

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NOAH A. LARCHICK,

Plaintiff,

vs.

ESTEBAN D. BAUTISTA,
SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC, a Delaware limited liability
company;
KNIGHT-SWIFT TRANSPORTATION
HOLDINGS, INC., a Delaware corporation;
and
CASH-WA DISTRIBUTING CO. OF
KEARNEY, INC.,

Defendants.

4:18CV3019

ORDER

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 ([Filing No. 32](#)) 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