

SEP 21 2012

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

****NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

METHWOLD INTERNATIONAL
FINANCE COMPANY,

Plaintiff - Appellee,

v.

R. CHRISTOPHER MANFREDONIA;
CARL WINTERS; MCNEAL, INC.;
MIKE MCNEAL; CAMERON
WINTERS; JOHN AVERY; WALTER S.
MESCH; MINDY IRIS; DOP, INC.,

Defendants - Appellants,

and

KARIS ANGELIA MANAGEMENT,
INC.; RUSSEL AKINS; TARYN
AZELSKI; KEVIN BAKER; DENNIS
BINKLEY; LEE BRAUN; KEVIN S.
BRYDEN; ROBERT BRYDEN; KEVIN
BUSCHER; CRD TECHNOLOGIES,
INC.; SUSAN E. CHAMP; DORTHEA
CHILD; KAREN CHRISTENSEN;
STEVEN CHRISTENSEN; JAMES
COOPER; D&T INVESTMENTS; LEWIS
DAWLEY; CHUCK DAY; RICHARD

No. 10-16208

D.C. No. 2:09-cv-00064-LDG-
PAL

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

DUBOIS; JOEL EDWARDS; ANGELA FARLEY; FARMERS & MERCHANTS BANK; GARLAND RAY FITE; WILLIAM FOREMAN; ARNOLD FRIESEN; CLAUDIA FURLOW; AMY GAFNEY; ROBERT GAFNEY; MEREDITH GIAMBATTISTA; PAULETTE GIAMBATTISTA; GOLDFINGER COIN AND BULLION, INC.; CHRISTOPHER R. HALL; MICHAEL HINSON; KEITH B. HONEYCUTT; INWEST TITLE SERVICES; JITE HOLDINGS PTY. LTD.; MARK JOHNSON, Assistant Federal Public Defender; KELLY LEHTO; ADRIANE N. MARTIN; DEANNA MARTIN; DENNIS V. MARTIN; RICHARD C. MOELLER; ALEXANDER MONCADA; MICHAEL MORRIS; RUSSELL MORRIS; BESSIE MORROW; GALEN NELSON; STEVE NYGREN; MIKE ONIONS; SINDA M. ONIONS; MORGAN PAVON; BROOKE PETERSON; TROY PETERSON; JASON M. PORCELLI; RD SOLUTIONS; LARRY ROBERTS; RANDALL RODDY; KEN ROWEN; WILLIAM R. SANDERLIN; BILL SHAFFER; BARRY SULLIVAN; THE BULLION EXCHANGE; THE CLOTTEY GROUP, INC.; THE DENT GUYS, LLC; TERRY G. VAN HILSEN; CHARLES WAGES; DYLAN WAGES; JEANETTE WAGES; BRADLEY R. WILLIAMS; DAVID R. WILLIAMS; SCOTT WOLT,

Defendants,

ARTHUR B. KESTER,

Respondent-intervenor,

BELINDA BARON; JOSEPH W.
HANDLEY; DAVID ELIZONDO;
CLARK MCKAY; DAVID SHOCKLEY,

Real-party-in-interest.

METHWOLD INTERNATIONAL
FINANCE COMPANY,

Plaintiff - Appellee,

v.

KARIS ANGELIA MANAGEMENT,
INC.; R. CHRISTOPHER
MANFREDONIA; CARL WINTERS;
MCNEAL, INC.; MIKE MCNEAL;
CAMERON WINTERS; JOHN AVERY;
WALTER S. MESCH; MINDY IRIS;
DOP, INC.; RUSSEL AKINS; TARYN
AZELSKI; KEVIN BAKER; DENNIS
BINKLEY; LEE BRAUN; KEVIN S.
BRYDEN; ROBERT BRYDEN; KEVIN
BUSCHER; CRD TECHNOLOGIES,
INC.; SUSAN E. CHAMP; DORTHEA
CHILD; KAREN CHRISTENSEN;
JAMES COOPER; D&T
INVESTMENTS; LEWIS DAWLEY;
CHUCK DAY; RICHARD DUBOIS;
JOEL EDWARDS; ANGELA FARLEY;
FARMERS & MERCHANTS BANK;

No. 10-16330

D.C. No. 2:09-cv-00064-LDG-
PAL

GARLAND RAY FITE; WILLIAM FOREMAN; ARNOLD FRIESEN; CLAUDIA FURLOW; AMY GAFNEY; ROBERT GAFNEY; MEREDITH GIAMBATTISTA; PAULETTE GIAMBATTISTA; GOLDFINGER COIN AND BULLION, INC.; CHRISTOPHER R. HALL; MICHAEL HINSON; KEITH B. HONEYCUTT; INWEST TITLE SERVICES; JITE HOLDINGS PTY. LTD.; MARK JOHNSON, Assistant Federal Public Defender; KELLY LEHTO; ADRIANE N. MARTIN; DEANNA MARTIN; DENNIS V. MARTIN; RICHARD C. MOELLER; ALEXANDER MONCADA; MICHAEL MORRIS; RUSSELL MORRIS; BESSIE MORROW; GALEN NELSON; STEVE NYGREN; MIKE ONIONS; SINDA M. ONIONS; MORGAN PAVON; BROOKE PETERSON; TROY PETERSON; JASON M. PORCELLI; RD SOLUTIONS; LARRY ROBERTS; RANDALL RODDY; KEN ROWEN; WILLIAM R. SANDERLIN; BILL SHAFFER; BARRY SULLIVAN; THE BULLION EXCHANGE; THE CLOTTEY GROUP, INC.; THE DENT GUYS, LLC; TERRY G. VAN HILSEN; CHARLES WAGES; DYLAN WAGES; JEANETTE WAGES; BRADLEY R. WILLIAMS; DAVID R. WILLIAMS; SCOTT WOLT,

Defendants,

ARTHUR B. KESTER,

Respondent-intervenor,

JOSEPH W. HANDLEY; BELINDA
BARON; CLARK MCKAY; DAVID
SHOCKLEY; DAVID ELIZONDO,

Real-party-in-interest,

and

STEVEN CHRISTENSEN,

Defendant - Appellant.

Appeal from the United States District Court
for the District of Nevada
Lloyd D. George, Senior District Judge, Presiding

Argued and Submitted September 11, 2012
Las Vegas, Nevada

Before: ARNOLD, RAWLINSON, and BYBEE, Circuit Judges.

Appellants, defendant-claimants below, appeal from the district court's dismissal for lack of subject matter jurisdiction in a 28 U.S.C. § 1335 interpleader action brought by Methwold International Finance Company. The facts of this case

** The Honorable Morris S. Arnold, Senior Circuit Judge for the Eighth Circuit, sitting by designation.

are known to the parties. We have jurisdiction under 28 U.S.C. § 1291, but we dismiss because appellants lack standing on appeal.

A party appealing a judgment must be able to satisfy the constitutional requirements for standing. *Knisley v. Network Assocs., Inc.*, 312 F.3d 1123, 1126 (9th Cir. 2002). Constitutional standing requires that an appellant show that it is “likely, and not merely speculative, that a favorable decision will provide redress.” *Id.* (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

Although we are sympathetic to the appellants’ predicament in this case, and understand the difficulties associated with bringing a separate suit against Methwold because it is a foreign company,¹ a favorable decision would not provide any redress for the appellants’ alleged injuries. There are no funds to distribute because the proposed interpleader fund was not deposited with the district court. Methwold is also unlikely to bring another motion to deposit funds or respond to

¹ Though we also decline to decide the issue, dicta in a prior decision suggests that Nevada may have personal jurisdiction over Methwold as a result of Methwold bringing an interpleader action in this case. *See Dow Chem. Co. v. Calderon*, 422 F.3d 827, 834 (9th Cir. 2005) (quoting *Gen. Contracting & Trading Co. v. Interpole, Inc.*, 940 F.2d 20, 22 (1st Cir. 1991) (citations omitted)) (“assum[ing] without deciding” that we would apply a First Circuit case holding that “personal jurisdiction exists where a defendant also independently seeks *affirmative* relief in a separate action before the same court concerning the same transaction or occurrence” whether the action “take[s] place prior to the suit’s institution, or at the time suit is brought, or after suit has started”).

any further proceedings. Methwold failed to respond to the district court's order below demanding that Methwold show cause as to why the case should not be dismissed for lack of jurisdiction, and it has not responded to this appeal. Indeed, Methwold's counsel have withdrawn from the case. It is not within our power to force Methwold back into court, and any argument that Methwold might voluntarily return is speculative at best. Thus, because there is no redress available for appellants' alleged injuries, they lack standing on appeal.

DISMISSED.