

Satana v Alibaba.com LLC

2026 NY Slip Op 31749(U)

April 20, 2026

Supreme Court, New York County

Docket Number: Index No. 655177/2025

Judge: Judy H. Kim

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. JUDY H. KIM PART 04

Justice

-----X

ERMAN BURAK SATANA, WLO CORP.,
Plaintiffs,

- v -

ALIBABA.COM LLC, ALIBABA GROUP HOLDING LIMITED,
Defendants.

-----X

INDEX NO. 655177/2025

MOTION DATE 10/10/2025

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 14, 15, 16, 17, 18, 19, 27, 28, 29, 31

were read on this motion to/for DISMISSAL.

Upon the foregoing documents, Alibaba.com LLC’s motion to dismiss plaintiffs’ complaint is granted. Furthermore, plaintiffs’ complaint is also dismissed as against Alibaba Group Holding Limited.

FACTUAL BACKGROUND

Plaintiffs Erman Burak Satana, a resident of North Carolina, and WLO Corp., a North Carolina corporation, purchased an electric forklift through Alibaba.com’s Trade Assurance program, for \$8,239.20 (NYSCEF Doc No. 1, complaint at 2). In this action, plaintiffs assert claims for breach of contract, “fraud/conversion,” unjust enrichment, and deceptive trade practices against defendants Alibaba.com LLC and Alibaba Group Holding Limited based on allegations that the forklift was represented to have a five-ton capacity but, in reality, only had a three-ton capacity (*id.* at 2-3).

Alibaba.com LLC now moves, pursuant to CPLR 3211(a)(8), to dismiss the complaint as against it. Plaintiffs oppose the motion, arguing that it properly served Alibaba.com LLC via its

registered agent and that defendants are subject to New York State's jurisdiction but, in any event, have waived any objection based upon a lack of personal jurisdiction.

DISCUSSION

Alibaba.com LLC's motion is granted. As a threshold matter, Alibaba.com LLC did not waive its personal jurisdiction defense but timely raised it in this pre-answer motion to dismiss, per CPLR 3211(e) (*Montcalm Pub. Corp. v Pustorino*, 125 AD2d 188 [1st Dept 1986]) and has established that there is no personal jurisdiction here. Personal jurisdiction may be obtained in three ways: (i) general jurisdiction pursuant to CPLR 301; (ii) specific jurisdiction pursuant to CPLR 302; or (iii) by defendant's consent (*see Vaval v Stanco, LLC*, 219 AD3d 1466, 1467 [2d Dept 2023]).

The Court does not have general jurisdiction over Alibaba.com LLC under CPLR 301 because Alibaba.com LLC is incorporated in California and has its principal place of business there (*see Vaval v Stanco, LLC*, 219 AD3d 1466, 1467 [2d Dept 2023] [only in "exceptional case" will corporation be subject to general jurisdiction outside states they are incorporated and have principal place of business]).

Neither has Alibaba.com LLC consented to this Court's jurisdiction. Accordingly, the only avenue for personal jurisdiction over Alibaba.com LLC is long-arm jurisdiction under CPLR 302.

Finally, the Court does not have specific jurisdiction over the movant. A foreign corporation may be subject to this Court's jurisdiction under CPLR 302(a)(1) if it has "purposefully availed itself of the privilege of conducting activities within the forum State by either transacting business in New York or contracting to supply goods or services in New York" and the claim asserted against it arises "from that business transaction or from the contract to supply goods or services (*D & R Glob. Selections, S.L. v Bodega Olegario Falcon Pineiro*, 29

NY3d 292, 297 [2017] [internal citations and quotations omitted]). “To satisfy the second prong, there must be an ‘articulable nexus’ or a ‘substantial relationship’ between a defendant's New York activities and the cause of action asserted” (*Vaval v Stanco, LLC*, 219 AD3d 1466, 1468 [2d Dept 2023] [internal citations omitted]).

Here, plaintiffs’ claims arise out of defendants’ allegedly false representations about a forklift that plaintiff ordered from North Carolina and defendant delivered to North Carolina. As such, the alleged contract to supply goods has no connection to any activities Alibaba.com LLC may conduct in New York and is insufficient to establish jurisdiction under CPLR 302 (*see Fischbarg v Doucet*, 9 NY3d 375, 380 [2007] [“merely telephon[ing] a single order” to New York requesting shipment of goods to another state does not support CPLR 302(a)(1) jurisdiction]).

Accordingly, as this Court has neither general jurisdiction nor specific jurisdiction over Alibaba.com LLC, its motion to dismiss the complaint is granted. The complaint is also dismissed as against Alibaba Group Holding Limited, without prejudice, as plaintiffs have failed to serve it with the summons and complaint within 120 days of the filing of same, as required under CPLR 306-b, and there is no indication that they intend to do so (*Diaz v Perez*, 113 AD3d 421, 421 [1st Dept 2014]).

In light of the foregoing, it is

ORDERED that Alibaba.com LLC’s motion to dismiss plaintiffs’ complaint is granted and it is hereby dismissed as against it; it is further

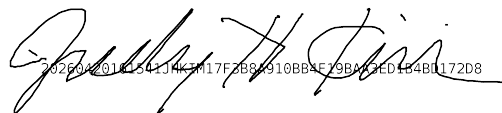
ORDERED that plaintiff’s complaint is dismissed as against Alibaba Group Holding Limited, without prejudice; it is further

ORDERED that Alibaba.com LLC shall, within ten days of the date of this decision and order, serve a copy of same with notice of entry on plaintiffs and the Clerk of the Court; and it is further

ORDERED that the Clerk shall enter judgment accordingly; it is further

ORDERED that service upon the Clerk shall be made in accordance with the procedures set forth in the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases (accessible at the “E-Filing” page on the court’s website).

This constitutes the decision and order of the Court.



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4/20/2026

DATE

HON. JUDY H. KIM, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE