

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

AMY LOWERY,

Petitioner,

vs.

SARENS USA, INC., and MONTANA
HUMAN RIGHTS COMMISSION,

Respondents.

No. CV 20-25-H-SEH

ORDER

On December 11, 2017, Petitioner Amy Lowery filed a complaint with the Montana Department of Labor and Industry against her former employer, Respondent Sarens USA, Inc. (“Sarens”).¹ On September 20, 2019, an agency Hearing Officer entered judgment in favor of Lowery.² Both parties sought review by the Montana Human Rights Commission, which issued a Final Agency Decision affirming the Hearing Officer’s decision on February 13, 2020.³

¹ See Doc. 1-1.

² See Doc. 1-2 at 49.

³ See Doc. 1-2 at 61.

On March 10, 2020, Lowery filed a Petition for Review of the Final Agency Decision in the Montana First Judicial District Court, Lewis and Clark County.⁴ Lowery amended her petition to include the Montana Human Rights Commission (the “Commission”) as a respondent on March 16, 2020.⁵ Sarens removed to this Court on March 31, 2020,⁶ and filed an Amended Notice of Removal on April 10, 2020, asserting that the Commission was fraudulently joined or is a nominal party, and “its presence is not to be considered in evaluating jurisdiction or other aspects of removal.”⁷

On March 11, 2020, Sarens filed a separate Petition for Review of the Final Agency Decision in the Montana Fourth Judicial District Court, Missoula County.⁸ Lowery removed to the United States District Court for the District of Montana, Missoula Division, on April 14, 2014.⁹

On April 17, 2020, the parties filed a joint motion to transfer this case under 28 U.S.C. § 1404, “so that both petitions may be consolidated and reviewed in the

⁴ Doc. 1-2 at 2.

⁵ See Doc. 1-2 at 67.

⁶ Doc. 1.

⁷ Doc. 4 at ¶ 11.

⁸ See Doc. 5 at 1.

⁹ See CV-20-47-M-DWM.

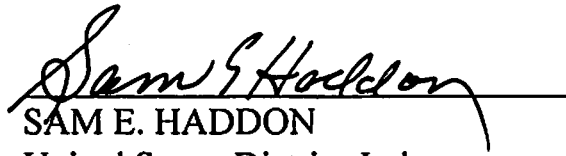
Missoula Division.”¹⁰ 28 U.S.C. § 1404(b) provides, in part:

Upon motion, consent or stipulation of all parties, any action, suit or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district.

ORDERED:

The Joint Motion to Transfer¹¹ is GRANTED. This case is transferred to the Missoula Division of the United States District Court for the District of Montana.

DATED this 5th day of May, 2020.


SAM E. HADDON
United States District Judge

¹⁰ Doc. 5 at 2.

¹¹ Doc. 5.