

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

BRUCE KIRBY, INC., and :
BRUCE KIRBY (RNC) : Civil Action No.
 : 3:13-cv-00297

Plaintiffs, :
vs. :

LASERPERFORMANCE (EUROPE) LIMITED, :
QUARTER MOON, INCORPORATED, :
KARAYA (JERSEY) LIMITED, :
VELUM LIMITED ITM SA (ANTIGUA AND :
BARBUDA), :
INTERNATIONAL SAILING FEDERATION :
LIMITED, :
INTERNATIONAL LASER CLASS :
ASSOCIATION, and :
FARZAD RASTEGAR :

MOTION TO
DISMISS

Defendants. :

LASERPERFORMANCE (EUROPE) LIMITED, and :
QUARTER MOON, INCORPORATED, :

Defendants-Counterclaim Plaintiffs, :

vs. :

BRUCE KIRBY, INC., and :
BRUCE KIRBY, :

Plaintiffs-Counterclaim Defendants, :

and :

GLOBAL SAILING LIMITED, and :
PERFORMANCE SAILCRAFT PTY. LTD., :

Additional Counterclaim Defendants. :

MOTION TO DISMISS

Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure of the Federal Rules of Civil Procedure, Counterclaim Defendant Performance Sailcraft Pty. Ltd. (“PSA”), moves this Court for an Order of dismissal of the Counterclaims (Doc. No. 40) filed by Counterclaim Plaintiffs LaserPerformance Europe, Ltd. and Quarter Moon Incorporated (“Counterclaim Plaintiffs”), in the matter captioned above. More specifically, PSA moves the Court to dismiss all Counterclaims as to Counterclaim Defendant PSA, including Counterclaims 3, 4 and 5.

As is more fully set forth in the accompanying Memorandum of Law, PSA respectfully submits that the exercise of personal jurisdiction over PSA is improper, as Counterclaim Plaintiffs have failed to allege an appropriate statutory basis for invoking the jurisdiction of this Court, PSA lacks “minimum contacts” with Connecticut, and because it would be unreasonable to subject PSA to the jurisdiction of this Court.

WHEREFORE, for the foregoing reasons, and for those more particularly set forth in the accompanying Memorandum of Law, PSA moves this Court for an Order dismissing all Counterclaims as to Counterclaim Defendant PSA, including Counterclaims 3, 4 and 5, and respectfully requests that its Motion be granted.

COUNTERCLAIM DEFENDANT
PERFORMANCE SAILCRAFT PTY. LTD.,

Dated: January 23, 2014

By: /s/John C. Linderman
John C. Linderman
(CT Bar No. CT04291)
J. Kevin Grogan
(CT Bar No. CT00331)
Richard J. Twilley
(CT Bar No. CT26736)
McCormick, Paulding & Huber, LLP
185 Asylum Street, Cityplace II
Hartford, CT 06103
Tel. (860) 549-5290
Facsimile: (413) 733-4543

CERTIFICATE OF SERVICE

I certify that on January 23, 2014, copies of the foregoing Motion to Dismiss and the accompanying Memorandum of Law were filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/John C. Linderman

John C. Linderman