

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Mark Glinoga, on behalf of himself and all others similarly situated v.
Sullivan Entertainment Inc., Sullivan Home Entertainment Limited,
Sullivan Entertainment International Inc., and Sullivan
Entertainment Group Inc.

Glinoga · No. 25CV0707-GPC(SBC) · Decided October 17, 2025

SUMMARY

The United States District Court for the Southern District of California addresses Plaintiff Mark Glinoga’s response to an order to show cause concerning subject matter jurisdiction, personal jurisdiction, and venue. The court finds that Plaintiff explained subject matter and personal jurisdiction, concludes that venue objections were waived by Defendants, and directs Plaintiff to file an amended complaint correcting clerical errors by October 21, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Gonzalo P. Curiel
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 17, 2025
DOCKET	25CV0707-GPC(SBC)
DISPOSITION	other
PROCEDURAL POSTURE	After issuing an order to show cause why the action should not be dismissed for lack of subject matter jurisdiction, personal jurisdiction, and venue, the court considered Plaintiff's response and request for leave to amend clerical errors in the complaint.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mark Glinoga, on behalf of himself and all others similarly situated v. Sullivan Entertainment Inc., Sullivan Home Entertainment Limited, Sullivan Entertainment International Inc., Sullivan Entertainment Group Inc.

TOPICS

venue

subject matter jurisdiction

personal jurisdiction

motion to amend

civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether the complaint adequately established subject matter jurisdiction.
2. Whether the court had personal jurisdiction over Defendants.
3. Whether venue was proper in the Southern District of California or, if improper, had been waived by Defendants.
4. Whether Plaintiff should be permitted to amend the complaint to correct clerical errors concerning jurisdiction and venue.

HOLDINGS

1. Plaintiff adequately explained the bases for subject matter jurisdiction and personal jurisdiction over Defendants, so dismissal on those grounds was not warranted at that stage.
2. Although Plaintiff had not shown that venue was proper in the Southern District of California, venue had been waived by Defendants because venue is waivable when not timely raised in the first defensive motion or answer.
3. The complaint did not establish venue under § 1391(b)(1) because it did not allege that one Defendant resided in the Southern District of California and that all Defendants were residents of California.
4. Plaintiff was directed to file an amended complaint correcting the clerical errors concerning subject matter jurisdiction, personal jurisdiction, and venue by October 21, 2025.

KEY QUOTATIONS

“Plaintiff has not shown venue is proper in this district, but the Court concludes it has been waived by Defendants.” (1)

FACTUAL BACKGROUND

The complaint concerned claims brought by Mark Glinoga on behalf of himself and a putative class against four Sullivan entities. The complaint referred to the Southern District of New York in connection with jurisdiction and venue, which Plaintiff characterized as a scrivener's error. The complaint alleged that a substantial part of the relevant events occurred in Inglewood, California, within the Central District of California, and alleged that Defendants' registered address was in Ontario, Canada.

PROCEDURAL HISTORY

On October 14, 2025, the court ordered Plaintiff to show cause why the case should not be dismissed for lack of subject matter jurisdiction, personal jurisdiction, and venue. Plaintiff responded on October 17, 2025, explaining that references to the Southern District of New York in the complaint were scrivener's errors and requesting

leave to amend. The court accepted Plaintiff's explanation concerning subject matter and personal jurisdiction, concluded that venue had been waived by Defendants, and directed Plaintiff to file an amended complaint correcting the clerical errors.

DISPOSITION

other

CASES CITED

- Leroy v. Great W. United Corp., 443 U.S. 173, 180 (1979)
- Pratt v. Rowland, 769 F. Supp. 1128, 1132 (N.D. Cal. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MARK GLINOGA, on behalf of himself Case No.: 25CV0707-GPC(SBC)
and all others similarly situated, 12 ORDER FOLLOWING ORDER TO Plaintiff, 13 SHOW
CAUSE WHY THE CASE v. SHOULD NOT BE DISMISSED FOR 14 LACK OF SUBJECT
MATTER SULLIVAN ENTERTAINMENT INC., 15 JURISDICTION, PERSONAL SULLIVAN
HOME ENTERTAINMENT JURISDICTION AND FOR LACK 16 LIMITED, SULLIVAN OF
VENUE ENTERTAINMENT INTERNATIONAL 17 INC., AND SULLIVAN 18
ENTERTAINMENT GROUP INC., 19 Defendants.

20 21 On October 14, 2025, the Court issued an order to show cause why the case should 22 not
be dismissed for lack of subject matter jurisdiction, personal jurisdiction and for lack 23 of venue.
(Dkt. No. 11.) On October 17, 2025, Plaintiff filed a response explaining the 24 reference to the
Southern District of New York concerning jurisdiction and venue in the 25 complaint was a
scrivener’s error and seeks leave to amend to correct the clerical 26 mistakes.

(Dkt. No. 12.) Plaintiff has explained why the Court has subject matter 27 jurisdiction and
personal jurisdiction over Defendants. Plaintiff has not shown venue is 28 1 || proper in this
district, but the Court concludes it has been waived by Defendants. See 2 || Leroy v. Great W.
United Corp., 443 U.S. 173, 180 (1979) (venue is waivable); Pratt v. 3 || Rowland, 769 F. Supp.
1128, 1132 (N.D.

Cal. 1991) (venue waived if not raised in the 4 || first defensive motion or answer to the
complaint). 5 Accordingly, the Court DIRECTS Plaintiff to file an amended complaint to correct 6
|| the clerical error concerning subject matter jurisdiction, personal jurisdiction and venue 7 ||in the
complaint on or before October 21, 2025. 8 IT IS SO ORDERED. 9 || Dated: October 17, 2025 <=
10 Hon. Gonzalo P. Curiel 11 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 ||!

Contrary to Plaintiffs argument that venue is proper in this district, the complaint alleges that a substantial part of the events or omissions giving rise to the claim occurred in Inglewood, California, 23 which is within the Central District of California, not the Southern District of California. Further, Plaintiff maintains that because one Defendant is subject to personal jurisdiction and all Defendants reside in jurisdictions within the United States, venue is proper in this district.

(Dkt. No. 12 at 3.) Not 25 || so. First, the complaint alleges that Defendants' registered address is in Ontario, Canada and not in any jurisdiction in the United States. (Dkt. No. 1, Comp. §] 28.) Further, § 1391(b)(1) provides that venue is 26 || proper in a "judicial district in which any defendant resides, if all defendants are residents of the State in which the district 1s located[.]" 28 U.S.C. § 1391.

The fact that Defendants reside in jurisdiction within 27 || the United States is of no relevance. Therefore, venue is not proper under § 1391(b)(1) because the 28 complaint has not alleged that one defendant resides in the Southern District of California and all defendants are residents of California. ty