

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LORRAINE GAYLE WORLEY,

Plaintiff,

v.

No. 20-2285-SAC-JPO

LOWE'S HOME CENTERS, LLC,
et al.,

Defendants.

MEMORANDUM AND ORDER

The defendant 3i Corporation, Ltd. ("3i Corporation") filed a motion to dismiss for lack of personal jurisdiction. ECF# 27. The motion asserts that 3i Corporation did not design, manufacture, or place the alleged defective product into the stream of commerce and that the complaint fails to allege any suit-related conduct by 3i Corporation on which to base a constitutional exercise of jurisdiction. The plaintiff Lorraine Gayle Worley ("Worley") asks the court to stay its ruling for her to conduct discovery "in the least expensive manner to allow the parties/Court to resolve this issue." ECF# 35, p. 2. The defendant 3i Corporation replied opposing any stay or leave to conduct jurisdictional discovery. ECF# 42. As this motion raised questions regarding the need for and scope of any discovery on personal jurisdiction, the district court referred the motion to the magistrate judge for a report and recommendation. ECF# 47.

The magistrate judge timely issued her report and recommendation finding that the "plaintiff would be prejudiced if she were not allowed to conduct

discovery on the factual issues related to whether personal jurisdiction exists over 3i Corporation.” ECF# 48, p. 7. To protect the defendant from a fishing expedition, the magistrate judge will limit discovery to what she permits. The magistrate judge recommends that the district court deny without prejudice the defendant’s motion to dismiss and that the magistrate judge then set a deadline for exchanging Rule 26(a)(1) disclosures and identified documents followed by a conference “to discuss what if any additional limited discovery directed only to personal jurisdiction is warranted.” ECF# 48, p. 8.

The time for filing written objections to the report and recommendation expired on September 17, 2021, without any objections being filed. The district court has reviewed the report and recommendation and hereby accepts and adopts it in its entirety without any change.

IT IS THEREFORE ORDERED that the defendant 3i Corporation’s motion to dismiss for lack of personal jurisdiction (ECF# 27) is denied without prejudice, and that the magistrate judge will proceed in directing any limited discovery on this personal jurisdiction issue.

Dated this 20th day of September, 2021, Topeka, Kansas.

/s Sam A. Crow
Sam A. Crow, U.S. District Senior Judge