STATE OF MINNESOTA
IN COURT OF APPEALS
A13-2087

Trivedi LLC, et al.,
Appellants,

vs.

Dennis Lang,
Respondent.

Filed June 23, 2014
Affirmed
Bjorkman, Judge

Ramsey County District Court
File No. 62-CV-13-2352

Nathan J. Knoernschild, Thomsen & Nybeck, P.A., Bloomington, Minnesota (for appellants)

Mark R. Anfinson, Minneapolis, Minnesota (for respondent)

Considered and decided by Hooten, Presiding Judge; Ross, Judge; and Bjorkman, Judge.

U N P U B L I S H E D O P I N I O N

BJORKMAN, Judge

Appellants challenge the district court's order vacating a foreign judgment for lack of personal jurisdiction and denying jurisdictional discovery. We affirm.

FACTS

Appellant Mahendra Trivedi is the founder of appellants Trivedi LLC, Trivedi Foundation, Trivedi Master Wellness LLC, and Trivedi Products LLC (collectively, appellants). Trivedi resides in Arizona. Trivedi Foundation is an Iowa nonprofit organization authorized to conduct its affairs in Arizona. The remaining appellants were incorporated in Delaware, with their principal place of business in Arizona since December 2011. Respondent Dennis Lang is a freelance writer who lives in Minnesota.

Trivedi is a self-proclaimed spiritual teacher. He and the Trivedi entities provide nontraditional physical and mental-health services to the public, primarily through personal, group, or remote blessings and energy transmissions using the "Trivedi Effect." Trivedi conducts his activities in numerous states and anyone "around the world" may register to receive a long-distance remote energy transmission. In 2011, Lang began researching appellants and discovered PurQi.com, an Internet blog created by a former Trivedi employee and used to discuss alternative-medicine practitioners, including Trivedi. Lang and other commentators posted negative comments on the blog about Trivedi and his businesses. In January and February 2012, Lang communicated privately with two Arizona residents who are current or former employees of appellants. And his research prompted contacts with FBI representatives in various offices.

Appellants sued Lang and eight other defendants[1] in Arizona. The claims against Lang include defamation, civil conspiracy, and tortious interference with business expectancy. The complaint focuses on the PurQi.com posts, with Lang's posts providing

[1] Only one of the defendants is alleged to be an Arizona resident.

the support for the defamation and conspiracy claims against him. Lang did not respond to the complaint, and the Arizona district court entered a $59-million default judgment against him. Appellants docketed the judgment in Minnesota. Lang moved to vacate the judgment based on the Arizona court's lack of personal jurisdiction over him. Appellants opposed the motion and the parties presented the affidavits of Lang, Alice Branton, Paul Capodanno, and James Robinson establishing the following jurisdictional facts.

Blog posts on PurQi.com

As of March 2012, PurQi.com had received more than 20,000 visitors. The record contains 186 posts Lang made between June 2011 and October 18, 2012, when appellants commenced their Arizona action.[2] Eleven of these posts reference Arizona or Arizona residents. One post states that an FBI file was transferred to the agency's Phoenix office, and provides contact information. Five posts refer to Alice Branton, an Arizona resident; four suggest interviewing her and one indicates Lang gave her contact information for the FBI. One post includes a link to Arizona's Better Business Bureau and suggests that those having issues make a report. The remaining four posts refer to Arizona more generally, but they do not reference appellants, do not concern the subject of this lawsuit, and are not connected to appellants' claims against Lang.

[2] The record also includes posts by Lang dated after appellants' lawsuit was commenced in Arizona. Because these posts cannot establish a basis for jurisdiction, we do not consider them. *See Pecoraro v. Sky Ranch for Boys, Inc.*, 340 F.3d 558, 562 (8th Cir. 2003) ("Minimum contacts must exist either at the time the cause of action arose, the time the suit is filed, or within a reasonable period of time immediately prior to the filing of the lawsuit.").

E-mails and telephone contacts with Arizona residents Alice Branton and Paul Capodanno

In January 2012, Lang contacted Trivedi employee Alice Branton. Branton received Lang's first e-mail shortly after she moved to Arizona. The e-mail invited her to call him, which she did. During the conversation, Lang accused Trivedi of criminal activity, including money laundering and being an illegal alien. In a second e-mail, Lang also accused Trivedi of rape and encouraged Branton to contact the South Carolina Attorney General and special agents with the New Jersey and New York offices of the FBI.

After reading Lang's posts on PurQi.com, Paul Capodanno called Lang on March 23, 2012. Capodanno is a former Trivedi employee who was upset because appellants had terminated his employment. Lang followed up by e-mail, explaining that he was in contact with the FBI, that the agency was transferring an existing file on Trivedi to its Phoenix office, and that he knows a person who could provide information to various agencies. Lang exchanged approximately 50 e-mails with Capodanno. Most of Lang's e-mails requested information from Capodanno. Lang asked Capodanno if he should post the FBI phone number on PurQi.com, asked Capodanno to send him information about appellants and their business, and asked for contact information for various agencies. The e-mails Capodanno initiated show that he filed a complaint with the FBI's Phoenix office and that he sought to contact other agencies. Capodanno's e-mails also reflect that he and Lang were planning to "engage" Chris Clarke and Street King Energy

Drinks in an effort to dissuade them from conducting business with appellants. The e-mails do not indicate whether Clarke or Street King have any connection to Arizona.

E-mails to Phoenix FBI office

Lang first contacted the FBI's Phoenix office via e-mail in February 2012. His first message references Capodanno's complaint and indicates that Lang has an informant who can provide further evidence of appellants' wrongdoings and has already provided evidence to FBI agents in New York and New Jersey. In total, Lang sent three e-mails to the Phoenix office of the FBI to confirm that they had a file on appellants, determine if the matter is being reviewed, request information, and list the allegations against Trivedi. No responses from the FBI are in the record.

Appellants moved the district court to permit jurisdictional discovery related to statements in Lang's affidavit and his actions and contacts in Arizona. The district court denied appellants' motion and vacated the foreign judgment because appellants did not show that Arizona was the focal point of Lang's tortious activity. This appeal follows.

D E C I S I O N

I. The district court properly vacated the foreign judgment because the Arizona court lacked personal jurisdiction over Lang.

A foreign court's judgment is not entitled to full faith and credit in Minnesota if the foreign court lacked personal jurisdiction over the defendant. *David M. Rice, Inc. v. Intrex, Inc.*, 257 N.W.2d 370, 372 (Minn. 1977); *Hutson v. Christensen*, 295 Minn. 112, 117, 203 N.W.2d 535, 538 (1972). The plaintiff has the burden to prove a factual basis establishing personal jurisdiction. *Christian v. Birch*, 763 N.W.2d 50, 58 (Minn. App.

2009), *review dismissed* (Minn. July 15, 2009). When a plaintiff asserts multiple claims, personal jurisdiction must be established for each claim. *Blume Law Firm v. Pierce*, 741 N.W.2d 921, 925 (Minn. App. 2007), *review denied* (Minn. Feb. 19, 2008). Whether personal jurisdiction exists over a defendant is a question of law, which we review de novo. *Juelich v. Yamazaki Mazak Optonics Corp.*, 682 N.W.2d 565, 569 (Minn. 2004).

To prove that a foreign court had personal jurisdiction over the defendant, the plaintiff must show that both the requirements of the foreign state's long-arm statute and the minimum standards of due process were met. *Domtar, Inc. v. Niagara Fire Ins. Co.*, 533 N.W.2d 25, 29 (Minn. 1995). In assessing the first requirement, we apply the law of the foreign state. *Griffis v. Luban*, 646 N.W.2d 527, 531 (Minn. 2002). Arizona's long-arm statute confers personal jurisdiction to the maximum extent permitted by the United States Constitution and the Due Process Clause.[3] *Planning Grp. of Scottsdale, L.L.C. v. Lake Mathews Mineral Props., Ltd.*, 246 P.3d 343, 346 (Ariz. 2011). Accordingly, we need only determine whether Arizona's exercise of personal jurisdiction over Lang was consistent with due process. *See Griffis*, 646 N.W.2d at 531. Due process requires that an out-of-state defendant "have certain minimum contacts" with the forum state so that the exercise of personal jurisdiction "does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154, 158

[3] Arizona's long-arm statute provides: "A court of this state may exercise personal jurisdiction over parties, whether found within or outside the state, to the maximum extent permitted by the Constitution of this state and the Constitution of the United States." Ariz. R. Civ. P. 4.2(a).

(1945) (quotation omitted). The concept of minimum contacts protects the interests of the nonresident defendant from litigating in a distant or inconvenient forum. *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292, 100 S. Ct. 559, 564 (1980).

Minimum contacts may be established through general or specific jurisdiction. *Domtar, Inc.*, 533 N.W.2d at 30. Appellants do not assert that general jurisdiction is appropriate here. Specific jurisdiction exists when the cause of action arises from the defendant's contacts with the forum state. *See id.* In cases involving intentional torts, courts apply the "effects test" for specific personal jurisdiction, focusing on the in-state effects of tortious conduct that occurred outside of the state in order to assess whether a defendant has minimum contacts with the forum state. *Calder v. Jones*, 465 U.S. 783, 789, 104 S. Ct. 1482, 1487 (1984); *Griffis*, 646 N.W.2d at 534-35 (adopting effects test). The effects test requires the plaintiff to show that

> (1) the defendant committed an intentional tort; (2) the plaintiff felt the brunt of the harm caused by that tort in the forum such that the forum state was the focal point of the plaintiff's injury; and (3) the defendant expressly aimed the tortious conduct at the forum such that the forum state was the focal point of the tortious activity.

Griffis, 646 N.W.2d at 534.

Lang does not dispute that the first two prongs of the effects test are satisfied. Accordingly, we focus on the third prong—whether Lang expressly aimed his tortious conduct at Arizona. To establish this prong, a plaintiff must "point to specific activity indicating that the defendant expressly aimed its tortious conduct at the forum." *Id.* at 534 (emphasis omitted) (quoting *Imo Indus., Inc. v. Kiekert AG*, 155 F.3d 254, 266 (3d

Cir. 1998)); *see also Doe v. Hesketh*, ___ F. Supp. 2d ___, 2014 WL 1661160, at *5 (E.D. Pa. Apr. 25, 2014) (noting that the "expressly aimed" element is "exacting"); *see also Marten v. Godwin*, 499 F.3d 290, 297 (3d Cir. 2007) ("[T]he effects test prevents a defendant from being haled into a jurisdiction solely because the defendant intentionally caused harm that was felt in the forum state if the defendant did not expressly aim his conduct at that state."). It is not enough that the effects of a defendant's conduct are felt in the forum state. *Griffis*, 646 N.W.2d at 534-35. Rather, the plaintiff must show that the defendant's acts were "performed for the very purpose of having their consequence felt in the forum state." *Dakota Indus., Inc. v. Dakota Sportswear, Inc.*, 946 F.2d 1384, 1390-91 (8th Cir. 1991). And we look to the defendant's contacts with the forum state itself, not simply with persons who reside there. *See Walden v. Fiore*, 134 S. Ct. 1115, 1124 (2014) (stating the proper lens is "whether the *defendant's* actions connect him to the *forum*").

Appellants assert that Lang's (1) posts on PurQi.com, (2) contact with two Arizona residents, and (3) e-mails to the Phoenix office of the FBI show that Arizona was the focal point of his tortious conduct. We address each argument in turn.

A. Blog posts on PurQi.com

Appellants argue that Lang directed his defamatory posts at Arizona as a forum because they targeted Trivedi, whom he knew to be an Arizona resident, and Trivedi's businesses, which are principally based in Arizona.

We begin our analysis by considering the development of the effects test. The United States Supreme Court first applied the test in *Calder*, where a California

entertainer claimed she was libeled in an article written and edited by Florida defendants and published in a national magazine. 465 U.S. at 785, 104 S. Ct. at 1484. The defendants argued that the fact they could "foresee" that the magazine's circulation would reach California did not support the exercise of jurisdiction. *Id.* at 789, 104 S. Ct. at 1487. The Supreme Court disagreed, noting that the magazine has its highest circulation in California, and the article discussed the "California activities of a California resident," was "drawn from California sources," and "impugned the professionalism of an entertainer whose television career was centered in California." *Id.* at 785 n.2, 788-89, 104 S. Ct. at 1484 n.2, 1486-87. The Supreme Court concluded that California was the "focal point both of the story and of the harm suffered," such that the Florida defendants must "reasonably anticipate being haled into court there." *Id.* at 789-90, 104 S. Ct. at 1486-87 (quotation omitted).

Our supreme court first applied the effects test in *Griffis*, where an Alabama plaintiff brought a defamation action in Alabama against a Minnesota resident. 646 N.W.2d at 530. The plaintiff alleged that the defendant defamed her professional credentials in posts on an Internet newsgroup. *Id.* The Alabama court entered a default judgment, which the plaintiff sought to enforce in Minnesota. *Id.* The supreme court rejected the broad application of *Calder* that some courts embrace, under which a defendant is subject to jurisdiction wherever the plaintiff suffers injury. *Id.* at 533-34. Instead, the court adopted the three-prong effects test, stating that the "constitutional touchstone remains whether the defendant purposefully established 'minimum contacts' in the forum." *Id.* (quotation omitted). The court held that Griffis did not establish the

third prong because (1) the newsgroup was accessible to anyone in the world, (2) nothing indicated the statements were targeted at Alabama beyond the fact that Griffis lived there, (3) she presented no evidence that any other person in Alabama read the statements, and (4) she did not assert that Alabama had a unique relationship with her professional field. *Id.* at 535-36.

Griffis is consistent with caselaw in other jurisdictions. In *BroadVoice, Inc. v. TP Innovations LLC*, a Massachusetts Internet and television service sued Texas defendants in Massachusetts alleging defamation via a website they created. 733 F. Supp. 2d 219, 222 (D. Mass. 2010). The website included complaints and derogatory comments, and an "open letter" to the plaintiff accusing it of illegal business practices. *Id.* The website urged disgruntled customers to share their experiences, write to the company, and file complaints with the Massachusetts Attorney General, the Boston Better Business Bureau, and other entities, providing links to the agencies' websites. *Id.* Applying the effects test, the court held that the website was not aimed at Massachusetts because it did nothing to incite Massachusetts residents in particular, there was no evidence that any Massachusetts resident other than the plaintiff accessed the website, and it was only aimed at Massachusetts in the sense that Massachusetts residents could, along with the rest of the world, access the website. *Id.* at 225-26.

Similarly, in *Johnson v. Arden*, a defendant's Internet posts stating that a Missouri cat breeder tortured and killed cats, sold infected animals, and "operated a 'kitten mill' in Unionville Missouri" did not specifically target Missouri. 614 F.3d 785, 796 (8th Cir. 2010). The court noted that the posts concerned the plaintiff, the reference to the state of

Missouri was incidental, and there was no evidence that the website or its content focused on Missouri. *Id.* This analysis is consistent with long-standing minimum-contacts jurisprudence that a defendant "will not be haled into a jurisdiction solely as a result of random, fortuitous, or attenuated contacts." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475, 105 S. Ct. 2174, 2183 (1985) (quotations omitted). Instead, a defendant must have "fair warning" that their "purposefully directed" activities will subject them to jurisdiction because of a connection between their activities and a forum. *See id.* at 472, 105 S. Ct. at 2182. If a party "continuously and deliberately exploited the [forum state] market, it must reasonably anticipate being haled into court there." *See Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 774, 781, 104 S. Ct. 1473, 1478, 1481 (1984) (holding that magazine publisher was subject to jurisdiction in New Hampshire, based on libelous content in the magazine, because it regularly sold thousands of magazines in New Hampshire and "[s]uch regular monthly sales of thousands of magazines cannot by any stretch of the imagination be characterized as random, isolated, or fortuitous"). But that is not the case when the party's conduct vis-à-vis the forum is limited. *See Noonan v. Winston Co.*, 135 F.3d 85, 91-92 (1st Cir. 1998) ("Just as widespread circulation of a publication indicates deliberate action, thin distribution may indicate a lack of purposeful contact. . . . To find otherwise would inappropriately credit random, isolated, or fortuitous contacts and negate the reason for the purposeful availment requirement.").

In determining whether Lang focused his PurQi.com posts on Arizona, we note that the posts, like those in *Griffis* and *BroadVoice*, reached a worldwide audience. They discuss both Trivedi and his companies, which do business in many states. Nothing in

the record establishes that appellants conducted their business predominantly in Arizona, or that Lang specifically intended to cause harm to appellants in Arizona. Most of the approximately 186 posts in the record do not even reference Arizona. Some posts refer to other states, including California, New Jersey, New York, Pennsylvania, South Carolina, Texas, and Washington. And, as in *BroadVoice*, providing a link to the Arizona Better Business Bureau in a blog post directed to a worldwide audience is not sufficient to show that Arizona was the focal point of Lang's tortious conduct because PurQi.com is not specifically directed to Arizona residents. It is not a commercial website that serves Arizona residents as customers, nor is it otherwise directed specifically to an Arizona audience. The facts here are not like *Calder* where the libelous magazine was circulated to 600,000 people in California (where the magazine had its largest circulation), and the story concerned California activities of a California resident and involved a California industry—the entertainment business. *Calder*, 465 U.S. at 785, 104 S. Ct. at 1484. There is no evidence or claim that the alternative-medicine practice is uniquely situated in Arizona like the movie industry is in California. *See Griffis*, 646 N.W.2d at 536 (noting that Griffis did not assert that Alabama had a unique relationship with the field of Egyptology, like the close relationship between the plaintiff's profession and the forum state that was found relevant in *Calder*).

And there is no evidence that any Arizona residents, other than appellants and Capodanno, actually read the posts. *See BroadVoice*, 733 F. Supp. 2d at 225. In short, the only connection between the posts and Arizona is the fact that residents of Arizona

could have read them. Under *Griffis* and *Calder*, this type of connection is not enough to establish the third prong of the effects test.

B. E-mails and phone calls to Arizona residents and Phoenix FBI office

Appellants next argue that Lang's contacts with two Arizona residents and the Phoenix office of the FBI demonstrate that Arizona was the focal point of his tortious conduct. Resolution of this issue turns, in part, on whether these contacts were directed at Arizona, or at Arizona residents. *See Griffis*, 646 N.W.2d at 535 (concluding that the effects test was not satisfied where alleged defamatory statements were made to an Alabama resident because there was no evidence that the statements were "targeted at the state of Alabama or at an Alabama audience"); *see also S.B. Schmidt Paper Co. v. A to Z Paper Co., Inc.*, 452 N.W.2d 485, 489 (Minn. App. 1990) ("Merely entering into a contract with a forum resident does not provide the requisite contacts between a [nonresident] defendant and the forum state." "It is a defendant's contacts with the forum state that are of interest in determining if in personam jurisdiction exists, not its contacts with a resident." (alteration in original) (quotations omitted)). Because our caselaw is not extensive, we consider how other courts have made this distinction when applying the effects test.

We first consider *Jacobs Trading, LLC v. Ningbo Hicon Int'l Indus. Co.*, 872 F. Supp. 2d 838, 847 (D. Minn. 2012), in which the federal district court stated that the "mere making of statements to a resident of a forum state is not the same as directing activity toward the forum." In *Jacobs Trading*, the plaintiff brought fraud claims in Minnesota against a Chinese defendant related to the purchase of counterfeit

coffeemakers. 872 F. Supp. 2d at 840-41. The defendant communicated by phone and e-mail with plaintiff's agent, a Minnesota resident who was living in China at the time. *Id.* at 840, 843. In determining that the effects test was not satisfied, the court held that there was no showing that the defendant aimed its conduct at Minnesota because fraudulent communications directed at a Minnesota resident are not sufficient to establish that the defendant was targeting Minnesota. *Id*. at 847-48. The court in *Jacobs* found it persuasive that the allegedly tortious activity occurred outside of Minnesota, the statements were about activity in China, and there was "no indication of 'constant communication' or 'numerous phone calls and faxes' into [Minnesota]." *Id.* at 847.

In *Remick v. Manfredy*, the Third Circuit likewise distinguished conduct directed at a state from conduct directed at its residents. Remick, a Pennsylvania attorney, sued his former client and others for defaming him in two letters. 238 F.3d 248, 257 (3d Cir. 2001). The former client faxed the first letter to the plaintiff's office, and two of plaintiff's co-workers read it while it was lying on the fax machine. *Id.* An attorney defendant sent the second letter to the plaintiff reiterating the statements in the first letter. *Id.* at 257-58. Remick alleged that the contents of the letters were then published and distributed to the entire boxing community. *Id.* He argued that the third prong of the effects test was met because the defamatory letters related to his activities in Pennsylvania and were published in Pennsylvania. *Id.* at 259. The Third Circuit disagreed, holding that the reason other individuals read the letter was because it was on the office fax machine and "there [was] no indication that the letter was targeted at them or at anyone in Pennsylvania other than [the plaintiff]." *Id.* And as for the letters

allegedly published throughout the boxing community, there was no "unique relationship" between Pennsylvania and that community, "as distinguished from the relationship in *Calder* between California and the motion picture industry." *Id.*

Here, the record shows that Lang contacted Capodanno and Branton in their capacities as current and former employees of appellants, not because they lived in Arizona. And, more importantly, the e-mail and phone contacts do not urge Capodanno and Branton to contact the State of Arizona or take action to cause harm to appellants' business activities in Arizona. In fact, Branton had just moved from South Carolina to Arizona at the time Lang sent his first e-mail to her. Capodanno initated e-mail contact with Lang after reading his PurQi.com posts. E-mail communications are particularly untethered to a geographic location because they may be reviewed from locations other than where the recipient resides. It was fortuitous that Branton and Capodanno lived in Arizona at the time of their communications with Lang. *See Southmark Corp. v. Life Investors, Inc.*, 851 F.2d 763, 773 (5th Cir. 1988) (holding that specific jurisdiction was lacking for tortious interference claim because the fact that plaintiff had its principal place of business in Texas was a mere fortuity, and the fact that the plaintiff resides and suffers harm in the forum is not enough to support jurisdiction).

In sum, Lang's private communications with two Arizona residents do not establish that he expressly aimed his defamatory speech at Arizona so as to make that state the focal point of his tortious conduct.

Lang's three e-mails to Special Agent Johnson of the FBI's Phoenix office are likewise insufficient to show that Lang expressly directed his conduct toward Arizona as

a forum. The first e-mail lists allegations an informant reported to FBI agents in New York and New Jersey, explains that the file was passed on to the Phoenix office of the FBI, and seeks information about the status of the agency's investigation. The second e-mail seeks to confirm whether the Phoenix FBI office had an open file on Trivedi, and the third states that Lang knew Capodanno met with an FBI agent in Phoenix and that he knows other people who could provide information to the FBI.

These e-mails do not meet the third prong of the effects test. They refer to FBI investigations already underway in New York and New Jersey, and do not clearly target Arizona. Lang's statements do not specify that the accusations against Trivedi and his companies relate to activities in Arizona, and the e-mails do not show that Lang intended his actions to harm appellants in Arizona. The e-mails show Lang requested information because he knows that Capodanno already made a complaint to the FBI in Arizona, not because he is uniquely targeting Arizona as a forum to harm appellants. Moreover, the Phoenix office of the FBI is not a state organization. We are not persuaded that Lang's contacts with a federal agent demonstrate conduct focused on the state of Arizona as a forum. *Cf. Lamb v. Turbine Designs, Inc.*, 41 F. Supp. 2d 1362, 1365 (N.D. Ga. 1999) ("Rooted in the constitutional right to petition the government and first recognized in the District of Columbia, the 'governmental contacts' principle prevents a court from exercising jurisdiction based solely on a defendant's contact with a federal instrumentality."), *aff'd*, 240 F.3d 1316 (11th Cir. 2001).

Appellants' other intentional-tort claims against Lang likewise fail to establish facts sufficient to meet the effects test. The only factual allegation regarding appellants'

tortious-interference-with-business-expectancy claim is Lang's communication with Capodanno about contacting Clarke and Street King. The record does not indicate that Clarke or Street King are residents of or have any connection to Arizona. And appellants' civil conspiracy claim is founded on the underlying torts of defamation and tortious interference. Because Arizona lacked personal jurisdiction over Lang for either of the underlying torts, jurisdiction is also lacking for the civil conspiracy claim.

II. The district court did not abuse its discretion by denying jurisdictional discovery.

Appellants sought jurisdictional discovery to uncover information "relating to Lang's actions in and contacts with the state of Arizona" in an effort to show Lang had additional contacts and directed more defamatory material toward Arizona. Appellants did not seek discovery related to Clarke or Street King, the entities identified in appellants' tortious-interference claim. The district court denied appellants' request because it found the crux of the claims against Lang related to his blog posts, which were already part of the record.

The decision to grant jurisdictional discovery is within the district court's broad discretion. *Behm v. John Nuveen Co.*, 555 N.W.2d 301, 305 (Minn. App. 1996). Jurisdictional discovery is generally permitted before a court rules on a motion to dismiss for lack of personal jurisdiction, but such discovery is "unnecessary where the discovery is unlikely to lead to facts establishing jurisdiction." *Id.* A motion for jurisdictional discovery is not supported by speculation that relevant information exists, and a party generally may not use discovery to conduct a "fishing expedition." *See Molde v.*

CitiMortgage, Inc., 781 N.W.2d 36, 45 (Minn. App. 2010) (holding that before deciding whether to grant further discovery before ruling on summary-judgment motion, district court should consider if party seeking discovery is merely engaging in a fishing expedition); *see also Viracon, Inc. v. J & L Curtain Wall, LLC*, 929 F. Supp. 2d 878, 886 (D. Minn. 2013) (denying jurisdictional discovery based on speculative statements and holding that a plaintiff cannot simply "cast a wide net for potential contacts with the forum state" but must seek discovery "designed to flesh out connections [with the forum state] already shown to exist" (alteration in original) (quotations omitted)).

Appellants first argue that jurisdictional discovery was appropriate because it would have permitted them to test the veracity of Lang's testimony about when he began researching appellants and the nature of the blog's audience. We disagree. We are not persuaded that the timing of Lang's research is relevant to jurisdiction, and the record already shows the dates of Lang's blog posts and e-mails with Trivedi employees. Seeking discovery from Lang about PurQi.com's audience is not likely to lead to facts establishing jurisdiction since Lang did not create the blog. Indeed, information about the blog's inception is equally available to appellants.

Next, appellants assert that discovery would show that Lang contacted other Arizona residents because some of his posts state that he reached out to interview "known proponents" of appellants and that several individuals responded. Appellants do not explain how identifying these individuals would show any connections with Arizona as a forum; whether these individuals have any connection to Arizona is a matter of speculation. In *Viracon, Inc.*, the court denied a similarly broad discovery request as to

what Minnesota entities, if any, the defendant conducted business with, because plaintiff was only speculating that such contacts existed. 929 F. Supp. 2d at 886. Even if Lang did contact other Arizona residents, appellants had to show that the proposed discovery would likely lead to facts establishing jurisdiction, that is, contacts that show Lang expressly aimed his tortious conduct at Arizona. Appellants cannot meet this burden by speculating that contacts exist. They had the burden to establish jurisdiction in Arizona, and they are not entitled to conduct a fishing expedition in an effort to do so.

Finally, appellants argue that discovery would have revealed that Lang knew the harm from his actions would be felt in Arizona. Because appellants did not make this argument to the district court, we will not consider it. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

On this record, we conclude that the district court did not abuse its discretion by denying jurisdictional discovery. And we affirm the vacation of the foreign judgment because the Arizona court did not have personal jurisdiction over Lang.

Affirmed.