

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAURICE SANDOVAL, on behalf of)	Case No. 14-4444 SC
himself and all persons similarly)	
situated,)	ORDER TRANSFERRING VENUE TO
)	THE CENTRAL DISTRICT OF
Plaintiff,)	<u>CALIFORNIA</u>
)	
v.)	
)	
REDFIN CORPORATION, and DOES 1-10,)	
INCLUSIVE,)	
)	
Defendants.)	
)	
)	
)	
)	

I. INTRODUCTION

Now before the Court is a stipulation to transfer venue filed by Defendant Redfin Corporation and Plaintiff Maurice Sandoval. ECF No. 20 ("Stip."). Because "the court must evaluate the appropriate factors even though the parties now stipulate to the transfer," the Court reviews whether transfer is appropriate. See Tung Tai Grp. v. Fla. Transformer, Inc., No. 5:11-cv-02389 EJD(HRL), 2011 WL 3471400, at *2 (N.D. Cal. Aug. 8, 2011) (citing White v. ABCO Eng'g Corp., 199 F.3d 140, 144 (3d Cir. 1999)). For

1 the reasons set forth below, the Court finds the transfer of venue
2 to the Central District of California is appropriate, and therefore
3 the stipulation is GRANTED AS MODIFIED by this order.

4
5 **II. BACKGROUND**

6 This is a putative employment class action alleging various
7 violations of state and federal law arising out of Defendant
8 Redfin's classification of its real estate agents as exempt from
9 overtime wages and other related benefits. The case was originally
10 filed in San Mateo County Superior Court and removed to federal
11 court on the basis of diversity jurisdiction under the Class Action
12 Fairness Act of 2005 ("CAFA"), 28 U.S.C. Section 1332.

13 As described in the parties' stipulation, two earlier-filed
14 cases involving the same parties and claims at issue here are
15 pending before Judge Philip S. Gutierrez of the Central District of
16 California. See Goundar v. Redfin Corp., No. 2:13-cv-03698-PSG-MRW
17 (C.D. Cal.); Badivian v. Redfin Corp., No. 2:13-cv-03664-PSG-MRW
18 (C.D. Cal.). After this case was removed, Defendant Redfin
19 Corporation filed a motion for abstention asking the Court to
20 dismiss, transfer, or stay the case pending the resolution of these
21 earlier-filed cases. ECF No. 6. After the case was reassigned to
22 the undersigned, the parties stipulated to transfer the case to the
23 Central District for potential consolidation with Goundar and
24 Badivian, arguing that transfer is appropriate under 28 U.S.C.
25 Section 1404(a).

26 ///

27 ///

28 ///

1 **III. LEGAL STANDARD**

2 Under 28 U.S.C. Section 1404(a), the Court may "[f]or the
3 convenience of parties and witnesses, in the interests of
4 justice . . . transfer any civil action to any other
5 district . . . where it might have been brought." The Court must
6 undertake an "'individualized, case-by-case consideration of
7 convenience and fairness,'" and determine whether three elements
8 are satisfied: (1) the propriety of venue in the transferor
9 district, (2) whether the action could have been brought in the
10 transferee district, and (3) whether the transfer will serve the
11 interests of justice and convenience of the parties and witnesses.
12 Tung Tai, 2011 WL 3471400, at *1 (quoting Jones v. GNC Franchising,
13 Inc., 211 F.3d 495, 498 (9th Cir. 2000)). The Court weighs a
14 series of factors in determining whether the third element is
15 satisfied including plaintiff's choice of forum, the convenience of
16 the parties and witnesses, ease of access to evidence, the
17 familiarity of the potential fora with applicable law, feasibility
18 of consolidation, local interests, and court congestion. Williams
19 v. Bowman, 157 F. Supp. 2d 1103, 1106 (N.D. Cal. 2001) (citing
20 Royal Queentex Enters. Inc. v. Sara Lee Corp., No. C-99-4787 MJJ,
21 2000 WL 246599, at *2 (N.D. Cal. Mar. 1, 2000)).

22
23 **IV. DISCUSSION**

24 First, the Court finds that the first two prongs of Section
25 1404(a) are satisfied because venue is proper in this district, and
26 the case could have been brought in the Central District of
27 California. Because the action was originally filed in San Mateo
28 County Superior Court, the case was properly removed to this court.

1 See 28 U.S.C. § 1441(a) (permitting removal "to the district court
2 of the United States for the district and division embracing the
3 place where such action is pending"). Furthermore, the action
4 could have been brought in the Central District of California
5 because the defendant is subject to personal jurisdiction in
6 California and a substantial part of the events giving rise to
7 Plaintiff's claims took place in the Central District. See 28
8 U.S.C. § 1391(a), (b)(2)-(3); ECF No. 1-3 ("Compl.") ¶ 2 (noting
9 that the company has locations in San Francisco and Irvine,
10 California).

11 In addition, the Court finds that transferring the action to
12 the Central District of California will serve the convenience of
13 the parties and witnesses and promote the interests of justice. As
14 other courts have observed, "[a]n important consideration in
15 determining whether the interests of justice dictate a transfer of
16 venue is the pendency of a related case in the transferee forum."
17 Hawkins v. Gerber Prods. Co., 924 F. Supp. 2d 1208, 1214 (S.D. Cal.
18 2013). This is just such a situation, as coordination with the two
19 cases in the Central District presents the opportunity for
20 coordination of discovery, conservation of judicial resources, and
21 the avoidance of inconsistent judgments. This especially true
22 given that the other consolidated actions have been pending in the
23 Central District for more than a year. In short, these interests
24 weigh heavily in favor of transfer.

25 Furthermore, as Judge Shubb on the Eastern District of
26 California found in transferring a different employment case to the
27 Central District under similar circumstances, "[t]he interests of
28 justice can be decisive." Gatdula v. CRST Int'l, Inc., No. Civ.

1 2:10-58 WBS CMK, 2011 WL 445798, at *3 (E.D. Cal. Feb. 8, 2011).
2 The Court agrees and finds that even though certain other factors
3 (for example Plaintiff's choice of forum) weigh against transfer,
4 the weighty interests of economy and avoidance of inconsistent
5 judgments, as well as the parties' agreement to transfer the
6 action, outweigh any contrary considerations.

7 Accordingly, the Court finds that because venue is proper in
8 this district, the action could have been brought in the Central
9 District of California, and transferring the action to the Central
10 District will serve the interests of justice and convenience of the
11 parties and witnesses, this case satisfies all three prongs of
12 Section 1404(a).

13

14 **V. CONCLUSION**

15 For the reasons set forth above the Court GRANTS the parties'
16 stipulation AS MODIFIED by this order, and DIRECTS the Clerk to
17 transfer this action to the Central District of California. In
18 light of this decision, Defendant's pending motion, ECF No. 6 is
19 TERMINATED, and the Case Management Conference scheduled for
20 Friday, January 9, 2015 is VACATED.

21

22 IT IS SO ORDERED.

23

24 Dated: January 5, 2014

25

26

27

28


UNITED STATES DISTRICT JUDGE