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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 AMBER ANGELINE)
 13 Plaintiff,)
 14 v.)
 15 JOHN E. POTTER, POSTMASTER)
 GENERAL, UNITED STATES POSTAL)
 16 SERVICE)
 17)
 18 Defendants.)
 19)
 20 _____)

NO. C 09-3000-MHP

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO TRANSFER VENUE OF ACTION TO
 EASTERN DISTRICT OF CALIFORNIA**

Courtroom 15, 18th floor
 Honorable Marilyn Hall Patel

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 28 **STIPULATION AND ~~PROPOSED~~ ORDER TO TRANSFER VENUE OF ACTION TO
 EASTERN DISTRICT OF CALIFORNIA**

1 Plaintiff Amber Angeline, and Defendants John E. Potter and the United States Postal Service
2 (“USPS”), by and through their undersigned counsel, hereby stipulate as follows:

3 This is an action alleging employment discrimination on the basis of sex and alleged disability.
4 Plaintiff alleges that the conduct of which she complains of in this lawsuit took place during her
5 employment with USPS in Sacramento County, which is located in the Eastern District of California. 28
6 U.S.C. § 84(b). Further, the majority of Plaintiff’s personnel records are located in the Eastern District
7 of California. Additionally, though not considered as part of Title VII’s venue provisions, Plaintiff is a
8 resident of the city of Elk Grove, also located in the Eastern District of California. Accordingly, venue
9 for this action is proper in the Eastern District of California, but not in this District.

10 The parties to this action, by and through their attorneys, hereby stipulate and request of the Court
11 that this action be transferred to the Eastern District of California pursuant to 28 U.S.C. § 1406(a).
12 Section 1406(a) provides:

13 The district court of a district in which is filed a case laying in venue in
14 the wrong division or district shall dismiss, or if it be in the interest of
15 justice, transfer such case to any district or division in which it could
16 have been brought.

17 Because venue is not proper in this District and is proper in the Eastern District, the parties believe
18 that the interests of justice require that this action be transferred to the United States District Court for
19 the Eastern District of California.

20 In addition, the parties previously stipulated that Plaintiff would file a First Amended Complaint
21 by January 7, 2010 and Defendant would file a responsive pleading by February 12, 2010. The parties
22 have met and conferred over Plaintiff’s Complaint and First Amended Complaint, including, but not
23 limited to, the naming of an improper agency defendant USPS, and improper venue. Defendants
24 intended on filing a Motion to Dismiss based on improper venue and the improper named USPS
25 defendant on February 12, 2010. However, on the late afternoon of February 11, 2010, Plaintiff notified
26 Defendant via voicemail that her complaint should be in the Eastern District of California. In view of
27 the uncertainty as to when this action will be docketed and assigned to a judge in the Eastern District of
28 California, the parties further stipulate and request of the Court that the time for Defendant(s) to file a

1 responsive pleading be extended to 35 days after the date the action is docketed and assigned to a judge
2 in the Eastern District of California.

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4 **IT IS SO STIPULATED.**

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6 DATED: February 16, 2010

Respectfully Submitted,

DENISE EATON MAY

7
8 _____/s/
Denise Eaton May
9 Attorneys for Plaintiff

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11 DATED: February 16, 2010

JOSEPH RUSSONIELLO
United States Attorney

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13 _____/s/
14 Victoria R. Carradero
15 Assistant United States Attorney
Attorneys for Federal Defendants

16 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

17 This action is hereby transferred to the United States District Court for the Eastern District of
18 California. Defendant shall have 35 days after the date the action is docketed and assigned to a judge in
19 the Eastern District of California to file a responsive pleading to Plaintiff's complaint.

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24 DATED: 2/17/2010

