

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

APL CO. PTE., LTD., ET AL,

No. C 10-04403 CRB

Plaintiff,

**ORDER REQUIRING
SUPPLEMENTAL BRIEFING**

v.

FLEET GLOBAL LOGISTICS (U.S.A.),
INC.,

Defendant.

Now pending before the Court is Plaintiffs' Motion for Default Judgment, which is on the Court's calendar for Friday, February 4, 2011. A court considering default judgment has "an affirmative duty to look into its jurisdiction over both the subject matter and the parties." In re Tuli, 172 F.3d 707, 712 (9th Cir. 1999).

Plaintiffs' filings do not make clear whether the Court has personal jurisdiction over this case. Plaintiff's Complaint asserts only that "a substantial part of the contract's terms and conditions were negotiated by and between APL and defendant in the Northern District of California via APL's contract administration division, located in Oakland, California." See Compl. (dckt. no. 1) ¶ 2. Additionally, the contract at issue states: "Any and all dispute arising out of or in connection with this Contract, including any failure by the Merchant to pay, or by the Carrier to perform, as required hereunder, may be referred by either party to

1 litigation before any Court of competent jurisdiction.” Decl. Hernandez (dckt. no. 15) Ex. A,
2 ¶ 4(a). However, it goes on to state that “[t]he following locations shall each be considered
3 proper for jurisdictional purposes: the place of legal residence (including incorporation) or
4 principal place of business of the responding party.” Id. (emphasis added). The contract
5 further states that the Northern District of California has personal jurisdiction with respect to
6 enforcing an arbitration decision. Id. at Ex. A, ¶ 4(b).

7 Because these filings do not resolve satisfactorily the question of personal jurisdiction,
8 the Court DIRECTS Plaintiffs to file a supplemental brief of no more than 10 pages
9 explaining the basis for the Court’s personal jurisdiction in this matter. Said brief shall be
10 filed by 5:00 p.m. on Monday, January 31, 2011.

11 **IT IS SO ORDERED.**

12
13 Dated: January 25, 2011



14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE