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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6 LAWRENCE PEARSON &
7 MICHELLE PEARSON,

8 Plaintiffs,

9 v.

10 STRYKER CORPORATION *et al*,

11 Defendants.
12

NO. C 09-221 TEH

ORDER GRANTING
DEFENDANTS' MOTION FOR
INTRADISTRICT TRANSFER

13 The Court is in receipt of Defendants' Motion for Intradistrict Transfer and Plaintiffs'
14 Notice of Non-Opposition to Defendants' Motion. Having carefully reviewed all submitted
15 papers, and the complaint, the Court concludes that a hearing is not necessary on this motion,
16 and that it shall be resolved on the papers alone.

17 According to Local Rule 3-2(c), except for intellectual property cases, securities class
18 actions, and prisoner petitions and civil rights actions, "all civil actions and proceedings for
19 which this district is the proper venue shall be assigned by the Clerk to a Courthouse serving
20 the county in which the action arises. A civil action arises in the county in which a
21 substantial part of the events or omissions which give rise to the claim occurred or in which a
22 substantial part of the property that is the subject of the action is situated." In the instant
23 case, Plaintiffs' complaint states that "a substantial part of the events or omissions which
24 give rise to the claim occurred in the County and City of San Francisco." Compl. ¶ 5.
25 However, Plaintiffs are "citizens and residents of the County of Santa Cruz, State of
26 California." *Id.* ¶ 1. Furthermore, review of the complaint demonstrates that the Plaintiffs'
27 claims arise from the implantation of a medical device in the person of Plaintiff Lawrence
28 Pearson at Dominican Hospital in Santa Cruz, California, and from the removal of the same

1 device at Community Hospital of Los Gatos, California. *Id.* ¶ 6. Santa Cruz is located in
2 Santa Cruz County, and Los Gatos is located in Santa Clara County. The Court therefore
3 finds that this action did not arise in San Francisco County, but instead in either Santa Cruz
4 or Santa Clara County, both of which are served by the San Jose Division of this Court.

5 Good cause appearing, Defendants' Motion for Intradistrict Transfer is hereby
6 GRANTED. Accordingly, this matter shall be transferred to the San Jose Division of this
7 Court. The hearings currently scheduled for June 29, 2009, on this motion is hereby vacated.

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10 **IT IS SO ORDERED.**

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12 Dated: June 18, 2009



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14 THELTON E. HENDERSON, JUDGE
15 UNITED STATES DISTRICT COURT

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