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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6 SARA ELAINE BROWALSKI,

7 Plaintiff,

8 v.

9 JEREMY MICHAEL SULLIVAN,

10 Defendant.  
11

Case No. [14-cv-03181-JD](#)

**ORDER RE MOTION TO DISMISS**

Re: Dkt. No. 19

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13 Plaintiff Sara Elaine Browalski, who performs under the stage name “Maitresse Madeline,”  
14 is an adult movie actress who worked with defendant Jeremy Michael Sullivan in the adult  
15 entertainment industry. Dkt. No. 1 ¶ 1. During their business relationship, Browalski and  
16 Sullivan were married and “produced, performed in and co-authored” various adult film clips  
17 together. *Id.* The marriage ended in 2009, and the parties dispute the authorship of the clips. *Id.*  
18 ¶¶ 2, 4. Browalski alleges that Sullivan has been selling the clips online without sharing the  
19 profits with her. *Id.* ¶¶ 4-5. Among other claims, she seeks declaratory judgment of joint  
20 authorship in the clips under the Copyright Act. *Id.* ¶ 31.

21 Sullivan, who is appearing pro se, has objected to personal jurisdiction in this Court and  
22 filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(2). Dkt. No. 19. Plaintiff  
23 agrees that general jurisdiction is not proper, but asserts that the Court has specific personal  
24 jurisdiction over the defendant. Dkt. No. 21 at 1.

25 The Court has spent considerable time considering the jurisdiction issue and finds that  
26 some specific discovery is likely to help answer the question. *See Boschetto v. Hansing*, 539 F.3d  
27 1011, 1020 (9th Cir. 2008) (jurisdictional discovery appropriate “where a more satisfactory  
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1 showing of the facts is necessary”). In light of defendant’s pro se status, and to keep costs down  
2 generally for the parties, the Court orders this specific discovery:

3 (1) Sullivan is ordered to produce to plaintiff by July 15, 2015, business records showing  
4 any sales, distribution and/or marketing of the clips to users within this judicial district,<sup>1</sup> and  
5 within California statewide, from July 14, 2010 through July 14, 2014. User names and credit  
6 card numbers may be redacted but the records need to show the user’s address and the name of the  
7 clip purchased. Sullivan is directed to obtain this information from Clips4Sale.com or any other  
8 third-party vendor to whom he provided the clips if he does not have full and complete records in  
9 his possession.

10 Sullivan is also directed to file with the Court by July 15, 2015, a supplemental declaration  
11 under penalty of perjury attaching the business records. If Sullivan determines that no responsive  
12 records exist, he is directed to specifically state that determination in a declaration under penalty  
13 of perjury.

14 (2) Plaintiff is ordered to produce to defendant by July 15, 2015, any contracts, divorce  
15 agreements, decrees or orders, releases or other documents that discuss the ownership or  
16 authorship of the clips at issue in the complaint. Plaintiff is also directed to file with the Court by  
17 July 15, 2015 a supplemental declaration under penalty of perjury attaching the documents. If  
18 Plaintiff determines that no responsive documents exist, she is directed to specifically state that  
19 determination in a declaration under penalty of perjury.

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27 <sup>1</sup> The Northern District of California encompasses the following fifteen counties: Alameda, Contra  
28 Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San  
Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma.

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The Court will likely be able to decide the motion after receiving the parties' declarations.  
The parties are ordered not to file any new arguments unless the Court requests them.

**IT IS SO ORDERED.**

Dated: June 15, 2015



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JAMES DONATO  
United States District Judge