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8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **HELPING HANDS FOR DIGNITY**  
12 **COALITION, a Colorado non-profit**  
13 **corporation,**

14 Plaintiff,

15 vs.

16 **ANTHONY GURKA**

17 Defendant.

No. 25-cv-06750-WHO

**DEFENDANT’S OPPOSITOIN TO  
PERSONAL JURISDICTION AND  
VENUE**

18 **DEFENDANT’S JURISDICTIONAL BRIEF**

19 **I. INTRODUCTION**

20 Defendant respectfully submits this Jurisdictional opposition brief pursuant to the Court’s Order  
21 requesting supplemental briefing on whether the Court may exercise personal jurisdiction over  
22 Defendant. Although Defendant consented to jurisdiction in this District when filing his Answer,  
23 the Court correctly recognized that personal jurisdiction requires an independent due process  
24 analysis that cannot be established by waiver or convenience alone. See *Ruhrgas AG v. Marathon*  
25 *Oil Co.*, 526 U.S. 574, 583–84 (1999) (personal jurisdiction is a “fundamental requirement” that  
26 must be satisfied regardless of the parties’ preferences).

1 As set forth below, Plaintiff has failed to identify any constitutionally sufficient basis for  
2 exercising personal jurisdiction over a Florida resident whose only alleged conduct was submitting  
3 DMCA counter-notices to YouTube—conduct directed to a nationwide platform, not to California.  
4 The Court lacks personal jurisdiction under any recognized theory, and the case must be  
5 dismissed. Defendant himself recognized that there was no legal precedent for this novel legal  
6 theory, and none has been provided in their brief.  
7

8 **II. PERSONAL JURISDICTION REQUIRES MINIMUM CONTACTS WITH**  
9 **CALIFORNIA**

10 Due process requires that a defendant “have certain minimum contacts with [the forum] such  
11 that the maintenance of the suit does not offend traditional notions of fair play and substantial  
12 justice.” *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). The Ninth Circuit  
13 recognizes two forms of personal jurisdiction: general and specific. Neither exists here.  
14

15 **A. No General Jurisdiction**

16 General jurisdiction exists only when a defendant’s contacts with the forum are so “continuous  
17 and systematic” that the defendant is essentially “at home” in the forum. *Daimler AG v. Bauman*,  
18 571 U.S. 117, 137–39 (2014). Defendant is a Florida resident with no California presence.  
19 Plaintiff does not contend otherwise.  
20

21 **B. No Specific Jurisdiction**

22 Specific jurisdiction requires:

- 23 (1) purposeful availment or purposeful direction toward the forum.  
24 (2) claims arising out of those contacts; and  
25 (3) that jurisdiction comports with fair play and substantial justice.

26 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004).  
27  
28

1 Plaintiff cannot satisfy the first element—purposeful direction.

2 **III. SUBMISSION OF A DMCA COUNTER-NOTICE TO YOUTUBE IS NOT**  
3 **PURPOSEFUL DIRECTION AT CALIFORNIA**

4 **A. DMCA Notices Directed to a National Platform Do Not Target California**

5 YouTube is a global service. Its DMCA process is not “California-directed” conduct merely  
6 because Google maintains servers or an office in this District. Courts repeatedly hold that  
7 interacting with a nationwide platform does not constitute purposeful avilment of the forum state.  
8 See *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1227 (9th Cir. 2011) (mere use of a  
9 service accessible in forum does not establish jurisdiction). Submitting a DMCA counter-notice is  
10 conduct directed to Google LLC—not to California. There is no allegation that Defendant targeted  
11 California residents, California markets, or California interests. The Ninth Circuit rejects  
12 jurisdiction based solely on server location. See *Holland Am. Line v. Wärtsilä N. Am.*, 485 F.3d  
13 450, 460 (9th Cir. 2007).  
14  
15

16 **B. The “Effects Test” Under Calder Is Not Met**

17 To establish purposeful direction, *Calder v. Jones* requires: (1) intentional conduct, (2)  
18 expressly aimed at the forum, and (3) causing harm the defendant knows is likely to be suffered in  
19 the forum. See *Calder v. Jones*, 465 U.S. 783 (1984).

20 HERE, Plaintiff cannot satisfy prongs (2) or (3).

21 Submitting a DMCA counter-notice is not “expressly aimed” at California. Defendant had no  
22 reason to believe Plaintiff—a Colorado nonprofit—would suffer harm in California.  
23

24 **IV. PLAINTIFF’S “FAKE ADDRESS” THEORY DOES NOT CREATE PERSONAL**  
25 **JURISDICTION.** Plaintiff argues that because Defendant allegedly provided an inaccurate  
26 address in the DMCA counter-notice, he should be “treated like a foreign corporation” for  
27 jurisdictional purposes. The argument fails for several reasons:  
28

1 1. No statute or case law supports converting a domestic defendant into a “foreign corporation” to  
2 manufacture jurisdiction. Plaintiff cites no legal precedence. Plaintiff lives in Florida and is  
3 happy to provide his current address to counsel. The wrong address was given because Plaintiff’s  
4 client is known to DOXX people he does not like online (which involves posting their private  
5 information so they can be subject to unwanted harassment).

6  
7 2. Personal jurisdiction may not be established through judicial sanction or fiction. See *Insurance*  
8 *Corp. of Ireland v. Compagnie des Bauxites*, 456 U.S. 694, 702 (1982) (jurisdiction requires  
9 **constitutionally valid basis**; sanctions cannot replace minimum contacts unless expressly tied to  
10 discovery abuse—not present here).

11 3. There is no authority that supports the novel legal theory that an inaccurate DMCA address  
12 constitutes purposeful availment of California.

13  
14 **V. CONSENT BY DEFENDANT DOES NOT ELIMINATE THE COURT’S DUTY TO**  
15 **ENSURE DUE PROCESS IS MET**

16 Although Defendant, for convenience, filed an Answer consenting to jurisdiction, the Court  
17 properly recognized that personal jurisdiction cannot rest solely on the parties’ agreement. Courts  
18 must independently verify a constitutional basis for jurisdiction. As the Supreme Court held, “the  
19 requirement that jurisdiction be established as a threshold matter is inflexible and without  
20 exception.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94–95 (1998).

21 Thus, Defendant’s consent does not create minimum contacts that do not exist.

22  
23 **VI. THE DMCA’S CONSENT PROVISION DOES NOT CREATE JURISDICTION IN**  
24 **CALIFORNIA**

25 The DMCA counter-notice statute requires the counter-notifying party to consent to  
26 jurisdiction in “the Federal District Court for the judicial **district in which the address provided**  
27 **is located.**” 17 U.S.C. § 512(g)(3)(D).

1 Nothing in the statute:

- 2 • creates jurisdiction in California.
- 3 • creates jurisdiction where Defendant does not reside; or
- 4 • establishes jurisdiction as a sanction for an incorrect address.

5 Federal courts strictly construe jurisdictional consent. See *Burger King Corp. v. Rudzewicz*, 471  
6 U.S. 462, 472 n.14 (1985). No court has held that DMCA process alone establishes personal  
7 jurisdiction.  
8

## 9 **VII. PLAINTIFF HAS NOT SHOWN THE CLAIMS ARISE FROM CALIFORNIA**

### 10 **CONTACTS**

11 Even if the DMCA counter-notice were a contact, Plaintiff’s claim does not “arise out of” any  
12 California conduct. The counter-notice was sent from Florida. Plaintiff is in Colorado. The alleged  
13 injury occurred everywhere except California.  
14

## 15 **VIII. EXERCISING JURISDICTION WOULD BE UNREASONABLE**

16 Even if minimum contacts existed (they do not), jurisdiction may still be unreasonable under  
17 the multi-factor test in *Asahi Metal Indus. v. Superior Court*, 480 U.S. 102, 113–14 (1987).  
18 Litigating a Colorado-Florida dispute in California is inefficient and burdensome. This factor  
19 strongly favors dismissal.  
20

## 21 **IX. CONCLUSION**

22 Plaintiff has identified no California-directed conduct by Defendant, no specific consent to  
23 California, and no sufficient minimum contacts, and no legally cognizable basis for asserting  
24 jurisdiction. They only ask this court to make new law based on a novel legal theory without  
25 precedent to support their theory. Because constitutional due process is not satisfied, the Court  
26 lacks personal jurisdiction, and dismissal of this action is required.  
27  
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1 Respectfully submitted,

2 Dated: December 3, 2025, THE LAW OFFICES OF STEVEN C. VONDRAN

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/s/ Steve Vondran

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**PROOF OF SERVICE**

I declare as follows:

I am employed with The Law Offices of Steven C. Vondran P.C., whose address is *620 Newport Center Drive, Suite 1100, Newport Beach, CA 92660*. I am over the age of eighteen years and am not a party to this action.

On December 3, 2025, I served the foregoing document described as follows:

**DEFENDANTS JURISDICTIONAL OPPOSITION BRIEF**

on the interested parties in this action by:

\_\_\_\_ **U.S. MAIL:** I placed a copy in a separate envelope, with postage fully prepaid, for each address named below or on the attached service list for collection and mailing on the below indicated day following the ordinary business practices at The Law Offices of Steven C. Vondran. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing affidavit.

\_\_\_\_ **OVERNIGHT MAIL:** I sent a copy of the attached document via overnight mail to the address set forth below.

\_\_\_\_ **HAND DELIVERY:** I placed a copy in a separate envelope addressed to each addressee as indicated below and delivered it to \_\_\_\_\_ for personal service.

\_\_\_\_ **FACSIMILE:** I sent a copy via facsimile transmission to the fax number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

1   X     **EMAIL:** I sent a copy of the above referenced document by email to the  
2 following:

3

4 **SERVICE LIST**

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9

10            **ELECTRONIC FILING:** I filed the above-described document(s)  
11 electronically through the Court’s ECF filing system to all registered users.

11

12

13 I declare under penalty of perjury under the laws of the State of California  
14 that the above is true and correct. Executed on December 3, 2025, Flagstaff,  
15 Arizona.

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17        /s/ Lisa Vondran  
18 Lisa Vondran, legal assistant

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