

1 Michael D. Rounds  
Nevada Bar No. 4734  
2 Steven A. Caloiaro  
Nevada Bar No. 12344  
3 WATSON ROUNDS  
5371 Kietzke Lane  
4 Reno, NV 89511-2083  
Telephone: (775) 324-4100  
5 Facsimile: (775) 333-8171  
E-Mail: mrounds@watsonrounds.com  
6 E-Mail: scaloiaro@watsonrounds.com

7 Attorneys for Defendant Maxim Bochenko

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 Liberty Media Holdings, LLC, A California  
11 Corporation

12 Plaintiff,

Civil Action No. 2:12-cv-01057-GMN-RJJ

13 v.

14 FF Magnat Limited d/b/a Oron.com; Maxim  
15 Bochenko a/k/a Roman Romanov; and John  
16 Does 1-500,

**DEFENDANT BOCHENKO’S MOTION TO  
DISMISS**

17 Defendants.  
\_\_\_\_\_/

18 **I. PRELIMINARY STATEMENT**

19 Defendant Maxim Bochenko respectfully submits this Memorandum of Points and  
20 Authorities in support of his Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) on the basis  
21 that personal jurisdiction does not exist. Mr. Bochenko is a resident of the State of Florida who is a  
22 Russian citizen living in the United States through a green card. Mr. Bochenko has never been an  
23 employee of FF MAGNAT LIMITED or any affiliated company. In short, Mr. Bochenko does not  
24 meet the minimum requirements which would establish the necessary personal jurisdiction making  
25 him subject to a suit in Nevada, and his Motion to Dismiss should be granted.  
26  
27  
28

1 **II. BECAUSE PERSONAL JURISDICTION DOES NOT EXIST, MR. BOCHENKO**  
2 **SHOULD BE DISMISSED FROM THE ACTION**

3 When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff bears the  
4 burden of demonstrating the court's jurisdiction over the defendant. *See Harris Rutsky & Co. Ins.*  
5 *Servs., Inc. v. Bell & Clements Ltd.*, 328 F.3d 1122, 1128-29 (9th Cir. 2003). The personal  
6 jurisdiction is proper to the extent that the exercise is permitted by a state's long-arm statute, and  
7 does not violate federal due process. *See Fireman's Fund Ins. Co. v. Nat. Bank of Coops.*, 103 F.3d  
8 888, 893 (9th Cir.1996); *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1154-55 (9th Cir. 2006).

9 The Nevada long-arm statute provides for personal jurisdiction to the full extent of the Due  
10 Process Clause:

11 NRS 14.065 Exercise of jurisdiction on any basis consistent with State and Federal  
12 Constitutions; service of summons to confer jurisdiction.

13 A court of this state may exercise jurisdiction over a party to a civil action on any  
14 basis not inconsistent with the Constitution of this state or the Constitution of the  
15 United States.

16 *See Baker v. Eighth Judicial Dist. Court*, 116 Nev. 527, 531 (2000) ("Nevada's long-arm  
17 statute, NRS 14.065, reaches the limits of due process set by the United States Constitution."  
18 (citation omitted)).

19 Federal due process is satisfied by demonstrating "minimum contacts" between a defendant  
20 and the forum state, and must be established by the proponent of jurisdiction so the maintenance of  
21 the suit "does not offend the traditional notions of fair play and substantial justice." *International*  
22 *Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). The requisite minimum contacts can be  
23 established through general personal jurisdiction or specific personal jurisdiction.

24 General jurisdiction exists when a defendant is domiciled in the forum or conducts activities  
25 in the forum that are "substantial" or "continuous and systematic." *See Helicopteros Nacionales de*  
26 *Colombia, S.A. v. Hall*, 466 U.S. 408, 414-16 (1984). The only connection between this forum and  
27  
28

1 Mr. Bochenko is a two-day personal vacation he took to Las Vegas five years ago. Declaration of  
2 Maxim Bochenko (“Bochenko Decl.”) ¶¶ 4, 5. As this conduct is neither continuous nor systemic, it  
3 is insufficient to establish general personal jurisdiction.

4 *International Shoe* governs specific jurisdiction, focusing on whether (1) the defendant  
5 purposefully directed its activities at residents of the forum state; (2) the claim arises out of or relates  
6 to the defendant’s activities within the forum state; and (3) assertion of jurisdiction is reasonable and  
7 fair. *International Shoe*, 326 U.S. at 316. If any of the three requirements are not satisfied,  
8 jurisdiction in the forum would deprive the defendant of due process of law, and personal  
9 jurisdiction does not exist. *Id.*

10  
11 It appears the decision to name Mr. Bochenko as Defendant is based solely on Plaintiff’s  
12 belief that Mr. Bochenko and Mr. Romanov are the same person. Doc. 1 ¶¶ 16, 25. Mr. Bochenko  
13 is not Roman Romanov, nor has he ever gone by that name. Bochenko Decl. ¶ 6. Mr. Romanov is a  
14 childhood friend, who Mr. Bochenko believes currently resides in Russia. Bochenko Decl. ¶ 7. Mr.  
15 Bochenko is not now, nor has he ever been, an employee of FF MAGNAT LIMITED or any  
16 affiliated corporation or business. Bochenko Decl. ¶ 8. Mr. Bochenko has never taken part in any of  
17 the wrongful activities alleged in the Complaint. Bochenko Decl. ¶ 9. In short, Mr. Bochenko has  
18 nothing to do with this case.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **III. CONCLUSION**

2 The minimum requirements to establish jurisdiction over Mr. Bochenko in the State of  
3 Nevada are not satisfied. As such, this Court should grant Defendant Bochenko's Motion, and  
4 dismiss Mr. Bochenko from the instant action.  
5

6 Dated: June 28, 2012

By: /s/ Michael D. Rounds \_\_\_\_\_

7 Michael D. Rounds

8 Nevada Bar No. 4734

9 Steven A. Caloiaro

Nevada Bar. No. 12344

10 WATSON ROUNDS

11 5371 Kietzke Lane

12 Reno, NV 89511-2083

13 Attorneys for Defendant Bochenko  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Watson Rounds, and that on this date, a copy of the foregoing **DEFENDANT BOCHENKO'S MOTION TO DISMISS** has been served upon counsel of record registered in this matter via the District of Nevada's ECF procedure.

Dated: June 28, 2012

By: /s/ Robert Hunter  
An Employee of Watson Rounds

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28