

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANA FRICK and JOSEPH FRICK,)
her husband,)

Plaintiffs,)

v.)

2:15cv360

Electronic Filing

BIG LOTS STORES, INC.,)

Defendant/ Third Party Plaintiff,)

v.)

BUREAU VERITAS CONSUMER)
PRODUCTS SERVICES, INC.;)
BUREAU VERITAS CONSUMER)
PRODUCTS SERVICES (INDIA))
PVT. LTD.; DESIGNCO OVERSEAS)
PRIVATE LIMITED a/k/a DESIGNCO)
INDIA d/b/a DESIGNCO; and HOC)
INDUSTRIES, INC. f/k/a THE HOME)
OIL COMPANY f/k/a THE HOME)
OIL COMPANY, INC. d/b/a)
HOMESTAR,)

Third Party Defendants.)

MEMORANDUM ORDER

AND NOW, this 10th day of January, 2017, upon due consideration of defendant/third-party plaintiff Big Lots' motion for leave to conduct jurisdictional discovery as to third-party defendant Bureau Veritas Consumer Products Services (India) Pvt. Ltd. ("BVCPS – India"), and defendant BVCPS – India's opposition thereto, IT IS ORDERED that [119] the motion be, and the same hereby is, granted. Defendant Big Lots is granted leave to pursue jurisdictional discovery from defendant BVCPS – India over the next 90 days. Defendant Big Lots shall commence its jurisdictional discovery without undue delay.

Defendant Big Lots has presented factual allegations that suggest with sufficient particularity that the possible existence of the requisite minimum contacts with Pennsylvania can

be established. Consequently, it is appropriate to permit the requested jurisdictional discovery before resolving the dispute about whether personal jurisdiction may be exercised over defendant BVCPS – India. See generally Toys "R" Us, Inc. v. Step Two, S.A., 318 F.3d 446, 455-58 (3d Cir. 2003).

s/David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Michael C. George, Esquire
Jason G. Wehrle, Esquire
Joshua K. Boggs, Esquire
Ryan R. Mick, Esquire
Sara J. Krumholz, Esquire
Zach T. Mayer, Esquire
Donald H. Smith, Esquire
Sharon Z. Hall, Esquire
Eric Blumenfeld, Esquire
Joseph F. Butcher, Esquire
Paul R. Robinson, Esquire
Benjamin Sorisio, Esquire

(Via CM/ECF Electronic Mail)