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****E-filed 3/21/11****

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAN FRANCISCO TECHNOLOGY, INC.,

No. C 10-5576 RS

Plaintiff,

**ORDER GRANTING MOTION TO
TRANSFER VENUE**

v.

TWINLAB CORPORATION,

Defendant.

This action originated as part of a complaint against numerous defendants that was instituted as Case No. 09-6083 RS, but subsequently severed into separate proceedings for each defendant. Defendant Twinlab Corporation moves for transfer under 28 U.S.C. § 1404(a) to the United States District Court for the District of Utah. Pursuant to Civil Local Rule 7-1(b), this matter is suitable for disposition without oral argument, and the hearing set for April 7, 2011 is hereby vacated.

In opposing similar transfer motions in Case No. 09-6083 RS prior to the severance, plaintiff effectively admitted that absent a finding that joinder of all defendants in a single action was proper, there would be no basis to oppose transfer as to those defendants, such as Twinlab, who lacked meaningful connections to this forum. Given the Court's subsequent conclusion that plaintiff's

1 claims against each defendant must proceed separately, plaintiff has not opposed the present motion.
2 Good cause appearing, transfer to the District of Utah is granted.

3 In light of the conclusion that this matter should be transferred, it would be inappropriate to
4 decide the merits of Twinlab's motion to dismiss. The Court notes, however, that plaintiff has
5 expressed an intent to file an amended complaint. Whether or not such amended complaint would
6 cure any purported deficiencies identified in the complaint, the parties are encouraged to attempt to
7 reach a stipulation to permit its filing to avoid the necessity for the transferee court to expend
8 resources in addressing the existing complaint and the present motion to dismiss.

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IT IS SO ORDERED.

Dated: 3/21/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE