

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Car Ko, LLC v. Auffenberg Ford, Inc.

Car Ko · No. 2:25-cv-00008 · Decided December 8, 2025

SUMMARY

The United States District Court for the Southern District of Ohio grants GiveMeTheVin, LLC’s motion and RP Exotics, LLC’s related request for limited jurisdictional discovery concerning McLaren Charlotte’s motion to dismiss for lack of personal jurisdiction. The Court allows 45 days for jurisdictional discovery focused on jurisdictional issues and permits supplemental briefing subject to specified page limits and deadlines.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Kimberly A. Jolson
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	December 8, 2025
DOCKET	2:25-cv-00008
DISPOSITION	other
PROCEDURAL POSTURE	Fourth-Party Defendant CMD, LLC d/b/a McLaren Charlotte moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss GiveMeTheVin, LLC's fourth-party complaint and RP Exotics, LLC's crossclaims for lack of personal jurisdiction. GiveMeTheVin and RP requested jurisdictional discovery before the Court ruled on the motion.
STANDARD OF REVIEW	A district court has discretion to decide a Rule 12(b)(2) motion on affidavits, permit jurisdictional discovery, or conduct an evidentiary hearing to resolve factual disputes.
PRECEDENTIAL VALUE	Unpublished district court opinion; persuasive rather than binding authority.

TOPICS

- personal jurisdiction
- discovery dispute
- motions to dismiss
- civil procedure
- commercial litigation

PRACTICE AREAS

civil procedure

personal jurisdiction

commercial litigation

QUESTIONS PRESENTED

1. Whether the court should permit jurisdictional discovery before deciding McLaren Charlotte's Rule 12(b)(2) motion challenging personal jurisdiction.
2. What scope and duration of jurisdictional discovery were appropriate in light of the unresolved questions concerning McLaren Charlotte's contacts with Ohio.

HOLDINGS

1. Jurisdictional discovery was warranted because unresolved factual questions remained concerning McLaren Charlotte's website, advertising, dealer or franchise relationships, vehicle sales, and possible Ohio connections.
2. GiveMeTheVin and RP were entitled to 45 days of limited jurisdictional discovery restricted to issues raised in or relevant to McLaren Charlotte's personal-jurisdiction motion.

KEY QUOTATIONS

“Presented with a properly supported 12(b)(2) motion and opposition, the court has three procedural alternatives: it may decide the motion upon the affidavits alone; it may permit discovery in aid of deciding the motion; or it may conduct an evidentiary hearing to resolve any apparent factual questions.” (Section I)

“Nonetheless, “[a]lthough Federal Rule of Civil Procedure 26 contemplates broad discovery, courts must ensure that jurisdictional discovery does not undermine the due process considerations that personal jurisdiction is designed to protect.”” (Section II)

FACTUAL BACKGROUND

McLaren Charlotte submitted a declaration stating that it did not operate a dealership in Ohio, conduct targeted marketing there, or have authorization to do business there. GiveMeTheVin and RP asserted that McLaren Charlotte's website, national advertising, cross-state dealer or franchise programs, vehicle sales, and a potentially related Ohio LLC could establish sufficient contacts, but contended that additional information was needed regarding those contacts and Ohio sales.

PROCEDURAL HISTORY

The case was pending in the Southern District of Ohio after removal of a breach-of-contract action. In connection with third- and fourth-party claims, McLaren Charlotte moved to dismiss for lack of personal jurisdiction. The court granted GiveMeTheVin's motion and RP's related request for limited jurisdictional discovery, deferred the jurisdictional-dismissal issue, and authorized supplemental briefing.

DISPOSITION

other

CASES CITED

- Theunissen v. Matthews, 935 F.2d 1454, 1458 (6th Cir. 1991)
- Victoria's Secret Stores Brand Mgmt., Inc. v. Bob's Stores LLC, No. 2:13-CV-1261, 2014 WL 1045994, at *1–2 (S.D. Ohio Mar. 17, 2014)
- High 5 Sportswear, Inc. v. H5G, LLC, No. 3:15-CV-401, 2016 WL 1407887, at *2 (S.D. Ohio Apr. 11, 2016)
- In re Porsche Cars N. Am., Inc., No. 2:11-md-2-233, 2012 WL 4361430, at *2 (S.D. Ohio Sept. 25, 2012)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION CAR KO, LLC, Plaintiff, v. Civil Action 2:25-cv-8 Judge Michael H. Watson Magistrate Judge Kimberly A. Jolson AUFFENBERG FORD, INC., Defendant, OPINION & ORDER Before the Court is Fourth-Party Defendant CMD, LLC d/b/a McLaren Charlotte's ("McLaren Charlotte") motion to dismiss Fourth-Party Plaintiff's GiveMeTheVin, LLC's ("GMTV") complaint and Third-Party Defendant RP Exotics, LLC's ("RP") crossclaims.

(Doc. 33). As relevant here, McLaren Charlotte asserts that this Court lacks personal jurisdiction over it. (See Doc. 33 at 8–10 (arguing McLaren Charlotte lacks the requisite minimum contacts with Ohio "to pass constitutional muster")); see Fed. R. Civ. P. 12(b)(2) (allowing a party to assert a lack of personal jurisdiction defense by motion)).

In response, GMTV argues that personal jurisdiction requirements are met under both the Federal Odometer Act and Ohio's Long-Arm Statute. (Doc. 39 at 2–6). Of the latter, however, GMTV requests that the Court permit jurisdictional discovery to "fully flush out [the relevant] factors" and to "determine the volume of business McLaren Charlotte has in Ohio and to what extent its cars could end up in Ohio." (Id. at 4).

RP's response makes similar arguments and a matching request. (Doc. 36 (arguing that "at minimum" jurisdictional discovery should be permitted)). GMTV subsequently filed a Motion to Conduct Jurisdictional Discovery (Doc. 40). McLaren Charlotte opposes any jurisdictional discovery, stating that discovery would be a "costly fishing expedition" given GMTV and RP's attenuated personal jurisdiction claims.

(Doc. 45; see also Doc. 41 at 11–12; Doc. 44 at 6–7)). The Court considers GMTV's Motion, and RP's related request, now. I. STANDARD "Presented with a properly supported 12(b)(2) motion and opposition, the court has three procedural alternatives: it may decide the motion upon the affidavits alone; it may permit discovery in aid of deciding the motion; or it may conduct an evidentiary hearing to resolve any apparent factual questions." Theunissen v. Matthews, 935 F.2d 1454, 1458 (6th Cir.

1991). A district court has "discretion to select which method it will follow[.]" Id. II. DISCUSSION The crux of McLaren Charlotte's motion to dismiss is whether McLaren Charlotte

has sufficient connections for personal jurisdiction. McLaren Charlotte says no, providing a declaration attesting that McLaren Charlotte does not operate a car dealership in Ohio, does not engage in targeted marketing activities within the Ohio, and is not authorized to engage in business in Ohio. (Doc.

33-1). On the other hand, GMTV and RP argue that McLaren Charlotte's connections are likely sufficient by virtue of its website, its participation in national advertising and cross-state dealer or franchise programs, its car sales, and a potentially related Ohio LLC— but they need more information to be sure. (Doc. 36; Doc. 39 at 4–5; Doc. 46 (noting McLaren Charlotte's self-serving affidavit does not provide enough detail about how its website operates or about sales figures relevant to personal jurisdiction)); see also Doc.

36-1, 36-2, 36-3, 36-4, 36-5, 36-6, 39-1). Given these unresolved questions, the Court finds that jurisdictional discovery is the best option to move forward. See, e.g., *Victoria's Secret Stores Brand Mgmt., Inc. v. Bob's Stores LLC*, No. 2:13-CV-1261, 2014 WL 1045994, at *1–2 (S.D. Ohio Mar. 17, 2014) (allowing jurisdictional discovery to explore whether and what merchandise was sold via the defendant's website in Ohio); *High 5 Sportswear, Inc. v. H5G, LLC*, No. 3:15-CV-401, 2016 WL 1407887, at *2 (S.D.

Ohio Apr. 11, 2016) (permitting jurisdictional discovery where a defendant's affidavit supporting a motion to dismiss failed to provide specific sales figures for Ohio or information regarding the functioning of its website). Nonetheless, “[a]lthough Federal Rule of Civil Procedure 26 contemplates broad discovery, courts must ensure that jurisdictional discovery does not undermine the due process considerations that personal jurisdiction is designed to protect.” *In re Porsche Cars N. Am., Inc.*, No. 2:11-md-233, 2012 WL 4361430, at *2 (S.D.

Ohio Sept. 25, 2012) (citation omitted). Accordingly, GMTV and RP shall have 45 days from the date of this Order to engage in limited jurisdictional discovery. The discovery must be restricted to jurisdictional issues raised in or relevant to McLaren Charlotte's motion to dismiss for lack of personal jurisdiction.

The parties must work together expediently to define the contours of this targeted discovery, keeping in mind that both GMTV and RP have assured the Court their discovery needs are “minimal.” (Doc. 36 at 10; Doc. 46 at 2). If McLaren Charlotte believes a discovery request exceeds the scope and purpose of limited jurisdictional discovery, it is instructed to contact the Undersigned's chambers at jolson_chambers@ohsd.uscourts.gov to arrange a telephone status conference.

Prior to contacting the Court, however, the parties must attempt to work through their dispute collaboratively and certify they have attempted to resolve their differences. GMTV and RP are

both GRANTED leave to supplement their memorandums in opposition to McLaren Charlotte's motion to dismiss for lack of personal jurisdiction on or before January 22, 2026.

McLaren Charlotte's supplemented replies are due on or before February 5, 2026. The supplemental responses and the supplemental replies shall not exceed seven pages. III. CONCLUSION For the foregoing reasons, Fourth-Party Plaintiff GiveMeTheVin LLC's Motion for Leave to Conduct Jurisdictional Discovery (Doc. 40), and Third-Party Defendant RP Exotics LLC's request for the same (Doc.

36), are GRANTED. The parties shall have 45 days to conduct jurisdictional discovery consistent with this Order. GMTV and RP are GRANTED leave to supplement their memorandums in opposition to McLaren Charlotte's motion to dismiss for lack of personal jurisdiction on or before January 22, 2026. McLaren Charlotte's supplemented replies are due on or before February 5, 2026.

IT IS SO ORDERED. Date: December 8, 2025 /s/ Kimberly A. Jolson KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE