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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HAVENSIGHT CAPITAL LLC, a	)	Case No. CV 15-01206 DDP (FFMx)
USVI Limited Liability	)	
Corporation,	)	<b>ORDER TO SHOW CAUSE WHY CASE</b>
	)	<b>SHOULD NOT BE DISMISSED FOR LACK</b>
Plaintiff,	)	<b>OF JURISDICTION AND/OR IMPROPER</b>
	)	<b>VENUE</b>
v.	)	
	)	
THE PEOPLE'S REPUBLIC OF	)	
CHINA,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff's Complaint asserts several causes of action against the People's Republic of China ("PRC"). PRC is a foreign state within the meaning of 28 U.S.C. § 1603. As a general matter, foreign states are immune from suit, 28 U.S.C. § 1604, except for certain exceptions defined at 28 U.S.C. § 1605. This Court has jurisdiction over suits against a foreign state only to the extent that some exception under § 1605 applies. 28 U.S.C. § 1330. The Court therefore orders Plaintiff to show cause why this suit should not be dismissed for lack of jurisdiction over the foreign state defendant.

1           Additionally, under 28 U.S.C. § 1391(f), the appropriate venue  
2 for a civil action against a foreign state is:

3           (1) in any judicial district in which a substantial part of  
4 the events or omissions giving rise to the claim occurred, or  
5 a substantial part of property that is the subject of the  
6 action is situated;

7           (2) in any judicial district in which the vessel or cargo of a  
8 foreign state is situated, if the claim is asserted under  
9 section 1605(b) of this title;

10           (3) in any judicial district in which the agency or  
11 instrumentality is licensed to do business or is doing  
12 business, if the action is brought against an agency or  
13 instrumentality of a foreign state as defined in section  
14 1603(b) of this title; or

15           (4) in the United States District Court for the District of  
16 Columbia if the action is brought against a foreign state or  
17 political subdivision thereof.

18 Plaintiff's complaint alleges that "[v]enue is proper pursuant to  
19 28 U.S.C § 1603(b)," thus apparently invoking § 1391(f)(3).

20 (Compl. at 2.) But § 1391(f)(3), as can be seen above, applies  
21 only to actions brought against *an agency or instrumentality* of a  
22 foreign state, not actions brought against a foreign state itself.

23 The Court therefore orders Plaintiff to show cause why this case  
24 should not be dismissed for improper venue.

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1 Plaintiff shall file a response no later than seven (7) days  
2 from the date of this order. Failure to respond may result in  
3 dismissal of the complaint.

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6 IT IS SO ORDERED.

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9 Dated: April 27, 2015



DEAN D. PREGERSON  
United States District Judge

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