

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-----------------|---|--------------------------|
| CRAYOLA LLC, | : | |
| | : | |
| Plaintiff, | : | CIVIL ACTION NO. 15-6270 |
| | : | |
| v. | : | |
| | : | |
| ROBERT BUCKLEY, | : | |
| | : | |
| Defendant. | : | |

ORDER

AND NOW, this 14th day of April, 2016, after considering the motion to dismiss for lack of personal jurisdiction, for improper venue, for failure to join an indispensable party or, in the alternative, motion to transfer venue to the Western District of Arkansas filed by the defendant, Robert Buckley (Doc. No. 16); and after reviewing the complaint (Doc. No. 1) and the parties’ submissions relating to the motion to dismiss and any attachments thereto (Doc. Nos. 22–24); and after an evidentiary hearing during which both parties were present and represented by counsel; accordingly, it is hereby **ORDERED** as follows:

1. The motion to dismiss (Doc. No. 16) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion to dismiss for improper venue, to the extent the defendant asserts that venue in the Eastern District of Pennsylvania is improper, is **GRANTED**;

b. The motion to dismiss for improper venue, to the extent the defendant asserts that the court should dismiss the action for improper venue, is **DENIED**. Under 28 U.S.C. § 1406, the interests of justice favor transferring this matter to the United States District Court for the Western District of Arkansas rather than dismissing the

action. Therefore, this action is **TRANSFERRED** to the United States District Court for the Western District of Arkansas;

c. The motion to dismiss for lack of personal jurisdiction is **DENIED AS MOOT**;

d. The motion to dismiss for the failure to join an indispensable party is **DENIED AS MOOT** and **WITHOUT PREJUDICE**;

e. The motion, in the alternative, to transfer venue under 28 U.S.C. § 1404(a) is **DENIED AS MOOT**; and

2. The clerk of court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.