

United States District Court  
For the Northern District of California

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

KAREN DEHONEY,  
Plaintiff,  
v.  
KATHY KASER, et al.,  
Defendants

No. C-08-4092 MMC

**ORDER DIRECTING PARTIES TO SHOW  
CAUSE WHY ACTION SHOULD NOT BE  
TRANSFERRED TO SAN JOSE  
DIVISION; CONTINUING CASE  
MANAGEMENT CONFERENCE**

In the instant action, plaintiff alleges her former employer, Denny's Inc., constructively terminated plaintiff's employment, failed to promote plaintiff, and engaged in "violence," "harrassment" [sic], "sexual harrassment" [sic], and "retaliation." (See Compl. ¶¶ 4, 6.)<sup>1</sup> Based on such allegations, plaintiff alleges a claim against Denny's Inc. under Title VII of the Civil Rights Act of 1964.<sup>2</sup> In her complaint, plaintiff does not state where the acts giving rise to her claim allegedly occurred.

Before the Court is plaintiff's "Stipulation to Extend Time," filed November 10, 2008, by which plaintiff requests the Case Management Conference, currently scheduled for

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<sup>1</sup>In her complaint, plaintiff identifies her former employer as "Denny's Corporation." In an October 20, 2008 filing, plaintiff states the "correct name" of her former employer is "Denny's Inc.," not "Denny's Corporation." In its answer, filed October 29, 2008, defendant responded to the complaint as "Denny's Inc."

<sup>2</sup>By order filed September 19, 2008, the Court dismissed plaintiff's claims against the four individual defendants.

1 November 21, 2008, be continued to February 2009, in order to afford plaintiff the  
2 opportunity to make use of services provided by the Volunteer Legal Services Legal Help  
3 Center.<sup>3</sup> Defendant has not filed a response to plaintiff's request for a continuance. On  
4 November 14, 2008, however, defendant filed a "Case Management Statement," in which  
5 defendant states that plaintiff, at the time she was employed by defendant, worked for  
6 defendant at two locations, both of which are located in Monterey County, California.

7 Pursuant to the Local Rules of this District, a civil action that arises in Monterey  
8 County "shall be assigned to the San Jose Division." See Civil L.R. 3-2(e). In light of  
9 defendant's representation to the Court that plaintiff worked for defendant at two locations,  
10 both of which are located in Monterey County, it would appear the San Jose Division of this  
11 District is the proper venue for the instant matter.

12 Accordingly, the parties are hereby ORDERED TO SHOW CAUSE, in writing and no  
13 later than December 5, 2008, why the instant action should not be transferred to the San  
14 Jose Division. See Civil L.R. 3-2(f) (providing that "[w]henver a Judge finds . . . that a  
15 civil action has not been assigned to the proper division within this district . . . the Judge  
16 may order [a] transfer").

17 In light of the instant order to show cause, as well as plaintiff's request for an  
18 opportunity to make use of the services provided by the Legal Help Center, the Case  
19 Management Conference is hereby CONTINUED to Friday, February 6, 2009, at 10:30  
20 a.m., in Courtroom 7. A Joint Case Management Statement shall be filed no later than  
21 January 30, 2009.

22 **IT IS SO ORDERED.**

23  
24 Dated: November 17, 2008

25   
26 MAXINE M. CHESNEY  
27 United States District Judge

28 \_\_\_\_\_  
<sup>3</sup>Although titled a "Stipulation," the document is not signed by counsel for defendant and is, in fact, a unilateral request made by plaintiff.