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11 Attorneys for Defendant American Airlines, Inc.

12 **UNITED STATES DISTRICT COURT**  
 13 **DISTRICT OF NEVADA**

14 CHARITY MITCHELL,  
 15 Plaintiff,  
 16 vs.  
 17 US AIRWAYS/AMERICAN AIRLINES,  
 18 Defendants.

19 Case No. 2:15-cv-01921-JAD-PAL

20 ~~PROPOSED~~ **ORDER DENYING IN PART**  
 21 **AND GRANTING IN PART DEFENDANT**  
 22 **AMERICAN AIRLINES, INC.’S**  
 23 **MOTION TO DISMISS OR, IN THE**  
 24 **ALTERNATIVE, TRANSFER VENUE**

25 On July 10, 2017, the Court heard Defendant American Airlines, Inc.’s Motion to Dismiss,  
 26 or in the Alternative, Transfer Venue. (ECF No. 16.) Defense counsel Jill Garcia appeared.  
 27 Plaintiff, pro se, did not appear for the hearing.

28 The Court heard the representations of counsel regarding the pending motions before the  
 Court. It is ORDERED that Defendant American Airlines, Inc.’s Motion to Dismiss Or, In the  
 Alternative, Transfer Venue is DENIED IN PART AND GRANTED IN PART.

The Court denies Defendant American Airlines Inc.’s Motion to Dismiss.

The Court grants Defendant American Airlines Inc.’s Motion to Transfer Venue. “For the  
 convenience of parties and witnesses, in the interest of justice, a District Court may transfer any  
 civil action to any other district or division where it might have been brought.” 28 U.S.C. §


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1 1404(a). When considering a motion to transfer venue, the Court must “weigh multiple factors in  
2 its determination whether transfer is appropriate in a particular case.” Jones v. GNC Franchising,  
3 Inc., 211 F.3d 495, 498 (9th Cir. 2000) (citing Stewart Org., Inc. v. Ricoh Corp., 487 U.S. 22, 29  
4 (1988)). In particular, the Court must consider: (1) the convenience of the parties; (2) the  
5 convenience of the witnesses; and (3) the interest of justice. Id.

6 The Court finds a transfer to the District of Arizona is proper because: (1) the events  
7 Plaintiff complains of did not occur in Nevada; (2) the parties have more contacts with Arizona  
8 than they do with Nevada; (3) Arizona is a more convenient forum because the witnesses reside in  
9 Arizona; (4) there is more convenient access to sources of proof in Arizona; (5) it is unclear where  
10 Plaintiff currently resides, and may reside part-time in California; and (6) it would be unfair to  
11 impose jury duty on citizens of Nevada because Nevada has no relationship to the action. This  
12 case shall be transferred to the District of Arizona.

13 Further, the Early Neutral Evaluation (“ENE”) currently set in this matter for July 27, 2017,  
14 is hereby vacated.

15 IT IS SO ORDERED.

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20 U.S. DISTRICT COURT JUDGE  
21 7/24/2017  
22 DATED

23 **IT IS ORDERED that this case is transferred to the District of Arizona. The Clerk of**  
24 **Court is instructed to close this case.**  
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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that service of the foregoing **[PROPOSED]**  
**ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT AMERICAN**  
**AIRLINES, INC.’S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER**  
**VENUE** was made this day by depositing a true and correct copy of same for mailing, first class  
mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:

Charity Mitchell  
3108 St. Tropez  
Las Vegas, NV 89128

Charity Mitchell  
1130 White Rock Road, #112  
El Dorado Hills, CA 95762

Plaintiff Pro Per

Dated this 21st day of July, 2017.

/s/ Darhyl Kerr  
An Employee of Ogletree, Deakins, Nash  
Smoak & Stewart, P.C.

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