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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**

10 True Names, Ltd. *et al.*,

11 Plaintiffs,

12 v.

13 GoDaddy, Inc. *et al.*,

14 Defendants.

Case No. 2:22-cv-01494-JJT

**MOTION OF DEFENDANT  
MANIFOLD FINANCE, INC. TO  
DISMISS FIRST AMENDED  
COMPLAINT AND TO VACATE  
PRELIMINARY INJUNCTION FOR  
LACK OF PERSONAL  
JURISDICTION**

(Assigned to the Hon. John J. Tuchi)

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1 Pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendant Manifold Finance,  
2 Inc. (“Manifold”) moves to dismiss the First Amended Complaint (“FAC”) and every claim  
3 for relief therein against Manifold for lack of personal jurisdiction. Pursuant to Federal  
4 Rule of Civil Procedure 60(b)(1), (4), and (6), Manifold also moves for relief from the  
5 preliminary injunction entered on September 9, 2022 (the “Injunction”) because that  
6 Injunction was mistakenly entered and is void due to the Court’s lack of personal  
7 jurisdiction over Manifold.

## 8 **I. Introduction**

9 Manifold has no relevant connection to Arizona. It is a Delaware corporation with  
10 its principal place of business in California, and it conducted no “forum-related activities”  
11 in connection with the claims asserted in this action. Accordingly, the Court cannot  
12 exercise either general or specific personal jurisdiction over Manifold, which must be  
13 dismissed from this action. Likewise, because the Court lacks personal jurisdiction over  
14 Manifold, the Injunction entered against Manifold is void and must be vacated.

## 15 **II. Statement of Facts**

### 16 **A. Plaintiffs’ Allegations**

17 This matter involves a contractual dispute between plaintiffs True Names, Ltd. d/b/a  
18 Ethereum Name Service and Virgil Griffith (collectively, “Plaintiffs”) and Defendants  
19 GoDaddy, Inc. and GoDaddy.com LLC (collectively, “GoDaddy.”) (*See generally* FAC.)  
20 Allegedly, Plaintiffs had registered the “eth.link” internet domain (the “Domain”) with  
21 GoDaddy as the domain registrar. (*Id.*) Plaintiffs claim that the registration was valid  
22 through July 26, 2023, but GoDaddy allowed the registration to expire in September 2022.

1 (*See generally id.*) GoDaddy then auctioned the Domain to the public, at which point it was  
2 purchased by Manifold through Defendant Dynadot LLC (“Dynadot”), another domain  
3 registrar. (*Id.*)

4 Based on those allegations, Plaintiffs assert two claims solely against GoDaddy: the  
5 first claim for breach of contract and the second claim for breach of the covenant of good  
6 faith and fair dealing. (*Id.*) Plaintiffs also assert three causes of action against all  
7 Defendants: the third claim for intentional interference with prospective economic  
8 advantage, the fourth claim for unfair competition, and the fifth claim for conversion. (*Id.*)

9 In the third through fifth claims for relief, Plaintiffs only mention Manifold in three  
10 paragraphs. (*See id.* at ¶¶ 66-67, 77.) Otherwise, Plaintiffs merely lump Manifold together  
11 with the other Defendants. (*See id.*) And, putting aside Plaintiffs’ conclusory legal  
12 assertions, the only *factual* allegations relating to Manifold assert that:

- 13 • It is the purchaser and holder of the Domain (*id.* at ¶¶ 2, 34);
- 14 • It publicly announced on September 3, 2022, that it had won the Domain  
15 registration rights through Dynadot (*id.* at ¶¶ 9, 36); and
- 16 • It is a Delaware company “residing in Delaware” that participates in the  
17 decentralized finance market (*id.* at ¶¶ 15-16).

18 That is it. There are no other factual allegations relating to Manifold whatsoever,  
19 and it is not alleged to have been acting as an agent for or in concert with any other  
20 Defendant. (*See generally id.*)

21 Similarly, Plaintiffs only mention Arizona in four paragraphs of the FAC. (*See*  
22 *generally id.*) In those paragraphs, Plaintiffs merely allege:

- 1           • The GoDaddy Defendants are Delaware entities with their principal place of  
2           business in Tempe, Arizona (*id.* at ¶¶ 12-13, 16); and
- 3           • The District of Arizona “is the judicial district in which the defendants have  
4           their principal place of business and/or in which the events or omission [sic]  
5           giving rise to the claim occurred (*id.* at ¶ 17.)

6 Again, that is it. There is no other allegation relating to Arizona anywhere in the FAC. (*See*  
7 *generally id.*)

8           **B.     Manifold’s Lack of Contacts with Arizona**

9           As Plaintiffs themselves allege, Manifold is a Delaware corporation. (*Id.* at ¶¶ 15-  
10          16; *see also* Ibrahimbacha Decl. ¶ 2.) Plaintiffs also allege that Manifold is “residing in  
11          Delaware,” but its principal place of business is actually California under the “nerve  
12          center” test adopted by the Supreme Court in *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93,  
13          130 S.Ct. 1181, 175 L.Ed.2d 1029 (2010). (*See* Ibrahimbacha Decl. ¶ 3.)

14          Manifold did not enter into any agreement with GoDaddy in connection with the  
15          Domain auction; it had no direct communications with GoDaddy; and it did not transfer  
16          any funds directly to GoDaddy. (*See id.* at ¶¶ 4-9.) Instead, Manifold only interacted  
17          directly with Dynadot in connection with the Domain auction. (*See id.*) Manifold is  
18          informed and believes that those interactions were governed by Dynadot’s Terms of Use  
19          and Service Agreement, available at <https://www.dynadot.com/terms-of-use.html>, which  
20          provide for jurisdiction solely in the United States District Court for the Northern District  
21          of California or in the Superior Court of California, San Mateo County. (*See id.* at ¶ 7.)  
22          Moreover, Manifold is not aware of any Dynadot personnel or computer networks located

1 in Arizona, and Manifold has not transferred any funds to any Dynadot account located in  
2 Arizona. (*See id.* at ¶ 6.)

3 In short, Manifold is not aware of *any* claim-related contacts it has had with Arizona,  
4 and it certainly did not intend to establish any such contacts in purchasing the Domain.  
5 (*See id.* at ¶¶ 2-11.)

### 6 **III. Argument**

7 Plaintiffs bear the burden of establishing that the Court’s exercise of personal  
8 jurisdiction over each defendant is appropriate. *See Morrill v. Scott Fin. Corp.*, 873 F.3d  
9 1136, 1141 (9th Cir. 2017). Plaintiffs’ paltry allegations regarding Manifold fall well short  
10 of meeting that burden. Nor can Plaintiffs meet their burden by further amending the FAC,  
11 as the facts reveal that Manifold is incorporated in Delaware, headquartered in California,  
12 and engaged in no suit-related conduct in Arizona. Accordingly, Plaintiffs cannot plead  
13 any facts allowing the Court to exercise general or specific jurisdiction over Manifold,  
14 which must be dismissed from the action. The Court should also deny any attempt by  
15 Plaintiffs to obtain jurisdictional discovery, as such discovery is neither warranted nor  
16 necessary in this case.

17 In addition, because the Court lacks personal jurisdiction over Manifold, the  
18 Injunction entered against Manifold in this action is void and must be vacated.

#### 19 **A. The Court lacks personal jurisdiction over Manifold**

20 “Federal courts ordinarily follow state law in determining the bounds of their  
21 jurisdiction over persons.” *Id.* (citing *Daimler AG v. Bauman*, 571 U.S. 117, 134 S.Ct. 746,  
22 753, 187 L.Ed.2d 624 (2014)). “Arizona law permits the exercise of personal jurisdiction to

1 the extent permitted under the United States Constitution.” *Id.* (citing Ariz. R. Civ. P.  
2 4.2(a)). Thus, the question is whether this Court’s exercise of personal jurisdiction over  
3 Manifold would meet the due-process requirements of the U.S. Constitution. *See id.*

4 Those federal due-process requirements prohibit a court from exercising personal  
5 jurisdiction over a defendant unless the defendant is subject to either general jurisdiction  
6 or specific jurisdiction in the forum state. *Bristol-Myers Squibb Co. v. Superior Court*, 137  
7 S.Ct. 1773, 1779, 198 L.Ed.2d 395 (2017). In the context of corporate defendants, general  
8 jurisdiction arises only when the corporation’s “affiliations with the State are so  
9 ‘continuous and systematic’ as to render [it] essentially *at home* in the forum State.”  
10 *Daimler*, 571 U.S. at 136 (emphasis added). Absent general jurisdiction, a plaintiff needs  
11 to establish specific jurisdiction, which arises only if there is a sufficient connection  
12 between the defendant’s *suit-related conduct* and the forum State. *See Bristol-Myers*  
13 *Squibb*, 137 S.Ct. at 1780 (citing *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564  
14 U.S. 915, 919, 131 S.Ct. 2846, 180 L.Ed.2d 796 (2011)).

15 Here, Plaintiffs have not established and cannot establish that this Court may  
16 exercise either general or specific jurisdiction over Manifold, which must be dismissed  
17 accordingly.

18 **1. The Court lacks general jurisdiction over Manifold.**

19 General jurisdiction allows a defendant to be haled into court in the  
20 forum state to answer for any of its activities anywhere in the world.  
21 General jurisdiction over a corporation is appropriate only when the  
22 corporation’s contacts with the forum state are so constant and  
pervasive as to render it essentially at home in the state.

1 *Carpenter v. Sikorsky Aircraft Corp.*, 101 F.Supp.3d 911, 920 (C.D. Cal. 2015) (cleaned  
2 up) (quoting *Martinez v. Aero Caribbean*, 764 F.3d 1062, 1066 (9th Cir. 2014)).

3 In short, and with very few exceptions, a state may exercise general jurisdiction over  
4 a corporation only if it is incorporated or maintains its principal place of business in that  
5 state. *Carpenter*, 101 F.Supp.3d at 921 (“Only in an ‘exceptional case’ is general  
6 jurisdiction available [over a corporate defendant] anywhere other than the principal place  
7 of business or state of incorporation.”) (citing *Daimler*, 134 S.Ct. at 761, n.19; *accord*  
8 *Martinez*, 764 F.3d at 1070). And the location of a corporation’s headquarters or “nerve  
9 center” will almost always be its “principal place of business.” *Hertz*, 559 U.S. at 92-93.

10 Here, there is no dispute that Manifold is neither incorporated nor headquartered in  
11 Arizona. (See generally FAC; see also Ibrahimbacha Decl. ¶¶ 2-3.) Thus, there can be no  
12 dispute that Manifold is not subject to general jurisdiction in Arizona, and the Court cannot  
13 exercise jurisdiction on that basis.

## 14 **2. The Court lacks specific jurisdiction over Manifold.**

15 Distinct from general jurisdiction, “[s]pecific personal jurisdiction requires a  
16 showing of *forum-related activities* of the defendant that are *related to the claim asserted*.”  
17 *Carpenter*, 101 F.Supp.2d at 921 (emphasis added) (citing *Rano v. Sipa Press, Inc.*, 987  
18 F.2d 580, 588 (9th Cir. 1993)). Specific jurisdiction is thus “confined to adjudication of  
19 issues deriving from, or connected with, the very controversy that establishes jurisdiction.”  
20 *Id.* (quoting *Goodyear*, 131 S.Ct. at 2851).

21 In assessing specific jurisdiction, courts employ a three-pronged test that analyzes  
22 whether: “(1) the defendant either ‘purposefully direct[ed]’ its activities or ‘purposefully



1 avail[ed]’ itself of the benefits afforded by the forum’s laws; (2) the claim ‘arises out of or  
2 relates to the defendant’s forum-related activities; and (3) the exercise of jurisdiction . . .  
3 comport[s] with fair play and substantial justice, *i.e.*, it [is] reasonable.” *Williams v.*  
4 *Yamaha Motor Co. Ltd.*, 851 F.3d 1015, 1023 (9th Cir. 2017) (citing *Dole Food Co. v.*  
5 *Watts*, 303 F.3d 1104, 1111 (9th Cir. 2002)). Plaintiffs bear the burden of establishing the  
6 first two elements. *Bradley v. T-Mobile US, Inc.*, No. 17-cv-07232-BLF, 2020 WL  
7 1233924, at \*13 (N.D. Cal. Mar. 13, 2020). Even if the plaintiff meets that burden, the  
8 defendant can still disprove the third element. *Id.* (citing *Burger King*, 471 U.S. at 477  
9 (1985)). “If any of the three [elements] is not satisfied, jurisdiction in the forum would  
10 deprive the defendant of due process of law.” *Learjet, Inc. v. Oneok, Inc.*, 715 F.3d 716,  
11 742 (9th Cir. 2013).

12 Here, Plaintiffs have not established and cannot establish either of the first two  
13 elements. Further, even if they could establish those elements, the third element would not  
14 be satisfied.

15 **a) Manifold did not direct any activities toward Arizona.**

16 Again, Plaintiffs have the burden of demonstrating that Manifold either  
17 “*purposefully* directed [its] activities toward the forum or *purposefully* availed [itself] of  
18 the privileges of conducting activities in the forum.” *Bradley*, 2020 WL 1233924, at \*13  
19 (emphasis added) (citing *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802  
20 (9th Cir. 2004)). Courts have analyzed claims sounding in tort under the “purposefully  
21 directed” framework, whereas courts typically analyze claims sounding in contract under  
22

1 the “purposefully availed” framework. *Id.* (citing *Picot v. Weston*, 780 F.3d 1206, 1212  
2 (9th Cir. 2015)).

3 For purposes of this Motion, Manifold assumes that the “purposeful direction”  
4 framework applies here, as Plaintiffs’ third through fifth claims sound in tort. In turn,  
5 Plaintiffs are required to establish “purposeful direction” by either (i) showing that  
6 “allegedly intentional tortious conduct occurred in the forum state,” *id.* at \*13 (internal  
7 quotations omitted), or (ii) utilizing the *Calder* “effects” test, *id.* (referring to the test in  
8 *Calder v. Jones*, 465 U.S. 783 (1984)).

9 In this case, Plaintiffs have not shown and cannot show that Manifold’s “allegedly  
10 intentional tortious conduct” occurred in Arizona. Indeed, Plaintiffs never specifically  
11 allege that Manifold did anything in Arizona at all. (*See generally* FAC.) Accordingly,  
12 Plaintiffs would need to rely on the *Calder* effects test.

13 Plaintiffs, however, cannot meet that test. Under the *Calder* test, “[t]he defendant  
14 must have (1) committed an intentional act, (2) expressly aimed at the forum state,  
15 (3) causing harm that the defendant knows is likely to be suffered in the forum state.”  
16 *Axiom Foods, Inc. v. Acerchem Int’l, Inc.*, 874 F.3d 1064, 1069 (9th Cir. 2017) (internal  
17 citation and quotations omitted). In applying this test, courts must “look[ ] to the  
18 defendant’s contacts with the forum State itself, not the defendant’s contacts with persons  
19 who reside there.” *Picot*, 780 F.3d at 1214 (quoting *Walden v. Fiore*, 571 U.S. 277, 134  
20 S.Ct. 1115, 1122, 188 L.Ed.2d 12 (2014)).

21

22

1 i. Intentional Act

2 Here, Plaintiffs' only allegations of intentional conduct by Manifold assert that  
3 Manifold purchased the Domain and publicly announced that it had done so. (*See* FAC at  
4 ¶¶ 2, 9, 34, 36).

5 ii. Express Aiming

6 Neither of Manifold's alleged intentional acts was aimed at Arizona in any way. As  
7 described above, Manifold's purchase of the Domain was consummated with Dynadot  
8 pursuant to Dynadot's service agreement, which provides for jurisdiction in California.  
9 (*See generally* FAC; *see also* Ibrahimbacha Decl. ¶¶ 5-7.) And Manifold's announcement  
10 regarding the purchase was not directed in any way to Arizona. (*See generally* FAC; *see*  
11 *also* Ibrahimbacha Decl. ¶ 4.) Accordingly, Manifold's allegedly intentional suit-related  
12 conduct was not expressly aimed at Arizona, and Manifold cannot be subject to personal  
13 jurisdiction in Arizona on that basis.

14 Nor can Manifold be subject to jurisdiction based on some passive awareness of  
15 GoDaddy's prior conduct or the fact that GoDaddy happens to be located in Arizona. Such  
16 purported awareness is, of course, not intentional, and exercising jurisdiction on that basis  
17 would subject Manifold (or any other corporation) to specific jurisdiction in every state in  
18 which it allegedly receives suit-related information. *Cf. Daimler*, 571 U.S. at 138-39  
19 (rejecting attempt to blur distinction between general and specific jurisdiction, noting that  
20 such efforts, if successful, would have subjected the defendant to specific jurisdiction in  
21 essentially every state).

22 Thus, Plaintiffs cannot possibly establish the second prong of the *Calder* effects test.

1 iii. Knowledge and location of harm

2 It is not clear whether the third prong of the *Calder* effects test still applies after the  
3 Supreme Court’s decision in *Walden*:

4 In *Walden*, the Supreme Court rejected [the Ninth Circuit’s]  
5 conclusion that the defendants’ “knowledge of [the plaintiffs’]  
6 ‘strong forum connections,’” plus the “foreseeable harm” the  
7 plaintiffs suffered in the forum, comprised sufficient minimum  
8 contacts. The Court found that [the Ninth Circuit] approach  
9 “impermissibly allow[ed] a plaintiff’s contacts with the defendant  
10 and forum to drive the jurisdictional analysis.” The Court made clear  
11 that [the analysis] must look to the defendant’s “own contacts” with  
12 the forum, not to the defendant’s knowledge of a plaintiff’s  
13 connections to a forum.

14 *See Axiom*, 874 F.3d at 1069.

15 Assuming, though, that some form of this prong still exists, Plaintiffs have again  
16 failed to make and cannot make the requisite showing. Indeed, Plaintiffs do not even allege  
17 that they suffered harm *in Arizona*, let alone that Manifold was aware of any potential  
18 harm that might occur in Arizona. (*See generally* FAC; *see also id.* ¶¶ 10-11 (alleging that  
19 plaintiff True Names is a Singapore non-profit entity and that plaintiff Virgil Griffith is  
20 domiciled in Pennsylvania).)

21 Accordingly, Plaintiffs again fail to meet the *Calder* effects test, and they cannot  
22 establish any “purposeful direction” of Manifold’s activities toward Arizona.

23 **b) Plaintiffs’ claims do not arise out of or relate to Manifold’s**  
24 **Arizona-related activities.**

25 Of course, even if Plaintiffs could establish “purposeful direction,” they would still  
26 have the burden of demonstrating that their action against Manifold “arises out of or relates

1 to the defendant’s forum-related activities.” *Williams*, 851 F.3d at 1023. This is a “but for”  
2 test, in which a lawsuit “arises of out a defendant’s contacts with the forum state” only if  
3 “a direct nexus exists between those contacts and the cause of action.” *In re Western States*  
4 *Wholesale Natural Gas Antitrust Litigation*, 715 F.3d 716, 742 (9th Cir. 2013).

5 In other words, there must be “a connection between the forum and the specific  
6 claims at issue.” *Bristol-Myers Squibb*, 137 S.Ct. at 1782 (emphasis added). When such a  
7 connection is lacking, there can be no specific jurisdiction, “regardless of the extent of a  
8 defendant’s unconnected activities in the State.” *Id.* at 1781. Thus, activities unconnected  
9 to the underlying controversy must be removed from the analysis to avoid conflating  
10 general jurisdiction with specific jurisdiction. *Id.* at 1777-81 (rejecting California’s “sliding  
11 scale approach” to specific jurisdiction as a “a loose and spurious form of general  
12 jurisdiction” that was “difficult to square with [the] Court’s precedents”).

13 Here, again, Manifold has not engaged in any Arizona-related activities at all. (*See*  
14 *generally* FAC; Ibrahimbacha Decl. ¶¶ 2-11.) However, even if Manifold had engaged in  
15 prior Arizona activities, Plaintiffs fail to allege that they would not have suffered any injury  
16 but for those hypothetical activities. (*See generally* FAC.) Plaintiffs therefore cannot  
17 demonstrate that their action against Manifold “arises out of or relates to the defendant’s  
18 forum-related activities,” and the Court should dismiss Manifold accordingly.

19 **c) The exercise of specific jurisdiction over Manifold would**  
20 **be unreasonable.**

21 In light of the foregoing, Plaintiffs cannot establish either of the first two required  
22 prongs of the test for specific jurisdiction. The burden therefore does not shift to Manifold

1 to establish that the Court’s exercise of specific jurisdiction in this case would be  
2 unreasonable. However, such exercise would indeed be unreasonable. *See Bristol-Myers*  
3 *Squibb*, 137 S.Ct. at 1780 (“the ‘primary concern’ [in assessing specific jurisdiction] is “the  
4 burden on the defendant”).

5 Courts have evaluated seven factors in assessing the reasonableness of exercising  
6 specific jurisdiction: (1) the extent of defendant’s purposeful injection into the forum  
7 state’s affairs; (2) the burden on defendant of defending in the forum; (3) the extent of  
8 conflict with the sovereignty of the defendant’s home state; (4) the forum state’s interest  
9 in adjudicating the dispute; (5) the most efficient judicial resolution of the controversy; (6)  
10 the importance of the forum to the plaintiff’s interest in convenient and effective relief; and  
11 (7) the existence of an alternative forum. *Dole Foods*, 303 F.3d at 1115. Most of these  
12 factors weigh heavily against the exercise of specific jurisdiction in this case:

13 1. As explained above, Manifold has not purposefully injected itself into  
14 Arizona’s affairs in any way.

15 2. The burden on Manifold in litigating in Arizona is high. Manifold’s owner  
16 and primary employee is in California. Although Arizona is a neighboring state, travel back  
17 and forth is expensive, as is the retention of Arizona counsel.

18 3. As explained above, Manifold has not engaged in any suit-related conduct in  
19 Arizona. Thus, any attempt by Plaintiffs to enforce Arizona tort law against Manifold  
20 would be extraterritorial and would infringe on the sovereignty of California over conduct  
21 occurring within its borders. *Cf. White v. Ford Motor Co.*, 312 F.3d 998, 1013-1020 (9th  
22 Cir. 2002) (“[A] State may not impose economic sanctions on violators of its laws with the

1 intent of changing the tortfeasors’ conduct in other States, whether the extraterritorial  
2 conduct is lawful or not.”) (cleaned up; quotation and citation omitted).

3 4. Again, Manifold is a stranger to Plaintiffs’ actual dispute (which is with  
4 GoDaddy), such that Arizona has no interest in adjudicating anything regarding Manifold.

5 7. If there were any viable dispute involving Manifold (which there is not),  
6 California would offer a perfectly suitable forum for resolution of that dispute.

7 In sum, Plaintiffs have not met their burden of establishing either of the first two  
8 elements of the test for specific jurisdiction, and the third element cannot be met in any  
9 event, as exercising specific jurisdiction over Manifold in this action would be  
10 unreasonable. The Court should therefore dismiss Manifold from the case for lack of  
11 personal jurisdiction.

12 **B. The Court should deny any request for jurisdictional discovery.**

13 The Court should also reject any request by Plaintiffs for “jurisdictional discovery,”  
14 as such discovery would circumvent straightforward pleading rules and Manifold’s due-  
15 process rights.

16 In some cases, jurisdictional discovery may be appropriate where (i) a plaintiff has  
17 met the pleading requirements to establish general or specific jurisdiction but (ii) some  
18 dispute exists between the parties as to the truth or the scope of those allegations. *Boschetto*  
19 *v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008) (jurisdictional discovery appropriate  
20 “where pertinent facts are controverted or where a more satisfactory showing of the facts  
21 is necessary”). Courts, however, should not grant requests for jurisdictional discovery  
22 where the jurisdictional pleadings are “attenuated and based on bare allegations in the face

1 of specific denials made by defendants.” *Perez v. Indian Harbor Ins. Co.*, No. 4:19-cv-  
2 07288\*YGR, 2020 WL 2322996, at \*4 (N.D. Cal. May 11, 2020) (quoting *Terracom v.*  
3 *Valley Nat’l Bank*, 49 F.3d 555, 562 (9th Cir. 1995)). Requests should likewise be denied  
4 if discovery would not yield additional facts to support “a basis for jurisdiction, or where  
5 the request is based on little more than a hunch that it might yield jurisdictionally relevant  
6 facts.” *Id.* (quoting *Wells Fargo & Co. v. Wells Fargo Express Co.*, 556 F.2d 406, 430 n.24  
7 (9th Cir. 1977); *see also Boschetto*, 539 F.3d at 1020.

8 Here, the Court should not grant Plaintiffs leave for jurisdictional discovery.  
9 Plaintiffs’ FAC includes no specific allegations regarding personal jurisdiction whatsoever,  
10 and the other allegations against Manifold do not reveal any connection to Arizona. Such  
11 allegations are insufficient to warrant discovery, and there is no indication that such  
12 discovery would support personal jurisdiction in any event.

13 **C. The Injunction is void and must be vacated.**

14 Pursuant to Federal Rule of Civil Procedure 60(b)(1), (4), and (6), a party may be  
15 relieved of a judgment or order for the following reasons:

- 16 • mistake, inadvertence, surprise, or excusable neglect;
- 17 • the judgment is void; or
- 18 • any other reason that justifies relief.

19 Here, the Injunction cannot stand because it was based on mistake and legal error  
20 with regard to the Court’s jurisdiction over Manifold, and it is void for lack of any such  
21 personal jurisdiction. Indeed, in this context, the Court is not merely *permitted* to grant  
22 relief to Manifold, it is *required* to do so. *See Wright & Miller*, 11 Fed. Prac. & Proc. Civ.



1 § 2862, nn. 1, 10 (3d ed.) (2022 Thomson Reuters) (judgment or order is void when the  
2 court that rendered it lacked jurisdiction over the parties, and there is “no question of  
3 discretion on the part of the court”) (collecting cases and citing, *inter alia*, *Thomas P.*  
4 *Gonzalez Corp. v. Consejo Nacional De Produccion De Costa Rica*, 614 F.2d 1247 (9th  
5 Cir. 1980) (because the district court did not have personal jurisdiction over defendant, a  
6 Costa Rican entity, and the default judgment entered against defendant was therefore void,  
7 the district court had a *nondiscretionary duty* to grant relief from the judgment).<sup>1</sup>

8 Accordingly, and for the same reasons that the action itself must be dismissed as  
9 against Manifold, the Injunction must likewise be vacated.

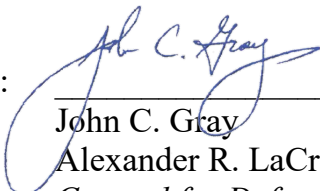
10 **IV. Conclusion**

11 Based on the foregoing, the Court lacks personal jurisdiction over Manifold, and  
12 Plaintiffs have not met and cannot meet their burden to prove otherwise. Therefore,  
13 Manifold respectfully requests that the Court dismiss it from this action and vacate the  
14 Injunction previously entered against it.

15  
16 Dated: October 18, 2022

Lewis Roca Rothgerber Christie LLP

17  
18 By: \_\_\_\_\_

  
John C. Gray  
Alexander R. LaCroix  
Counsel for Defendant  
Manifold Finance, Inc.

19  
20  
21 <sup>1</sup> There is also no time limit for making a motion based on a void order or judgment, *see*  
22 *id.*, and a void order rendered without personal jurisdiction may be attacked collaterally  
even if a defendant has not appeared in the action, *see* Phillips & Stevenson, Rutter Group  
Prac. Guide Fed. Civ. Pro. Before Trial Ch. 3-F, § 3:410.