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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10
11 NIMBUS DATA SYSTEMS, INC.,
12 a California Corporation,

13 Plaintiff,

14 v.

15 MODUS LLC and DOES 1-10,

16 Defendants.

Case No. 14-cv-04192 NC

**ORDER RE: HEARING ON
DEFENDANT MODUS LLC'S
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION
AND IMPROPER VENUE**

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18 Defendant Modus LLC has moved to dismiss this action for lack of personal
19 jurisdiction and for improper venue. Dkt. No. 6. At the hearing on the motion to dismiss,
20 the parties must be prepared to address whether, if the Court finds that personal jurisdiction
21 is lacking, it would be "in the interest of justice" to transfer the action under 28 U.S.C.
22 § 1631 to a district where the action could have been brought, instead of dismissing the
23 action. *See Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990); *Winery v. Graham*, No.
24 06-cv-3618 MHP, 2007 WL 963252, at *7 (N.D. Cal. Mar. 29, 2007).

25 IT IS SO ORDERED.

26 Date: December 1, 2014

27 
Nathanael M. Cousins
United States Magistrate Judge

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ON MOTION TO DISMISS