

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

**ANDREW BUSCH, individually  
and on behalf of all others similarly  
situated**

**PLAINTIFF**

**v.**

**No. 4:12-cv-77-DPM**

**WAL-MART STORES, INC.**

**DEFENDANT**

**ORDER**

Having applied the statutory factors and the precedent, the Court concludes that the Western District is the most convenient for all concerned and is where this case needs to be. 28 U.S.C. § 1404(a); *Terra International, Inc. v. Mississippi Chemical Corp.*, 119 F.3d 688, 695–97 (8th Cir. 1997). Everything at issue happened at Wal-Mart’s home office; and the only thing tying this case to the Eastern District is Busch’s decision to file here. While this choice is entitled to weight, it is not dispositive. *Lewis v. United Parcel Service*, No. 4:09-cv-887-JMM, 2010 WL 654295, at \*2 (E.D. Ark. 17 Feb. 2010). The Court understands Busch’s concerns about assignment within the Western District. But some judge will be picked at random to handle the case. The interests of justice are best served by transferring the case.

Motion to transfer, *Document No. 8*, granted. This case is transferred to the Western District of Arkansas, Fayetteville Division. The transfer is immediate because the receiving Court is in the Eighth Circuit too. *Cf. In re Nine Mile Limited*, 673 F.2d 242 (8th Cir. 1982).

So Ordered.

*D.P. Marshall Jr.*

---

D.P. Marshall Jr.  
United States District Judge

*27 April 2012*