

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

NEW BERRY INC,

Plaintiff,

v.

TODD G. SMITH, et al.,

Defendants.

Case No. 2:19-CV-159 JD

OPINION AND ORDER

Plaintiff New Berry and Defendants Allan MacRae and MacRae Technologies (“MacRae Defendants”) filed a stipulation and joint motion with the Court seeking a transfer of venue for all of New Berry’s claims against the MacRae Defendants to the Northern District of California. (DE 85.) New Berry and the MacRae Defendants stated that they were moving for a transfer to avoid protracted motion practice on jurisdiction and venue in this Court because the MacRae Defendants have represented that their home and principal place of business are within the Northern District of California. (*Id.* at 2.) The parties agree that the claims New Berry brought against the MacRae Defendants in this case could have originally been brought in the Northern District of California and that the Northern District of California would prove a more convenient venue to litigate the case for the parties and potential witnesses, making transfer of venue appropriate under 28 U.S.C. § 1404. (*Id.* at 3.) Given the parties’ agreement and the Court’s determination that transfer is appropriate under § 1404, the Court GRANTS the parties’ joint motion. (DE 85.)

The Court thus ORDERS, consistent with the parties’ stipulation and joint motion, that New Berry’s claims against the MacRae Defendants asserted in New Berry’s original complaint,

