

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martínez**

Civil Action No. 1:15-cv-02643-WJM

JEFFERSON RATLIFF, and  
ANGELA RATLIFF,

Plaintiffs,

v.

GARCIA CONSTRUCTION CORPORATION, a Colorado corporation,  
RANDY GARCIA, individually,  
SUNLIT ARCHITECTURE, LLC, a Colorado Limited Liability Company,  
GARY HARTMAN, individually,  
JENNIFER HARTMAN, individually,

Defendants.

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**ORDER DENYING PLAINTIFFS' MOTION FOR INTRA-DIVISION TRANSFER**

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Before the Court is Plaintiffs' Motion for Intra-Division Transfer to Grand Junction, Colorado. (ECF No. 19.) Plaintiffs argue that this lawsuit "generally aris[es] out of disputes between the parties relating to the construction of a residence, in Crested Butte, Colorado," and "[v]irtually all of the witnesses in this matter are believed to reside in or around the Crested Butte area." (*Id.* ¶¶ 1, 5.) Plaintiffs therefore believe that all interested parties would be better served if this lawsuit was litigated in Grand Junction.

"[T]he Tenth Circuit has not had occasion to set out standards for [this sort of transfer]," but "courts within the circuit have relied on the factors developed under 28 U.S.C. § 1404(a), dealing with venue transfers." *Four Corners Nephrology Assocs., P.C. v. Mercy Med. Ctr. of Durango*, 464 F. Supp. 2d 1095, 1098 (D. Colo. 2006).

“Factors relevant for a § 1404(a) transfer include (1) the plaintiff’s choice of forum; (2) the convenience of the witnesses; (3) the accessibility of witnesses and other sources of proof; (4) the possibility of obtaining a fair trial; and (5) all other considerations of a practical nature that make a trial easy, expeditious and economical.” *Id.*

The Court finds the first factor to be essentially dispositive here. Plaintiffs chose to file in the District of Colorado, invoking this Court’s diversity jurisdiction. (See ECF No. 1 ¶ 7.) In other words, this is a state-law dispute, not a federal-question dispute. If Plaintiffs had truly been concerned about keeping this lawsuit close to Crested Butte, Plaintiffs could have filed in state court in Gunnison County. If they particularly wanted to be in Grand Junction, they could have filed in state court in Mesa County. They instead filed in this District, knowing that it operates almost entirely from Denver. Thus, Plaintiffs are deemed to have chosen Denver as their forum, even though they now seem to regret that choice.

Plaintiffs’ Motion for Intra-division Transfer to Grand Junction, Colorado (ECF No. 19) is therefore DENIED.<sup>1</sup>

Dated this 3<sup>rd</sup> day of March, 2016.

BY THE COURT:



William J. Martinez  
United States District Judge

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<sup>1</sup> This disposition has no bearing on the Sunlit Defendants’ pending argument that Plaintiffs cannot satisfy the diversity jurisdiction amount-in-controversy requirement. (See ECF No. 25.)