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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COREY LAMAR SMITH, et al.,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER, et al.,
Defendants.

Case No. 1:14-cv-00060-LJO-SAB
ORDER ADDRESSING PLAINTIFFS’
OBJECTIONS TO INTRADISTRICT TRANSFER
(ECF No. 18)

On October 28, 2013, this class action lawsuit was filed in the Sacramento Division of the Eastern District of California generally alleging civil rights violations based upon Plaintiffs in this action contracting Valley Fever while housed at Pleasant Valley State Prison, Avenal State Prison, and California Correctional Institution, Tehachapi. Smith v. Schwarzenegger, 2:13-cv-02254-DAD (E.D. Cal.). On January 16, 2014, the action was transferred to the Fresno Division of the Eastern District of California. Smith v. Schwarzenegger, 1:14-cv-00060-LJO-SAB (E.D. Cal.). On January 28, 2014, District Judge Lawrence J. O’Neill issued an order relating this action to Jackson v. State of California, 1:13-01055-LJO-SAB (E.D. Cal.). 1:14-cv-00060-LJO-SAB, ECF No. 15. On February 14, 2014, Plaintiffs filed objections to the intradistrict transfer in this case.

Meanwhile on February 13, 2014, Plaintiffs filed a motion for reconsideration in case no.

1 2:13-cv-02254-DAD regarding the intradistrict transfer of this action to the Fresno District.¹ On
2 March 21, 2014, Magistrate Judge Dale Drozd held a hearing on Plaintiffs' motion for
3 reconsideration. 2:13-cv-02254-DAD, ECF No. 14. On March 24, 2014, Judge Drozd issued an
4 order addressing Plaintiffs' motion for reconsideration and ordering that the action remain in the
5 Fresno Division. Id. at ECF No. 15. Although Judge Drozd has addressed the motion for
6 reconsideration in 2:13-cv-02254-DAD, Plaintiffs objection to the intradistrict transfer remains in
7 this case. By this order, the Court considers Plaintiffs' objection to the intradistrict transfer to the
8 Fresno Division.

9 Plaintiffs object to the intradistrict transfer in this action as venue was proper in
10 Sacramento where the action was filed because senior officials at the California Department of
11 Corrections and Rehabilitation who reside in Sacramento and made policy decisions are named as
12 defendants.

13 Pursuant to 28 U.S.C. § 1404(a), the court "may transfer any civil action to any other
14 district or division" where it may have been brought for the convenience of the parties and
15 witnesses or in the interest of justice. Further, the Local Rules of the United States Court, Eastern
16 District of California provide that the Court may on its own motion, for good cause, transfer an
17 action to another venue within the District. L.R. 120(f).

18 The purpose of Section 1404(a) "is to prevent the waste 'of time, energy and money' and
19 'to protect litigants, witnesses and the public against unnecessary inconvenience and expense.'" Van Dusen v. Barrack, 376 U.S. 612, 616 (1964). The Court has broad discretion in considering
20 a transfer of venue and the issue must be decided on an individualized basis. Jones v. GNC
21 Franchising, Inc., 211 F.3d 495, 498 (9th Cir. 2000).

22 As relevant here, a civil action may be brought in the judicial district in which any
23 defendant resides or a judicial district in which a substantial part of the events giving rise to the
24 claim occurred. 28 U.S.C. § 1291(b). Plaintiffs bring this action against defendants who reside
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27 ¹ This action has two case numbers associated with it. When filed in the Sacramento Division the
28 case was assigned no. 2:13-cv-02254-DAD. Upon reassignment to the Fresno Division, the case
has been assigned no. 1:14-cv-00060-LJO-SAB.

1 within the Sacramento Division and the Fresno Division. Policy decisions were made by the
2 defendants residing in the Sacramento Division and a substantial part of the events occurred in the
3 Fresno Division as the plaintiffs resided at prisons within the Division at the time they contracted
4 Valley Fever. Venue in this action is appropriate in both the Sacramento Division and Fresno
5 Division of the Eastern District. In determining whether to change venue between districts in
6 which venue is established to be proper in both districts, the court is to consider factors, such as:
7 “(1) plaintiff’s choice of forum; (2) convenience of the parties; (3) convenience of the witnesses;
8 (4) ease of access to the evidence; (5) familiarity of each forum with an applicable law; (6)
9 feasibility of consolidation with other claims; (7) any local interest in the controversy; and (8) the
10 relative court congestion and time of trial in each forum.” Hawkins v. Gerber Products Co., 924
11 F.Supp.2d 1208, 1213 (S.D. Cal. 2013).

12 While Plaintiffs allege that the majority of the witnesses will be from Sacramento, this
13 action will require a substantial number of witnesses from the three prisons located in the Fresno
14 Division, such as doctors, chief medical officers, and the wardens of the three prisons involved in
15 the litigation. Therefore, an equal number of Defendants and witnesses are in the Fresno
16 Division. The ease of access to evidence is a minor consideration here, as evidence is equally
17 available in the Sacramento Division or Fresno Division. Given that the injury arose in the
18 Fresno Division, there is local interest in the controversy.

19 While the Court considers Plaintiff’s choice of forum in this action, there is already a
20 similar case pending in the Fresno Division. See Jackson v. State of California, 1:13-01055-LJO-
21 SAB (E.D. Cal.) In Jackson, the defendants have filed a motion to dismiss which has been
22 addressed by this Court. Transferring this action to the Fresno Division allows these cases to be
23 assigned to the same judges and avoids duplication of effort by multiple judges in this district.

24 Given the crushing caseload in the Eastern District, having the same magistrate and
25 district court judges assigned to these actions will allow the Court to consider the potential for
26 consolidation and avoid having similar motions considered by different judges. This will avoid
27 inconsistent opinions and judgments. Considerations of judicial economy are paramount where
28 there is a significant burden on limited judicial resources if the case is not transferred. Hawkins,

1 924 F.Supp.2d at 1214. Further, relating the cases before the same magistrate and district court
2 judges will allow the court to consider the interest in avoiding duplicative discovery and avoiding
3 unnecessary litigation costs.

4 Having reviewed the order on the motion for reconsideration issued by Judge Drozd and
5 considered Plaintiffs' objections to the intradistrict transfer, the Court agrees with Judge Drozd
6 that, in the interest of justice, this action should remain in the Fresno Division.

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8 IT IS SO ORDERED.

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10 Dated: March 27, 2014



UNITED STATES MAGISTRATE JUDGE

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