

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Marcia Mei-Lee Liu, individually and on
behalf of a class of all others similarly situated,

Plaintiff,

v.

AMERCO; U-HAUL International, Inc.,

Defendants.

C.A. No.: 10-11221

**RESPONSE TO AMERCO'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

Plaintiff responds to Defendant AMERCO's motion to dismiss for lack of personal jurisdiction as follows.

AMERCO moved to dismiss for lack of personal jurisdiction on September 17, 2010 (Dkt #10). On the same date, both defendants moved to dismiss for failure to state a claim (Dkt #12). On October 14, 2010, the parties filed a Joint Motion and Stipulation Regarding Priority of Consideration of Defendants' Motion to Dismiss (Dkt #15) (the "Joint Motion").

In the Joint Motion, for reasons of judicial economy and efficiency, particularly given that Plaintiff intends to seek jurisdictional discovery in response to the motion to dismiss for lack of personal jurisdiction, the parties requested that the Court extend the deadline for Plaintiff's response to AMERCO's motion to dismiss for lack of personal jurisdiction until 30 days after a ruling on Defendants' joint motion to dismiss for failure to state a claim. In the alternative, the parties respectfully requested that the Court rule on Defendants' joint motion to dismiss for failure to state a claim before considering AMERCO's motion to dismiss for lack of personal jurisdiction.

The Court has not yet ruled on the Joint Motion, and Plaintiff's response to the motion to dismiss for lack of personal jurisdiction is technically due today. In the event that the Court does not grant the Joint Motion, Plaintiff respectfully requests that the Court allow her to take discovery on the issue of whether this Court may exercise personal jurisdiction over AMERCO. Courts routinely allow such discovery. *See e.g., In re WellNx Marketing and Sales Prac. Litig.*, 2009 WL 1505507, *3 (D.Mass. May 29, 2009); *Fiske v. Sandvik Mining & Constr. USA, LLC*, 540 F.Supp.2d 250, 258 (D.Mass. 2008).

Respectfully submitted,

MARCIA MEI-LEE LIU,

By her attorneys,

/s/ Charles E. Tompkins
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Dated: October 22, 2010

Certificate of Service

I, Charles E. Tompkins, hereby certify that on the 22nd of October, 2010, I served the foregoing through the CM/ECF system, which will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

/s/ Charles E. Tompkins
Charles E. Tompkins