

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DORLENE CHANDLER,)	
)	
Plaintiff,)	
)	
v.)	CV417-134
)	
GOPLUS, CORP. & WEI WU,)	
)	
Defendant.)	

ORDER

Plaintiff Dorene Chandler seeks to join manufacturer Zhejiang Wuyi Shangxin Industrial and Trade Co. and “Importer XYZ” to this product liability and negligence action, doc. 17, apparently to remedy one of the glaring defects of her Complaint. *See* doc. 4 (defendant GoPlus, Corp.’s motion to dismiss the Complaint for, *inter alia*, failure to join indispensable party Zhejiang).

GoPlus agrees that Zhejiang must be joined, and plaintiff’s request to add Zhejiang is **GRANTED**. It disagrees, however, that “Importer XYZ,” a fictitious entity, should be joined, because there is no basis in Georgia law -- nor does plaintiff cite one -- supporting her position that “[i]mporters have duties towards buyers of imported products” under Georgia law. Doc. 17 at 2 (noting that GoPlus and Wei

Wu are alleged to be “importers” in the Complaint and that Chandler has “asked for the importer’s identity” but has not yet found out, and asking that in the meantime “Importer XYZ” be named as a joined defendant until its true identity can be discerned). The Court agrees -- plaintiff has provided no basis in her 2 page motion to join her fictitious importer entity, and her opposed motion to add Importer XYZ is thus **DENIED.**

Chandler also seeks to amend the order granting the parties’ unopposed motion to stay to clarify that discovery should only be stayed while service is being perfected on all defendants. Doc. 15 at 1. GoPlus responds that its pending motion to dismiss, Wei’s yet-to-be filed response, as well as the yet-to-be perfected service on newly joined defendant Zhejiang, warrant an even longer stay than the one originally contemplated. Doc. 27 at 2-4. These future actions will, at a minimum, somewhat modify the nature and scope of discovery to be taken, as will any further amendment to the Complaint to address the deficiencies identified by GoPlus’ motion to dismiss and any other dismissal motion filed. *See* doc. 4. The Court agrees -- regardless of the merit of GoPlus’ own motion, Chandler has necessarily changed the nature of her

Complaint by adding this party, and both Wei's and Zhejiang's responses will further alter the calculus. The Court will not modify its Order granting the stay of discovery.

In sum, plaintiff's motion for joinder is **GRANTED** in part as to defendant Zhejiang Wuyi Shangxin Industrial and Trade Co. The Clerk is directed to update the docket accordingly. Her request to modify the Order staying discovery is **DENIED**.

SO ORDERED, this 17th day of August, 2017.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA