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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MOISES AYUNAN,	)	CV 15-9355-RSWL-PLAx
	)	
Plaintiff,	)	
	)	<b>ORDER</b> re: Defendants'
v.	)	Motion to Dismiss for
	)	Lack of Personal
TONY TAN CAKTIONG; GRACE A.	)	Jurisdiction and
TAN CAKTIONG; JOLLIBEE	)	Insufficient Service of
FOODS CORPORATION (USA);	)	Process [6]
and DOES 1 through 50,	)	
	)	
Defendants.	)	
	)	

Currently before the Court is Defendants Tony Tan Caktiong ("Mr. Caktiong"), Grace A. Tan Caktiong ("Mrs. Caktiong") (collectively, the "Caktiong's"), and Jollibee Foods Corporation (USA)'s ("JFC USA") (collectively "Defendants") Motion to Dismiss for Lack of Personal Jurisdiction and Insufficient Service of Process [6] ("Motion"). Having reviewed all papers submitted pertaining to this Motion, the Court **NOW FINDS AND RULES AS FOLLOWS:** the Court **GRANTS**

1 Defendants' Motion and **DISMISSES** Plaintiff's claims.<sup>1</sup>

2 **I. BACKGROUND**

3 **A. Factual Background**

4 Plaintiff is an individual residing in Los Angeles,  
5 California. Compl. ¶ 2.

6 Plaintiff alleges that Defendants Mr. and Mrs.  
7 Caktiong are also individuals residing in Los Angeles,  
8 California.<sup>2</sup> Id. at ¶ 3. Plaintiff alleges that  
9 Defendant JFC USA is a corporation doing business in  
10 Los Angeles, California.<sup>3</sup> Id. at ¶ 4.

11 Plaintiff alleges that in October 1975, Mr. and  
12 Mrs. Caktiong sought Plaintiff's advice "on how to  
13 establish a better and more profitable eatery business,  
14

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15 <sup>1</sup> The Court also finds that Plaintiff did not properly serve  
16 the individual Caktiong Defendants or JFC USA pursuant to Federal  
17 Rule of Civil Procedure 4(e). Plaintiff argues that he served  
18 all three Defendants by serving Gilbert E. Paderogo ("Paderogo"),  
19 the Human Resources Manager at JFC USA. Plaintiff asserts that  
20 Paderogo accepted service on behalf of Maria Theresa Chua  
21 ("Chua"), the "'Agent for Service of Process' for JFC USA and its  
22 Officers." See Decl. Of Nathan V. Hoffman ¶ 2, ECF No. 9-1.  
23 However, Defendant provides the Declaration of Gilbert E.  
24 Paderogo ("Paderogo Declaration"), in which Paderogo declares  
25 "[a]t no time have I been authorized to accept service of process  
26 on behalf of Mr. and Mrs. Caktiong." Paderogo Decl. ¶ 3, ECF No.  
27 18-1. Paderogo also states in his Declaration that he is "not  
28 the authorized agent for service of process for defendant JFC  
USA." Id. Plaintiff's service was not proper because Paderogo  
is not an agent authorized by appointment or law to receive  
service of process on behalf of Defendants. See Fed. R. Civ. P.  
4(e); 4(h)(1).

25 <sup>2</sup> Defendants argue that Mr. and Mrs. Caktiong "are residents  
26 of and citizens of the Philippines." Decl. of Valerie Feria  
Amante ("Amante Decl.") ¶ 4, ECF No. 6-1.

27 <sup>3</sup> Defendants argue that JFC USA is a Nevada corporation with  
28 its principal place of business in Reno, Nevada. Amante Decl. ¶  
3.

1 having heard of [Plaintiff's] long experience as a  
2 manager of a local hamburger chain." Id. at ¶ 7.  
3 Plaintiff alleges that he was promised an ownership  
4 interest and dividends in the new venture in return for  
5 providing to Defendants "the fast food concept he was  
6 envisioning as a future for himself." Id. at ¶ 8.  
7 Plaintiff alleges that part of this concept was "a  
8 specialized juicy hamburger with 'distinct Filipino  
9 taste,'" which Plaintiff developed. Id. at ¶¶ 8-9.

10 Plaintiff alleges that "with the advice and  
11 industry of Plaintiff," the Caktiong's have "seen the  
12 rise of their business empire to become the No. 1 fast  
13 food chain in Asia . . . that eventually evolved [into]  
14 . . . what is now known as Jollibee Foods Corporation."  
15 Id. at ¶ 16. Plaintiff alleges that "without the fast  
16 food concept provided by [Plaintiff], [the Caktiong's]  
17 would not be dollar multi-billionaires." Id. at ¶ 16.

18 Plaintiff alleges that he and Mr. and Mrs. Caktiong  
19 "commenced their joint venture and partnership with  
20 each having a one-third ownership interest," and  
21 Plaintiff agreed to accept 2.5% of the gross sales of  
22 hamburgers for all outlets, whether company-owned or  
23 franchised, against his share of partnership profits.  
24 Id. at ¶ 10.

25 Plaintiff alleges that the Caktiong's subsequently  
26 formed the corporation Jollibee Foods Corporation in  
27 their role as partners and on behalf of the  
28 Partnership. Id. at ¶ 20. Plaintiff alleges that JFC

1 USA assumed the operation and control of the  
2 Partnership business and assets. Id. at ¶ 20.  
3 Plaintiff alleges that JFC USA continues to use his  
4 hamburger recipe and concept, and that JFC USA  
5 operations and assets are derived from and remain  
6 Partnership business and assets. Id. at ¶ 20.  
7 Plaintiff also alleges that the Partnership received  
8 stock in JFC USA, which was taken on behalf of the  
9 Partnership by Mr. and Mrs. Caktiong. Id.

10 Plaintiff alleges that his "role in the  
11 establishment and growth of Jollibee Foods Corporation  
12 constitutes a contribution to the partnership," but "it  
13 never became clear to Plaintiff that the money,  
14 received by him on a non-regular basis, actually  
15 represented 2.5% of the monthly hamburger sales"  
16 "because there was never an accounting." Id. at ¶ 17.

#### 17 **B. Procedural Background**

18 On November 3, 2015, Plaintiff filed his Complaint  
19 [1] against Defendants in California Superior Court,  
20 alleging claims for (1) dissolution of partnership, (2)  
21 accounting, (3) imposition of constructive trust, and  
22 (4) declaratory relief. On December 30, 2015,  
23 Defendants removed the Action to the Central District  
24 of California [1].

25 The instant Motion was filed on December 10, 2015  
26 [6]. Finding the Motion to be suitable for decision  
27 without oral argument, the Court took the motion under  
28 submission on January 11, 2016 [24].



1 long-arm statute and if the exercise of that  
2 jurisdiction does not violate federal due process."  
3 Pebble Beach, 453 F.3d at 1154-55. California  
4 authorizes jurisdiction in the full extent permitted by  
5 the Constitution. See Cal. Code Civ. Proc. § 410.  
6 Therefore, the only question the Court must ask is  
7 whether the exercise of jurisdiction over defendants  
8 would be consistent with due process. Harris Rutsky &  
9 Co. Ins. Servs., Inc. v. Bell & Clements Ltd., 328 F.3d  
10 1122, 1129 (9th Cir. 2003).

11 Due process requires that a defendant must have  
12 such "minimum contacts" with the forum state that  
13 "maintenance of the suit does not offend traditional  
14 notions of fair play and substantial justice." Int'l  
15 Shoe Co. v. Washington, 326 U.S. 310, 316 (1945). The  
16 minimum contacts required mean that the defendant must  
17 have purposefully availed itself of the privilege of  
18 conducting activities within the foreign jurisdiction,  
19 thereby invoking the benefits and protections of the  
20 foreign jurisdiction's laws. See Asahi Metal Indus.  
21 Co. v. Sup. Ct. of Cal., 480 U.S. 102, 109 (1987).

22 There are two recognized bases for exercising  
23 jurisdiction over a nonresident defendant: (1) "general  
24 jurisdiction," which arises where defendant's  
25 activities in the forum are sufficiently "substantial"  
26 or "continuous and systematic" to justify the exercise  
27 of jurisdiction over him in all matters; and (2)  
28 "specific jurisdiction," which arises when a

1 defendant's specific contacts with the forum give rise  
2 to the claim in question. Helicopteros Nacionales de  
3 Colombia, S.A. v. Hall, 466 U.S. 408, 414-16 (1984);  
4 Doe v. Am. Nat'l Red Cross, 112 F.3d 1048, 1050-51 (9th  
5 Cir. 1997).

6 **B. Discussion**

7 1. Personal Jurisdiction Over the Caktiong's

8 a. *General Personal Jurisdiction*

9 "General jurisdiction" arises where the defendant's  
10 activities in the forum are sufficiently "substantial"  
11 or "continuous and systematic" to justify the exercise  
12 of jurisdiction over him in all matters. Helicopteros,  
13 466 U.S. at 414-16; Red Cross, 112 F.3d at 1050-51.

14 "For an individual, the paradigm forum for the exercise  
15 of general jurisdiction is the individual's domicile."  
16 Daimler AG v. Bauman, 134 S. Ct. 746, 761 (2014).

17 To satisfy his burden, Plaintiff can rely on  
18 uncontroverted allegations in the Complaint.  
19 Barantsevich, 954 F. Supp. 2d at 982. However, if  
20 Defendants adduce evidence controverting the  
21 allegations, Plaintiff must "come forward with facts,  
22 by affidavit or otherwise, supporting personal  
23 jurisdiction." Id. The Ninth Circuit has noted, "mere  
24 allegations of the complaint, when contradicted by  
25 affidavits, are [not] enough to confer personal  
26 jurisdiction over a nonresident defendant," and in such  
27 a case, "facts, not mere allegations, must be the  
28 touchstone." Taylor v. Portland Paramount Corp., 383

1 F.2d 634, 639 (9th Cir. 1967). Conflicts between the  
2 parties over statements contained in affidavits or  
3 declarations must be resolved in plaintiff's favor.  
4 Schwarzenegger, 374 F.3d at 800; Love v. Associated  
5 Newspapers, Ltd., 611 F.3d 601, 608 (9th Cir. 2010).  
6 "At the same time, however, the plaintiff must submit  
7 admissible<sup>4</sup> evidence in support of its prima facie  
8 case." Am. Inst. of Intradermal Cosmetics, Inc. v.  
9 Soc'y of Permanent Cosmetic Prof'ls, No. CV 12-06887  
10 GAF (JCGx), 2013 WL 1685558, at \*4 (C.D. Cal. Apr. 16,  
11 2013).

12 Here, Plaintiff's Complaint alleges that Mr. and  
13 Mrs. Caktiong are individuals "residing in the County  
14 of Los Angeles, State of California." Compl. ¶ 3.

15 Defendants controvert this allegation with the  
16 Amante Declaration, in which Amante avers that, based  
17 on her personal knowledge as Vice President and Head of  
18 Corporate Legal at JFC Philippines, "Mr. Caktiong and  
19 his wife Grace A. Tan Caktiong are residents of and  
20 citizens of the Philippines."<sup>5</sup> Amante Decl. ¶ 4.

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21  
22 <sup>4</sup> Under Federal Rule of Evidence 602, a witness may testify  
23 to a matter only if evidence is introduced that is sufficient to  
24 support a finding that the witness has personal knowledge of the  
25 matter. Fed. R. Evid. 602. Under Federal Rule of Evidence 802,  
26 hearsay is inadmissible absent an exception. Fed. R. Evid. 802.  
27 Hearsay is defined as statement that the declarant does not make  
28 while testifying at the current trial or hearing, which is  
offered to prove the truth of the matter asserted in the  
statement. Fed. R. Evid. 801.

<sup>5</sup> The Court **OVERRULES** Plaintiff's evidentiary objection to  
this statement in the Amante Declaration as lacking foundation.  
See Fed. R. Evid. 602. Amante's testimony that she has personal



1 In response, Plaintiff argues that Mr. and Mrs.  
2 Caktiong have substantial and continuous contacts to  
3 establish general personal jurisdiction in California,  
4 as evidenced by the fact that they (1) maintain a  
5 residence in La Puente, California;<sup>6</sup> (2) have a daughter  
6 domiciled in California; (3) have a sister that  
7 purchases property in California in her name, but on  
8 their behalf;<sup>7</sup> and (4) is "regularly seen in California

9 \_\_\_\_\_  
10 knowledge as Vice President and Head of Corporate Legal at JFC in  
11 the Philippines is sufficient to establish her personal  
12 knowledge. See id.

13 <sup>6</sup> Plaintiff does not provide admissible evidence in support  
14 of this allegation. Plaintiff produces two declarations of  
15 Nathan V. Hoffman ("Hoffman Declaration" and "Supplemental  
16 Hoffman Declaration"), to which Hoffman attaches a link to two  
17 webpages to support the alleged "substantial contacts" of Mr. and  
18 Mrs. Caktiong. See Hoffman Decl. ¶ 4, ECF No. 9-1. The first  
19 webpage states that Tony Tan Caktiong "has lived" at a California  
20 address in La Puente, California. See id., Ex. 1. The second  
21 webpage provides an additional address in Los Angeles, California  
22 in the "Address & Phone History" section of the page. Suppl.  
23 Hoffman Decl. ¶ 4, Ex. 3, ECF No. 10. Hoffman's Declarations  
24 concerning the California address history of "Tony Tan Caktiong"  
25 do not concern Mrs. Caktiong, and cannot be used to support  
26 personal jurisdiction over her. Additionally, the statements in  
27 the Hoffman Declarations are inadmissible under Federal Rule of  
28 Evidence 602 for lack of foundation. Hoffman does not develop  
how he has personal knowledge that Mr. Caktiong "maintains a  
residence" in Los Angeles and La Puente, California. Hoffman's  
only bases for his assertions are the webpages, which are  
inadmissible hearsay bearing no circumstantial indicia of  
reliability. See Akro Corp. v. Luker, 45 F.3d 1541, 1546-47  
(Fed. Cir. 1995) (citing Beverly Hills Fan v. Royal Sovereign  
Corp., 21 F.3d 1558, 1562 (Fed. Cir. 1994)) (hearsay may be  
considered for purposes of determining personal jurisdiction,  
provided it bears circumstantial indicia of reliability).

29 <sup>7</sup> Plaintiff provides the Declaration of Moises Ayunan  
30 ("Ayunan Declaration"), in which Ayunan declares that Mr. and  
31 Mrs. Caktiong "maintain a home in La Puente," "have a daughter  
32 who resides in the Pasadena area," have "a sister who is also  
33 local to Southern California," and "[i]t is common knowledge in

1 at business openings and checking on the status of  
2 businesses." Pl.'s Opp'n 6:14-25. None of these  
3 allegations are supported by admissible evidence, and  
4 therefore, cannot be used to establish general  
5 jurisdiction over the Caktiong's.<sup>8</sup> See Intradermal  
6 Cosmetics, 2013 WL 1685558, at \*4.

7 The only piece of admissible evidence Plaintiff  
8 provides is that the Caktiong's stayed at Ayunan's home  
9 for over a month in 1977, while Ayunan allegedly  
10 "instructed" them in the fast food business in Los  
11 Angeles. Ayunan Decl. ¶ 3. This evidence is  
12 insufficient to establish the requisite "minimum  
13 contacts" necessary for a prima facie showing of  
14 general jurisdiction over the Caktiong's.

15 b. *Specific Personal Jurisdiction*

16 Although this forum cannot assert general  
17 jurisdiction over Mr. and Mrs. Caktiong, it may still  
18 assert specific jurisdiction depending on the quality  
19 and nature of their contacts with the forum state in  
20 relation to the cause of action. Lake v. Lake, 817

21 \_\_\_\_\_  
22 the Filipino community that Tony's sister bought property in her  
23 name for" the Caktiong's. Ayunan Decl. ¶¶ 5-7, ECF No. 9-2.  
24 Under Federal Rule of Evidence 602, Ayunan does not establish the  
25 basis of his personal knowledge for these assertions. Moreover,  
26 the contacts of the Caktiong's family members do not demonstrate  
27 that the Caktiong's contacts with California justify personal  
28 jurisdiction.

26 <sup>8</sup> In any case, these facts are insufficient to show that Mr.  
27 and Mrs. Caktiong's activities in California are substantial, or  
28 continuous and systematic, to justify the exercise of  
jurisdiction over them in all matters. Helicopteros, 466 U.S. at  
414-416.

1 F.2d 1416, 1421 (9th Cir. 1987) (citation omitted).

2 "Specific jurisdiction" arises when a defendant's  
3 specific contacts with the forum give rise to the claim  
4 in question. Helicopteros, 466 U.S. at 414-16; Red  
5 Cross, 112 F.3d at 1050-51. To ensure that the  
6 exercise of specific jurisdiction is consistent with  
7 due process, the Court must be satisfied that the  
8 following have been shown: (1) the nonresident  
9 defendant purposefully availed himself of the privilege  
10 of conducting activities in the forum by some  
11 affirmative act or conduct; (2) plaintiff's claim must  
12 arise out of or result from the defendant's forum-  
13 related activities; and (3) exercise of jurisdiction  
14 must be reasonable. Jillella v. Int'l Solutions Grp.,  
15 Inc., 507 F. App'x 706, 708 (9th Cir. 2013); Roth v.  
16 Garcia Marquez, 942 F.2d 617, 620 (9th Cir. 1991).

17 The plaintiff bears the burden of satisfying the  
18 first two prongs of the test. Schwarzenegger, 374 F.3d  
19 at 802 (citing Sher v. Johnson, 911 F.2d 1347, 1361  
20 (9th Cir. 1990)). If the plaintiff fails to satisfy  
21 either of these prongs, personal jurisdiction is not  
22 established in the forum state. Id.

23 Under the second prong, the Ninth Circuit employs a  
24 "but for" test to determine whether a claim arises from  
25 forum-related activities. Ballard v. Savage, 65 F.3d  
26 1495, 1500 (9th Cir. 1995). Here, the question is  
27 whether, but for Mr. and Mrs. Caktiong's contacts with  
28 California, Plaintiff's claims would have arisen.

1 Plaintiff does not demonstrate the nexus between his  
2 claims and Defendants' activities in the forum, as  
3 Plaintiff makes no arguments to carry his burden on  
4 this issue. Plaintiff does not show that if Defendants  
5 had not conducted the aforementioned activities in  
6 California, Plaintiff would have no claim against them.  
7 See id. Accordingly, the "but for" test is not  
8 satisfied with respect to Plaintiff's claims.

9 Because Plaintiff does not support that his claims  
10 arise from Mr. and Mrs. Caktiong's forum-related  
11 activities, the Court **GRANTS** Defendants' Motion to  
12 Dismiss for lack of personal jurisdiction over the  
13 Caktiong's.

## 14 2. Personal Jurisdiction Over JFC USA

### 15 a. *General Personal Jurisdiction*

16 "A court may assert general jurisdiction over  
17 foreign (sister-state or foreign country) corporations  
18 to hear any and all claims against them when their  
19 affiliations with the State are so 'continuous and  
20 systematic' as to render them essentially at home in  
21 the forum state." Daimler, 134 S. Ct. at 754. "The  
22 standard is met only by 'continuous corporate  
23 operations within a state [that are] thought so  
24 substantial and of such a nature as to justify suit  
25 against [the defendant] on causes of action arising  
26 from dealings entirely distinct from those  
27 activities.'" Mavrix Photo, Inc. v. Brand  
28 Technologies, Inc., 647 F.3d 1218, 1224 (9th Cir. 2011)

1 (quoting King v. Am. Family Mut. Ins. Co., 632 F.3d  
2 570, 579 (9th Cir. 2011) (citation omitted)). "Factors  
3 to be taken into consideration are whether the  
4 defendant makes sales, solicits or engages in business  
5 in the state, serves the state's markets, designates an  
6 agent for service of process, holds a license, or is  
7 incorporated there." Bancroft & Masters, Inc. v.  
8 Augusta Nat. Inc., 223 F.3d 1082, 1086 (9th Cir. 2000).

9 In Daimler, the Supreme Court held that, in order  
10 to subject a foreign corporation to general  
11 jurisdiction, that corporation's affiliations with the  
12 forum must be "so 'continuous and systematic' as to  
13 render it essentially at home in the forum State." 134  
14 S. Ct. at 761. The Court noted that the paradigm bases  
15 for general jurisdiction are a corporation's place of  
16 incorporation and principal place of business, however,  
17 "in an exceptional case, . . . a corporation's  
18 operations in a forum other than its place of  
19 incorporation or principal place of business may be so  
20 substantial and of such a nature as to render the  
21 corporation at home in that State." Id. at 761 n. 19.  
22 The Court found that Daimler was not such an  
23 "exceptional case," even though the subsidiary had  
24 multiple forum-based facilities, was the largest  
25 supplier of luxury vehicles to the forum, and the  
26 subsidiary's sales in the forum accounted for 2.4% of  
27 the parent corporation's worldwide sales. See id. at  
28 752, 761 n. 19.

1           Here, Plaintiff argues that Defendant JFC USA has  
2 substantial, continuous, and systematic contacts with  
3 California based on JFC USA's (1) maintenance of  
4 offices in California; (2) registration with the  
5 California Secretary of State to do business in  
6 California; (3) employment of a Human Resources Manager  
7 at its California offices; and (4) appointment of an  
8 agent for service of process who is registered with the  
9 California Secretary of State. Pl.'s Opp'n 5:10-25.  
10 Plaintiff argues that it does not rely on the minimum  
11 contacts of a subsidiary of JFC USA, but rather JFC USA  
12 itself. Id. at 6:2-4. Plaintiff's evidence consists  
13 of the California Secretary of State's webpage stating  
14 that "Jollibee Foods Corporation (USA)" has its  
15 "Jurisdiction" in Nevada, but has an address and an  
16 agent for service of process in City of Industry,  
17 California. Hoffman Decl., Ex. 1.

18           Defendants argue that JFC USA is a Nevada  
19 corporation which "has not conducted any business in  
20 California whatsoever and has not done anything else to  
21 purposefully avail itself of the benefits and  
22 protections of California." Defs.' Mot. 4:20-22.  
23 Defendants provide the Amante Declaration, which states  
24 that JFC USA "is a subsidiary of [Philippines-based]  
25 JFC, and is an active Nevada corporation with its  
26 principal place of business located . . . [in] Reno,  
27 Nevada." Amante Decl. ¶ 3.

28           As an initial matter, the Court rejects Defendants'

1 assertion that Plaintiff relies on an affiliate of JFC  
2 USA's contacts with California to establish general  
3 jurisdiction over JFC USA. The business entity  
4 information provided by Plaintiff through the  
5 California Secretary of State website sufficiently  
6 shows that Plaintiff relies on JFC USA's contacts with  
7 California, not the contacts of an "affiliate."

8 Although JFC USA is not incorporated in California  
9 and does not have its principal place of business in  
10 California, Daimler does not foreclose the possibility  
11 that, under some circumstances, a forum may be "home"  
12 if it does not fall into one of the paradigmatic  
13 categories. Daimler, 134 S. Ct. at 760-61. However,  
14 the Supreme Court emphasized that merely engaging in a  
15 "substantial, continuous and systematic course of  
16 business" is not sufficient to establish general  
17 jurisdiction, and described as "exceptional" the case  
18 in which a defendant would be "at home" in a forum  
19 other than its place of incorporation or principal  
20 place of business. Id. at 761 n. 19. The Supreme  
21 Court also explained that in determining whether a  
22 defendant is at home, the court must consider the  
23 defendant's "activities in their entirety, nationwide  
24 and worldwide." Id. at 762 n. 20.

25 On balance, Plaintiff has failed to meet his burden  
26 of establishing a prima facie showing for general  
27 jurisdiction. Plaintiff has failed to demonstrate that  
28 Defendant has engaged in "continuous and systematic

1 general business contacts," that "approximate physical  
2 presence" in the forum state. See Mavrix, 647 F.3d at  
3 1224. Plaintiff shows that JFC USA is registered to do  
4 business in California, designated an agent for service  
5 of process in California, and maintains an address in  
6 City of Industry, California; however, Plaintiff does  
7 not demonstrate any facts showing whether, or to what  
8 extent, JFC USA actually does business in California.  
9 Plaintiff provides no facts to support the extent of  
10 JFC USA's sales or operations in California.

11 In this case, JFC USA's contacts with California do  
12 not warrant a determination that, based on those ties,  
13 JFC USA can be haled to Court in California, even if  
14 the cause of action is unrelated to those contacts.  
15 Accordingly, this case is not an "exceptional" one in  
16 which JFC is "at home" in a forum other than its place  
17 of incorporation or principal place of business.  
18 Daimler, 134 S. Ct. at 761 n. 19.

19 b. *Specific Personal Jurisdiction*

20 In determining whether this Court has specific  
21 jurisdiction over JFC USA, the Court considers the  
22 following contacts: (1) JFC USA's maintenance of  
23 offices in California; (2) JFC USA's registration with  
24 the California Secretary of State to do business in  
25 California; (3) JFC USA's employment of a Human  
26 Resources Manager at its California offices; and (4)  
27 JFC USA's appointment of an agent for service of  
28 process who is registered with the California Secretary



1 of State. As explained above, Plaintiff fails to show  
2 that his claims arise from any of Defendants' forum-  
3 related activities. See Ballard, 65 F.3d at 1500  
4 (explaining the "but for" test for determining whether  
5 the plaintiff's claim "arises out of" the defendant's  
6 forum-related activities). Accordingly, the Court  
7 finds that Plaintiff has not established a prima facie  
8 showing of specific jurisdiction over JFC USA, and  
9 Defendants' Motion to Dismiss is **GRANTED**.

10 **III. CONCLUSION**

11 Because Plaintiff failed to properly serve  
12 Defendants and failed to meet his burden to show that  
13 this Court has general or specific personal  
14 jurisdiction over either of the individual Caktiong  
15 Defendants or JFC USA, the Court **GRANTS** Defendants  
16 Motion to Dismiss. The Court **DISMISSES** Plaintiff's  
17 claims. The clerk shall close this case.

18 **IT IS SO ORDERED.**

19  
20 DATED: February 23, 2016

/s/ RONALD S.W.LEW \_\_\_\_\_

21 **HONORABLE RONALD S.W. LEW**  
22 Senior U.S. District Judge  
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