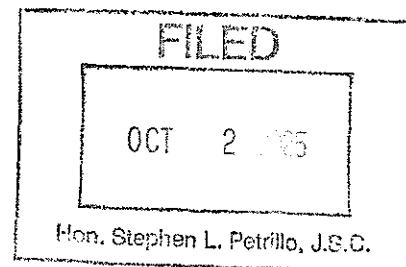


SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART
ESSEX VICINAGE



DOCKET NO.: ESX-L-7212-24

ATLAS DATA PRIVACY CORPORATION, et al.,
Plaintiffs,
v.
CONSTELLA INTELLIGENCE, INC., et al.,
Defendants.

Petrillo, J.S.C.

I. INTRODUCTION

This matter comes before the court on plaintiffs' Motion to Compel defendant Constella Intelligence, Inc. ("Defendant" or "Constella") to respond to plaintiffs' Revised Requests for Production of Documents ("Revised Requests") as part of the court-ordered personal jurisdiction discovery. For the reasons set forth below, plaintiffs' motion is **GRANTED** in its entirety.

II. BACKGROUND

The Court previously denied defendant's motion to dismiss for lack of personal jurisdiction, ordering the parties to engage in jurisdictional discovery. After defendant's failure to respond to initial requests, the parties agreed to, and the court entered a Consent Order extending the jurisdictional discovery period and requiring defendant's responses by July 11, 2025. Despite plaintiffs' efforts to narrow and tailor their requests, defendants maintained objections to several Revised Requests, asserting they sought information unrelated to personal jurisdiction and amounted to merits-based discovery.

III. LEGAL STANDARD

Jurisdictional discovery is a well-established procedural mechanism enabling a plaintiff to gather facts relevant to the court's exercise of personal jurisdiction. Jurisdictional discovery may encompass evidence that is also relevant to the merits, provided it is tailored to ascertain facts central to the personal jurisdiction inquiry.

As the Third Circuit has repeatedly stated, unless the plaintiff's claim of personal jurisdiction is "clearly frivolous," courts should permit such discovery prior to ruling on dispositive jurisdictional motions. Toys "R" Us, Inc. v. Step Two, S.A., 318 F.3d 446, 456 (3d Cir. 2003); see also Marchionda v. Embassy Suites, Inc., 122 F. Supp. 3d 208, 211 (D.N.J. 2015).

Jurisdictional facts under both the "minimum contacts" analysis and "effects test" of Calder v. Jones, 465 U.S. 783 (1984), may be intertwined with merits facts. In addition, several federal appeals courts instruct that courts should not unduly restrict discovery in such circumstances. See Data Disc, Inc. v. Systems Tech. Associates, Inc., 557 F.2d 1280, 1285 n.2 (9th Cir. 1977); Massachusetts School of Law at Andover, Inc. v. American Bar Ass'n, 107 F.3d 1026, 1042 (3d Cir. 1997).

IV. DISCUSSION

A. Plaintiffs' Requests Are Narrowly Tailored and Directly Relevant to Personal Jurisdiction

Plaintiffs have complied with both the direction of this court and their good-faith obligations under Rule 4:23-5(c) and R. 1:6-2(c), meeting and conferring repeatedly and revising their Requests to exclude overbreadth and non-jurisdictional matters. The remaining Revised Requests target facts central to the jurisdictional questions before the court: defendant's receipt and handling of Daniel's Law requests from New Jersey residents, products, and services making protected information available in or aimed at New Jersey, internal policies regarding New Jersey compliance, use of New Jersey-sourced data, and quantification of forum contacts.

This approach is precisely what jurisdictional discovery envisions, as illustrated by the very authorities defendant invokes and, more importantly, the cases cited by Plaintiffs. See Marchionda, 122 F. Supp. 3d at 211 ("Discovery is permitted in jurisdictional matters unless it is a fishing expedition."); Toys "R" Us, 318 F.3d at 451 (allowing such discovery to probe forum-directed business activity).

B. Defendant's Objection that Requests Are "Merits-Based" Is Unfounded

Defendant asserts that Plaintiffs' Revised Requests improperly seek merits-based information, but this argument is defective both factually and legally. As the legal authorities above confirm, the overlap between jurisdictional and merits facts does not preclude such discovery—especially where plaintiffs' claims, jurisdiction,

and forum are all bound together by the alleged conduct itself. See Data Disc. Inc., 557 F.2d at 1285 n.2.

Furthermore, defendants' opposition misconstrues the contours of personal jurisdiction in intentional tort and privacy statute cases. Daniel's Law, as interpreted by the District Court of New Jersey and the Third Circuit, is not a strict liability regime that would defeat the intentional tort basis for jurisdiction under Calder. See Atlas Data Priv. Corp. v. We Inform, LLC, 758 F. Supp. 3d 322, 340–41 (D.N.J. 2024); Atlas Data Priv. Corp. v. We Inform, LLC, No. 25-1555 et. seq., Petition & Order to Certify Questions of State Law to New Jersey Supreme Court, at 6 (3d Cir. Sept. 2, 2025). Daniel's Law requires proof of intentional acts of disclosure, receipt of nondisclosure requests, and disregard of those requests—mens rea requirements entirely consistent with intentional tort analysis.

C. Defendant's Arguments Under the Effects Test and Minimum Contacts Analysis Misstate Applicable Law and Facts

Defendant argues that plaintiffs have not pleaded facts showing the brunt of harm suffered in New Jersey or "express aiming" at the forum, nor that Daniel's Law is an intentional tort. These arguments fail for several reasons:

First, New Jersey's Model Civil Jury Charge 3.14 classifies privacy invasions as intentional torts requiring at least some intentional act, not specific intent to harm. See Bove v. AkPharma, Inc., 460 N.J. Super. 123, 141 (N.J. App. Div. 2019) (battery example). Meanwhile, Daniel's Law requires intentional disclosure (N.J.S.A. 56:8-166.1(a), (d)(3)), distinguishing this statutory scheme from strict liability.

Second, the Complaint and record plead and allege all facts necessary for the effects test under Calder. Id., 465 U.S. at 788-91. Covered persons suffer the brunt of the harm in New Jersey—loss of privacy, emotional distress, and increased risk of harm, all in the state where they live and work. Defendant's own business conduct made it aware of the nature and residence of plaintiffs, such that both actual and constructive knowledge of New Jersey targeting are satisfied. See Christie v. Nat'l Inst. for Newman Stud., 258 F. Supp. 3d 494, 503 (D.N.J. 2017) (knowledge-based express aiming); Briskin v. Shopify, Inc., 135 F.4th 739, 757 (9th Cir. 2025); Vonbergen v. Liberty Mut. Ins. Co., 705 F. Supp. 3d 440, 451 (E.D. Pa. 2023).

Third, defendants' contention that communications initiated by plaintiffs are not forum contacts is squarely rejected by relevant federal case law, which looks not solely to the origin of communication but to all forum-directed conduct by the

defendant, including acts in response to those requests, purposeful collection and commoditization of New Jersey data, and ongoing business relationships within the forum. See Walden v. Fiore, 571 U.S. 277, 284 (2014); Hepp v. Facebook, 14 F.4th 204, 207-09 (3d Cir. 2021); Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 592 U.S. 351, 359 (2021).

D. The Individual Revised Requests Seek Highly Relevant, Proportional Discovery

Defendant objects specifically to numerous Revised Requests. Plaintiffs have, in their motion and reply, provided clear explanations of the relevance of each request.

- Requests for documents evidencing products and services disclosing protected information, communications with New Jersey residents, audits, opt-out or suppression mechanisms, and changes in processes all target whether defendant purposefully availed itself of forum benefits and anticipated forum effects.
- Requests for quantification of New Jersey data subjects, receipt and processing of Daniel's Law requests, forum-targeted business activity, and collaborations with New Jersey-based sources avoid merit-based issues and instead directly bear on forum contacts, knowledge, and targeting.
- Defendant's overbreadth and trade secrecy objections are unsupported; confidentiality concerns are adequately addressed by the extant protective order, and plaintiffs specifically limited requests to the relevant time periods and types of documents.

E. Crespi v. Zeppy Is Inapposite

Defendants cite Crespi v. Zeppy, 2024 N.J. Super. Unpub. LEXIS 504 (N.J. Super. Ct. App. Div. Mar. 27, 2024) to support restricting jurisdictional discovery. This reliance is misplaced. Putting aside that the case is unpublished and of no precedential value, Crespi concerned broad merits-based interrogatories unrelated to forum conduct; in contrast, as discussed above and in plaintiffs' brief the Revised Requests here are tightly focused on defendant's forum contacts, knowledge, and conduct at the heart of the jurisdictional analysis. Further, as the Appellate Division stated in Crespi, "jurisdictional discovery, therefore, should not involve a 'fishing expedition' into the underlying merits—but should be permitted where it is directed at developing facts showing whether defendants engaged in purposeful conduct in New Jersey related to plaintiff's claims." Id., at *9. That is precisely the showing that was made here.

F. Plaintiffs Have Demonstrated Good Faith and Necessity

Plaintiffs have exhausted all reasonable conferral and compromise avenues, revised their requests as directed, and offered clear explanations and exemplars for responsive documents. Defendant continues to withhold discoverable evidence without adequate legal or factual grounds.

V. CONCLUSION

For all the above reasons, plaintiffs' Motion to Compel is **GRANTED** in its entirety. Defendant's objections based on merits, relevance, overbreadth, confidentiality, and forum contacts are **OVERRULED**.

ORDERED that Defendant shall provide full and complete responses to all of Plaintiffs' Revised Requests, as described in Exhibit F to the Certification of Bill L. Clawges, Esq. dated August 27, 2025, and as further clarified in Plaintiffs' briefs and reply.

An appropriate order will issue.