

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

WADE L. JONES

PLAINTIFF

v.

4:09CV00387-WRW

SAMUEL D. JONES

DEFENDANT

ORDER

Pending is Plaintiff's Motion for Appointment as Lead Plaintiff for Idearc Bondholders and for Approval of his Selection of Counsel (Doc. No. 2). Movants Jan Buettgen, Donald Biggerstaff, David Boon, and Matthew Craig have responded,¹ and filed a Motion to Transfer Venue.² Plaintiff has not responded to the Motion to Transfer Venue, and the time for doing so has passed.³ For the reasons set out below, the Motion to Transfer Venue is GRANTED.

Plaintiff's Motion for Appointment as Lead Plaintiff is MOOT.

Plaintiff is a citizen of Kansas.⁴ Defendants are residents of Texas, as is non-party Outwork.⁵ Apparently, almost all key witnesses and documents are in Texas, and the events giving rise to Plaintiff's cause of action are in Texas.⁶ Further, there is similar litigation already

¹Doc. No. 7.

²*Id.*

³The deadline for filing a response was August 17, 2009.

⁴Doc. No. 1.

⁵Doc. No. 7. Idearc is not named as a party in this case because it filed bankruptcy.

⁶*Id.*

pending in Texas against the Defendants in this case.⁷ A securities class action (the “Buettgen Action”) was filed in the Northern District of Texas in April, 2009.⁸ The Buettgen Action alleges similar facts as are alleged in this case.⁹ At least one other case that was filed in Texas was consolidated into the Buettgen Action.¹⁰

Apparently, the only connection to Arkansas in this case is Plaintiff’s attorney, who practices in Little Rock, Arkansas.

Accordingly, under 28 U.S.C. § 1404, this case is transferred to the United States District Court for the Northern District of Texas.

IT IS SO ORDERED this 18th day of August, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁷*Id.*

⁸Doc. Nos. 7, 8.

⁹Doc. No. 8.

¹⁰*Jan Buettgen v. Katherine Harless, et al.*, case no. 3:09-CV-00791-K, Doc. No. 6 (N.D. Texas July 1, 2009) (consolidating case no. 3:09-CV-00938-K and case no. 3:09-CV-00791-K).