

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

John Day v. Varun Datta, et al.

Case No. 22-CV-22572-RAR · No. 22-CV-22572-RAR · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of Florida grants Defendants Varun Datta and 4New Ltd.’s renewed motion to dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2). The Court concludes that Plaintiff failed to establish jurisdiction over 4New under Florida’s long-arm statute based on its website, conference participation, or alleged Florida headquarters, and also failed to sufficiently allege that Datta committed tortious acts in Florida. The excerpt indicates that 4New was dismissed and that the Court continued analyzing personal jurisdiction over Datta.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 2, 2026
DOCKET	22-CV-22572-RAR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Varun Datta and 4New Ltd. renewed a motion under Federal Rule of Civil Procedure 12(b)(2) to dismiss the Second Amended Complaint for lack of personal jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion, the district court may either hold an evidentiary hearing or decide jurisdiction under a prima facie standard without a hearing. The plaintiff initially bears the burden of alleging facts sufficient to establish a prima facie case; if the defendant presents affidavits or other evidence refuting jurisdictional allegations, the burden shifts back to the plaintiff to substantiate jurisdiction with affidavits or competent proof. Conflicts between the complaint and defendant's evidence are construed in the plaintiff's favor.
PRECEDENTIAL VALUE	unpublished district court order; persuasive but not binding precedent outside the case
PARTIES	John Day v. Varun Datta, 4New Ltd.

TOPICS

personal jurisdiction

motions to dismiss

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PRACTICE AREAS

civil procedure

personal jurisdiction

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QUESTIONS PRESENTED

1. Whether Florida's long-arm statute conferred specific personal jurisdiction over 4New based on conducting business in Florida under Fla. Stat. § 48.193(1)(a)(1).
2. Whether Florida's long-arm statute conferred specific personal jurisdiction over 4New based on tortious acts committed in Florida under Fla. Stat. § 48.193(1)(a)(2).
3. Whether Florida's long-arm statute conferred specific personal jurisdiction over Datta based on tortious acts committed in Florida under Fla. Stat. § 48.193(1)(a)(2).
4. Whether Florida's long-arm statute conferred general personal jurisdiction over Datta under Fla. Stat. § 48.193(2).
5. Whether Day should receive further leave to amend the complaint.

HOLDINGS

1. Day failed to establish that 4New conducted or carried on a general course of business activity in Florida under Fla. Stat. § 48.193(1)(a)(1).
2. Day failed to establish specific personal jurisdiction over 4New under Fla. Stat. § 48.193(1)(a)(2) because he alleged only that 4New's website was accessible in Florida, not that anyone in Florida viewed it.
3. Day failed to establish specific personal jurisdiction over Datta under Fla. Stat. § 48.193(1)(a)(2).
4. Day failed to establish general personal jurisdiction over Datta under Fla. Stat. § 48.193(2).
5. The court declined to grant further leave to amend because amendment would be futile after extensive jurisdictional discovery and two prior amendments.

KEY QUOTATIONS

"Plaintiff's claims against Defendants Varun Datta and 4New Ltd. are DISMISSED without prejudice for lack of personal jurisdiction." (Conclusion)

"Accordingly, a non-resident who uses a website to publish false statements submits to Florida's jurisdiction if the website bearing false statements is not only accessible in Florida but is also viewed in Florida." (Analysis § I.b)

"For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile." (Analysis § II.b)

FACTUAL BACKGROUND

4New Ltd. is a United Kingdom company founded by Varun Datta, and it marketed the KWATT cryptocurrency. John Day, an Indiana resident, purchased KWATT after allegedly relying on statements made by Datta and 4New personnel through a Miami conference, websites, online publications, and direct communications. Day alleged that the statements were fraudulent and that he lost the value of cryptocurrency exchanged for KWATT. Datta was an Indian and United Kingdom citizen who temporarily stayed in Florida during 2019–2021 but maintained that he was domiciled in the United Kingdom and that neither he nor 4New conducted Florida business related to Day's claims.

PROCEDURAL HISTORY

Day filed claims for fraud, civil theft, and unjust enrichment in 2022. After jurisdictional discovery, the court previously dismissed Datta and 4New for lack of personal jurisdiction but allowed amendment; Day subsequently filed an Amended Complaint and then a Second Amended Complaint. On the renewed motion, the court held that Day failed to establish specific or general personal jurisdiction over either defendant and dismissed the claims against them without prejudice. The court declined to grant further leave to amend because Day had already amended twice, jurisdictional discovery had been extensive, and further amendment appeared futile.

DISPOSITION

dismissed

CASES CITED

- *N. Am. Sugar Indus., Inc. v. Xinjiang Goldwind Sci. & Tech. Co.*, 124 F.4th 1322, 1333 (11th Cir. 2025)
- *AcryliCon USA, LLC v. Silikal GmbH*, 985 F.3d 1350, 1363–64 (11th Cir. 2021)
- *Diulus v. Am. Express Travel Related Servs. Co., Inc.*, 823 F. App'x 843, 848 (11th Cir. 2020)
- *Stubbs v. Wyndham Nassau Resort & Crystal Palace Casino*, 447 F.3d 1357, 1360 (11th Cir. 2006)
- *Meier ex rel. Meier v. Sun Int'l Hotels, Ltd.*, 288 F.3d 1264, 1269 (11th Cir. 2002)
- *Future Tech. Today, Inc. v. OSF Healthcare Sys.*, 218 F.3d 1247, 1249 (11th Cir. 2000)
- *Sculptchair, Inc. v. Century Arts, Ltd.*, 94 F.3d 623, 627 (11th Cir. 1996)
- *Diamond Crystal Brands, Inc. v. Food Movers Int'l, Inc.*, 593 F.3d 1249, 1257–58 (11th Cir. 2010)
- *United Techs. Corp. v. Mazer*, 556 F.3d 1260, 1274–75 (11th Cir. 2009)
- *Horizon Aggressive Growth, L.P. v. Rothstein-Kass, P.A.*, 421 F.3d 1162, 1167 (11th Cir. 2005)
- *Valencia v. Horizon Att'ys & Couns. at L. PLC*, No. 17-61205, 2017 WL 7792619, at *3 (S.D. Fla. Dec. 8, 2017)
- *Melgarejo v. Pycsa Panama, S.A.*, 537 F. App'x 852, 860 (11th Cir. 2013)
- *Golant v. German Shepherd Dog Club of Am., Inc.*, 26 So. 3d 60, 63 (Fla. 4th DCA 2010)
- *World Media All. Label, Inc. v. Believe SAS*, No. 24-12079, 2025 WL 2102017, at *3–4 (11th Cir. July 28, 2025)
- *Internet Sols. Corp. v. Marshall*, 39 So. 3d 1201, 1210–15 (Fla. 2010)
- *Licciardello v. Lovelady*, 544 F.3d 1280 (11th Cir. 2008)

- *Louis Vuitton Malletier, S.A. v. Mosseri*, 736 F.3d 1339, 1354 (11th Cir. 2013)
- *PVC Windoors, Inc. v. Babbittbay Beach Const., N.V.*, 598 F.3d 802, 808 (11th Cir. 2010)
- *Butler v. Yusem*, 44 So. 3d 102, 105 (Fla. 2010)
- *Am. United Life Ins. Co. v. Martinez*, 480 F.3d 1043, 1066 (11th Cir. 2007)
- *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014)
- *Murphy v. Murphy*, 342 So. 3d 799, 804–06 (Fla. 1st DCA 2022)
- *Ferenchak v. Zormati*, 572 F. Supp. 3d 1284, 1291 (S.D. Fla. 2021)
- *Snow v. DirecTV, Inc.*, 450 F.3d 1314, 1319 (11th Cir. 2006)
- *Long v. Satz*, 181 F.3d 1275, 1279–80 (11th Cir. 1999)
- *Wade v. Daniels*, 36 F.4th 1318, 1328 (11th Cir. 2022)
- *McTizic v. Bayerische Motoren Werke Aktiengesellschaft*, 834 F. App'x 564, 566 (11th Cir. 2021)
- *Eiber Radiology, Inc. v. Toshiba Am. Med. Sys., Inc.*, 673 F. App'x 925, 930 (11th Cir. 2016)
- *Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 445 (1988)