

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AARON CLARK,	:	
Plaintiff,	:	Case No. 2:08-cv-982
v.	:	Judge Holschuh
THE WALT DISNEY CO., et al.,	:	Magistrate Judge Abel
Defendants.	:	
	:	

ORDER

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendant The Walt Disney Company (“TWDC”) has moved to dismiss all claims against it for lack of personal jurisdiction. The court has three options when deciding a motion to dismiss for lack of personal jurisdiction. See Serras v. First Tennessee Bank N.A., 875 F.2d 1212, 1214 (6th Cir. 1989). It may decide the motion on the basis of affidavits alone, permit discovery in aid of the motion, or conduct an evidentiary hearing on the merits. Id. (citing Marine Midland Bank, N.A. v. Miller, 664 F.2d 899, 904 (2d Cir. 1981)). In his memorandum in opposition, Plaintiff urges the Court to deny TWDC’s motion or, in the alternative, to permit him to engage in limited discovery so that he can properly respond to it.

After reviewing the parties’ briefs, the Court has determined that Plaintiff is entitled to engage in limited discovery with respect to the issue of whether this Court may properly exercise personal jurisdiction over TWDC. The Court therefore **DENIES WITHOUT PREJUDICE** Defendant’s motion to dismiss. (Doc. 16). Plaintiff shall have until September 10, 2009 to conduct limited discovery on the issue of personal jurisdiction. If, following the completion of that discovery, Plaintiff determines that there is no reasonable basis for this Court to assert personal

jurisdiction over Defendant TWDC, Plaintiff shall dismiss all claims against TWDC. If Plaintiff does not voluntarily dismiss those claims, TWDC shall have until September 24, 2009 to file a renewed motion to dismiss for lack of personal jurisdiction.

IT IS SO ORDERED.

Date: July 9, 2009

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court