

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CHOON'S DESIGN, INC.,  
Plaintiff,

v.

Case No. 14-13666  
HON. TERRENCE G. BERG

MIDWEST TRADING GROUP, INC.  
Defendant.

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**ORDER GRANTING LIMITED DISCOVERY INTO JURISDICTION AND  
DENYING DEFENDANT'S MOTION TO DISMISS WITHOUT PREJUDICE  
(DKT. 9)**

This matter is before the Court on Defendant Midwest Trading Group's ("Defendant's") motion to dismiss under Federal Rule of Civil Procedure 12(b)(2) filed on November 11, 2014. (Dkt. 9).

"Courts have three procedural alternatives when faced with a motion to dismiss based on personal jurisdiction, brought pursuant to Fed.R.Civ.P. 12(b)(2): 1) determine the motion based on the affidavits alone; 2) permit discovery, which would aid in resolution of the motion; or 3) conduct an evidentiary hearing on the merits of the motion." *In re Refrigerant Compressors Antitrust Litig.*, No. 09-MD-2042, 2014 WL 4678048, at \*1 (E.D. Mich. Sept. 18, 2014).

Having reviewed the parties' briefs, affidavits, and exhibits, the Court concludes that limited discovery would assist the Court in determining whether Defendant is subject to personal jurisdiction in Michigan.

This Court thus **GRANTS** Plaintiff Choon's Design's ("Plaintiff's") request for limited discovery on the issue of personal jurisdiction. Counsel for the parties are to

meet and confer as to the necessary discovery and to submit a joint proposed scheduling order to the Court no later than February 6, 2015.

**IT IS FURTHER ORDERED** that Defendant's motion to dismiss for lack of personal jurisdiction is **DENIED WITHOUT PREJUDICE**. If appropriate, Defendant may renew its motion following the completion of the limited discovery.

**SO ORDERED.**

Dated: January 23, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on January 23, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager