

the laws of the forum state such that they should anticipate being haled into court here. Mem. Law Supp. Defs.’ Mot. Dismiss, 11. The question whether Defendants’ have “purposefully availed” themselves of the laws of the forum state focuses on Defendants’ intentionality and is “satisfied when the defendant purposefully and voluntarily directs his activities toward the forum so that he should expect, by virtue of the benefit he receives, to be subject to the court’s jurisdiction based on these contacts.” United States v. Swiss Am. Bank, Ltd., 274 F.3d 610, 621, 623–24 (1st Cir. 2001) (explaining that “[a] contract, by itself, cannot automatically establish minimum contacts” and that Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985), established a “contract-plus” analysis).

On December 12, 2014, the court denied Plaintiff’s motion for trustee process without prejudice, finding that, on the present record before the court, Plaintiff had not shown a reasonable likelihood of success on the merits [#19]. Thereafter, on December 23, 2014, Plaintiff filed an amended complaint, an opposition to Defendants’ motion to dismiss, and a cross motion for trustee process, reasserting its request for a trustee process attachment [#21, 22].

In light of Plaintiff’s filing an amended complaint, Defendants’ motion to dismiss the original complaint is MOOT and Defendants’ have twenty-one days to answer or file a motion under Federal Rule of Civil Procedure 12. With respect to Plaintiff’s cross motion for trustee process [#22], the court again DENIES the motion without prejudice. Although the court reserves final judgment on the question of personal jurisdiction, the addition of jurisdictional facts in the amended complaint has not convinced the court that Plaintiffs have shown a reasonable likelihood of success on the merits.

IT IS SO ORDERED.

Date: December 23, 2014

/s/ Indira Talwani
United States District Judge