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CATHOLIC HEALTHCARE WEST dba
MERCY GENERAL HOSPITAL (erroneously
sued and served herein as CATHOLIC HEALTHCARE
WEST and MERCY GENERAL HOSPITAL)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-------------------------------|---|------------------------------------|
| ANI CHOPOURIAN, |) | CASE NO. CV 09-03875 SBA |
| |) | |
| Plaintiff, |) | STIPULATION AND ORDER TO |
| |) | TRANSFER JUDICIAL DISTRICTS |
| v. |) | |
| |) | |
| CATHOLIC HEALTHCARE WEST, |) | |
| MERCY GENERAL HOSPITAL, AND |) | |
| DOES 1 through 20, inclusive, |) | |
| |) | |
| Defendants. |) | |

SUBJECT TO THE APPROVAL OF THE COURT, IT IS HEREBY STIPULATED BY
AND BETWEEN THE PARTIES HERETO, THROUGH THEIR RESPECTIVE COUNSEL OF
RECORD:

1. Plaintiff's First Amended Complaint (FAC) was removed to the District Court for the Northern District of California on August 20, 2009.
2. Pursuant to Judge Sandra B. Armstrong's standing order, the parties have met and conferred regarding a motion to transfer judicial districts pursuant to 28 U.S.C.S. 1404(a). The parties have agreed to transfer judicial districts from the Northern District of California to the Eastern District of California.

1 3. Good cause supports the stipulated agreement to transfer judicial districts. As a
2 preliminary matter, the instant lawsuit could have been brought in the Eastern District of
3 California under Title VII's venue provision. Title VII actions may be brought (1) in any judicial
4 district in the State in which the unlawful employment practice is alleged to have been committed,
5 (2) in the judicial district in which the employment records relevant to such practice are
6 maintained and administered, or (3) in the judicial district in which the aggrieved person would
7 have worked but for the alleged unlawful employment practice. 42 U.S.C. § 2000e-5(f)(3). Here,
8 plaintiff alleges that she was harassed and discriminated against at Mercy General Hospital. FAC
9 2:9-12; 3:13-15. The parties agree that Mercy General Hospital is located in Sacramento,
10 California and that Mercy General Hospital is in the Eastern District. Defendant represents that
11 employment records relevant to plaintiff's allegations are maintained and administered in
12 Sacramento, California. Thus, venue in the Eastern District would have been proper pursuant to
13 subsections (2) and (3) of 28 U.S.C. § 2000e-5(f)(3).

14 4. The parties agree that access to proof will be easier in the Eastern District because
15 witnesses are located and relevant records are stored in the Eastern District. All of the alleged
16 events that form the basis for plaintiff's complaint took place in the Eastern District. All of
17 Catholic Healthcare West's (CHW) potential witnesses reside in the greater Sacramento area,
18 which is within the Eastern District. Primary witnesses for CHW will likely be Jean Scrafton,
19 Scott Harper, and Renee Dodge. All three of CHW's early identified witnesses live and work in
20 Sacramento. The physicians who allegedly harassed plaintiff reside and work in the Eastern
21 District. Defendant represents that all employment records related to plaintiff's employment by
22 CHW are maintained in the offices of Mercy General Hospital in Sacramento, California. Based
23 on defendant's representations that CHW's witnesses and records are located in the Eastern
24 District, indeed are located in the very city in which the Eastern District Court sits, the parties
25 agree that transfer to the Eastern District will be for the convenience of the witnesses and ease
26 of access to proof in keeping with the requirements of 28 U.S.C.S. 1404(a).

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1 5. Finally, the parties agree that the transfer will satisfy the interest of justice prong of 28
2 U.S.C.S 1404(a) because the case will be more efficiently handled by a court more closely located
3 to the witnesses and locus of the claims.

4 **SO STIPULATED.**

5 Dated: LA FOLLETTE, JOHNSON,
6 DE HAAS, FESLER & AMES

7
8 By: _____
9 JUDITH CLARK MARTIN
10 SCOTT H. CAVANAUGH
11 Attorneys for Defendant,
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23 **PROPOSED ORDER**

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: 9/30/09

27 
28 The Honorable SAUNDRA B. ARMSTRONG
UNITED STATES JUDGE