

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

CEC CONTROLS COMPANY, INC.

PLAINTIFF

V.

NO. 6:21-cv-06014-RTD

H & H ELECTRIC, INC. and  
AUTO-OWNERS INSURANCE COMPANY

DEFENDANTS

**ORDER**

Before the Court is Defendant's Motion for Change of Venue. (ECF No. 6). Plaintiff has filed a Response in Support of the Motion (ECF No. 10). This matter is ripe for consideration.

This action, originally filed in the Circuit Court for Garland County, Arkansas, was removed to the Western District of Arkansas pursuant to 28 U.S.C. § 1446 because the complaint stated a claim under the Miller Act, 40 U.S.C. §§ 3131, 3133.

Defendant H & H Electric now seeks to transfer venue of the case to the Eastern District of Arkansas, Little Rock Division, in order to comply with a statutory provision requiring this action be brought in the district where the underlying contract was to be performed and executed. See 40 U.S.C. § 3133(b)(3). The parties agree the underlying contract was to be performed and executed at a project near DeValls Bluff, Arkansas, located within the Eastern District of Arkansas. Defendant Auto-Owners filed a response in support of the motion to change venue, and the Court has been notified that Plaintiff, CEC Controls Company, Inc., does not oppose the motion.

In the interests of justice, the Court finds that this action should be transferred. Accordingly, Plaintiff's Motion for Change of Venue (ECF No. 6) is hereby **GRANTED**. The Clerk of Court is **DIRECTED** to immediately transfer this case to the United States District Court for the Eastern District of Arkansas, Little Rock Division.

**IT IS SO ORDERED** this 18th day of February 2021.

*1st Robert T. Dawson*

**ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE**