

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MICHAEL SCALI,

Plaintiff,

v.

Case No: 8:14-cv-1919-T-30TBM

THINKDIRECT MARKETING GROUP,
INC., BLACKSTREET CAPITAL
MANAGEMENT, LLC, THOMAS H.
RIPLEY, DENNIS CAHILL, PAT DALL
and DAVE MACEY,

Defendants.

ORDER

THIS CAUSE comes before the Court upon the Defendant Blackstreet Capital Management, LLC's Motion to Dismiss for Lack of Personal Jurisdiction and Memorandum of Law (Dkt. #3) and Plaintiff's Response in Opposition to Defendant's Blackstreet Capital Management, LLC's Motion to Dismiss for Lack of Personal Jurisdiction and Memorandum of Law and Plaintiff's Alternative Motion for Jurisdictional Discovery and to Enlarge the Time Period to Respond (Dkt. #14). Upon review and consideration, it is the Court's conclusion that the Motion should be granted.

This is a collective action under the Fair Labor Standards Act ("FLSA") against various defendants, including Defendant ThinkDirect Marketing Group, Inc. and Defendant Blackstreet Capital Management, LLC to recover unpaid overtime wages and


liquidated damages. Defendant Blackstreet moves to dismiss for lack of personal jurisdiction.

Plaintiffs filed an almost identical complaint against the same defendants in the case styled *Heidbrink v. ThinkDirect Marketing Grp, Inc.*, M.D.Fla. Case No.: 8:24-cv-1232-T-30 AEP. Blackstreet moved to dismiss that case against it for lack of personal jurisdiction. This Court granted Blackstreet's motion concluding that "[u]nder the applicable law, Plaintiffs have not met their burden to establish personal jurisdiction over Blackstreet." *Heidbrink*, M.D.Fla. Case No.: 8:24-cv-1232-T-30 AEP (Dkt. #41); 2014 WL 3585698, *1. Upon review of the Motion and Response in Opposition, it is clear that the issues and arguments regarding this Court's exercise of personal jurisdiction over Blackstreet in *Heidbrink* are identical to the ones in this case. Therefore, based on the analysis in the *Heidbrink* Order, the Court concludes that it lacks personal jurisdiction over Blackstreet and that the Motion is due to be granted.

It is therefore ORDERED AND ADJUDGED that:

1. Defendant Blackstreet Capital Management, LLC's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. #3) is GRANTED.

DONE and **ORDERED** in Tampa, Florida, this 15th day of September, 2014.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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