

In the:

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH LEE GIBSON
966 Towlston Road
McLean, Virginia 22102,

Plaintiff,

Case Number; 1:04CV00190
Judge:
Deck Type: Pro se General Civil
Date Stamp:

v.

BOY SCOUTS OF AMERICA,

JOHN DOE, No. 1-7,

NATIONAL CAPITAL AREA COUNCIL
BOY SCOUTS OF AMERICA,

and

RICHARD ROE, No. 1-7,

Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF
MOTION FOR CHANGE OF VENUE

COMES NOW, the Defendants, Boys Scouts of America (hereinafter "Boy Scouts) and the National Capital Area Council Boy Scouts of America (hereinafter "NCAC"), by counsel and in support of their Motion for Change of Venue states as

follows:

Introduction and Facts

This matter arises out of a Complaint for Injunctive Relief and Damages in which the Plaintiff pro se, Joseph Lee Gibson, is a resident and domiciliary of the Commonwealth of Virginia, at 966 Towlston Road, McLean , Virginia.

A substantial part of the underlying events and occurrences took place in the Commonwealth of Virginia, specifically in and around McLean, Virginia.

The Defendants, Boys Scouts and NCAC have substantial contacts and engage in activities in the Commonwealth of Virginia and were so engaged during the alleged events or omissions pled by Plaintiff. Most if not all of the parties and witnesses who will be called into Court on this cause reside or conduct business or activities in the Commonwealth of Virginia.

Law and Argument

Pursuant to 28 U.S.C. S. §1404 (2004), this Court has broad discretion to grant a change of venue to the Defendants, Boys Scouts and NCAC. The language of 28 U.S.C.S. §1404(a) states in pertinent part:

“For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”

Under the United States Court of Appeals for the District of Columbia decision in Preuss v. Udall, 123 U.S. App. D.C. 301; 359 F.2d 615 (1965) the appellate court held that “[i]f the trial judge finds that the convenience of the parties and the

interest of justice would be served by transferring the case to Oregon, the policies of Section 1391(e) and Section 1404(a) would be furthered by permitting transfer in this case.” Clearly, following Preuss, this Court is within its statutory discretion to grant Defendants’ Motion for Change of Venue.

Conclusion

WHEREFORE, the Defendants Boy Scouts and NCAC respectfully move this Court to grant their motion for change of venue to the United States District Court for the Eastern District of Virginia in Alexandria, Virginia.

**BOY SCOUTS OF AMERICA,
And
NATIONAL CAPITAL AREA COUNCIL
BOY SCOUTS OF AMERICA
By Counsel**

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*Counsel for Defendants Boys Scouts of America and
National Capital Area Council
Boy Scouts of America*

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing **Memorandum of Points and Authorities in Support of Motion for Change of Venue** was mailed, postage pre-paid on this **20th day of May, 2004** to

Joseph Lee Gibson
Plaintiff pro se
966 Towlston Road
McLean, Virginia 22102

John D. McGavin