

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL L. MCGINLEY, ET AL.,)
Plaintiffs,)
v.) Case No. 4:16-CV-W-00283-FJG
LUV N' CARE, LTD.,)
Defendant.)

ORDER

Currently pending before the Court is defendant Luv n' care, Ltd. ("LNC's") Motion to Reconsider (Doc. # 58).

Defendant LNC asks the court to reconsider its ruling that venue is proper in this patent infringement action in light of the Supreme Court's recent ruling in TC Heartland LLC v. Kraft Foods Group Brands LLC, 137 S.Ct. 1514, 2017 WL 2216934 (U.S. May 22, 2017). LNC states that as a result of the Supreme Court's decision in TC Heartland, venue is no longer proper in this district and LNC has not waived its challenge to venue in this district. LNC requests that the Court reconsider its prior venue ruling and dismiss this case or transfer it to the Western District of Louisiana.

Plaintiffs filed a response conceding that an Order transferring this consolidated action to the Western District of Louisiana under 28 U.S.C. § 1400(b) would be proper pursuant to the Supreme Court's decision in TC Heartland. Plaintiffs state that 28 U.S.C. § 1406 (a) states that the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district . . . in which it could have been brought." Plaintiffs state that in the interest of justice, this case should be transferred and should not be

dismissed, as this would be unjust and wasteful. In reply, LNC states that to secure complete agreement amongst the parties, it withdraws its alternative request that the case be dismissed and now agrees that the consolidated actions should be transferred to the Western District of Louisiana.

Accordingly, for good cause shown and with no opposition indicated, the Court **GRANTS** LNC's Motion to Reconsider (Doc. # 58) and hereby transfers these cases to the Western District of Louisiana pursuant to 28 U.S.C. § 1400(b).

Date: June 23, 2017
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge