Boyer et al v. BNSF Railway Company Doc. 17

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

BEATRICE BOYER, et al. **PLAINTIFF**

4:13CV00652-BRW

BNSF RAILWAY COMPANY **DEFENDANT**

ORDER

Pending is Defendant's Motion to Transfer (Doc. No. 8). Plaintiffs have responded.[1]

Based on the complaint, Plaintiffs are residents of Bagley, Wisconsin; all alleged actions and damages are based in Bagley, Wisconsin; and all causes of action and requested relief are based on Wisconsin law. Additionally, there was an earlier case in Wisconsin involving many of the same Plaintiffs and allegations.

Plaintiffs do not deny these facts in her response to the Motion to Transfer. Rather, they contend that the case should remain in Arkansas because:

> Plaintiffs have grave concerns whether the Wisconsin District Court will yield to the temptation of ruling against that plaintiff based on the prior case, rather than the merits of the arguments put before it. The Plaintiffs in this action are simply seeking a fresh pair of judicial eyes, in a proper forum, to examine the merits of their arguments without a prejudice or predisposition stemming from prior litigation by other individuals.[2]

Since I seriously doubt that Plaintiffs' concerns about the Wisconsin court are well founded and there appears to be no other reason for Plaintiffs to have filed in Arkansas, Defendant's Motion to Transfer is GRANTED. Accordingly, the Clerk of the Court is directed to transfer this case to the Western District of Wisconsin.

IT IS SO ORDERED this 27th day of December, 2013.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

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[1]Doc. No. 16.

[2]*Id.*

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