

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

BRUCE AND WENDY ANDERSON,) Case No.: 3:07-cv-844-J-25JRK
(in propria persona))
Plaintiffs,)
v.)
AMWAY/QUIXTAR, INC., a)
corporation;)
MICHAEL YOUNG McCORMICK,)
DONALD E. CHRISTOPHER,)
HAL GOOCH,)
Defendants,)

Original

**PLAINTIFFS' OBJECTION TO DEFENDANT AMWAY/QUIXTAR'S MOTION FOR
ENLARGEMENT OF TIME TO FILE ITS RESPONSE TO PLAINTIFFS' MOTION
TO VACATE ARBITRATION AWARD**

PLAINTIFFS, BRUCE ANDERSON and WENDY ANDERSON (the Andersons),
On behalf of themselves (in propria persona) state as follows:

Amway/Quixtar filed this motion for more time on January 16th,
2008, one day before answers were due. Although, granting the
extension is well within the courts discretion to do so, the
Andersons would like to address the basis of this request by
Amway/Quixtar.

1. Amway/Quixtar stated "This court recently granted Quixtar's
motion for enlargement of time to respond to the Amended

Complaint and ordered Quixtar to respond by January 31st, 2008".

The Andersons find this request for more time without merit based upon the insinuation that another request was already granted. Also, to make both due on January 31st, 2008, on its face, fails to serve justice in any way.

2. Amway/Quixtar also stated: "Pending before this court are two motions that may impact the course and scope of this litigation, namely, Christopher's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 5) and Plaintiffs' Motion to Amend Jurisdictional Qualification (Doc. 6)".

Jurisdiction and venue considerations in this case are not a matter of opinion, but rather a matter of fact.

Jurisdiction is FEDERAL QUESTION because of the scope of the complaint. The Amended Complaint filed December 12th, 2007 cited Hobbs and RICO Act violations and, without question, is a Federal case. This attempt of Christopher to confuse this court and capitalize on this "Subject Matter Jurisdiction" issue is without merit.

Venue is an important consideration when filing a complaint against a party. Under DIVERSITY JURISDICTION Christopher could

be the reason this District Court would be the wrong venue. The Andersons and Christopher are both residing in Florida and if it was a diversity case, the assumption would be that it may only be brought against Christopher in Florida state court. However, there is a provision in Title 28 USC 1391 (a)(3) that states: **"a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought"**. Thus: even as a DIVERSITY JURISDICTION case, this would be the correct venue because **"there is no district in which the action may otherwise be brought"**. This would appear to be the only venue that all four defendants could be tried for these crimes all at the same time.

Amway/Quixtar/Gooch/McCormick, on the other hand, are all foreign to Florida, and Florida state court would be improper. Therefore, Christopher should not be allowed to succeed in his plan to void this venue.

Therefore, in fact, Christopher is the reason this is the correct venue for this case because it is being brought IAW 28 USC 1391 (b)(3) **a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought..**

Memorandum of Law

Sec. 1391. Venue generally

(a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, **if all defendants reside in the same State**, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

(b) A civil action wherein jurisdiction is **not** founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, **or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.**

3. Amway/Quixtar states: "counsel for Quixtar certifies that she has attempted to consult with the pro se Plaintiffs, however such attempt has been unsuccessful to date".

This is not true. The Andersons have received both emails from Quixtar's counsel, but received them after the filings were made rendering them useless.

Wherefore, the Andersons respectfully requests that the Court notify Amway/Quixtar of valid jurisdiction and venue and to meet the established lawful deadlines to answer these claims.

Respectfully submitted,

Dated this 18th, day of January, 2008

Bruce Anderson

Wendy Anderson

11211 Portside Dr

Jacksonville, Florida 32225

904 236 8615