

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROY EDMONDSON,)	
)	
Plaintiff,)	4:10CV3089
)	
v.)	
)	MEMORANDUM AND ORDER
RONALD WERTZ, et. al.,)	
)	
Defendants.)	

This case was removed to federal court from the District Court of Hitchcock County, Nebraska and at defendants' request, was placed on the Lincoln trial docket. The plaintiff has moved to transfer this case to the North Platte docket for trial. Filing No. 6. The defendants did not respond to plaintiff's motion, the deadline for response has passed.

Pursuant to [NECivR 40.1\(b\)\(1\)](#), in deciding the place of trial, "a judge considers the convenience of the litigants, witnesses, and attorneys." Based on the representations in the plaintiff's motion, all the parties and witnesses reside in Hitchcock County, Nebraska; and Hitchcock County is 77 miles from North Platte, and nearly 250 miles from Lincoln.

Although defense counsel has an office in Lincoln, Nebraska, the inconvenience to parties and witnesses traveling to Lincoln for trial, and the court's concern with potential trial delays while awaiting the arrival of distant parties and witnesses, outweighs any inconvenience to defense counsel in trying this case in North Platte. Accordingly,

IT IS ORDERED that the plaintiff's motion to change the place of trial, (filing no. 6), is granted, and the trial of this case will be held in North Platte, Nebraska.

July 1, 2010.

s/ Cheryl R. Zwart
United States Magistrate Judge