

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 MARK GLINOGE, 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 is 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