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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEANNA CHESHER,  
  
                                Plaintiff,  
  
                                v.  
  
ELI LILLY AND COMPANY, an  
Indiana Corporation,  
  
                                Defendant.

No. 1:14-CV-01265-GEB-SKO  
  
No. 2:14-CV-01890-GEB-SKO

**ORDER DENYING EACH PLAINTIFF'S  
MOTION TO TRANSFER VENUE**

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CARL WOODRUFF and PENNY  
WOODRUFF,  
  
                                Plaintiffs,  
  
                                v.  
  
ELI LILLY AND COMPANY, and  
Indiana corporation,  
  
                                Defendant.

Each Plaintiff moves under 28 U.S.C. § 1404(a) for an order transferring venue to the Southern District of Indiana, where Defendant Eli Lilly and Company ("Defendant") is headquartered. Section 1404(a) prescribes: "For the convenience of parties and witnesses, in the interest of justice, a district

1 court may transfer any civil action to any other district or  
2 division where it might have been brought . . . ."

3 A motion to transfer venue under section  
4 1404(a) requires the court to weigh multiple  
5 factors in its determination whether transfer  
6 is appropriate in a particular case. For  
7 example, the court may consider: (1) the  
8 location where the relevant [events  
9 occurred], (2) the state most familiar with  
10 the governing law, (3) the plaintiff's choice  
11 of forum, (4) the respective parties'  
12 contacts with the forum, (5) the contacts  
13 relating to the plaintiff's cause of action  
14 in the chosen forum, (6) the differences in  
15 the cost of litigation in the two forums, (7)  
16 the availability of compulsory process to  
17 compel attendance of unwilling non-party  
18 witnesses, and (8) the ease of access to  
19 sources of proof.

20 Jones v. GNC Franchising, Inc., 211 F.3d 495, 498-499 (9th Cir.  
21 2000).

22 The essence of each Plaintiff's argument is that the  
23 motion should be granted because his or her case is among forty-  
24 seven "Cymbalta actions" filed in twenty-nine district courts and  
25 that venue transfer would prevent the "needlessly burdensome"  
26 task of "individually litigating this volume of cases," reduce  
27 costs, and increase efficiency. (Cheshier Docket Reply 6:3-7, ECF  
28 No. 26; Woodruff Docket Reply 6:3-7, ECF No. 23.). Plaintiffs  
allege they suffered injury from discontinuing use of Cymbalta, a  
drug manufactured and marketed by Defendant, and that this injury  
was caused by Defendant's failure to adequately warn of the  
potential effects of withdrawal from Cymbalta.

Defendant counters Plaintiffs have not sustained their  
burden of showing that transferring venue is in the interests of  
justice. Specifically, Defendant argues:

a predominance of factors militate in favor

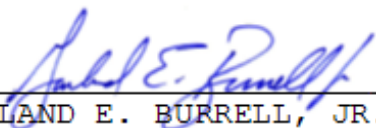
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of maintaining venue in the Eastern District of California – including . . . access to and convenience of key third-party witnesses and potential ability to compel the presence of these key witnesses at trial; and the interest of the state of California in the adjudication of disputes brought by its citizens by experienced California-based jurists.

(Cheshier Docket Opp'n 10:24-11:1, ECF No. 25; Woodruff Docket Opp'n 10:24-11:1, ECF No. 22.)

Each Plaintiff fails to show that the balance of the transfer of venue factors favors granting his or her requested transfer. Therefore, each motion is DENIED.

Dated: April 9, 2015

  
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GARLAND E. BURRELL, JR.  
Senior United States District Judge