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5 Attorney for Defendant  
 THOR MOTOR COACH, INC.

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 7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE COURTHOUSE)

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 11 GREGORIO GUTIERREZ, ) CASE NO.: 5:20-cv-04189-VKD  
 ) (Removed from Santa Clara County Superior Court  
 12 Plaintiff, ) Case No. 20CV366311)  
 )  
 13 v. ) ~~PROPOSED~~ ORDER ON JOINT  
 ) MOTION OF ALL PARTIES TO  
 14 THOR MOTOR COACH, INC.; DOES 1- ) TRANSFER VENUE TO FEDERAL  
 10, inclusive, ) COURT FOR THE NORTHERN  
 ) DISTRICT OF INDIANA IN SOUTH  
 15 Defendants. ) BEND, INDIANA  
 )  
 16 \_\_\_\_\_ )  
 17 Complaint Filed: 05/01/20  
 Removal Filed: 06/25/20  
 18 Trial Date: Not Yet Set

19 TO ALL PARTIES, THEIR COUNSEL OF RECORD, AND TO THE UNITED STATES  
 20 DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, COURTROOM 2, THE  
 21 HONORABLE VIRGINIA K. DeMARCHI:

22 The parties' Joint Motion to Transfer Venue to Indiana Federal Court pursuant to 28  
 23 U.S.C. § 1404(a) was presented to the Court on September 10, 2020, the Honorable Virginia  
 24 K. DeMarchi, presiding.

25 Upon review of the record and all briefing filed by all parties, the Court rules as follows:

26 IT IS HEREBY ORDERED THAT, based on the provisions in the express warranty  
 27 issued by Defendant Thor Motor Coach, Inc. that accompanied the sale of the subject vehicle  
 28 to Plaintiff, which provides that "Exclusive jurisdiction for deciding legal disputes relating to

1 alleged breach of warranty or representations of any nature rest in the courts of the state of  
2 manufacture, which is Indiana,” that this lawsuit should be transferred to the United States  
3 Federal Court for the Northern District of Indiana in South Bend, Indiana.

4 **IT IS SO ORDERED.**

5  
6 Dated: September 14, 2020

By: Virginia K. DeMarchi  
HON. VIRGINIA K. DeMARCHI  
United States Magistrate Judge  
Northern District of California