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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGELA HIGHLEY (formerly known
as ANGELA PRICE),

No. 2:08-cv-01362-MCE-DAD

Plaintiff,

v.

ORDER

CITY OF RICHMOND POLICE
DEPARTMENT; CITY OF RICHMOND;
and Does 1 to 50,

Defendants.

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Through this action, Plaintiff, who worked as a probationary dispatcher with the Defendant City of Richmond Police Department ("Defendant"), seeks to collect alleged unpaid wages from her former employer. Defendant now moves to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(3)¹ for improper venue. Alternatively, Defendant requests that the Court transfer the case to the Northern District of California for the convenience of parties and witnesses pursuant to 28 U.S.C. § 1404(a).

¹ All further references to "Rule" or "Rules" are to the Federal Rules of Civil Procedure unless otherwise noted.

1 In addition to challenging venue, Defendant also requests
2 dismissal of Plaintiff's Complaint for failure to state a claim
3 upon which relief can be granted under Rule 12(b)(6).

4 Where, as here, a complaint raises a federal question, venue
5 is appropriate in the judicial district where a defendant
6 resides, or where a substantial part of the events or omissions
7 giving rise to the claim occurred. See 28 U.S. C. § 1391(b). In
8 opposition to Defendant's Motion, Plaintiff does not dispute that
9 her lawsuit should have been filed in the Northern District. The
10 City of Richmond Police Department is located in Contra Costa
11 County, which is in turn within the confines of the Northern
12 District of California. 28 U.S.C. § 84(a). Plaintiff expressly
13 concedes that transfer to the Northern District is accordingly
14 appropriate. (Pl.'s Opp. 2:3-4).

15 Defendant's Motion to Dismiss is GRANTED² to the extent that
16 it requests that the instant lawsuit be transferred to the
17 Northern District of California for further adjudication. The
18 Clerk is therefore directed to transfer the file to the Northern
19 District and close the case here. The Court declines to dismiss
20 Plaintiff's complaint in its entirety under Rule 12(b)(3).

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27 ² Because oral argument will not be of material assistance,
28 the Court ordered this matter submitted on the briefing. E.D.
Cal. Local Rule 78-230(h).

1 The Court also declines to rule on Defendant's substantive
2 challenges to the Complaint under Rule 12(b)(6), since those
3 matters are best addressed by the Northern District following
4 transfer.

5 IT IS SO ORDERED.

6 Dated: December 9, 2008

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MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE
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