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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JAMES MCGIBNEY, et al.,  
Plaintiffs,  
v.  
THOMAS RETZLAFF,  
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER GRANTING MOTION TO  
DISMISS FOR LACK OF PERSONAL  
JURISDICTION**

[Re: ECF 134]

Before the Court is the motion to dismiss for lack of personal jurisdiction filed by *pro se* defendant Thomas Retzlaff (“Defendant”). Def.’s Mot., ECF 134. For the reasons stated herein, Defendant’s motion is GRANTED, and this action is DISMISSED for lack of personal jurisdiction.<sup>1</sup>

**I. BACKGROUND**

**A. Allegations in the Complaint**

This case sees the Internet at its worst. Plaintiffs are James McGibney and his company, ViaView, Inc. (collectively, “Plaintiffs”). McGibney has, at all times relevant to this lawsuit, resided in San Jose, California.<sup>2</sup> Second Amended Compl. (“SAC”) ¶ 2, ECF 125. McGibney is the founder and CEO of plaintiff ViaView, Inc., a Delaware corporation with “business centers” in San Jose, California and Las Vegas, Nevada. *Id.* ¶ 3. ViaView owns and operates websites such

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<sup>1</sup> Also pending before the Court are Defendant’s separate motions to dismiss for lack of subject matter jurisdiction and for failure to state a claim, as well as Defendant’s special motion to strike pursuant to California Code of Civil Procedure § 425.16. ECF 59, 126, 132. Because this Court determines that it does not have personal jurisdiction over Defendant, those other motions are DENIED as moot.

<sup>2</sup> McGibney also owns residential property in Las Vegas, Nevada. *Id.*

1 as “BullyVille,” an “anti-bullying website,” “CheaterVille,” an “anti-infidelity website,” and other  
2 similarly named websites on topics such as karma, tattoos, and online dating. *Id.* ¶¶ 2-3, 122-23.

3 Plaintiffs and their websites have drawn the ire of certain members of the population.  
4 These individuals excoriate McGibney, ViaView, and ViaView’s websites—in particular,  
5 BullyVille and CheaterVille—through vitriolic postings on popular Internet forums such as  
6 Twitter and Facebook, as well as through a dedicated weblog at BVFiles.wordpress.com. *Id.* ¶¶  
7 136-37. Plaintiffs allege that Defendant is one of the more prolific of these Internet commenters.  
8 Beginning in October 2013, Defendant allegedly used a number of different Internet aliases, or  
9 “sock puppets,” to “harass, stalk, terrorize and defame” Plaintiffs and their business partners. *Id.*  
10 ¶¶ 136-39. By way of example, Plaintiffs allege that Defendant used the Twitter account  
11 @KellySwift4 in November 2013 to tweet two celebrities who had endorsed BullyVille with the  
12 following message: “Why do you support revenge porn w/ ur BullyVille endorsements? Don’t u  
13 know BV runs Cheatersville revenge porn site too?!!” *Id.* ¶¶ 19, 148. Similarly, Defendant  
14 allegedly used the Twitter account @Doxing\_McGibney to publicly tweet McGibney’s Las Vegas  
15 and San Jose addresses. *Id.* ¶¶ 20, 154. Plaintiffs also allege that Defendant used electronic mail  
16 aliases to send unsavory emails to McGibney and a blogger who had worked with McGibney to  
17 “shutter revenge porn websites.” *Id.* ¶¶ 21, 33-37, 155-57, 169, 171.

18 Based upon numerous tweets, emails, and other online postings that Plaintiffs attribute to  
19 Defendant, Plaintiffs seek injunctive and monetary relief for tortious interference with contractual  
20 relations (First Claim) and tortious inference with prospective economic advantage (Second  
21 Claim). *Id.* ¶¶ 338-52. Plaintiff McGibney individually brings claims for intentional infliction of  
22 emotional distress (Third Claim), defamation (Fourth Claim), and public disclosure of private  
23 fact/invasion of privacy (Fifth Claim).

#### 24 **B. Procedural History**

25 Plaintiffs filed this lawsuit in March 2014 naming three defendants: Thomas Retzlaff, Neal  
26 Rauhauser, and Lane Lipton. Defendants Rauhauser and Lipton were dismissed in November and  
27 December of 2014, respectively, and Retzlaff remains the only named defendant. On November  
28 20, 2014, the Court granted Defendant’s first motion to dismiss for lack of personal jurisdiction.

1 Because Defendant had also filed a special motion to strike the complaint pursuant to California  
2 Code of Civil Procedure § 425.16 (“anti-SLAPP” motion), the Court permitted Plaintiffs limited  
3 leave to amend only their jurisdictional allegations. Order, ECF 102. Plaintiffs filed the operative  
4 SAC on December 23, 2014, and Defendant subsequently renewed his challenge to personal  
5 jurisdiction along with his other challenges to the SAC.

6 **II. LEGAL STANDARDS**

7 Once a defendant brings a challenge to the court’s jurisdiction under Rule 12(b)(2), the  
8 plaintiff bears the burden of establishing personal jurisdiction. *Mavrix Photo, Inc. v. Brand*  
9 *Techs., Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011); *see also Scott v. Breeland*, 792 F.2d 925, 927  
10 (9th Cir. 1986) (a plaintiff must “come forward with facts, by affidavit or otherwise, supporting  
11 personal jurisdiction”).

12 Where, as is the case here, the defendant’s motion to dismiss is based on written materials  
13 and not an evidentiary hearing, the plaintiff “need only make a prima facie showing of  
14 jurisdictional facts.” *Brayton Purcell LLP v. Recordon & Recordon*, 606 F.3d 1124, 1127 (9th  
15 Cir. 2010). However, a plaintiff cannot “simply rest on the bare allegations of its complaint,”  
16 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004) (quoting *Amba*  
17 *Mktg. Sys., Inc. v. Jobar Int’l, Inc.*, 551 F.2d 784, 787 (9th Cir. 1977)), because the court “may not  
18 assume the truth of allegations in a pleading which are contradicted by affidavit,” *Data Disc, Inc.*  
19 *v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1284 (9th Cir. 1977). Uncontroverted allegations in the  
20 complaint must be taken as true, *Schwarzenegger*, 374 F.3d at 800, and factual disputes contained  
21 within declarations or affidavits are resolved in the plaintiff’s favor, *Boschetto v. Hansing*, 539  
22 F.3d 1011, 1015 (9th Cir. 2008).

23 **III. DISCUSSION**

24 As an initial matter, the Court observes that Plaintiffs alleged a substantial number of new  
25 facts in their SAC, including events that occurred after the filing of this lawsuit. While ostensibly  
26 framed as “jurisdictional,” these allegations in fact defy the Court’s order that Plaintiffs’  
27 amendments be limited to allegations concerning this Court’s personal jurisdiction over  
28 Defendant. *See* ECF 102, 121. The Court’s order was not merely directed toward formatting but

1 rather, as stated on the record at the November 20, 2014 hearing, because Defendant’s anti-SLAPP  
2 motion precludes amendment to the *substantive* allegations supporting Plaintiffs’ claims. Much of  
3 what has been alleged in Plaintiffs’ amended “jurisdictional” allegations is directed toward  
4 bolstering the merits of their claims for relief. Moreover, the allegations that pertain to  
5 Defendant’s more recent alleged misconduct are irrelevant to whether the Court has personal  
6 jurisdiction in connection with the claims in this lawsuit, which were not allowed to be  
7 substantively altered, and which were originally asserted in the First Amended Complaint and  
8 replicated in the SAC without amendment. As such, the Court, in its analysis, disregards the  
9 allegations in the SAC pertaining to events that occurred after March 17, 2014.

10 Personal jurisdiction can be either “general” or specific. *See Helicopteros Nacionales de*  
11 *Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16 (1984). Plaintiffs only argue for specific jurisdiction  
12 in this case. Pl.’s Opp. 4, ECF 141. In the absence of a specific statutory provision conferring  
13 jurisdiction, federal courts apply the personal jurisdiction laws of the state in which they sit.  
14 California’s long-arm jurisdictional statute is “coextensive with federal due process requirements.”  
15 *Mavrix*, 647 F.3d at 1223. Thus, in order to exercise specific jurisdiction over a non-resident  
16 defendant, the defendant must have sufficient “minimum contacts” with the forum state such that  
17 the exercise of jurisdiction “does not offend traditional notions of fair play and substantial justice.”  
18 *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). Defendant contests that he has sufficient  
19 minimum contacts with the State of California for this Court to exercise specific personal  
20 jurisdiction over him.

21 The Ninth Circuit Court of Appeals, in *Schwarzenegger v. Fred Martin Motor Co.*, 374  
22 F.3d 797 (9th Cir. 2004), established a three-prong test for determining whether a non-resident  
23 defendant is subject to specific personal jurisdiction:

- 24 (1) The non-resident defendant must purposefully direct his  
25 activities or consummate some transaction with the forum or  
26 resident thereof; or perform some act by which he purposefully  
27 avails himself of the privilege of conducting activities in the forum,  
28 thereby invoking the benefits and protections of its laws; (2) the  
claim must be one which arises out of or relates to the defendant’s  
forum-related activities; and (3) the exercise of jurisdiction must  
comport with fair play and substantial justice, i.e. it must be  
reasonable.

1 *Id.* at 802 (citing *Lake v. Lake*, 817 F.2d 1416, 1421 (9th Cir. 1987)). The plaintiff asserting the  
2 existence of jurisdiction bears the burden of proof with regard to the first two elements.  
3 *Boschetto*, 539 F.3d at 1016. If the first two elements are satisfied, the burden then shifts to the  
4 defendant to “present a compelling case” that exercising jurisdiction would be unreasonable. *See*,  
5 *e.g.*, *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476 (1985).

6 **A. Defendant is not precluded from challenging personal jurisdiction.**

7 Before turning to the question of Defendant’s contacts with California, Plaintiff asserts that  
8 collateral estoppel precludes Defendant from challenging this Court’s personal jurisdiction over  
9 him. Pl.’s Opp. 2-3. Plaintiffs contend that the issue of personal jurisdiction was raised in a  
10 restraining order proceeding between the parties in the Superior Court of California for the County  
11 of Santa Clara. *Id.* at 3. Over Defendant’s jurisdictional challenge, the state court judge entered a  
12 restraining order against him and “[n]ecessary to [the judge’s] order is a finding that [Defendant]  
13 is subject to personal jurisdiction in California.” *Id.* As such, Plaintiffs argue that Defendant  
14 should be barred from re-litigating the issue of personal jurisdiction.

15 The doctrine of collateral estoppel, or issue preclusion, may apply to issues of personal  
16 jurisdiction that were previously litigated. *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 585  
17 (1999). Under this doctrine, a party is precluded from relitigating an issue if four requirements are  
18 met: “(1) there was a full and fair opportunity to litigate the issue in the previous action; (2) the  
19 issue was actually litigated; (3) there was *final* judgment on the merits; and (4) the person against  
20 whom collateral estoppel is asserted was a party to or in privity with a party in the previous  
21 action.” *Wolfson v. Brammer*, 616 F.3d 1045, 1064 (9th Cir. 2010) (emphasis added).

22 Under California law, a judgment is not final for the purposes of collateral estoppel “until  
23 it is free from the potential of a direct attack, i.e. until no further direct appeal can be taken.”  
24 *Geographic Expeditions, Inc. v. Estate of Lhotka ex rel. Lhotka*, 599 F.3d 1102, 1108 n.3 (9th Cir.  
25 2010) (citing *Abelson v. Nat’l Union Fire Ins. Co.*, 28 Cal. App. 4th 776 (1994)). Defendant  
26 provided evidence that he has appealed the state court’s restraining order and that the judgment is  
27 therefore not yet final. Def.’s Reply 7, ECF 143; *id.* Exh. 1. As such, collateral estoppel is  
28 inapplicable to Defendant’s challenge to this Court’s exercise of personal jurisdiction. More

1 fundamentally, “a federal court must not fail to address the due process requirements of the federal  
2 constitution through blind adherence to a state court’s determination of that issue.” *Davis v. Metro*  
3 *Prods., Inc.*, 885 F.2d 515, 519 (9th Cir. 1989). As such, an exercise of personal jurisdiction is “a  
4 matter that must be independently determined by the federal court,” *id.*, and is not amenable to the  
5 offensive use of collateral estoppel that Plaintiffs urge here. *Accord Kennedy v. Phillips*, No. C11-  
6 1231 MJP, 2012 WL 261612, at \*3 (W.D. Wash. Jan. 30, 2012). Therefore, Defendant is not  
7 precluded from challenging personal jurisdiction in this Court.<sup>3</sup>

8 **B. Plaintiffs failed to establish specific personal jurisdiction over Defendant.**

9 It is undisputed that Defendant does not reside in California. Moreover, he declares that he  
10 has not been in California in several years and does not own any property in this state. Decl. of  
11 Thomas Retzlaff ¶¶ 3-5, ECF 134-1. When a case sounds in tort, as this one does, the Court  
12 considers whether the defendant has “purposefully directed” his activities at the forum state, even  
13 if those activities occurred elsewhere. *Picot v. Weston*, 780 F.3d 1206, 1212 (9th Cir. 2015).  
14 “Under this test, a defendant purposefully directed his activities at the forum if he: ‘(1) committed  
15 an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant  
16 knows is likely to be suffered in the forum state.’” *Id.* (quoting *Schwarzenegger*, 374 F.3d at 803);  
17 *see also Calder v. Jones*, 465 U.S. 783 (1984). Failing to plead any one of these three elements is  
18 fatal to the plaintiff’s attempt to exercise jurisdiction. *See Brayton*, 606 F.3d at 1128-29. The  
19 parties’ arguments on purposeful direction focus on the “express aiming” prong of this test. *See*  
20 *Def.’s Mot.* 10-12; *Pl.’s Opp.* 5-6.

21 As the Ninth Circuit recently acknowledged, the personal jurisdiction analysis, as guided  
22 by the United States Supreme Court’s ruling in *Walden v. Fiore*, 134 S. Ct. 1115 (2014), focuses  
23 on “the defendant’s contacts with the forum state, not the defendant’s contacts with a resident of  
24 the forum.” *Picot*, 780 F.3d at 1214. A plaintiff who resides in the forum state cannot be the only  
25 link between the defendant and the forum. *Id.* (quoting *Walden*, 134 S. Ct. at 1122). “[M]ere  
26 injury to a forum resident is not a sufficient connection to the forum”; courts analyzing personal

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28 <sup>3</sup> The Court declines Plaintiffs’ request to stay this action pending resolution of the state court  
appeal. No judicial benefit is imaginable from such an act.

1 jurisdiction must engage in a “forum-focused” inquiry. *Walden*, 134 S. Ct. at 1125. Although the  
2 *Walden* court expressly declined to address the issue of virtual contacts, courts applying the  
3 familiar *Calder* test in Internet cases consistently hold that more is required for the exercise of  
4 personal jurisdiction than injurious Internet postings floating in the ether that happen to find their  
5 way to the plaintiff’s attention in the forum state. *Patchen v. McGuire*, No. CIV.A. 11-5388, 2012  
6 WL 4473233, at \*5-13 (E.D. Pa. Sept. 27, 2012); *Mavrix*, 647 F.3d at 1231 (“Not all material  
7 placed on the Internet is, solely by virtue of its universal accessibility, expressly aimed at every  
8 state in which it is accessed.”); *Young v. New Haven Advocate*, 315 F.3d 256, 264 (4th Cir. 2002)  
9 (no personal jurisdiction over newspaper that posted allegedly defamatory article on passive  
10 website); *see also DFSB Kollektive Co. v. Bourne*, 897 F. Supp. 2d 871, 874 (N.D. Cal. 2012);  
11 *Advanced Tactical Ordnance Sys., LLC v. Real Action Paintball, Inc.*, 751 F.3d 796, 803 (7th Cir.  
12 2014). Recently, a California Court of Appeal applying *Walden* and *Calder* reiterated the plainly  
13 obvious proposition that “merely posting on the Internet negative comments about the plaintiff and  
14 knowing the plaintiff is in the forum state are insufficient to create minimum contacts.” *Burdick v.*  
15 *Superior Court*, 233 Cal. App. 4th 8, 25 (2015).

16 Here, all of Defendant’s alleged misconduct occurred outside of California and in  
17 cyberspace. A significant portion of the allegations concern negative comments posted on public  
18 Internet forums. *See* SAC ¶¶ 140-46, 154, 158-64, 167-68, 170, 173-75, 179-82. Plaintiffs have  
19 offered no facts or evidence to indicate that these comments were directed toward a California  
20 audience, whether they interfered with ViaView’s business or defamed McGibney.<sup>4</sup> Indeed,  
21 Defendant’s declaration indicates that until the filing of this lawsuit, he believed Plaintiffs were in  
22 Las Vegas, Nevada because ViaView is incorporated in Delaware and publicly lists only an office  
23 in Nevada.<sup>5</sup> Retzlaff Decl. ¶¶ 7-8; *id.* Exh. 2. Plaintiffs submitted no evidence to refute these  
24 assertions. In any case, even taking these allegations at face value, postings on public Internet

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26 <sup>4</sup> Although the economic torts (First and Second Claims) are alleged on behalf of both plaintiffs,  
27 there is no evidence that McGibney has any business relationships outside of ViaView that were  
28 injured by the alleged misconduct.

<sup>5</sup> Obviously, Defendant is now very much of aware of where Plaintiffs are located.

1 forums, without more, are insufficient to establish minimum contacts with California. *Burdick*,  
2 233 Cal. App. 4th at 25; *see also Love v. Associated Newspapers, Ltd.*, 611 F.3d 601, 616 n.4 (9th  
3 Cir. 2010) (no personal jurisdiction in California where plaintiff failed to allege facts  
4 demonstrating that defendant intentionally targeted plaintiff’s business interests in California,  
5 especially because plaintiff was a citizen of Nevada and not California).

6 There are some allegations in the SAC concerning targeted communications via Twitter  
7 and email. Under various guises, Defendant is alleged to have tweeted at a celebrity and sent  
8 harassing emails to McGibney, one of McGibney’s acquaintances, and at least one of ViaView’s  
9 board members, all of whom are resident in California.<sup>6</sup> *See* SAC ¶¶ 19, 21, 33, 35-38, 40, 153,  
10 155-57, 169, 171-72, 183, 184. These more direct virtual contacts present a closer question on  
11 personal jurisdiction, but cannot surmount the challenges advanced by Defendant. As an initial  
12 matter, Defendant roundly denies being in personal communication with plaintiff McGibney and  
13 moreover denies all of the misconduct that Plaintiffs attribute to him, including knowledge of  
14 ViaView’s advertising partners and the location of ViaView’s former celebrity endorsers. Retzlaff  
15 Decl. ¶¶ 8, 11. The only evidence submitted in support of Plaintiffs’ opposition to Defendant’s  
16 present motion is the declaration of plaintiff McGibney, which largely restates the allegations in  
17 the SAC.<sup>7</sup> *See* Decl. of James McGibney, ECF 141-1. When the factual basis for jurisdiction is  
18 challenged, as it has been here, a plaintiff cannot “simply rest on the bare allegations of its  
19 complaint, but rather [is] obligated to come forward with facts, by affidavit or otherwise,  
20 supporting personal jurisdiction.” *Amba Mktg. Sys., Inc. v. Jobar Int’l, Inc.*, 551 F.2d 784, 787  
21 (9th Cir. 1977); *Schwarzenegger*, 374 F.3d at 800. In other words, while the plaintiff’s burden is

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23 <sup>6</sup> It is not entirely clear what relevance some of these allegations have to Plaintiffs’ claims against  
24 Defendant in this lawsuit. For example, while the Court will accept that emailing McGibney’s  
25 acquaintance Adam Steinbaugh to threaten disclosure of private information might be relevant to  
26 McGibney’s intentional infliction of emotional distress claim, Defendant’s alleged act of  
27 “emailing Adam Steinbaugh directions and travel time” from Defendant’s location to Mr.  
28 Steinbaugh’s apartment in Los Angeles is, if anything, only relevant to a potential claim by Mr.  
Steinbaugh. *See* SAC ¶ 21.

<sup>7</sup> As with the SAC, the Court disregards the portions of the McGibney declaration concerning  
events after March 17, 2014. The portions that *are* relevant to the Court’s consideration restate the  
allegations in the SAC.

1 a low one, he still must show the existence of jurisdictional facts “based on *affirmative proof*  
2 beyond the pleadings, such as affidavits, testimony or other *competent evidence* of specific facts.”  
3 4 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1067.6 (3rd ed.  
4 2002) (emphasis added); *Abrams Shell v. Shell Oil Co.*, 165 F. Supp. 2d 1096, 1103 (C.D. Cal.  
5 2001). Mr. McGibney’s declaration in support of Plaintiffs’ opposition brief provides no  
6 competent evidence to refute Defendant’s declaration. For example, McGibney declares that he  
7 can testify “on personal knowledge” that “[Defendant] knew that [McGibney’s] resident and  
8 domicile was in San Jose, California and [Defendant] intentionally committed wrongs against  
9 [Plaintiffs] . . . knowing that we were in San Jose, California” and that Defendant is behind the  
10 various Twitter and email aliases that perpetrated the alleged misconduct. *See, e.g.*, McGibney  
11 Decl. ¶¶ 5, 10, 13, 15-19, 22-25, 29, 31, 33-40, 43, 45-47, 49, 51-52, 56, 58, 60, 68. These are  
12 simply recapitulated allegations from the SAC. More fundamentally, Plaintiffs provide no  
13 foundation for McGibney’s ability to testify on personal knowledge to any of these allegations  
14 concerning Defendant’s intent, knowledge, and operation of the alleged aliases. Plaintiffs cannot  
15 avoid their evidentiary burden on a factual challenge to personal jurisdiction by resting on the  
16 allegations in the SAC. Absent competent evidence, Plaintiffs failed to make a prima facie  
17 showing of jurisdictional facts sufficient to carry their burden of establishing the first two  
18 elements of the *Calder* effects test. *Accord Fahmy v. Hogge*, No. CV 08-1152 PSG SHX, 2008  
19 WL 4614322, at \*5 (C.D. Cal. Oct. 14, 2008).

20 “As a practical matter, email does not exist in any location at all; it bounces from one  
21 server to another, it starts wherever the account-holder is sitting when she clicks the “send” button,  
22 and it winds up wherever the recipient happens to be at that instant. The connection between the  
23 place where an email is opened and a lawsuit is entirely fortuitous.” *Advanced Tactical Ordnance*  
24 *Sys.*, 751 F.3d at 803. Thus, without more to establish Defendant’s association with the email  
25 accounts alleged in the SAC, as well as his knowledge that the recipients of those emails were  
26 California residents, Plaintiffs have failed to establish Defendant’s contacts with this forum.  
27 Much as in *Picot* and *Walden*, any suit-related connections between Defendant and the State of  
28 California were, on the record before the Court, “random, fortuitous, or attenuated.” *Walden*, 134

1 S. Ct. at 1123 (quoting *Burger King*, 471 U.S. at 475). As such, Plaintiffs failed to demonstrate,  
2 through affirmative proof with competent evidence beyond the pleadings, that Defendant has  
3 sufficient contacts with this forum that the exercise of specific personal jurisdiction over him  
4 comports with “traditional notions of fair play and substantial justice.” *Int’l Shoe*, 326 U.S. at  
5 316; *accord Patchen*, 2012 WL 4473233, at \*5-13.

6 To be sure, Defendant is now fully on notice of Plaintiffs’ location and of their attention to  
7 his alleged postings. Future misconduct targeted at Plaintiffs may tilt the analysis in favor of  
8 specific personal jurisdiction in California in connection with a different complaint. As it stands,  
9 based upon the relevant allegations in the SAC and the competent evidence before the Court, this  
10 Court does not have specific personal jurisdiction over Defendant. Defendant’s motion must  
11 therefore be GRANTED.

12 **IV. ORDER**

13 For the foregoing reasons, IT IS HEREBY ORDERED that Defendant’s Motion to  
14 Dismiss for Lack of Personal Jurisdiction is GRANTED, without further leave to amend, and this  
15 action is DISMISSED, without prejudice, for lack of personal jurisdiction. As this Court lacks  
16 personal jurisdiction over Defendant, the Court declines to address any of Defendant’s remaining  
17 motions. The Clerk of the Court shall close the case file.

18 **IT IS SO ORDERED.**

19 Dated: June 18, 2015

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21 BETH LABSON FREEMAN  
22 United States District Judge  
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