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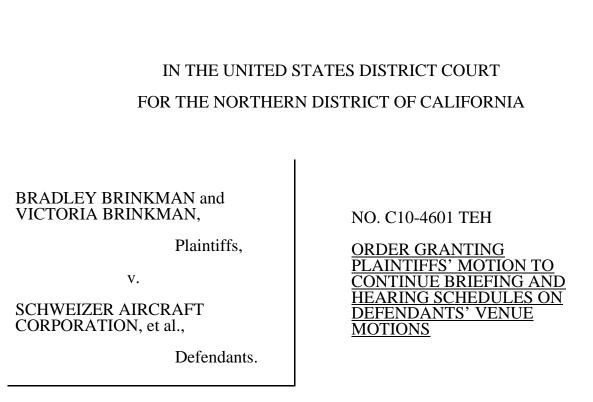
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The Court has carefully considered the parties' arguments concerning whether
Defendants' pending venue motions should be decided prior to considering whether this
action should be remanded for lack of subject matter jurisdiction.

16 Defendants correctly observe that a court "may dispose of an action by a *forum non* 17 *conveniens* dismissal, bypassing questions of subject-matter and personal jurisdiction, when 18 considerations of convenience, fairness, and judicial economy so warrant." Sinochem Int'l 19 Co. v. Malaysia Int'l Shipping Corp., 549 U.S. 422 (2007). Other courts have held that "the 20 Court's conclusion in *Sinochem* applies equally within the context of a motion to transfer 21 pursuant to 28 U.S.C. § 1404(a)." San Francisco Tech., Inc. v. Glad Prods. Co., Case No. 22 C10-0966 JF (PVT), 2010 WL 2943537, at \*6 n.8 (N.D. Cal. July 26, 2010); see also, e.g., In 23 re LimitNone, LLC, 551 F.3d 572, 576-78 (7th Cir. 2008); Aftab v. Gonzalez, 597 F. Supp. 2d 24 76, 79 (D.D.C. 2009).

However, while *Sinochem* allows a court to consider venue issues before deciding
complex jurisdictional questions, it does not appear to require it. Nor do the parties' papers
establish that the jurisdictional questions in this case are so complex as to warrant deferring a
jurisdictional decision in favor of a less complex venue decision. Moreover, the Ninth

United States District Court For the Northern District of California

1	Circuit has called into question, albeit in dicta, whether the analysis in Sinochem applies to
2	cases – like this one – that have been removed, as opposed to cases filed originally in federal
3	court:
4	For a case originally filed in federal court, the result would be the
5	same, whether dismissed on jurisdictional or <i>forum non</i> conveniens grounds – dismissal would be inevitable and
6	conclusive. For a case originating in state court, however, the difference could be significant. If the federal court dismisses on
7	forum non conveniens grounds, the case is dismissed. But if removal is improper, the case is remanded to the state court.
8	Thus, in a removal scenario, the sequencing of the decision may have practical consequences.
9	Provincial Gov't of Marinduque v. Placer Dome, Inc., 582 F.3d 1083, 1088 (9th Cir. 2009).
10	In light of the above, the Court finds good cause to GRANT Plaintiffs' motion to
11	continue proceedings on Defendants' venue motions until after Plaintiffs' anticipated motion
12	to remand can be decided. Plaintiffs state that they will file their remand motion on or before
13	November 12, 2010. If Plaintiffs fail to do so, then the briefing and hearing schedule on
14	Defendants' two venue motions shall remain unchanged. However, if Plaintiffs file a remand
15	motion by November 12, 2010, then the venue motions shall be stayed until after the Court
16	decides whether this case should be remanded. To promote efficiency, the parties shall meet
17	and confer after Plaintiffs have filed their motion to determine whether jurisdictional
18	discovery is necessary. If so, the parties shall attempt to reach a stipulation on discovery
19	deadlines and a briefing and hearing schedule on Plaintiffs' motion.
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21	IT IS SO ORDERED.
22	Deter 11/10/10 Hetty Handenson
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24	THELTON E. HENDERSON, JUDGE UNITED STATES DISTRICT COURT
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