

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMERANTH, INC.,

Plaintiff,

v.

DOORDASH, INC.,

Defendant.

C.A. No.: 2:22-cv-1776-WSH

**REPLY IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS
FOR IMPROPER VENUE, OR ALTERNATIVELY, TO TRANSFER,
AND FAILURE TO STATE A CLAIM**

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Defendant DoorDash, Inc., (“DoorDash”) hereby files this Reply Memorandum in Support of its Motion to Dismiss (Dkt. 23, “Motion”).

I. VENUE REMAINS IMPROPER IN THIS DISTRICT

Ameranth has not met its burden of proving venue is proper in this District. Indeed, Ameranth rests on two theories, neither of which is sufficient to establish venue. First, Ameranth argues that public statements establish that DoorDash owns and controls the Pittsburgh DashMart location. Dkt. 28 (“Opp.”) at 8. Ameranth, however, fails to overcome the compelling evidence Defendant presented to the contrary. Second, Ameranth attempts to save venue by citing cases and applying the standard for personal jurisdiction in attempting to show that DoorDash Essentials, LLC (“DoorDash Essentials”) is an alter-ego of DoorDash. That law is outdated, and this Court cannot exercise venue over DoorDash based on overruled precedent and a complete lack of factors required by this Circuit to show alter-ego. Under current law, venue is improper in this district. DoorDash addresses each of Ameranth’s venue positions in detail below and further reiterates the evidence establishing that DoorDash Essentials and DoorDash maintain corporate separateness.

A. Ameranth Misconstrues the Public Statements Regarding DashMart

First, Ameranth relies on DoorDash’s Form 10-K for Fiscal Year 2022 to establish that DoorDash owns and controls the Pittsburgh DashMart location. Specifically, Ameranth cites to the use of the term “we” such as: “[w]e face certain risks in connection with the operation of DashMart and Wolt Market, our first-party owned and self-operated convenience and grocery delivery businesses.” (Opp. at 7, citing Dkt. 29-2 at pp. 28, 125). As an initial matter, the statement makes clear that the convenience stores [DashMarts] are “self-operated.” As a legal matter, the use of “we” in this financial statement cannot compel the conclusion that the two companies do not maintain corporate separateness, rather it underscores the entities are separate. *See Andra Grp., LP v. Victoria's Secret Stores, L.L.C.*, 6 F.4th 1283, 1288 (Fed. Cir. 2021) (“None of the public filings

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