

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BRENDA TAITE,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:12-cv-0683-MEF
)	
ALABAMA SOUTHERN COMMUNITY)	(WO-Do Not Publish)
COLLEGE,)	
)	
Defendant.)	

ORDER

Plaintiff filed this lawsuit seeking redress for age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and the Alabama Age Discrimination in Employment Act, Ala. Code §§ 25-1-20 to -29. Plaintiff’s Complaint and Amended Complaint contain general factual allegations regarding the appropriateness of venue. Specifically, Plaintiff alleges that Defendant is an agency of the State of Alabama and that it maintains its principal place of business in Montgomery, Alabama.

This cause is now before the Court on Defendant’s Motion to Dismiss (Doc. # 7) and Motion to Dismiss Amended Complaint (Doc. # 14), which seek dismissal of Plaintiff’s claims on the basis of improper venue,¹ or, alternatively, for a transfer of this action to the United States District Court for the Southern District of Alabama. In response to Defendant’s Motions, Plaintiff filed an Objection (Doc. # 16) in which she consents to the

¹ In its Motions to Dismiss, Defendant also seeks dismissal of Plaintiff’s claims for the following reasons: lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2); insufficiency of process pursuant to Fed. R. Civ. P. 12(b)(4); and insufficiency of service of process pursuant to Fed. R. Civ. P. 12(b)(5). (Docs. # 7, 14.)

transfer of this action to the Southern District of Alabama and, in doing so, concedes to the appropriateness of venue there. Accordingly, the Court finds that this action is due to be transferred to the United States District Court for the Southern District of Alabama.

Based on the foregoing, it is hereby ORDERED as follows:

(1) Defendant's Motion to Dismiss (Doc. # 7) is DENIED as moot.

(2) Defendant's Motion to Dismiss Amended Complaint (Doc. # 14) is DENIED to the extent it seeks dismissal of this action based on improper venue, but GRANTED to the extent it seeks transfer of this lawsuit to the United States District Court for the Southern District of Alabama. The remaining bases of Defendant's Motion to Dismiss Amended Complaint (Doc. # 14) are left for resolution by the United States District Court for the Southern District of Alabama.

(3) It is further ORDERED that this action be, and the same hereby is, TRANSFERRED to the United States District Court for the Southern District of Alabama for all further proceedings.

The Clerk of the Court is DIRECTED to take appropriate steps to effect the transfer.

DONE this the 3rd day of October, 2012.

/s/ Mark E. Fuller

UNITED STATES DISTRICT JUDGE