

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DORIS FLOTT, DEB HILGER,)	
LINDSEY JONES, and ARLENE)	
ORR,)	4:09CV3211
)	
Plaintiffs,)	
)	
v.)	MEMORANDUM AND ORDER
)	
HAIR SALONS, INC., and)	
RANDALL K. MILLER,)	
)	
Defendants.)	

The plaintiffs filed a complaint in the District Court of Douglas County, Nebraska alleging the defendants violated plaintiffs’ rights under the Fair Labor Standards Act (“FLSA”) 29 U.S.C. § 201, et seq., and the Nebraska Wage Payment Act, Neb. Rev. Stat. § 48-1228, et seq. The defendant removed the case to this forum, and the case was assigned to be tried in Lincoln. The plaintiff has moved to transfer the place of trial to Omaha. Filing No. [9](#).

When resolving a motion to change the place of trial, “the judge shall consider the convenience of the litigants, witnesses, and counsel.” NECivR 40.1(b)(2). Defendant’s counsel is located in Lincoln, Nebraska. Filing No. [14-2](#). Hair Salons, Inc. has two locations in Lincoln and one location in Omaha; its business office is located in Bennett, Nebraska, fourteen miles from Lincoln and sixty-six miles from Omaha; and the defendant’s owners live in Firth, Nebraska, twenty-five miles from Lincoln and seventy-seven miles from Omaha. Filing No. [14-1](#).

The plaintiffs live in Omaha; their claims arise from their employment at the defendant’s Omaha location; they chose to file their lawsuit in an Omaha forum; and their counsel is located in Omaha. Filing No. [11-2](#), ¶ 3. The court specifically notes

the defendants operate, and apparently travel to and manage a business in Omaha which employees one-third of its employees. Upon weighing the facts, trial of this case should be held in Omaha for the convenience of the litigants and witnesses.

Accordingly,

IT IS ORDERED that the plaintiff's motion to transfer the place of trial to Omaha, (filing no. [9](#)), is granted. Trial will be held in Omaha, Nebraska.

DATED this 14th day of December, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge