

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

GEORGE TEDDER

PLAINTIFF

v.

CASE NO. 2:09CV00130 BSM

**AMERICAN RAILCAR INDUSTRIES, INC.,
a corporation**

DEFENDANT

ORDER

The motion of American Railcar Industries (“American”) to transfer divisions (Doc. No. 3) is granted. A case may be transferred to another division in which it could have been initially filed, when doing so would convenience the parties or witnesses or when the ends of justice so dictate. 28 U.S.C. § 1404(a). Federal courts, however, generally give considerable deference to a plaintiff’s choice of forum, and defendants have the burden of proving that a transfer is warranted. *Terra Intern., Inc. v. Mississippi Chemical Corp.*, 119 F.3d 688, 695 (8th Cir. 1997).

Plaintiff George Tedder filed his complaint in the Helena Division. American argues that the parties and witnesses all live in the Jonesboro Division and the actions giving rise to this case occurred in the Jonesboro Division. Consequently, American asserts that the convenience of the parties and witnesses and the interest of justice would be best served by transferring the case to the Jonesboro Division. Tedder responds that no party or witness would be “so inconvenienced” nor would they “incur overly burdensome costs” by litigating in the Helena Division. Tedder also alleges that jurors in the Jonesboro Division might be prejudicially sympathetic to American because American’s plant is located in Jonesboro.

Although the court would be inconvenienced by keeping the case in the Helena Division, American has shown that transfer is warranted because all of the parties and witnesses live in the Jonesboro Division and all relevant events occurred in the Jonesboro Division. Therefore, this case is hereby transferred to the Jonesboro Division.

IT IS SO ORDERED this 20th day of October, 2009.



UNITED STATES DISTRICT JUDGE