

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAROLD E. JOHNSON,
Plaintiff,
v.
ALLIED PACKING & SUPPLY, INC.,
et al.,
Defendants.

Case No. 14-cv-03253-TEH

**ORDER TO SHOW CAUSE RE:
VENUE**

It is unclear whether this case belongs in this Court. Plaintiff Harold E. Johnson failed to include in his complaint the “Intradistrict Assignment” paragraph required by Civil Local Rule 3-5(b), and it appears that Johnson may not be able to allege that this action arises in any county in this district.

Under Civil Local Rule 3-2(c), “[a] civil action arises in the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.” Johnson’s complaint alleges damages for “exposure to asbestos and asbestos-containing products,” Compl. ¶ 2, but all of the locations in which he contends he was exposed are located in the Central District of California (Compton, Santa Maria, Montebello, Ventura, and Thousand Oaks), the Eastern District of California (Fresno), or the Western District of Washington (Puyallup), Ex. A to Compl. Johnson further alleges that he is a citizen of Washington, Compl. at 2, so any treatment he might have received likely occurred there. It therefore appears that transfer to another district would be appropriate.

Accordingly, IT IS HEREBY ORDERED that the parties shall show cause as to why this action should not be transferred pursuant to 28 U.S.C. § 1404(a) or 28 U.S.C. § 1406(a). If the parties agree that it would not be an abuse of discretion for the Court to transfer this case, then they shall file a stipulation and proposed order, along with the agreed upon transferee district, on or before **November 24, 2014**. If they disagree on

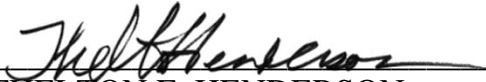
1 either the appropriateness of transfer or the appropriate transferee district, then they shall
2 include written responses in the joint case management conference statement due on
3 **December 1, 2014.**

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5 **IT IS SO ORDERED.**

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7 Dated: 11/17/14



THELTON E. HENDERSON
United States District Judge

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