

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

COREY M. BUTLER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE GOODYEAR TIRE & RUBBER )  
 COMPANY; COOPER TIRE & RUBBER )  
 COMPANY; and GE CAPITAL FLEET )  
 SERVICES, INC.; )  
 )  
 Defendants. )  
 )

CASE NO. CV413-235

FILED  
 U.S. DISTRICT COURT  
 SAVANNAH, GA.  
 2011 SEP 29 PM 3:23  
 CLERK  
 SO. DIST. OF GA.

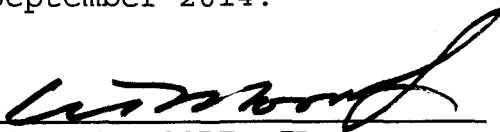
O R D E R

Before the Court is Defendant Goodyear Tire & Rubber Company's ("Goodyear") Motion to Transfer Venue. (Doc. 16.) In the motion, Defendant Goodyear seeks to transfer this case to the United State District Court for the Northern District of Georgia. According to Defendant Goodyear, this case should have been brought in the State Court of Gwinnett County. (Id. at 2.) However, Plaintiff improperly filed suit in the State Court of Chatham County. (Id.) Rather than seek immediate transfer of the State Court action, Defendant Goodyear has elected to remove the case to this Court (Doc. 1) and then seek transfer. (Id.) Plaintiff opposes any transfer. (Doc. 19.)

Subsequent to Defendant Goodyear filing its motion, Plaintiff twice amended his complaint by adding additional

parties and claims. (Doc. 38; Doc. 57.) In light of these amendments, the Court concludes that the prudent course is to dismiss as moot the pending Motion to Transfer Venue and permit any Defendant, should it so desire, to refile any such motion. This will allow Defendants to argue for transfer based on the inclusion of the additional parties and claims, and permit Plaintiff to respond accordingly. Therefore, Defendant Goodyear's Motion to Transfer Venue (Doc. 16) is **DISMISSED AS MOOT**. Defendants shall have **thirty days** from the date of this order to file any motion seeking transfer should they become so inclined.

SO ORDERED this 24<sup>th</sup> day of September 2014.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA