

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

EMIR SEHIC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:12-CV-614-WKW
	)	[WO]
WILLIAM VAN ANDERSON,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On November 14, 2012, the Magistrate Judge filed a Recommendation (Doc. # 22) that this action be transferred to the Eastern District of California, pursuant to 28 U.S.C. § 1404(a). Plaintiff Emir Sehic timely filed objections to the Recommendation. (Doc. # 23.)

Mr. Sehic’s objections can be organized into three categories. First, Mr. Sehic objects to two alleged factual errors in the Recommendation concerning arguably relevant dates pertaining to the alleged misconduct. Mr. Sehic’s objections are noted (*see* Am. Compl. ¶¶ 38, 49 (Doc. # 7)), but those objections, even if sustained, are not material to the substantive transfer analysis.

Second, Mr. Sehic objects to the Magistrate Judge’s findings with respect to the § 1404(a) factor that analyzes the convenience of witnesses. He contends that the

Magistrate Judge erroneously relied on Defendants’ “list of 57 witnesses” in finding that this factor weighs in favor of transfer. (Doc. # 23, at 2.) Contrary to Mr. Sehic’s assertion, however, the Magistrate Judge found that there were numerous witnesses whose proffered testimony is “not in any way material” to the case. (Doc. # 22, at 6.) The Magistrate Judge applied the appropriate standard and properly pared down that list to several defense witnesses who “arguably may provide material testimony” and concluded that the convenience of these defense witnesses weighed in favor of transfer. (Doc. # 22, at 7.) The court finds that overall the Recommendation properly addressed this factor, and that Mr. Sehic’s objections on this issue lack merit, without need for further discussion.

Third, Mr. Sehic contends that Defendants have engaged in bad faith based upon their alleged vacillating positions as to whether a partnership was formed between them and Plaintiff. Plaintiff contends that whether a partnership existed is a “pivotal issue in this case.” (Doc. # 23, at 5.) That may be so, but that issue is not determinative on the question of transfer and, contrary to Plaintiff’s argument, does not present a ground upon which to deny the motion to transfer.

Bottom line, based upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b)(1), the court finds that Mr. Sehic’s objections fail to undermine the Recommendation of the

