
25 *Corp.*, 248 F.3d 915, 923 (9th Cir. 2001) (quoting *Int’l Shoe Co. v. Wash.*, 326 U.S. 310,
26

27
28 ¹ Having read and considered the papers presented by the parties, the Court finds this matter appropriate
for disposition without a hearing. *See* Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing set
for May 8, 2023, at 1:30 p.m. is hereby vacated and off calendar.

1 316 (1945)). Under the minimum contacts analysis, personal jurisdiction may be either
2 general or specific. *Id.* General jurisdiction “permits a court to hear ‘any and all claims’
3 against a defendant, whether or not the conduct at issue has any connection to the forum
4 [state].” *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1068 (9th Cir. 2015). A court may exercise
5 general jurisdiction over an out-of-state defendant when that defendant’s “affiliations
6 with the State are so ‘continuous and systematic’ as to render [the defendant] essentially
7 at home [there].” *Id.* at 125. Specific jurisdiction requires that the defendant’s suit-
8 related conduct create a substantial connection with the forum State. *See Williams v.*
9 *Yamaha Motor Co.*, 851 F.3d 1015, 1022–23 (9th Cir. 2017); *Helicopteros Nacionales de*
10 *Colombia, S.A. v. Hall*, 466 U.S. 408, 414–16 (1984). A defendant cannot be “haled into
11 a jurisdiction solely as a result of random, fortuitous, or attenuated contacts.” *Burger*
12 *King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985) (cleaned up).

13
14 “When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff
15 bears the burden of demonstrating that the court has jurisdiction.” *In re W. Sts.*
16 *Wholesale Gas Antitrust Litig.*, 715 F.3d 716, 741 (9th Cir. 2013). That burden varies
17 according to the nature of the pretrial proceeding during which the defendant raises the
18 jurisdictional issue. *See Data Disc, Inc. v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1285
19 (9th Cir. 1977). If “the defendant’s motion is based on written materials rather than an
20 evidentiary hearing, ‘the plaintiff need only make a prima facie showing of jurisdictional
21 facts to withstand the motion to dismiss.’” *CollegeSource, Inc. v. AcademyOne, Inc.*, 653
22 F.3d 1066, 1073 (9th Cir. 2011) (citation omitted). “The plaintiff cannot ‘simply rest on
23 the bare allegations of its complaint,’ but uncontroverted allegations in the complaint
24 must be taken as true.” *Id.* (citation omitted).

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1 III. DISCUSSION

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3 Defendant argues that the Court lacks general personal jurisdiction because its
4 principal place of business and physical offices are both in New York, (*see* Dkt. 13-1
5 [Memorandum, hereinafter “Mot.”] at 4), and that the Court lacks specific personal
6 jurisdiction because Defendant’s online sales to a national marketplace do not show that
7 it “expressly aimed” any conduct at California, (*id.* at 5–7).

8 9 A. General Jurisdiction

10
11 “[C]ourts have general jurisdiction over a foreign corporation only if the
12 corporation’s connections to the forum state ‘are so continuous and systematic as to
13 render [it] essentially at home in the forum State.’” *Williams v. Yamaha Motor Co. Ltd.*,
14 851 F.3d 1015, 1020 (9th Cir. 2017) (quoting *Goodyear Dunlop Tires Operations, S.A. v.*
15 *Brown*, 564 U.S. 915, 9119 (2011)) (alterations in original). “A corporation’s
16 ‘continuous activity of some sorts within a state is [generally] not enough to support the
17 demand that the corporation be amenable to suits unrelated to that activity.’” *Int’l Shoe*
18 *Co. v. Washington*, 326 U.S. 310, 318 (1945). “Rather, in the paradigmatic
19 circumstances for exercising general jurisdiction, the corporate defendant is incorporated
20 or has its principal place of business in the forum state.” *Williams*, 851 F.3d at 1020.

21
22 Plaintiff does not dispute that this Court lacks general jurisdiction over Defendant.
23 Plaintiff’s Complaint makes clear that Defendant is a New York corporation with its
24 principal place of business and place of incorporation in New York. (*See* Compl. ¶ 5.)
25 Defendant confirms those facts in the affidavit from Defendant’s owner, Tzvi Heschel.
26 (*See* Dkt. 13-2 [Declaration of Tzvi Heschel in Support of Defendant’s Motion to
27 Dismiss Complaint] ¶¶ 3–4.)
28

B. Specific Jurisdiction

Courts employ a three-part test to determine whether a defendant has sufficient contacts with the forum state to be subject to specific personal jurisdiction: (1) the non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof, (2) the claim must be one which arises out of or relates to the defendant's forum-related activities, and (3) the exercise of jurisdiction must comport with fair play and substantial justice. *See Picot v. Weston*, 780 F.3d 1206, 1211 (9th Cir. 2015). The plaintiff has the burden of proving the first two prongs. *See CollegeSource, Inc. v. AcademyOne, Inc.*, 653 F.3d 1066, 1076 (9th Cir. 2011). If the plaintiff carries that burden, "the burden shifts to the defendant to set forth a compelling case that the exercise of jurisdiction would not be reasonable." *Picot*, 780 F.3d at 1212.

"The first prong of the specific jurisdiction test refers to both purposeful direction and purposeful avilment." *Mavrix Photo Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1228 (9th Cir. 2011). In cases involving tortious conduct such as trademark infringement, courts typically employ the purposeful direction analysis. *See Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316, 1321 (9th Cir. 1998). In the Ninth Circuit, the purposeful direction analysis is governed by a three-part "effects test" derived from *Calder v. Jones*, 465 U.S. 783 (1984). *See Picot*, 780 F.3d at 1213–14. Under the effects test, "the defendant allegedly must have (1) committed an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum state." *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 803 (9th Cir. 2004) (quoting *Dole Food Co. v. Watts*, 303 F.3d 1104, 1111 (9th Cir. 2002)).

1 **1. Intentional Act**

2
3 It is clear from Plaintiff’s Complaint that Defendant is alleged to have committed
4 an intentional act. Plaintiff alleges that Defendant “unlawfully, willfully, and knowingly
5 used and continues to use the Detoxify Mark in interstate commerce for purposes of
6 selling products bearing the Detoxify Mark on the Amazon.com U.S. marketplace
7 without [Plaintiff’s] or Detoxify’s consent.” (Compl. ¶¶ 33, 50.) Defendant does not
8 argue that the alleged use of the Detoxify Mark was accidental or done by a third-party.
9 (*See generally* Opp.) Plaintiff’s Complaint therefore satisfies the first prong of the
10 *Calder* test. *See Mavrix Photo*, 647 F.3d at 1229 (“There is no question that [defendant]
11 acted intentionally reposting the allegedly infringing photos[.]”).

12 13 **2. Express Aiming**

14
15 Plaintiff “must also show that [Defendant] ‘expressly aimed’ its intentional act . . .
16 at California.” *Schwarzenegger*, 374 F.3d at 806. This inquiry “focus[es] . . . on
17 defendant’s intentional conduct that is aimed at, and creates the necessary contacts with,
18 the forum state.” *AMA Multimedia, LLC v. Wanat*, 970 F.3d 1201, 1209 (9th Cir. 2020).
19 While sales to a large state such as California are certainly a foreseeable result of selling
20 products online to a national marketplace, express aiming is not satisfied where the
21 defendant’s connection to the forum state is merely a foreseeable result of the defendant’s
22 conduct. *See id.* at 1210; *see also Axiom Foods, Inc. v. Acerchem Int’l*, 874 F.3d 1064,
23 1070 (9th Cir. 2017) (“The foreseeability of injury in a forum is not a sufficient
24 benchmark for exercising personal jurisdiction.” (cleaned up)).

25
26 Plaintiff alleges that “[Defendant] has expressly aimed its tortious activities
27 towards the State of California, purposefully availed itself of the privilege of doing
28 business in California, and engaged in significant contacts with California, including

1 significant and regular sales, shipments, and distribution of products bearing infringing
2 trademarks in California and to California residents.” (Compl. ¶ 3.) Specifically,
3 Plaintiff points to the following facts to support its argument: (1) Defendant intentionally
4 sold infringing products bearing the Detoxify Mark through its online storefront on the
5 Amazon Platform, (*see* Opp. at 7–8), (2) Plaintiff made “test buys,” i.e., it ordered and
6 received products with the Detoxify Mark from Defendant at Plaintiff’s California
7 address, (*id.* at 8), (3) the website connected to Defendant’s Amazon storefront includes
8 language “seek[ing] to comply with California’s privacy laws,” (*id.* at 9), and
9 (4) Plaintiff, from its location in California, experienced “loss of business, goodwill,
10 reputation, and profits,” (*id.* at 10).

11
12 First, Plaintiff’s argument that “Defendant has expressly aimed its conduct at
13 California – where [Plaintiff] conducts its business managing Detoxify’s brand, products,
14 and intellectual property rights – when Defendant intentionally sold infringing products
15 bearing the Detoxify Trademarks through its online storefront on the Amazon Platform,”
16 (Opp. at 7–8), is unavailing. Defendant’s online sales to a national marketplace do not
17 constitute the kind of California-focused conduct necessary to show express aiming. *See*
18 *Spy Optic, Inc. v. AreaTrend, LLC*, 843 F. App’x 66, 68 (9th Cir. 2021) (“Operating a
19 universally accessible website alone cannot satisfy the express aiming prong.”); *P & P*
20 *Imports LLC v. OJCommerce, LLC*, 2019 WL 8012690, at *2 (C.D. Cal. Oct. 4, 2019)
21 (“[M]arketing and selling to California residents through Defendants’ website or
22 Amazon.com is insufficient to establish personal jurisdiction.”); *Tart Optical Enters.,*
23 *LLC v. Light Co. Ltd.*, 2019 WL 9048862, at *13 (C.D. Cal. Aug. 7, 2019) (“[O]peration
24 of a general website selling goods throughout the United States is not sufficient to
25 establish purposeful direction.” (cleaned up); *Graco Minn. Inc. v. PF Brands, Inc.*, 2019
26 WL 1746580, at *4 (S.D. Cal. April 17, 2019) (“District courts have declined to find
27 express aiming based on alleged sales of products that infringe intellectual property rights
28

1 through commercial, interactive websites accessible to California consumers.” (cleaned
2 up)).²

3
4 Second, while Plaintiff avers that it purchased infringing products from Defendant
5 and had the items shipped to California, (see Dkt. 16-1 [Declaration of Amy Belanger,
6 hereinafter “Belanger Decl.”] ¶¶ 10–18), “a plaintiff cannot manufacture personal
7 jurisdiction in a trademark case by purchasing the accused product in the forum state.”
8 *Am. DJ Supply Inc. v. Am. Pro Int’l Corp.*, 2013 WL 12123768, *4 (C.D. Cal. 2013); see
9 *Theos Med. Sys., Inc. v. Nytone Med. Prod., Inc.*, 2020 WL 500511, at *6 (N.D. Cal. Jan.
10 31, 2020) (“[A] plaintiff cannot manufacture personal jurisdiction in a case by making
11 such purchases in the forum state.”); *Adobe Sys., Inc. v. Nwubah*, 2019 WL 6611096, at
12 *7 (N.D. Cal. Dec. 5, 2019) (stating that such “‘evidentiary buys’ . . . are simply the kind
13 of ‘random, fortuitous, [] attenuated contacts that depend on Plaintiff’s contacts with the
14 forum, not the contacts of Defendant’”); *Clarus Transphase Scientific, Inc. v. Q-Ray, Inc.*,
15 2006 WL 2374738, at *3 n.3 (N.D. Cal. Aug. 16, 2006) (“A plaintiff cannot manufacture
16 personal jurisdiction in a trademark case by purchasing the accused product in the forum
17 state.”); *MGA Ent., Inc. v. Cabo Concepts Ltd.*, 2021 WL 4733784, *4 (C.D. Cal. 2021)
18 (finding insufficient to show express aiming plaintiff’s allegation that “California
19 residents could and did purchase [the infringing] products from [defendant]’s website or
20

21 ² Prior to the Supreme Court’s holding in *Walden v. Fiore*, 571 U.S. 1115 (2014), the Ninth Circuit held
22 that a theory of “individualized targeting” was sufficient to satisfy the express aiming requirement.
23 *Wash. Shoe Co. v. A-Z Sporting Goods, Inc.*, 704 F.3d 668, 675 (9th Cir. 2012). But in *Walden*, the
24 Supreme Court held that “[a] forum State’s exercise of jurisdiction over an out-of-state intentional
25 tortfeasor must be based on intentional conduct by the defendant that creates the necessary contacts with
26 the forum.” *Walden*, 571 U.S. at 286. The Ninth Circuit has since stated that “[f]ollowing *Walden*, we
27 now hold while a theory of individualized targeting may remain relevant to the minimum contacts
28 inquiry, it will not, on its own, support the exercise of specific jurisdiction, absent compliance with what
Walden requires.” *Axiom Foods*, 874 F.3d at 1069. After *Walden*, courts “must look to the defendant’s
‘own contacts’ with the forum, not to the defendant’s knowledge of a plaintiff’s connections to a
forum.” *Id.* at 1070. Therefore, Plaintiff’s “ability to demonstrate that Defendant[] knew [Plaintiff’s]
principal place of business was in California and continued to infringe upon [Plaintiff’s] mark cannot
alone establish personal jurisdiction or satisfy the expressly aiming prong.” *Entrepreneur Media, Inc. v.*
Rugged Entrepreneur, 2021 WL 4497891, at *4–5 (C.D. Cal. July 14, 2021).

1 sites linked to it” with “shipping to California readily available as evidenced by
2 plaintiff’s counsel’s purchase of [the infringing] products,” because such conduct failed
3 to show “that [defendant] had a [California]-specific focus and that it chose to target
4 California”).

5
6 Third, Plaintiff’s argument that “Defendant’s inclusion of California’s privacy
7 laws” on its website establishes personal jurisdiction because it “demonstrates that
8 Defendant knew conducting business with California could subject it to liability under
9 state law,” (Opp. at 9), is without merit. It is true that under the “Using Personal
10 Information” heading on the Privacy Policy page of Defendant’s website, there is a
11 section addressing the California Consumer Privacy Act (CCPA). (*See* Belanger Decl.
12 Ex. I.) But including potentially applicable privacy laws on its website does not
13 necessarily show that a defendant expressly aimed its sales at a particular state. *See*
14 *Voodoo SAS v. SayGames LLC*, 2020 WL 3791657, at *5 (N.D. Cal. July 7, 2020)
15 (finding that inclusion in privacy policy of section addressing the CCPA “show[ed] that
16 SayGames knew *Jelly Shift* might be purchased by California residents,” but “d[id] not
17 indicate that SayGames specifically aimed *Jelly Shift* at California residents.”); *Will Co.*
18 *v. Does 1-20*, 2022 WL 18878042, at *4 (W.D. Wash. Dec. 19, 2022) (“References to
19 United States’ laws in JuicyAds’ terms of service agreement is not sufficient to show
20 Defendants’ intentional actions were expressly aimed at this forum.”); *Will Co. v. Lee*, 47
21 F.4th 917, 926 (9th Cir. 2022) (“[I]t would be insufficient for Defendants to have simply
22 anticipated people from the United States might access ThisAV.com and to have set up
23 pages to make sure they could do so lawfully.”). In short, the Court is not persuaded that
24 the reference to the CCPA in Defendant’s privacy policy demonstrates express aiming at
25 California.

26
27 Fourth, while the fact that Plaintiff is located in California and experienced the
28 harm there “may have been adequate to establish individual targeting and therefore

1 express aiming prior to *Walden*, these allegations—which focus on Plaintiff’s, rather
2 than . . . Defendant[’s], contacts with California—are inadequate, standing on their own,
3 to establish the second minimum contacts requirement.” *Talavera Hair Prod., Inc. v.*
4 *Taizhou Yunsung Elec. Appliance Co.*, 2021 WL 3493094, at *8 (S.D. Cal. Aug. 6,
5 2021); *see Walden*, 571 U.S. at 290 (“The proper question is not where the plaintiff
6 experienced a particular injury or effect, but whether the defendant’s conduct connects
7 him to the forum in a meaningful way.”); *Theos Med. Sys.*, 2020 WL 500511, at *7
8 (“[I]nfringement of a plaintiff’s intellectual property rights with knowledge that
9 plaintiff’s operations are based in the forum and that the harm will be felt there, is
10 insufficient to establish personal jurisdiction without a further showing that the defendant
11 otherwise expressly aimed its activities at the forum.”); *Kellytoy Worldwide, Inc. v. Jay at*
12 *Play Int’l Hong Kong Ltd.*, 2019 WL 8064196, at *5 (C.D. Cal. Dec. 5, 2019) (“[The
13 defendant’s] purported knowledge of Plaintiff’s California connections cannot establish
14 jurisdiction. The mere assertion that an alleged injury will be felt in California is
15 insufficient post-*Walden*.”).

16
17 Plaintiff also discusses at some length the fact that Defendant utilizes Amazon’s
18 fulfillment service, which means Defendant sends its products to Amazon’s fulfillment
19 centers for storage and eventual package and shipment to end consumers. (*See Opp.* at
20 9.) In other words, Amazon is the entity that ultimately fulfills customer orders and
21 ships the necessary products—not Defendant. Plaintiff argues that “Defendant’s
22 conduct demonstrates a willingness to ship the alleged products bearing the Detoxify
23 Trademarks to California, and Defendant has established the capacity to do so by
24 utilizing Amazon’s fulfillment services.” (*Id.*) But the fact that Defendant had the
25 “willingness” and “capacity” to send products to any state in the country—including
26 California—via Amazon’s fulfillment service, (*id.*), does not show that Defendant
27 expressly aimed any conduct at California specifically. *Cf. Lanard Toys Ltd. v. Toys 2*
28 *Discover Inc.*, 2022 WL 2155976, at *3 (C.D. Cal. Jan. 11, 2022) (explaining that use of

1 “fulfilled by Amazon” service “largely removes Defendant from the transaction process”
 2 and thus “the Defendant here is not ‘actively’ conducting transactions with California
 3 residents”); *Pado, Inc. v. SG Trademark Holding Co. LLC*, 2020 WL 1445720, at *4
 4 (C.D. Cal. Mar. 24, 2020) (finding no express aiming where defendants used Amazon
 5 fulfillment service because plaintiff “ha[d] not presented any allegations or evidence that
 6 Defendants . . . played an active role in completing any transactions in California”).

7
 8 In sum, Plaintiff has not established that there is either general or specific
 9 jurisdiction over Defendant in California. Plaintiff has not shown that Defendant has
 10 “continuous and systematic general business contacts,” *Helicopteros*, 466 U.S. at 416,
 11 such that it can be sued there for any act it has committed anywhere in the world. And
 12 while Plaintiff has made out a prima facie case that Defendant committed intentional
 13 acts that may have caused harm to Plaintiff in California, it has not made a prima facie
 14 case that Defendant expressly aimed those acts at California.³ Because Plaintiff has not
 15 satisfied all three parts of the *Calder* effects test, it has not shown that Defendant
 16 purposefully directed its conduct at California.⁴

17 18 **C. Jurisdictional Discovery**

19
 20 In lieu of granting Defendant’s motion, Plaintiff requests that the Court allow it to
 21 conduct “limited jurisdictional discovery in order to resolve the factual disputes bearing
 22 on the question of jurisdiction.” (Opp. at 13.) But “[i]n order to obtain discovery on
 23 jurisdictional facts, the plaintiff must at least make a ‘colorable’ showing that the Court
 24

25 ³ Because Plaintiff “has failed to sustain [its] burden with respect to the second part of the *Calder* effects
 26 test, [the Court] need not . . . reach the third part of the test.” *Schwarzenegger*, 374 F.3d at 807 n. 1.

27 ⁴ Similarly, because Plaintiff has failed to make even a prima facie showing of the first prong of the
 28 specific jurisdiction test, the Court need not analyze the second and third prongs of the test. *See*
CollegeSource, 653 F.3d at 1076 (explaining that the plaintiff has the burden to prove the first two
 prongs of the Ninth Circuit’s three-part personal jurisdiction test).

1 can exercise personal jurisdiction over the defendant.” *Mitan v. Feeney*, 497 F. Supp. 2d
2 1113, 1119 (C.D. Cal. 2007) (quoting *Central States, S.E. & S.W. Areas Pension Fund v.*
3 *Reimer Express World Corp.*, 230 F.3d 934, 946 (7th Cir. 2000)). A colorable showing
4 “should be understood as something less than a prima facie showing, and could be
5 equated as requiring the plaintiff to come forward with ‘some evidence’ tending to
6 establish personal jurisdiction over the defendant.” *Id.* (citing *eMag Sols., LLC v. Toda*
7 *Kogyo Corp.*, 2006 WL 3783548, at *2 (N.D. Cal. Dec. 21, 2006)); *see also Orchid*
8 *Biosciences, Inc. v. St. Louis Univ.*, 198 F.R.D. 670, 672–73 (S.D. Cal. 2001) (“It
9 would . . . be counterintuitive to require a plaintiff, prior to conducting discovery, to meet
10 the same burden that would be required to defeat a motion to dismiss.”).

11
12 Here, Plaintiff does not explain what discovery it seeks. In fact, it states nothing
13 more than that “[h]ere, if the Court is inclined to grant the Motion, [Plaintiff] requests
14 that it be allowed to conduct limited jurisdictional discovery in order to resolve the
15 factual disputes bearing on the question of jurisdiction.” (Opp. at 13.) This is
16 insufficient to warrant jurisdictional discovery. *See Martinez v. Manheim Cent. Cal.*,
17 2011 WL 1466684, *5 (E.D. Cal. Apr. 18, 2011) (declining jurisdictional discovery “in
18 the absence of a minimal factual showing supporting personal jurisdiction and, moreover,
19 where no theory has been posited about what facts would be discovered and what they
20 would show if Plaintiffs were permitted to fish on a hunch that something might be
21 caught in a widely-cast net.”); *Getz v. Boeing Co.*, 654 F.3d 852, 860 (9th Cir. 2011)
22 (upholding the denial of jurisdictional discovery where plaintiffs’ allegations of
23 jurisdictional contacts were “purely speculative,” and plaintiffs failed to identify any
24 “specific facts, transactions, or conduct” that might support the exercise of personal
25 jurisdiction); *Mackovich v. U.S. Gov’t*, 2008 WL 2053978, *1 (E.D. Cal. May 13, 2008)
26 (denying discovery where plaintiff made “no showing that if further discovery were
27 allowed, the outcome of the motion to dismiss would be affected” (citing *Laub v. U.S.*
28

1 *Dep't of the Interior*, 342 F.3d 1080, 1093 (9th Cir.2003)).

2

3 **IV. CONCLUSION**

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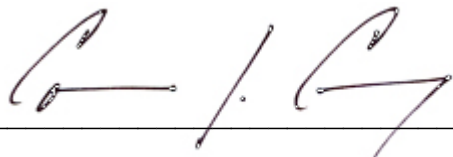
5 For the foregoing reasons, Defendant's motion to dismiss is **GRANTED**.

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8 DATED: May 2, 2023

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11 _____
12 CORMAC J. CARNEY
13 UNITED STATES DISTRICT JUDGE

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