

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

STEVEN VACHANI, et al.,
Plaintiffs,
v.
ARTHUR YAKOVLEV, et al.,
Defendants.

Case No.15-cv-04296-LB

**ORDER DENYING DEFAULT
JUDGMENT**

Re: ECF No. 44

ORDER

This internet-defamation case is before the court on the plaintiffs’ renewed motion for default judgment.¹ This is the plaintiffs’ third such motion. The court denied their first two motions because the plaintiffs had not shown that this court could constitutionally exercise personal jurisdiction over the defendants, who appear to be residents of Brazil.² The court has also expressed doubt about whether the plaintiffs could establish either of their claims (for libel and false light) against defendant Peres.³ Under *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986), the latter failing would hamper the plaintiffs’ bid to obtain a default judgment against Ms.

¹ Motion – ECF No. 44. Record citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Orders – ECF No. 27 at 7–10; ECF No. 40 at 7–9.

³ See Order – ECF No. 40 at 10–13.

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Peres.⁴

The court again denies the plaintiffs’ motion. The court’s previous analysis stands — and the court adopts its earlier reasoning here.⁵ (The court assumes that the reader is familiar with those prior orders.) The plaintiffs’ latest motion offers nothing that changes the court’s mind. The plaintiffs still have not shown that the defendants “purposefully directed” their conduct toward this forum within the meaning of the governing jurisdictional doctrine. More specifically, they have not shown — except by a thread of inference that the court has already called too attenuated — that the defendants knew that the plaintiffs resided in California and that their (the defendants’) acts were likely to cause harm here. This is especially true with respect to Ms. Peres. Even if the plaintiffs had shown “purposeful direction” to some threshold degree, moreover, the court would still hold that, in these circumstances, exercising personal jurisdiction over the defendants would not “comport with fair play and substantial justice.” *See Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801–02 (9th Cir. 2004) (quoting *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)). For that ultimate reason the court would still deny the default-judgment motion.

Furthermore — considering the “merits of [their] substantive claims” and the “sufficiency of the complaint,” *Eitel*, 782 F.2d at 1471–72 — the plaintiffs still seem unlikely to prove libel or false light against Ms. Peres. This too cuts against granting a default judgment against her. *See id.*

* * *

⁴ *Id.*

⁵ *See id.* at 7–9; ECF No. 27 at 7–10.

1 **CONCLUSION**

2 For these reasons, as more fully expressed in the court’s previous orders, the court denies the
3 plaintiffs’ latest motion for default judgment. At the plaintiff’s request, the court grants leave to
4 amend or submit supplemental briefs within three weeks from the date of the order.

5 This disposes of ECF No. 44.

6 **IT IS SO ORDERED.**

7 Dated: April 6, 2017

8 

9 LAUREL BEELER
United States Magistrate Judge