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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PEDRO CARAVANTES, on behalf of
himself and others similarly situated,,

Plaintiff,

v.

STRATEGIC MATERIALS, INC., a
corporation; and Does 1 to 100,
inclusive,

Defendants.

No. 2:17-cv-01147-MCE-GGH

ORDER

Through the present action, Plaintiff alleges that his former employer, Strategic Materials, Inc. ("Defendant") failed to pay certain wages owed him and further failed to provide the rest and meal periods required by the California Labor Code. Plaintiff also alleges unfair business practices in violation of California Business & Professions Code §17200, et seq. Plaintiff's complaint, initially filed in Sacramento County Superior Court, was removed to this Court on May 31, 2017 on grounds that because Plaintiff purports to bring this matter not only on his own behalf but also on behalf of all others similarly situated, his lawsuit comes within the purview of the Class Action Fairness Act of 2005. See 28 U.S.C. § 1332(d).

1 Defendant now moves to either dismiss Plaintiff's Complaint, or alternatively to
2 change venue of the proceeding, pursuant to 28 U.S.C. §§ 1404 and 1406(a), on
3 grounds that both the events and circumstances at issue herein occurred in Los
4 Angeles, California, and that the case has no connection whatsoever to Sacramento
5 where it was filed, or to the Eastern District where it was subsequently removed. ECF
6 No. 3. Los Angeles is within the jurisdiction of the United States District Court for the
7 Central District of California, rather than the Eastern District where this matter is
8 currently pending. Defendant further filed a Motion to Compel Arbitration (ECF No. 4) on
9 grounds that Plaintiff entered into an enforceable arbitration agreement.

10 On July 13, 2017, Plaintiff filed Statements of Non-Opposition both to Defendant's
11 Motion for Change of Venue and to its Motion to Compel Arbitration. ECF Nos. 5, 6.

12 Given Plaintiff's non-opposition to transfer, and good cause appearing therefor,
13 Defendant's Motion to Transfer Venue (ECF No. 3) is GRANTED.¹ The above-captioned
14 case is hereby transferred pursuant to 28 U.S.C. § 1406(a) to the United States District
15 Court for the Central District of California.

16 Because venue in this district appears improper, however, the Court declines to
17 rule on Defendant's Motion to Compel Arbitration (ECF No. 4) and accordingly DENIES
18 that Motion, without prejudice to its being refiled once this matter has been transferred to
19 the Central District.

20 The Clerk of Court is ordered to close this file here once that transfer has been
21 effectuated.

22 IT IS SO ORDERED.

23 Dated: July 20, 2017

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25 
26 MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

27 ¹Because oral argument was not of material assistance, the Court orders this
28 matter submitted on the briefs. E.D. Cal. Local Rule 230(g).