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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

John Doe I, et al.,

Plaintiffs

vs.

Travis Paul Grant, et al.,

Defendants.

Case No. 20-CV-1142-SMB

**REPLY IN SUPPORT OF
DEFENDANTS’
MOTION FOR JURISDICTIONAL
DISCOVERY**

By now, this Court has already received substantial briefing on the issues, so this Reply will be exceedingly short. Although Defendants believe this Court has sufficient information to decide the issue of fraudulent joinder, at the time they filed their Response to Plaintiffs’ Motion to Remand, Defendants did not know whether Plaintiffs would challenge the primary factual basis of Defendants’ argument—i.e., that the three non-diverse Plaintiffs (John Does 8, 9 and 10) were arrested in Florida, not Arizona.

For that reason and in an abundance of caution, Defendants moved for jurisdictional discovery into that extremely narrow point; this was made explicitly clear in the motion itself; “To be clear about this request—Defendants only seek discovery relating to a single fact: where were the Florida Plaintiffs arrested? In their home state of Florida, or in Arizona?” Def. Mot., Doc 17 at 1:20–22 (emphasis in original).

1 Plaintiffs could have, of course, avoided this issue at the outset by simply admitting
2 that they were arrested in Florida, not Arizona. Indeed, according to their arguments, this
3 fact makes no difference, so there ought to be no reason for Plaintiffs to deny this fact if
4 it is true. Unfortunately, prior to moving for jurisdictional discovery, undersigned counsel
5 asked Plaintiffs' counsel to stipulate to this point so the parties could focus on other
6 issues, but Plaintiffs' counsel refused to do so (while also refusing to deny that John Does
7 8, 9 and 10 were arrested in Florida, not Arizona).

8 Despite this, it appears Plaintiffs have now tacitly, and most begrudgingly,
9 admitted they were arrested in Florida, not Arizona. Specifically, in their opposition,
10 Plaintiffs state: "The Court cannot now order discovery into an issue that both parties
11 concede is true." Opp., Doc. 22, at 8:17–18 (emphasis added).

12 If the Court reads this the same way that Defendants do (as admitting that John
13 Does 8, 9 and 10 were arrested in Florida, not Arizona), then Defendants agree the
14 admission moots the need for jurisdictional discovery. On the other hand, if the Court
15 believes this factual issue remains disputed, it should allow discovery into that issue and
16 should refrain from ruling on Plaintiffs' Motion to Remand until that factual dispute is
17 resolved.

18 DATED: August 12, 2020.

GINGRAS LAW OFFICE, PLLC



David S. Gingras, Esq.
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2020, I transmitted the attached document to the Clerk's Office for ECF filing, and for electronic service on all counsel of record in this matter:

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