UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NICHOLAS MORFING, *Plaintiff,*	)	
vs.	)	1:10-cv-00391-JMS-DML
ROSE-HULMAN INSTITUTE OF TECHNOLOGY, *et al.*, *Defendants.*	)	

ORDER

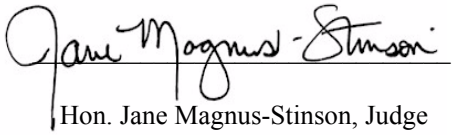
Presently before the Court is Defendant Rose-Hulman Institute of Technology, Inc.'s ("Rose-Hulman") Motion to Transfer Action to Terre Haute Division. [Dkt. 21.] It seeks to have this action transferred to the Terre Haute Division, "[f]or the convenience of the parties and witnesses, [and] in the interest of justice," 28 U.S.C. § 1404(a). Such a transfer is appropriate, it contends, because the accident at issue occurred in the Terre Haute Division, and three of the four Defendants are located there. Thus, multiple witnesses will be burdened in having to travel to trial here in Indianapolis, and a jury view may be difficult given the distance involved.

Plaintiff opposes the motion, however, noting that he and at least one of the defendants are from outside of Indiana. Travel to Indianapolis is easier for them than is travel to Terre Haute.

The Court finds that at this time, all of Rose-Hulman's concerns are speculative. Given the very early stage of this case, the parties have not yet indicated which witnesses they will call, nor has any party requested, much less received Court approval, for a jury view. Those speculative concerns simply cannot outweigh the present convenience to the parties—all of whom currently have Indianapolis counsel—of continuing in the Indianapolis Division.

Accordingly, the Court **DENIES** Rose-Hulman's motion [dkt. 21], but **WITHOUT PREJUDICE** to its merits. If later developments indicate that a transfer would in fact be appropriate under the standards set forth in 28 U.S.C. § 1404(a), any party may file a motion to transfer this case to the Terre Haute Division. Any such motion must be filed at least **seventy-five days** before the final pretrial conference.

07/12/2010



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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