

1 JOSEPHINE M. GERRARD (CBN 303221)
2 Gerrard Law Offices
3 1791 Solano Avenue, Suite F01
4 Berkeley, California 94707
5 Tel (510) 838-0529
6 Fax (510) 280-1635
7 jo@gerrardlawoffices.com

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

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12 DONALD JOSEPH MIZERIK,

13 Plaintiff.

14 vs.

15
16 NANCY A. BERRYHILL,

17 Acting Commissioner of Social
18 Security,

19 Defendant.

Case No. 2:17-cv-02335 CKD

STIPULATION AND ORDER TO
TRANSFER VENUE TO UNITED
STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA

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STIPULATION TO TRANSFER VENUE

Pursuant to 28 U.S.C. § 1404(a), Plaintiff Donald Joseph Mizerik and Defendant Commissioner of Social Security through their counsel of record, file this stipulation to transfer venue to the United States District Court of Northern California pursuant to 28 U.S.C. § 1404(a).

In support therefore, respectfully show:

On November 8, 2017 Plaintiff filed a Complaint against Defendant in the Eastern District with a Civil Cover sheet stating Plaintiff resides in Santa Clara County. Attorney's legal assistant inaccurately believed Santa Clara County was within the venue of the Eastern District. Plaintiff paid court fees timely and served Defendant appropriately.

On February 20, 2018 Defendant's Counsel detected the error. Plaintiff and Defendant stipulated to a change in venue and the proposed order is attached.

Respectfully Submitted,

Josephine M. Gerrard, Attorney for Plaintiff
Donald Joseph Mizerik

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2 In light of the above, the instant action could have been brought in the
3 Eastern District of California and a transfer of venue to that district is appropriate.

4 It is so stipulated:

5 By: /s/ Josephine Gerrard
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7 Dated: February 20, 2018

8 JOSEPHINE M. GERRARD
9 Gerrard Law Offices
10 1791 Solano Avenue, Suite
11 F01 Berkeley, California 94707
12 Tel (510) 838-0529
13 Fax (510) 280-1635

14 jo@gerrardlawoffices.com

15 /s/ Ellinor R. Coder(by phone)
16 ELLINOR R. CODER
17 Special Assistant
18 U.S. Attorney Attorneys for Defendant

19 **Edward Alan Olsen , ss**
20 United States Attorney
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3 **ORDER**
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5 The Court finds that venue would be proper in the Northern District of
6 California, that a transfer would serve the convenience of the parties and that a
7 transfer would promote the interest of justice. Accordingly, pursuant to 28
8 U.S.C. 1404(a) and the stipulation of the parties, this action is transferred to
9 the United States District Court for the Northern District of California.
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12 IT IS SO ORDERED.
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14 Dated: February 22, 2018



15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE
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