



1 A nonresident defendant's contacts with the forum state may permit the exercise of  
2 specific jurisdiction if: (1) the defendant has performed some act or transaction within the forum  
3 or purposefully availed himself of the privileges of conducting activities within the forum, (2) the  
4 plaintiff's claim arises out of or results from the defendant's forum-related activities, and (3) the  
5 exercise of jurisdiction over the defendant is reasonable. *Pebble Beach Co. v. Caddy*, 453 F.3d  
6 1151, 1155-56 (9th Cir. 2006). "If any of the three requirements is not satisfied, jurisdiction in  
7 the forum would deprive the defendant of due process of law." *Omeluk v. Langsten Slip &*  
8 *Batbyggeri A/S*, 52 F.3d 267, 270 (9th Cir. 1995). Under the first prong of this "minimum  
9 contacts test," the plaintiff must establish either that the defendant "(1) purposefully availed  
10 himself of the privilege of conducting his activities in the forum, or (2) purposefully directed his  
11 activities toward the forum." *Pebble Beach Co.*, 453 F.3d at 1155. "Evidence of availment is  
12 typically action taking place in the forum that invokes the benefits and protections of the laws in  
13 the forum." *Id.* Evidence of direction usually consists of conduct taking place outside the forum  
14 that the defendant directs at the forum. *Id.* at 1155-56.

15 Whenever a court "finds there is a want of jurisdiction" in a civil action, the court "shall"  
16 transfer the action to "any other such court in which the action or appeal could have been brought  
17 at the time it was filed or noticed," but only if the transfer is "in the interest of justice." 28 U.S.C.  
18 § 1631. Additionally, 28 U.S.C. § 1406(a) "authorize[s] the transfer of a case so as to cure the  
19 lack of personal jurisdiction in the district where the case was first brought" if the transfer is in  
20 the interest of justice. *Wood v. Santa Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523  
21 (9th Cir. 1983).

22 Without prejudice to the defendants filing motions to dismiss post-transfer, the filings  
23 before me support transfer to the Central District of California, Western Division. Glines admits  
24 he worked for Nexicon in California. ECF No. 8. Ishiyama states he met with Glines in  
25 Nexicon's California offices and that Krystoff was at one of these meetings. ECF Nos. 14-1; 46-1  
26 at 2. According to Ishiyama, Glines stated he was working at Nexicon's Malibu, California  
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1 office. ECF No. 46-1 at 2. He also states that upon information and belief, Glines and Krystoff  
2 executed the promissory note and guaranty documents in California. *Id.*

3 Based on this information, it appears Glines and Krystoff purposefully availed themselves  
4 of the privilege of conducting their activities in California by conducting business and soliciting  
5 investments in California. Ishiyama's claims arise out of those activities because he contends the  
6 defendants have failed to honor their obligations under the guarantees. The defendants have not  
7 shown why California's exercise of jurisdiction over them would be unreasonable. *See Boschetto*  
8 *v. Hansing*, 539 F.3d 1011, 1016 (9th Cir. 2008) ("If the plaintiff establishes both prongs one and  
9 two, the defendant must come forward with a 'compelling case' that the exercise of jurisdiction  
10 would not be reasonable."). I therefore will transfer this case to the Central District of California.

11 IT IS THEREFORE ORDERED that this case is transferred to the United States District  
12 Court for the Central District of California, Western Division.

13 DATED this 13<sup>th</sup> day of October, 2016.

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16 ANDREW P. GORDON  
17 UNITED STATES DISTRICT JUDGE  
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