

1 **\*\* E-filed January 17, 2012 \*\***

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7 NOT FOR CITATION  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 REBECCA TUCKER,

No. C11-02335 HRL

12 Plaintiff,

**INTERIM ORDER RE:  
DEFENDANT'S MOTION TO  
DISMISS FOR LACK OF PERSONAL  
JURISDICTION**

13 v.

14 REGENT ASSET MANAGEMENT  
SOLUTIONS, INC.; and MICHAEL  
SCATA,

15 Defendants.  
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17 On January 17, 2012, counsel for the plaintiff and defendant Michael Scata appeared via  
18 telephone for a hearing on Scata's motion to dismiss for lack of personal jurisdiction. When  
19 considering a motion challenging personal jurisdiction, the court has broad discretion to permit  
20 discovery "where pertinent facts bearing on the question of jurisdiction are controverted or where a  
21 more satisfactory showing of the facts is necessary." Data Disc, Inc. v. Systems Technology  
22 Associates, Inc., 557 F.2d 1280, 1285, n. 1 (9th Cir. 1977). In this case, facts pertinent to  
23 jurisdiction do appear to be controverted. Accordingly, the undersigned grants the plaintiff the  
24 opportunity to conduct jurisdictional discovery to determine whether this court may exercise  
25 personal jurisdiction over defendant Scata. Plaintiff Tucker may depose Scata and request that Scata  
26 produce information and documentation relevant to this issue, and may submit her own declaration  
27 attesting to jurisdictional facts. Tucker shall submit whatever additional information she wishes to  
28 present to the court no later than **March 16, 2012**. In addition, Scata may submit any additional

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evidence that is both relevant to the jurisdictional issue and properly authenticated to the court no later than **February 17, 2012**.

The matter is taken under submission and the court will issue a ruling. Should a further hearing be necessary, the court will schedule one.

**IT IS SO ORDERED.**

Dated: January 17, 2012

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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**C11-02335 HRL Notice will be electronically mailed to:**

Todd Friedman                      tfriedman@attorneysforconsumers.com  
Darin Shaw                              dshaw@attorneysforconsumers.com

**Notice will be sent by mail to:**

Michael Scata  
7131 Four Rivers Rd.  
Boulder, CO 80301

**Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court’s CM/ECF program.**