

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-7463 FMO (Ex)	Date	November 13, 2017
Title	Nutrition Distribution, LLC v. Newtritional Health Care, LLC		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorney Present for Plaintiff:	Attorney Present for Defendant:		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause Re: Personal Jurisdiction and Venue

On October 12, 2017, plaintiff Nutrition Distribution, LLC (“plaintiff”) filed a Complaint against defendant Newtritional Health Care, LLC (“defendant”) for false advertising in violation of the Lanham Act. (See Dkt. 1, Complaint at ¶¶ 44-54). Plaintiff alleges that the court has subject matter jurisdiction because this case arises out of a violation of federal law. (See *id.* at ¶ 13). Plaintiff also alleges that personal jurisdiction is proper “because each Defendant has, directly or through its intermediaries (including distributors, retailers, and others), developed, licensed, manufactured, shipped, distributed, offered for sale, sold, and advertised its nutritional supplement products in the United States, the State of Arizona, and this district[.]” (*Id.* at ¶ 14). In addition, defendant claims that “[v]enue is proper in this judicial district . . . because a substantial part of the events or omissions which gave rise to the claim occurred in this district.” (*Id.* at ¶ 15).

A defendant may be subject to either general or specific personal jurisdiction. See *Daimler AG v. Bauman*, 134 S.Ct. 746, 754 (2014). General jurisdiction applies when defendants’ contacts with the forum state are “so continuous and systematic as to render [them] essentially at home.” *Id.* at 761 (quotation and alteration marks omitted). The court may assert specific personal jurisdiction over nonresident defendants if three requirements are met: “(1) [t]he non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws; (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, i.e. it must be reasonable.” *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004). The court engages in “purposeful availment” analysis for contract cases and “purposeful direction” analysis for tort cases. See *id.* The court’s analysis “looks to the defendant’s contacts with the forum State itself, not the defendant’s contacts with persons who reside there.” *Walden v. Fiore*, 134 S.Ct. 1115, 1122 (2014). “[T]he plaintiff cannot be the only link between the defendant and the forum.” *Id.*

Here, neither plaintiff nor defendant appear to have any connection to California as plaintiff

