IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

.

NOAH A. LARCHICK,	
Plaintiff,	
VS.	4:18CV3019
ESTEBAN D. BAUTISTA,	
SWIFT TRANSPORTATION CO. OF	ORDER
ARIZONA, LLC, a Delaware limited liability company;	UKDEK
KNIGHT-SWIFT TRANSPORTATION	
HOLDINGS, INC., a Delaware corporation; and	
CASH-WA DISTRIBUTING CO. OF	
KEARNEY, INC.,	
Defendants.	

This matter is before the Court on the Motion to Transfer Place of Trial (Filing No. 32) filed by defendants Swift Transportation Co. of Arizona, LLC, Knight-Swift Transportation Holdings, Inc., and Esteban D. Bautista, requesting that the Court move the place of trial from Lincoln to North Platte. Plaintiff filed a response (Filing No. 36) stating he does not oppose the motion because he resides in North Platte, so ultimately conducting the trial in North Platte would be more convenient for him. Defendant, Cash-Wa Distributing Co. of Kearney, Inc., did not file a response to the motion. See NECivR 7.1(b).

In deciding the place of trial, "a judge considers the convenience of the litigants, witnesses, and attorneys." NECivR 40.1(b)(1). The party seeking to change the place of trial within this district bears the burden of establishing that the transfer should be granted. See NECivR 40.1(b). The record reflects that Plaintiff and the moving defendants' counsel reside in North Platte; the accident that is the subject of this lawsuit occurred in Lincoln County, Nebraska (which is where North Platte is located); and many of the material witnesses (including law enforcement and responding medical personnel) are from North Platte. (Filing No. 33; Filing No. 34). After reviewing the materials submitted by the moving defendants, and with due consideration of all factors pursuant to NECivR 40.1(b)(2), the Court finds that the place of trial should be moved to North Platte, Nebraska. Accordingly,

IT IS ORDERED: The Motion to Transfer Place of Trial (<u>Filing No. 32</u>) is granted. The Clerk of Court shall amend the docket sheet to reflect the place of trial is North Platte, Nebraska.

Dated this 25th day of July, 2018.

BY THE COURT:

s/ Michael D. Nelson United States Magistrate Judge