

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Green Jeeva LLC v. Lokesh Pathak, et al.

Green Jeeva · No. 2:25-CV-1122 JCM (DJA) · Decided January 9, 2026

SUMMARY

The United States District Court for the District of Nevada considered motions to dismiss filed by Lokesh Pathak and Mclob America, LLC in a trade-secret and related commercial dispute. The court concluded that the pleadings did not establish general or specific personal jurisdiction in Nevada, but determined that limited jurisdictional discovery was warranted regarding the defendants’ business activities and travel to Nevada. The court allowed jurisdictional discovery through April 9, 2026 and deferred ruling on the defendants’ Rule 12(b)(3) and Rule 12(b)(6) arguments.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 9, 2026
DOCKET	2:25-CV-1122 JCM (DJA)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought federal and state trade-secret and related claims against Lokesh Pathak, Mclob America, LLC, and Mclob USA, LLC. Pathak and Mclob America moved to dismiss under Federal Rule of Civil Procedure 12(b)(2), 12(b)(3), and 12(b)(6). The court granted limited jurisdictional discovery, deferred ruling on the motions to dismiss, and set a schedule for supplemental briefing.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion without an evidentiary hearing, the plaintiff need only make a prima facie showing of personal jurisdiction. Uncontroverted allegations are accepted as true, factual disputes in affidavits are construed in the plaintiff’s favor, and the court has discretion whether to allow jurisdictional discovery.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- personal jurisdiction
- discovery dispute
- motions to dismiss
- trade secrets
- civil procedure

PRACTICE AREAS

civil procedure

personal jurisdiction

trade secrets

commercial litigation

intellectual property

QUESTIONS PRESENTED

1. Whether the allegations and evidence established general personal jurisdiction over Pathak and Mclob America in Nevada.
2. Whether the allegations and evidence established specific personal jurisdiction over Pathak and Mclob America under the Ninth Circuit's purposeful-direction and Calder effects analysis.
3. Whether Green Jeeva was entitled to jurisdictional discovery before the court ruled on the motions to dismiss.

HOLDINGS

1. The court lacked general personal jurisdiction in Nevada over Pathak and Mclob America because the record did not show continuous and systematic contacts rendering either defendant essentially at home in Nevada.
2. Green Jeeva did not establish the first prong of the Ninth Circuit's specific-jurisdiction test because the allegations and evidence did not plausibly show that Pathak or Mclob America expressly aimed their conduct at Nevada.
3. The court granted limited jurisdictional discovery concerning defendants' business activities and travel to Nevada, but denied discovery into five years of communications between defendants and Green Jeeva.

KEY QUOTATIONS

“For a court to exercise personal jurisdiction over a nonresident defendant, that defendant must have at least ‘minimum contacts’ with the relevant forum such that the exercise of jurisdiction ‘does not offend traditional notions of fair play and substantial justice.’” (Section II)

“Jurisdictional discovery should ordinarily be granted where pertinent facts bearing on the question of jurisdiction are controverted or where a more satisfactory showing of the facts is necessary.” (Section III.C)

“a mere hunch that discovery might yield jurisdictionally relevant facts, or bare allegations in the face of specific denials, are insufficient reasons for a court to grant jurisdictional discovery.” (Section III.C)

FACTUAL BACKGROUND

Lokesh Pathak, who resides in India, worked for an India-based sister company of Green Jeeva from 2017 to 2021 and allegedly had access to Green Jeeva's trade secrets and proprietary ERP software. Green Jeeva alleges that Pathak later cloned the software, diverted customers, and disclosed trade secrets to Mclob America and Mclob USA, California entities with which Pathak was associated. Green Jeeva identified four Nevada-based customers allegedly purchasing from defendants, but the court found that the record did not establish that defendants expressly targeted Nevada or maintained ongoing relationships with those customers.

PROCEDURAL HISTORY

Green Jeeva filed suit alleging trade-secret misappropriation and related claims arising from the alleged copying and use of its proprietary ERP software and customer information. After Mclob USA failed to respond, the clerk entered default against it on October 10, 2025. Pathak and Mclob America separately moved to dismiss, and the court ordered limited jurisdictional discovery concerning their business activities and travel to Nevada before deciding the dismissal motions.

DISPOSITION

other

CASES CITED

- *Boschetto v. Hansing*, 539 F.3d 1011 (9th Cir. 2008)
- *Rio Properties, Inc. v. Rio International Interlink*, 284 F.3d 1007, 1019 (9th Cir. 2002)
- *Bancroft & Masters, Inc. v. Augusta National, Inc.*, 223 F.3d 1082, 1087 (9th Cir. 2000)
- *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801-02, 805 (9th Cir. 2004)
- *International Shoe Co. v. State of Washington*, *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)
- *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 413-16 (1984)
- *LSI Industries, Inc. v. Hubbell Lighting, Inc.*, 232 F.3d 1369, 1375 (Fed. Cir. 2000)
- *In re Western States Wholesale Natural Gas Litigation*, 605 F. Supp. 2d 1118, 1131 (D. Nev. 2009)
- *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014)
- *Tuazon v. R.J. Reynolds Tobacco Co.*, 433 F.3d 1163, 1171 (9th Cir. 2006)
- *Avus Designs, Inc. v. Grezxx, LLC*, 644 F. Supp. 3d 963, 978 (D. Wyo. 2022)
- *Allen v. IM Solutions, LLC*, 83 F. Supp. 3d 1196, 1204 (E.D. Okla. 2015)
- *Talentscale, Inc. v. Aery Aviation, LLC*, No. 5:25-mc-1-TKW/MJF, 2025 U.S. Dist. LEXIS 229348, at *8 (N.D. Fla. Oct. 17, 2025)
- *Menken v. Emm*, 503 F.3d 1050, 1059 (9th Cir. 2007)
- *Travelers Health Association v. Virginia*, 339 U.S. 643, 648 (1950)
- *Burger King Corp. v. Rudzewicz*, *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475-76 (1985)
- *Walden v. Fiore*, *Walden v. Fiore*, 571 U.S. 277, 1122, 1124-25 (2014)
- *Axiom Foods, Inc. v. Acerchem International, Inc.*, 874 F.3d 1064, 1070 (9th Cir. 2017)
- *Wells Fargo & Co. v. Wells Fargo Express Co.*, 556 F.2d 406, 430 n.24 (9th Cir. 1977)
- *Yamashita v. LG Chem, Ltd.*, 62 F.4th 496, 507 (9th Cir. 2023)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 * * * 7 GREEN
JEEVA LLC, Case No.2:25-CV-1122 JCM (DJA) 8 Plaintiff(s), ORDER 9 v. 10 LOKESH

PATHAK, et al., 11 Defendant(s). 12 13 Presently before the court is defendant Mclob America, LLC's motion to dismiss. (ECF 14 No. 26). Plaintiff Green Jeeva filed a response (ECF No. 32), to which defendant Mclob America 15 replied (ECF No. 40).

16 Also before the court is defendant Lokesh Pathak's motion to dismiss. (ECF No. 27). 17 Green Jeeva filed a response (ECF No. 33), to which defendant Pathak replied (ECF No. 41). 18 19 I. Background 20 Defendant Lokesh Pathak worked for India-based Dietary Business from September 2017 21 to April 2021. (ECF No. 1 ¶¶ 17, 19; ECF No. 26 at 4; ECF No. 27 at 4).

Pathak resides in India. 22 (ECF No. 1 ¶ 10). 23 Dietary Business is the sister company of plaintiff Green Jeeva, a limited liability company 24 25 organized in Nevada. (ECF No. 1 ¶ 18). Dietary Business and Green Jeeva share the same 26 workflows and systems such that personnel with proper clearance can access the confidential data 27 and proprietary information of either company.

(Id. ¶¶ 18, 22). Plaintiff alleges that Pathak had 28 complete access to Green Jeeva's trade secrets while he worked for Green Jeeva. (Id. ¶¶ 6, 21, 1 22). Due to the nature of his work at Dietary Business, Pathak was required to sign a one-year 2 noncompete. (ECF No. 26 at 4; ECF No. 27 at 4). 3 In May 2025, a whistleblower accused Pathak of cloning plaintiff's proprietary enterprise 4 resource planning ("ERP") software, transacting with more than 165 clients, and undercutting 5 6 plaintiff's pricing scheme to form a rival company to compete with it.

(ECF No. 1 ¶¶ 1, 2, 50). 7 Plaintiff alleges that Pathak's unauthorized access started while he was still working for plaintiff 8 and continues via an inside source since his departure in 2021. (ECF No. 1 ¶¶ 2, 72; Decl. Deepak 9 Jena, ECF No. 35 ¶¶ 3, 4). 10 Mclob USA, LLC was formed in California in January 2021 by Vidal Espinosa and is 11 12 currently managed by Fidencio Salas.

Plaintiff alleges that Pathak somehow asserts direct or 13 indirect control over the company, though he has never been listed as a manager. (ECF No. 1 ¶ 14 25, 26). 15 In 2023, Pathak became a member of defendant Mclob America, a similarly named limited 16 liability company that is also organized in California. (ECF No. 1 ¶¶ 25, 26). 17 18 Plaintiff alleges that Pathak divulged trade secrets to Mclob America and Mclob USA, 19 including the proprietary ERP software and customer information, and that Mclob America and 20 Mclob USA knew or should have known that the ERP software and information did not belong to 21 it because Pathak owned or controlled Mclob America and Mclob USA.

(ECF No. 1 ¶¶ 59, 60). 22 Plaintiff brought this lawsuit against Pathak, Mclob America, and Mclob USA, alleging a 23 24 variety of federal and state claims for relief, including trade secret misappropriation, breach of 25 fiduciary duty (against Pathak), violations of the CFAA and Nevada Computer Crimes Law, civil 26 conspiracy/aiding and abetting, unjust enrichment, and interference with prospective economic 27 advantage.

(ECF No. 1). Plaintiff moved for clerk's entry of default against Mclob USA after it 28 1 failed to timely enter an appearance and file a responsive pleading. (ECF No. 20). The clerk 2 entered default against Mclob USA on October 10, 2025. (ECF No. 24). 3 Thereafter, defendants Pathak and Mclob America filed independent motions to dismiss 4 the complaint in its entirety.

(ECF Nos. 26, 27). 5 6 II. Legal Standard 7 Federal Rule of Civil Procedure 12(b)(2) allows a defendant to move to dismiss a complaint 8 for lack of personal jurisdiction. See Fed. R. Civ. P. 12(b)(2). To avoid dismissal under Rule 9 12(b)(2), a plaintiff must demonstrate that its allegations establish a prima facie case for personal 10 jurisdiction. See *Boschetto v. Hansing*, 539 F.3d 1011, 1015 (9th Cir.

2008). 11 12 Absent an evidentiary hearing, the court inquires only into whether the plaintiff's 13 "pleadings and affidavits make a prima facie showing of personal jurisdiction." *Id.* 14 Uncontroverted allegations in the complaint must be taken as true, and factual disputes over 15 statements contained in affidavits should be construed in the plaintiff's favor.

Rio Props., Inc. v. 16 Rio Int'l Interlink, 284 F.3d 1007, 1019 (9th Cir. 2002); see *Bancroft & Masters, Inc. v. Augusta 17 18 Nat'l, Inc.*, 223 F.3d 1082, 1087 (9th Cir. 2000) ("Because the prima facie jurisdictional analysis 19 requires us to accept the plaintiff's allegations as true, we must adopt [the plaintiff's] version of 20 events for purposes of this appeal.").

21 When no federal statute governs personal jurisdiction, the district court applies the law of 22 the forum state. See *Boschetto*, 539 F.3d at 1016. Nevada's long-arm statute is co-extensive with 23 24 federal standards, so the court may exercise personal jurisdiction if doing so comports with federal 25 constitutional due process. *Id.* "For a court to exercise personal jurisdiction over a nonresident 26 defendant, that defendant must have at least 'minimum contacts' with the relevant forum such that 27 the exercise of jurisdiction 'does not offend traditional notions of fair play and substantial justice.'" 28 1 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 801 (quoting *Int'l Shoe Co. v. 2 Washington*, 326 U.S. 310, 316 (1945)).

3 Two categories of personal jurisdiction exist: (1) general jurisdiction and (2) specific 4 jurisdiction. See *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 413–15, 104 5 6 S. Ct. 1868, 80 L. Ed. 2d 404 (1984); see also *LSI Indus., Inc. v. Hubbell Lighting, Inc.*, 232 F.3d 7 1369, 1375 (Fed. Cir. 2000). 8 III. Discussion 9 A. General Jurisdiction 10 A court may assert general jurisdiction over a defendant when the plaintiff shows that "the 11 12 defendant has sufficient contacts that approximate physical presence." *In re W. States Wholesale 13 Nat.*

Gas Litig., 605 F. Supp. 2d 1118, 1131 (D. Nev. 2009) (internal quotation marks and citations 14 omitted). In other words, the defendant's affiliations with the forum state must be so "continuous 15 and systematic" so as to render the defendant essentially "at home" in that forum. See *Daimler 16 AG v. Bauman*, 571 U.S. 117, 137, 134 S. Ct. 746, 187 L. Ed. 2d 624 (2014).

General jurisdiction 17 18 is appropriate even if the defendant's continuous and systematic ties to the forum state are 19 unrelated to the litigation. See *Tuazon v. R.J. Reynolds Tobacco Co.*, 433 F.3d 1163, 1171 (9th 20 Cir. 2006) (citing *Helicopteros Nacionales de Colombia, S.A.*, 466 U.S. at 414–16). 21 District courts have ruled that a limited liability company is “at home” in the state of its 22 formation and where it has its principal place of business.

See, e.g., *Avus Designs, Inc. v. Grezxx*, 23 24 LLC, 644 F. Supp. 3d 963, 978 (D. Wyo. 2022); *Allen v. IM Solutions, LLC*, 83 F. Supp. 3d 1196, 25 1204 (E.D. Okla. 2015) (holding that a limited liability company is “at home” in both the state in 26 which it is organized and where it has its principal place of business); *Talentscale, Inc. v. Aery* 27 *Aviation, LLC*, No. 5:25-mc-1-TKW/MJF, 2025 U.S. Dist.

LEXIS 229348, at *8 (N.D. Fla. Oct. 28 1 17, 2025) (pointing out that “determining the citizenship of limited liability companies for the 2 purpose of determining whether there is diversity of citizenship differs from the analysis required 3 for a court to exercise personal jurisdiction.”) (internal citations omitted); see also *Daimler AG v. 4 Bauman*, 571 U.S. 117, 137, 134 S. Ct.

746, 187 L. Ed. 2d 624 (2014). 5 6 Plaintiff does not address general jurisdiction in its complaint or responses to the 7 defendants' motions to dismiss. See LCR 47-3 (“The failure of an opposing party to include points 8 and authorities in response to any motion constitutes a consent to granting the motion.”). 9 Moreover, there are no facts alleged that would suggest Pathak or Mclob America is essentially 10 “at home” in Nevada by virtue of “continuous and systematic” presence in and contacts with the 11 12 state.

Mclob America is “at home” in California, and subject to the state's general personal 13 jurisdiction within that state consistent with the Due Process Clause, because its principal place of 14 business is California and it was organized in the state. (ECF No. 1 ¶ 11); see, e.g., *Avus Designs*, 15 *Inc.*, 644 F. Supp. 3d at 978.

Accordingly, the court finds that it lacks general personal jurisdiction 16 over the defendants. 17 18 B. Specific Jurisdiction 19 The Ninth Circuit has established a three-prong test for analyzing an assertion of specific 20 personal jurisdiction: 21 (1) The non-resident defendant must purposefully direct his activities or 22 consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities 23 in the forum, thereby invoking the benefits and protections of its laws; 24 (2) the claim must be one which arises out of or relates to the defendant's forum- 25 related activities; and 26 (3) the exercise of jurisdiction must comport with fair play and substantial justice, 27 i.e., it must be reasonable.

28 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004). 1 The plaintiff bears the burden of proof for the first two prongs. *Id.* If the plaintiff 2 establishes prongs one and two, the defendant must come forward with a “compelling case” that 3 the exercise of jurisdiction would not be reasonable. *Id.* 4 When analyzing the first prong, courts in the Ninth Circuit typically apply the *Calder* 5 6 effects test, which requires that the defendants (1) committed an intentional act, (2) expressly 7 aimed at the forum state, (3) causing harm that the defendants know is likely to be suffered in the 8 forum state.

Id. at 805. 9 As a threshold matter, the defendants argue that it is unclear whether plaintiff is referring 10 to “Mclob Ingredients” or to one of the defendants in its general allegations. (ECF No. 26 at 13; 11 12 ECF No. 27 at 12).

In the general allegations section, plaintiff refers to “Mclob,” which is 13 shorthand for “Mclob Ingredients” (See ECF No. 1 ¶¶ 17–54). Plaintiff clarifies in a declaration 14 that it believes “Mclob Ingredients” is the website of Mclob America and Mclob USA. (ECF No. 15 35, Decl. Deepak Jena ¶ 3). Assuming this is true, as the court must at this stage, it is clear that 16 plaintiff is referencing Mclob America and Mclob USA.

17 18 The court thus proceeds with its *Calder* analysis, which begins by asking whether 19 defendants committed an intentional act. Here, plaintiff argues it satisfies the first element because 20 the complaint alleges that defendants Pathak and Mclob America engaged in multiple intentional 21 acts that form the basis of its claims. Plaintiff alleges that Mclob America misappropriated Green 22 Jeeva’s trade secrets and intentionally interfered with its business relationships.

(ECF No. 1 ¶¶ 23 24 59–64). These allegations satisfy the intentional act prong. See generally *Menken v. Emm*, 503 25 F.3d 1050, 1059 (9th Cir. 2007) (intentional act requirement satisfied when plaintiff alleged that 26 defendant intentionally interfered with plaintiff’s contractual relations). 27 28 1 Next, defendants’ intentional acts must have been “expressly aimed” at Nevada.

See 2 *Schwarzenegger*, 374 F.3d at 802. Courts consider whether the defendants’ “business activities 3 reach out beyond one state and create continuing relationships and obligations with citizens of 4 another state.” *Travelers Health Ass’n v. Virginia*, 339 U.S. 643, 648 (1950); *Burger King Corp.* 5 6 *v. Rudzewicz*, 471 U.S. 462, 475–76 (1985). This requires that the defendants’ conduct must form 7 the necessary connection with the forum state that is the basis for its jurisdiction over him.

Walden 8 *v. Fiore*, 134 S. Ct. 1115, 1122 (2014). Accordingly, the court must “look to the defendant’s ‘own 9 contacts’ with the forum, not to the defendant’s knowledge of a plaintiff’s connections to a forum.” 10 *Axiom Foods, Inc. v. Acerchem Int’l, Inc.*, 874 F.3d 1064, 1070 (9th Cir. 2017) (citing *Walden v.* 11 12 *Fiore*, 571 U.S. 277, 134 S. Ct. 1115, 1124–25 (2014)).

13 Plaintiff alleges that defendants expressly aimed their conduct at Nevada because 14 defendants misappropriated plaintiff's trade secrets and at least four of Green Jeeva's largest 15 Nevada-based customers "have started buying products" from defendants rather than plaintiff 16 based on Pathak's access to plaintiff's trade secrets and proprietary ERP software.

(Decl. Deepak 17 18 Jena, ECF No. 35 ¶ 3). Further, plaintiff alleges that based on Pathak's access to plaintiff's 19 software, he would have known that the customers are based in Nevada. (Id.). 20 It appears to the court that plaintiff is using these four contacts in an attempt to bootstrap 21 personal jurisdiction over defendants in Nevada. They are the defendants' only connection to the 22 state and represent only a handful of dealings among the 165 customers with whom the defendants 23 24 have allegedly transacted.

(ECF No. 1 ¶ 50). Considering the pool of alleged customers, it does 25 not appear that defendants have expressly targeted Nevada, when 161 customers are not alleged to 26 be residents thereof. 27 28 1 Furthermore, plaintiff fails to clarify the strength of these four contacts. Plaintiff provides 2 only a singular one-off purchase order from one of the customers.

A one-off purchase order from 3 Mclob does not create a continuing obligation sufficient for this court to assert personal 4 jurisdiction. See *Boschetto v. Hansing*, 539 F.3d 1011, 1017 ("the lone transaction for the sale of 5 6 one item does not establish that the [d]efendants purposefully availed themselves of the privilege 7 of doing business in [Nevada].").

Evidence of an agreement for a long-term contract might. 8 Unfortunately, the phrase "have started buying," provides no clarity as to Mclob America's 9 relationships with the Nevada-based customers. Although the court construes disputed facts in 10 plaintiff's favor, it cannot assume the existence of a fact that is not asserted (e.g., an ongoing 11 12 relationship).

13 The court finds that plaintiff's allegations and evidence do not plausibly establish that 14 Pathak and Mclob America expressly aimed their trade secret misappropriation at Nevada. See 15 *Schwarzenegger*, 374 F.3d at 802. 16 Without express aim, plaintiff cannot meet the *Calder* effects test and thus cannot establish 17 18 that defendants purposefully directed their actions at Nevada.

Because this test is not satisfied, 19 plaintiff has not met its burden of establishing the first prong of the specific jurisdiction test. The 20 court therefore does not address the remaining two prongs. See *Boschetto*, 539 F.3d at 1016 (the 21 jurisdictional inquiry ends if the plaintiff fails at the first step). 22 C. Jurisdictional Discovery 23 24 Plaintiff argues that rather than dismiss the complaint, the court should grant it leave to 25 conduct jurisdictional discovery.

(ECF No. 26 at 8; ECF No. 27 at 8–9). In a footnote in both 26 responses, plaintiff explains that defendants rejected its request for limited jurisdictional discovery 27 regarding defendants' business activities and travel to Nevada, as well as their communications 28 1 with plaintiff over

the past five years. (ECF No. 26 at 8; ECF No. 27 at 9). Defendants did not reply to plaintiff's request.

See LCR 47-3. The decision whether to grant jurisdictional discovery is typically within the discretion of the district court. *Wells Fargo & Co. v. Wells Fargo Exp. Co.*, 556 F.2d 406, 430 n.24 (9th Cir. 5 6 1977). "Jurisdictional discovery should ordinarily be granted where pertinent facts bearing on the question of jurisdiction are controverted or where a more satisfactory showing of the facts is necessary." *Yamashita v. LG Chem, Ltd.*, 62 F.4th 496, 507 (9th Cir.

2023) (quotation omitted). In contrast, "a mere hunch that discovery might yield jurisdictionally relevant facts, or bare allegations in the face of specific denials, are insufficient reasons for a court to grant jurisdictional discovery." *Id.* (quotation omitted). The court is inclined to grant jurisdictional discovery, but more limited than as requested by plaintiff.

It is feasible that a limited discovery request into defendants' business activities and travel to Nevada could turn up evidence of "express aiming" at the state. However, the court declines to permit discovery of the last five years of defendants' communications with plaintiff, as plaintiff fails to explain why it does not have access to this information or why it is relevant to establishing personal jurisdiction.

IV. Conclusion Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED the parties may conduct jurisdictional discovery until April 9, 2026. IT IS FURTHER ORDERED that plaintiff may file a supplemental opposition to each motion to dismiss (ECF Nos. 26, 27) within 21 days after the close of jurisdictional discovery, and that the defendants may file a supplemental reply to those oppositions 14 days after being served with plaintiff's supplemental opposition. DATED January 9, 2026.

4 5 6 _____ UNITED STATES DISTRICT JUDGE 7 8
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 1 The court recognizes that defendants also moved for dismissal under 12(b)(3) and 12(b)(6).

Because the outcome of jurisdictional discovery may result in the termination of the entire case, the court defers ruling on these bases until the parties have completed jurisdictional discovery and filed their supplemental briefs.