

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:22-cv-00034-MR-DCK**

GLOBAL PLASMA SOLUTIONS, INC.,)) Plaintiff,)) vs.)) ELSEVIER INC. and ELSEVIER LTD.,)) Defendants.)) 	<u>ORDER</u>	
--	---------------------	--

THIS MATTER is before the Court on the following:

- (1) The Motion of Defendant Elsevier Ltd. to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction [Doc. 42];
- (2) The Motion of Defendants Elsevier Inc. and Elsevier Ltd to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim Upon Which Relief May Be Granted [Doc. 47];
- (3) The Defendants' Motion for Judicial Notice [Doc. 49];
- (4) The Plaintiff's Motion for Leave to File Surreply to Elsevier Ltd.'s Reply in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction [Doc. 69];
- (5) The Memorandum and Recommendation of the Magistrate Judge regarding the aforementioned motions [Doc. 75];
- (6) The Plaintiff's Objections to the Memorandum and Recommendation to the Court [Doc. 80];

- (7) The Defendant Elsevier Ltd.'s Objections to the Magistrate Judge's Memorandum and Recommendation Dated May 22, 2024 Concerning Personal Jurisdiction [Doc. 81];
- (8) The Defendants' Objections to the Magistrate Judge's Memorandum and Recommendation Dated May 22, 2024 Concerning Their Motion to Dismiss under FRCP 12(b)(6) [Doc. 82];
- (9) The Plaintiff's Motion to Strike or Disregard the Third Declaration of William S. Strong and Exhibits Thereto [Doc. 86];
- (10) The Defendants' Motion for Leave to File a Reply to Plaintiff's Procedural Argument Concerning Their Objections to the Magistrate Judge's Memorandum and Recommendation [Doc. 88];
- (11) The Plaintiff's Request for a Status Conference [Doc. 96]; and
- (12) The Plaintiff's Motion to Commence Discovery [Doc. 97].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, the Honorable David C. Keesler, United States Magistrate Judge, was designated to consider the Defendants' motions to dismiss and related motions and to submit a recommendation for their disposition. On May 22, 2024, the Magistrate Judge issued a Memorandum and Recommendation regarding these motions. [Doc. 75]. The parties were advised that any objections to the Magistrate Judge's Memorandum and

Recommendation were to be filed in writing within fourteen (14) days of service. [Id.]. After receiving extensions of time to do so, the parties filed their respective Objections on June 18, 2024. [Docs. 80, 81, 82]. The parties filed replies to each other's Objections. [Doc. 83, 84, 85]. Additionally, the parties filed the following motions: the Plaintiff's Motion to Strike or Disregard the Third Declaration of William S. Strong and Exhibits Thereto [Doc. 86]; the Defendants' Motion for Leave to File a Reply to Plaintiff's Procedural Argument Concerning Their Objections to the Magistrate Judge's Memorandum and Recommendation [Doc. 88]; the Plaintiff's Request for a Status Conference [Doc. 96]; and the Plaintiff's Motion to Commence Discovery [Doc. 97].

After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge's proposed conclusions of law are correct and are consistent with current case law. Accordingly, the Court overrules the parties' Objections and accepts the Magistrate Judge's recommendations in full. The other motions filed by the parties are denied as moot.

IT IS, THEREFORE, ORDERED that the parties' Objections [Docs. 80, 81, and 82] are **OVERRULED**, and the Magistrate Judge's Memorandum and Recommendation [Doc. 75] is **ACCEPTED**.

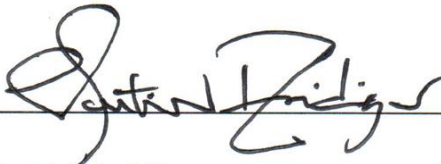
IT IS FURTHER ORDERED as follows:

- (1) The Motion of Defendant Elsevier Ltd. to Dismiss Plaintiff's First Amended Complaint for Lack of Personal Jurisdiction [Doc. 42] is **DENIED**;
- (2) The Motion of Defendants Elsevier Inc. and Elsevier Ltd to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim Upon Which Relief May Be Granted [Doc. 47] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Motion is **GRANTED** with respect to the Plaintiff's claim under the North Carolina Unfair and Deceptive Trade Practice Act, and such claim is **DISMISSED**. The Motion is **DENIED** with respect to the Plaintiff's claim for defamation under North Carolina law;
- (3) The Defendants' Motion for Judicial Notice [Doc. 49] is **DENIED WITHOUT PREJUDICE**;
- (4) The Plaintiff's Motion for Leave to File Surreply to Elsevier Ltd.'s Reply in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction [Doc. 69] is **DENIED AS MOOT**;
- (5) The Plaintiff's Motion to Strike or Disregard the Third Declaration of William S. Strong and Exhibits Thereto [Doc. 86] is **DENIED AS MOOT**;

- (6) The Defendants' Motion for Leave to File a Reply to Plaintiff's Procedural Argument Concerning Their Objections to the Magistrate Judge's Memorandum and Recommendation [Doc. 88] is **DENIED AS MOOT**;
- (7) The Plaintiff's Request for a Status Conference [Doc. 96] is **DENIED AS MOOT**; and
- (8) The Plaintiff's Motion to Commence Discovery [Doc. 97] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: July 23, 2025



Martin Reidinger
Chief United States District Judge

