

1 Plaintiff's motion to compel further responses to jurisdictional discovery is DENIED.

2 **II. BACKGROUND**

3 In this personal injury lawsuit, Plaintiff, Jonathan Salas, alleges that he was injured while
4 operating a mechanical loading table used in conjunction with a cremator on or about December
5 12, 2014, at the Salas Brothers Funeral Chapel ("Salas Brothers") in Modesto, California. (Doc.
6 7). Plaintiff's initial Complaint, filed in Stanislaus County Superior Court, named Facultatieve
7 Technologies The Americas, Inc. ("FT-The Americas"), and Incinerator Specialists, Inc. as
8 defendants. Following removal, Plaintiff amended his complaint to add Facultatieve
9 Technologies Supplies Limited, Facultatieve Technologies Limited ("FT-UK"), and Facultatieve
10 Technologies UK Limited (collectively "UK Defendants") as defendants. (Doc. 7). On August
11 31, 2017, responding to the First Amended Complaint, the three UK Defendants filed a motion to
12 dismiss for lack of personal jurisdiction, pursuant to Federal Rule of Civil Procedure 12(b)(2).
13 (Doc. 15).

14 In a supporting declaration, the Secretary of FT-UK, a company organized under the laws
15 of the United Kingdom, testified that at all times relevant to the allegations in this suit, FT-The
16 Americas and Incinerator Specialists, Inc., each had control of their own day-to-day business and
17 operated independently of FT-UK. FT-UK had their own management team, determined their
18 own pricing and marketing, held their own bank accounts, implemented their own policies, and
19 managed and paid their own employees. (Doc. 22 at 3). FT-UK has no offices, manufacturing
20 plants, or other facilities in California and it did not manufacture, sell, warrant, service, or repair
21 the equipment that Plaintiff alleges caused his injury. (Doc. 22 at 3). The UK Defendants also
22 argued that Facultatieve Technologies UK Limited and Facultatieve Technologies Supplies are
23 both "inactive and ceased trading in 2004." (Doc. 22 at 3).

24 Plaintiff opposed the motion arguing that FT-UK intentionally shipped the product to FT-
25 The Americas with the purpose that it be sent Plaintiff and that because the manuals announce
26 that FT-UK would respond to questions, provide on-site training, and send replacement parts, FT-
27 UK targeted California. (Doc. 16). In support, Plaintiff produced manuals, invoices, service logs,
28 and record sheets for the product at issue all bearing indications of FT-UK involvement.

1 On October 26, 2017, the District Court granted the UK Defendant’s motion to dismiss as
2 to “inactive” Defendants Facultatieve Technologies Supplies and Facultatieve Technologies UK
3 Limited, but denied the motion without prejudice as to FT-UK. (Doc. 22 at 13-14). In doing so,
4 Chief Judge Lawrence J. O’Neill found that while Plaintiff produced evidence of manuals
5 authored by FT-UK, Plaintiff could not “provide a foundation for where the manuals came from.”
6 (Doc. 22 at 12). Accordingly, “[w]ithout a direct connection between the manuals and [FT-UK],
7 their statements cannot be read as an intentional effort to target California.” (Doc. 22 at 13).
8 Given the controverted facts about the origin of the manuals and other materials, Chief Judge
9 O’Neill ruled as follows:

10 The Court finds that limited jurisdictional discovery could yield additional facts
11 about the relationship between [FT-UK] and the product at issue in this case, and
12 the relationship between [FT-UK] and FT-The Americas. [FT-UK] disclaims any
13 involvement with the manufacture, design, sale, and warranty of the product, while
14 Plaintiff has produced manuals, invoices, service logs, and record sheets for the
15 product at issue that all bear indications of [FT-UK] involvement. Because the
jurisdictional facts are controverted and “a more satisfactory showing of the facts
is necessary,” the Court will allow discovery on this issue. Accordingly, the Court
grants Plaintiff’s request for limited jurisdictional discovery.

16 (Doc. 22 at 13).

17 After granting limited jurisdictional discovery, Chief Judge O’Neill ordered the parties to
18 meet and confer on the length and scope of jurisdictional discovery. In the event that the parties
19 could not agree as to the boundaries of jurisdictional discovery, Chief Judge O’Neill instructed
20 the parties to “submit the dispute through a joint discovery letter brief to the Magistrate Judge.”
21 (Doc. 22 at 14).

22 After several meet and confer efforts and informal discovery conferences with the
23 undersigned, on March 28, 2018, the parties agreed that the matter could not be resolved through
24 the Court’s informal process. (Doc. 38). The instant formal motion to compel followed.

25 **III. LEGAL STANDARD**

26 **A. Motion to Compel**

27 A party may bring a motion to compel discovery when another party has failed to respond
28 adequately to a discovery request. Fed. R. Civ. P. 37(a)(3). A party “may obtain discovery

1 regarding any nonprivileged matter that is relevant to any party's claim or defense and
2 proportional to the needs of the case, considering the importance of the issues at stake in the
3 action, the amount in controversy, the parties' relative access to relevant information, the parties'
4 resources, the importance of the discovery in resolving the issues, and whether the burden or
5 expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b). As the
6 moving party, plaintiff must inform the court which discovery requests are the subject of his
7 motion to compel, why defendants' objections are not justified or why the response provided is
8 deficient, and how proportionality and the other requirements of Federal Rule of Civil Procedure
9 26(b) are met.

10 **B. Jurisdictional Discovery**

11 "A district court is vested with broad discretion to permit or deny [jurisdictional]
12 discovery." *Laub v. U.S. Dep't of the Interior*, 342 F.3d 1080, 1093 (9th Cir. 2003). Such
13 discovery "should ordinarily be granted where pertinent facts bearing on the question of
14 jurisdiction are controverted or where a more satisfactory showing of the facts is necessary." *Id.*
15 (*quoting Butcher's Union Local No. 498 v. SDC Inv., Inc.*, 788 F.2d 535, 540 (9th Cir. 1986)); *see*
16 *also Am. W. Airlines, Inc. v. GPA Group, Ltd.*, 877 F.2d 793, 801 (9th Cir. 1989) (noting it is not
17 an abuse of discretion to deny jurisdictional discovery "when it is clear that further discovery
18 would not demonstrate facts sufficient to constitute a basis for jurisdiction") (*quoting Wells Fargo*
19 *& Co. v. Wells Fargo Express Co.*, 556 F.2d 406, 431 n. 24 (9th Cir. 1977)) (emphasis added). A
20 court may grant jurisdictional discovery if the request is based on more than a "hunch that it
21 might yield jurisdictionally relevant facts," *see Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th
22 Cir. 2008), or more than "bare allegations in the face of specific denials." *See Terracom v. Valley*
23 *Nat'l Bank*, 49 F.3d 555, 562 (9th Cir. 1995) (citation omitted).

24 Jurisdictional discovery, however, need not be allowed, if the request amounts merely to a
25 "fishing expedition." *Johnson v. Mitchell*, No. CIV S-10-1968 GEB GGH PS, 2012 WL
26 1657643, *7 (E.D. Cal. May 10, 2012) (citation omitted); *see also Mackovich v. U.S. Gov't*, No.
27 06-cv-00422-SMS (PC), 2008 WL 2053978, at *1 (E.D. Cal. May 13, 2008) (denying discovery
28 where plaintiff made "no showing that if further discovery were allowed, the outcome of the

1 motion to dismiss would be affected”) (*citing Laub*, 342 F.3d 1080 at 1093). A district court may
2 deny even limited jurisdictional discovery “[w]here a plaintiff’s claim of personal jurisdiction
3 appears to be both attenuated and based on bare allegations in the face of specific denials made by
4 the defendants.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1160 (9th Cir. 2006).

5 **IV. DISCUSSION**

6 The central issue before this Court is the parties’ differing interpretations of the scope of
7 the Court’s October 26, 2017 Order granting jurisdictional discovery. In responding to many of
8 Plaintiff’s RFPs, Interrogatories, and RFAs, Defendants either refused production or “unilaterally
9 limited” the scope of the discovery requests to California or the Salas Brother project. Defendants
10 contend that this was necessary because Plaintiff’s discovery is largely overbroad and seeks
11 production of discovery that falls outside of Judge O’Neill’s Order permitting limited
12 jurisdictional discovery. (Doc. 39 at 7). Plaintiff, however, responds that Defendants’ discovery
13 responses are insufficient because Chief Judge O’Neill’s Order permits broad jurisdictional
14 discovery regarding: (1) the relationship of FT-UK and the product, and (2) FT-UK’s relationship
15 with FT-The Americas.

16 **A. Requests for Production of Documents Propounded on FT-UK**¹

17 Plaintiff served Defendant FT-UK with thirteen requests for production pursuant to the
18 Court’s order granting jurisdictional discovery. (Doc. 39 at 9). Upon receipt of FT-UK’s initial
19 responses, Plaintiff determined that the responses to ten of the RFPs were insufficient.
20 Accordingly, Plaintiff seeks to compel further documents from FT-UK as follows:

21 **i. Request for Production Nos. 1 and 2**

22 RFP No. 1 seeks production of “ANY DOCUMENT sent to YOU from Facultatieve
23 Technologies The Americas, Inc.” (Doc. 39 at 10). RFP No. 2 seeks production of “ANY
24

25 ¹ Federal Rule of Civil Procedure 34 governs requests for production of documents. *See* Fed. R. Civ. P. 34.
26 “The party to whom the [Request for Production] is directed must respond in writing within 30 days after being
27 served.” Fed. R. Civ. P. 34(b)(2)(A). The requesting party “is entitled to individualized, complete responses to each
28 of the [Requests for Production] . . . , accompanied by production of each of the documents responsive to the request,
regardless of whether the documents have already been produced.” *Louen v. Twedt*, 236 F.R.D. 502, 505 (E.D. Cal.
2006).

1 DOCUMENT sent from YOU to Facultatieve Technologies The Americas, Inc.” (Doc. 39 at 11).
2 In response to RFP Nos. 1 and 2, FT-UK objected to the production of any documents as “beyond
3 the scope of discovery authorized by the Court’s order...regarding the relationship between FT
4 and the product at issue on this case, and the relationship between FT-UK and FT-the Americas.”
5 (Doc. 39 at 11). Plaintiff responds that “these simple requests are within the scope of discovery
6 ordered by Judge O’Neill.” (Doc. 39 at 6).

7 As drafted, Plaintiff’s RFPs Nos. 1-2 to produce “ANY” and all documents ever sent
8 between FT-UK and FT-The Americas is facially overbroad, lacking in reasonable particularity
9 and can be denied on that basis alone. *See Lopez v. Chertoff*, 2009 WL 1575214, at *2 (E.D. Cal.
10 June 2, 2009) (finding that plaintiff’s request for defendant to produce all documents “referring to
11 [or] relating to [Plaintiff]” lacked reasonable particularity because defendant did not have
12 reasonable notice of what is called for and what is not and the request called for a wide range of
13 potentially related documents; noting that one of the purposes of Rule 34 is to prevent fishing
14 expeditions).

15 A request for production of documents under Rule 34 “must describe with reasonable
16 particularity each item or category of items to be inspected.” Fed. R. Civ. Pro. 34(b)(1)(A).
17 “Courts tend to find document requests seeking all documents related to a claim or defense as
18 lacking particularity.” *See Regan–Touhy v. Walgreen Co.*, 526 F.3d 641, 650 (10th Cir. 2008)
19 (request for ““all documents ... that refer to, mention or relate in any way to Plaintiff, [] or the
20 litigation or the allegations, facts and circumstances concerning the litigation,’ [was] overly
21 broad.”)). Plaintiff’s all-encompassing requests do not meet this particularity standard.

22 Additionally, the Court finds this discovery request places far too heavy a burden on FT-
23 UK, a foreign Defendant. Courts have held that “foreign nationals usually should not be
24 subjected to extensive discovery in order to determine whether personal jurisdiction over them
25 exists.” *GCIU-Employer Ret. Fund v. Goldfarb Corp.*, 565 F.3d 1018 (7th Cir. 2009).

26 Accordingly, FT-UK’s objection to production is SUSTAINED and Plaintiff’s motion to
27 compel further responses to Request for Production Nos. 1 and 2 is DENIED.

28 ii. **Request for Production Nos. 3 and 13**

1 RFP No. 3 seeks “ANY DOCUMENTS that pertain to the relationship between [FT- UK]
2 and FT- the Americas.” RFP No. 13 seeks “ANY DOCUMENTS pertaining to the control of
3 [FT- UK], including but not limited to (a) Board of Directors, (b) Corporate governance, (c)
4 Corporate officers, (d) Governance meetings, (e) Parent corporations, (f) Subsidiary corporations,
5 and (g) Articles of Association.”

6 In response to RFPs No. 3 and 13, FT-UK produced an “Organisation Chart for FT
7 Holding reflecting that [FT-UK] and FT-the Americas are two of multiple subsidiaries of FT
8 Holding.” (Doc. 39 at 11). Defendant FT-UK refused to produce any additional documents
9 beyond the “Organisation Chart” on the grounds that Plaintiff should not be allowed to conduct
10 “alter-ego” type discovery in order to establish an alter-ego or agency theory of jurisdiction.
11 Plaintiff responds that while he “does not primarily seek to employ an alter ego theory,” further
12 responses should be compelled because alter ego type discovery might produce evidence that
13 would demonstrate that FT-The Americas is so dominated by FT-UK that an agency relationship
14 exists. *See American Tel. & Tel. Co. v. Compagnie Bruxelles Lambert*, 94 F.3d 586, 591(9th Cir.
15 1996) (“A parent corporation’s relationship with its subsidiary may confer personal jurisdiction
16 over the parent if the subsidiary is acting as the parent company’s alter ego, “so as to justify
17 disregard of the corporate entity”). Plaintiff argues that in order for him to establish that FT-The
18 Americas was acting as the agent of FT-UK; Defendants must produce more documents related to
19 their corporate structure.

20 Plaintiff has misinterpreted the scope of Judge O’Neill’s order permitting jurisdictional
21 discovery. In Plaintiff’s view, Judge O’Neill’s order permitting discovery on “FT-UK’s
22 relationship with FT-The Americas,” allows discovery into his alternative theory of alter ego
23 jurisdiction. Plaintiff, however, never raised and the Court did not consider the issue of alter-
24 ego/agency jurisdiction. Instead, Plaintiff argued that this Court has specific jurisdiction over the
25 UK Defendants under a “stream of commerce” theory. (Doc. 22 at 9). In testing that theory, the
26 Court ruled that Plaintiff failed to meet “his burden of demonstrating that FT-UK purposefully
27 directed its activities at California” because Plaintiff failed to establish “a direct connection
28 between the manuals and [FT-UK.]” (Doc. 22 at 13). In viewing the March 27 Order, this Court

1 finds that any inquiry into the relationship between FT-The Americas and FT-UK is limited to the
2 product e.g. how manuals purportedly authored by FT-UK came to be in California. Judge
3 O'Neill's order does not authorize a fishing expedition into structure and culture of the foreign
4 entities. Absent a contrary indication from Judge O'Neill's Order, this Court must conclude that
5 discovery into other theories of jurisdiction is precluded.

6 For these reasons, Plaintiff's motion to compel further responses to Request for
7 Production Nos. 3 and 13 is DENIED.

8 **iii. Request for Production Nos. 7, 8, and 9**

9 RFP No. 7 seeks "ANY DOCUMENTS regarding the design of the CREMATOR." RFP
10 No. 8 seeks "ANY DOCUMENTS regarding the manufacture of the CREMATOR." RFP No. 9
11 seeks "ANY DOCUMENTS regarding the transportation of the CREMATOR." In response,
12 Defendant FT-UK refused to produce any documents as outside the scope of Judge O'Neill's
13 order.

14 Plaintiff argues that FT-UK "unilaterally decided" that the product in question is the
15 loader and therefore FT-UK should be compelled to produce further documents regarding the
16 "CREMATOR." (Doc. 39 at 3). At oral argument, FT-UK explained that the "CREMATOR" is
17 a complex product made up of a web of component parts, many of which are not designed or
18 manufactured by FT-UK. Therefore, FT-UK has taken the position that since Plaintiff was
19 injured by the loader and not more broadly by the cremator, it has provided the relevant
20 information. FT-UK also notes that, at one point in Plaintiff's discovery requests, he provides the
21 definition of the product in this case as follows: "[t]he term 'PRODUCT' refers to the 'FDI
22 Loader,' by which bodies are loaded into the Human Crematory at Salas Brothers Funeral Chapel,
23 419 Scenic Drive, Modesto, California." (Doc. 39 at 11).

24 While there is admittedly an open question as to the definition of product, Plaintiff's FAC
25 alleges that he was injured while operating "an automatic insertion system and/or loader table."
26 (Doc. 7 at 4). Plaintiff's discovery requests, as seen here, often are looking through "the wrong
27 end of the telescope," a phrase used to describe the discovery at oral argument. Plaintiff seeks
28 discovery about all aspects of the cremator in order to further pinpoint the cause of Plaintiff's

1 injury. Plaintiff, however, may not use his jurisdictional discovery requests to engage in a fishing
2 expedition in the hopes that he may turn up some relevant or useful information. *Rivera v.*
3 *NIBCO, Inc.*, 364 F.3d 1057, 1072 (9th Cir. 2004). Given the limited jurisdictional discovery
4 ordered here, Plaintiff's discovery must be narrowly tailored. Accordingly, it was proper for FT-
5 UK to refuse to answer requests directed broadly at the cremator.

6 Plaintiff's motion to compel further responses to Request for Production Nos. 7, 8 and 9 is
7 DENIED.

8 iv. **Request for Production Nos. 10, 11, and 12**

9 RFP No. 10 seeks "ANY DOCUMENT pertaining to Facultatieve products owned by
10 Salas Brothers Funeral Chapel." (Doc. 39 at 13-14). RFP No. 11 seeks "ANY DOCUMENT
11 pertaining to the maintenance of Facultatieve products owned by Salas Brothers Funeral Chapel."
12 RFP No. 12 seeks "ANY DOCUMENTS pertaining to Facultatieve products sold to Salas
13 Brothers Funeral Chapel." In response, FT-UK produced documents within its possession
14 pertaining to the loader. (Doc. 39 at). Plaintiff does not explain why FT-UK's responses to RFPs
15 10, 11, and 12 are insufficient only that Plaintiff feels he is entitled to discovery on more than just
16 the loader.

17 For the reasons stated above, Plaintiff's efforts to seek discovery on other Facultatieve
18 products is outside of the scope of the Court's Order granting jurisdictional discovery. Given the
19 limited jurisdictional discovery ordered here, Plaintiff's discovery must be narrowly tailored to
20 the loader. Accordingly, Plaintiff's motion to compel further responses to RFPs 10, 11, 12 is
21 DENIED.

22 **B. Requests for Production of Documents Propounded on FT- The Americas**

23 Plaintiff served Defendant FT-The Americas with thirteen requests for production
24 pursuant to the Court's order granting jurisdictional discovery. (Doc. 39 at 9). Upon receipt of
25 FT-The Americas initial responses, Plaintiff determined that the responses to three of the RFPs
26 were insufficient. Accordingly, Plaintiff seeks to compel further documents from FT-The
27 Americas as follows:

28 i. **Requests for Production Nos. 1, 2, 3**

1 RFP No. 1 seeks production of “ANY DOCUMENTS sent to YOU from [FT-UK].” RFP
2 No. 2 seeks production of “ANY DOCUMENTS sent from YOU to [FT-UK].” RFP No. 3
3 seeks “ANY DOCUMENTS that pertain to the relationship between YOU and [FT-UK].” In
4 response to RFPs Nos. 1-3, FT-The Americas produced responsive documents but limited its
5 production to those pertaining to the “Salas Brothers Project.” (Doc. 39 at 20).

6 As stated above, Plaintiff’s document requests seeking any and all documents are facially
7 overbroad. *See Lopez*, 2009 WL 1575214, at *2. The Court is not finding that none of the
8 information in RFPs 1, 2, and 3 is discoverable. A carefully tailored request might pass muster
9 under the Federal Rules governing discovery; however, no such request is before this Court. The
10 requests that are before this court—RFP Nos. 1, 2, and 3—are impermissibly overbroad. As such,
11 FT-The Americas appropriately limited the scope of its response to documents related to the
12 underlying Salas Brothers incident.

13 Accordingly, Plaintiff’s motion to compel further responses to RFPs 1, 2, and 3 is
14 DENIED.

15 **C. Interrogatories Propounded on FT-The Americas²**

16 Plaintiff served Defendant FT-The Americas with thirteen interrogatories pursuant to the
17 Court’s order granting jurisdictional discovery. (Doc. 39 at 9). Upon receipt of FT-The
18 Americas initial responses, Plaintiff determined that the responses to four of the interrogatories
19 were insufficient. Plaintiff requests that the court compel FT-The Americas to respond fully and
20 completely to the following interrogatories:

21 ///

22 i. **Interrogatory No. 1**

23 This request asks FT-The Americas to “IDENTIFY ANY instances where YOU contacted
24 Defendant [FT-UK] regarding Facultatieve Products in California.” FT-The Americas responded
25 that it “has never contacted anyone at [FT-UK] for purposes of repairing or troubleshooting
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27 ² Under Federal Rule of Civil Procedure 33, a party may propound interrogatories which require the
28 answering party to “furnish such information as is available to the party” after conducting a reasonable inquiry. See Fed R. Civ. P. 33(a). Each interrogatory must be answered separately and under oath. Fed R. Civ. P. 33(b).

1 Facultatieve products in California. From 2005 until 2010, Facultatieve would contact [FT-UK]
2 for purposes of obtaining the component parts needed to assemble the loaders and cremators.”
3 (Doc. 39 at 26).

4 ii. **Interrogatory No. 2**

5 This request asks FT-The Americas to “IDENTIFY ANY instances where employees
6 and/or agents of Defendant [FT-UK] were physically present in the United States of America.” In
7 addition to objecting the request as unduly burdensome and overbroad, Defendant narrowed its
8 response to all instances where a FT-UK employee was in the state of California. FT-The
9 Americas identified that in 2005, an engineer from [FT-UK] “attended the commissioning and
10 instillation of a cremator and loader in Visalia, California. Responding Party believes that
11 individual was Andrew Lee-Cann.” (Doc. 39 at 26).

12 iii. **Interrogatory No. 7**

13 This request asks FT-The Americas to “IDENTIFY who provided YOU with the
14 ‘Operation and Maintenance Instructions for the FTII/FTIII Cremator (with PC)’”? Defendant
15 responded that [FT-UK] “provided Responding Party with the contents of the manual
16 electronically. Responding party would print the manual and provide it to customers.” (Doc. 39
17 at 28).

18 iv. **Interrogatory No. 8**

19 This request asks FT-The Americas to “IDENTIFY who provided the Salas Brothers
20 Funeral Chapel with the ‘Operation and Maintenance Instructions for the FTII/FTIII Cremator
21 (with PC)’”? FT-The Americas responded that it provided “the physical copy of the manual to
22 the Salas Brothers at the time of instillation.” (Doc. 28 at 32).

23 Plaintiff argues generally that FT-The Americas’ responses to ROGs 1, 7 and 8 are
24 insufficient because the responses “fail to adequately identify persons and/or instances.” (Doc. 39
25 at 7). With respect to ROG No. 2, Plaintiff argues that FT-the Americas “unilaterally limited the
26 scope of Plaintiff’s question to California.” However, Plaintiff has not met his burden to identify
27 and explain why Defendants’ responses are insufficient to address each response in the context of
28 the interrogatory. Plaintiff only discussed one request with particularity, ROG No. 2, which given

1 the limited jurisdictional discovery here FT-The Americas appropriately limited to the State of
2 California. Therefore, Plaintiff’s motion to compel supplemental responses to Interrogatories 1, 2,
3 7 and 8 is DENIED.

4 **D. Requests for Admission Propounded on FT-The Americas³**

5 Finally, Plaintiff served Defendant FT-The Americas with five Requests for Admission.
6 (Doc. 39 at 31-32). RFA Nos. 1-4 asks FT-The Americas to ADMIT that FT-UK manufactured,
7 designed, sold, and/or warranted the product. RFA No. 5 asks FT-The Americas to ADMIT that
8 FT-UK created the “Operation and Maintenance Instructions for the FTII/FTIII Cremator (with
9 PC). Plaintiff does not object to the merits of Defendant’s response, rather Plaintiff requests that
10 FT-the Americas be compelled to provide amended responses omitting “the meritless and
11 boilerplate objections so as to be clear that information is not being withheld on the basis of such
12 objections.” (Doc. 39 at 7). Defendant argues that its responses, which included objections as
13 well as complete responses, comply with Federal Rule of Civil Procedure 36.

14 Plaintiff’s motion to compel amended responses to his Requests for Admission is
15 DENIED. Based upon the ambiguities of the defective product definition, the Court does not find
16 the objections without merit. Defendant responded to all of Plaintiff’s requests with admissions
17 or denials, subject to certain objections. Plaintiff has failed to demonstrate how the responses are
18 deficient.

19 **V. CONCLUSION**

20 For the reasons stated, it is HEREBY ORDERED as follows:

21 ³ Rule 36 of the Federal Rules of Civil Procedure provides for requests for admissions as follows: “A party
22 may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any
23 matters within the scope of Rule 26(b)(1) relating to (A) facts, the application of law to fact, or the opinions about
24 either; and (B) the genuineness of any described documents.” Fed. R. Civ. P. 36(a)(1). “A matter is admitted unless,
25 within 30 days after being served, the party to whom the request is directed serves on the requesting party a written
26 answer or objection addressed to the matter and signed by the party or its attorney.” Fed. R. Civ. P. 36(a)(3). “If a
27 matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot
28 truthfully admit or deny it.” Fed. R. Civ. P. 36(a)(4). “A denial must fairly respond to the substance of the matter; and
when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the
part admitted and qualify or deny the rest.” *Id.* “The answering party may assert lack of knowledge or information as
a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the
information it knows or can readily obtain is insufficient to enable it to admit or deny.” *Id.* The requesting party may
move to determine the sufficiency of an answer or objection. Fed. R. Civ. P. 36(a)(6). Unless the court finds an
objection justified, it must order that an answer be served. *Id.* On finding that an answer does not comply with this
rule, the court may either rule that the matter is admitted or that an amended answer be served. *Id.*

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1. Plaintiff's motion to compel supplemental responses to jurisdictional discovery is DENIED.
2. Plaintiff is ORDERED to serve his remaining jurisdictional discovery requests on Defendants within seven (7) days of the date of this order;
3. On or before **June 22, 2018**, the parties shall each file a status report briefly discussing the status of the case and proposing a joint briefing schedule for Defendant Facultative Technologies Limited's motion to dismiss.

IT IS SO ORDERED.

Dated: April 30, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE