

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA KOUTSOUKOS,

Plaintiff,

Case No. 1-11-cv-74

v.

HON. JANET T. NEFF

BEST BUY CO. INC.,

Defendant.

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OPINION

Plaintiff Maria Koutsoukos filed a complaint, *pro se*, under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, claiming sexual harassment, gender discrimination, and constructive discharge. On March 1, 2011, the Court issued an Order to Show Cause why venue is proper in the Western District of Michigan.

Plaintiff and Defendant have both responded to the Order to Show Cause. Plaintiff claims that venue is proper under the general venue provision for a federal question case, 28 U.S.C. § 1391(b) and (c). Although the employment at issue occurred in Minnesota, she maintains that she can bring suit in Michigan, where she now lives, because Best Buy is incorporated in and has sufficient contacts in Michigan to subject it to personal jurisdiction. Plaintiff also alleges that harassing activity by Best Buy employees occurred in the Lansing area after she left employment.

Defendant argues that personal jurisdiction cannot be established in Michigan under either the general jurisdiction or long-arm statutes, and asks the Court to find venue improper and dismiss

or transfer the case to the District Court of Minnesota pursuant to 28 U.S.C. § 1406(a) or transfer pursuant to 28 U.S.C. § 1404.

To determine venue in this case, the Court must consider the venue criteria in 42 U.S.C. § 2000e-5(f)(3), not the general provisions of 28 U.S.C. § 1391. Title VII has special venue provisions, which neither of the parties addressed, but which must be applied to this case. *See Pinson v. Rumsfeld*, 192 Fed. Appx 811, 817 (11th Cir. 2006) (§ 2000e-5(f)(3) is exclusive venue provision for Title VII claims); *Stebbins v. State Farm Mut. Auto. Ins. Co.*, 413 F.2d 1100, 1102 (D.C. Cir. 1969) (provision shows congressional intent to limit venue to jurisdictions concerned with alleged discrimination). 28 U.S.C. § 1391(b) applies only if venue is not “otherwise provided by law.”

42 U.S.C. § 2000e-5(f)(3) provides that Title VII actions:

may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office.

The allegations in Plaintiff’s Complaint, examined in light of the criteria in 42 U.S.C. § 2000e-5(f)(3), point to Minnesota as the proper venue for this action. The alleged “unlawful employment practice”—supervisor harassment—took place in Minnesota, the relevant employment records are located in Minnesota, and Plaintiff alleges she would have continued to work in Minnesota but for the alleged discrimination. Conversely, none of the Title VII venue requirements are met in the Western District of Michigan. The alleged post-employment harassment cannot establish venue under 42 U.S.C. § 2000e-5(f)(3).

