

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

**BRUCE MURRAY**

**PLAINTIFF**

**v.**

**No. 2:15-cv-31-DPM**

**UNION PACIFIC RAILROAD COMPANY**

**DEFENDANTS**

**ORDER**

The Union Pacific's motion to dismiss or transfer based on bad venue, *№ 3*, is denied. First, Title VII's venue provision is satisfied: it speaks of a district, not a division. Venue is proper anywhere in the Eastern District of Arkansas insofar as the letter of Title VII. Second, the case for transfer under 28 U.S.C. §§ 1404 & 1406 is close. There are witnesses in both divisions. Key events occurred in both. Some documents are at the yard in North Little Rock, but this is not a document-centered case. Out-of-state folks must travel to either Little Rock or Helena. Little Rock would be a bit more convenient for them, but there's an airport in Memphis and the drive to Helena isn't a great burden. Plaintiff chose the Eastern Division—Helena. And his choice is entitled to substantial weight. All material things considered, the railroad has not demonstrated that a transfer between divisions is justified.

So Ordered.

Handwritten signature of D.P. Marshall Jr. in cursive script, underlined.

D.P. Marshall Jr.  
United States District Judge

20 May 2015