

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STANISLAV ARBIT,

Plaintiff - Appellant,

v.

SCHNEIDER ELECTRIC SE, a foreign
entity,

Defendant - Appellee.

No. 24-35

D.C. No. 2:23-cv-00533-SPL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Steven Paul Logan, District Judge, Presiding

Submitted May 21, 2025**

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

Stanislav Arbit appeals pro se from the district court's judgment dismissing his trademark infringement action for lack of personal jurisdiction. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Rule of Civil Procedure 12(b)(2). *Williams v. Yamaha Motor Co.*, 851 F.3d 1015, 1020 (9th Cir. 2017). We affirm.

The district court properly dismissed Arbit's action for lack of personal jurisdiction after an evidentiary hearing because Arbit failed to establish that Schneider Electric SE had such continuous and systematic contacts with Arizona to establish general personal jurisdiction, or sufficient claim-related contacts with Arizona to provide the court with specific personal jurisdiction over Schneider Electric SE. *See Daimler AG v. Bauman*, 571 U.S. 117, 122 (2014) (explaining that general jurisdiction over a corporation is only appropriate when the corporation's affiliations with the state are "so constant and pervasive as to render it essentially at home in the forum State" (citation and internal quotation marks omitted and alteration adopted)); *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1071 (9th Cir. 2015) (explaining that after *Daimler*, the "agency test" is no longer available to establish general jurisdiction); *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004) (setting forth test for specific personal jurisdiction).

The district court did not abuse its discretion by denying Arbit's motion to impose service costs because Schneider Electric SE had good cause to refuse to waive service of process, and Arbit personally incurred no service-related costs. *See Fed. R. Civ. P. 4(d)(2)* (providing that if defendant fails, without good cause, to waive service of process, the court must impose on the defendant the expenses

later incurred in making service); *Est. of Darulis v. Garate*, 401 F.3d 1060, 1063 (9th Cir. 2005) (setting forth standard of review).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.