

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERIC COWLEY, and GILLIAN	)	8:11CV325
COWLEY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CABELA'S OUTDOOR	)	
ADVENTURES, INC., et al.	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On November 30, 2012, the Defendants filed a Status Report in accordance with the court's September 27, 2012, Memorandum and Order. (Filing No. [35](#).) In the Status Report, Defendants state that on November 27, 2012, the United States District Court for the Western District of Washington granted a motion to consolidate and transfer two cases identical to this matter to the United States District Court for the District of Alaska. (*Id.*) On December 3, 2012, the Western District of Washington sent this court a Notice of its order granting defendants' motion to consolidate and transfer. (Filing No. [37](#).) In the order, the Western District of Washington states:

[B]efore the Court are two identical cases: the case originally filed in this District, No. 2:11-cv-01582-RSM, and the case originally filed in the District of Alaska, No. 2:11-cv-1811-RSM. The third case, which is also identical, remains in the District of Nebraska but is stayed until this Court rules on Defendants' current Motion to Consolidate and Transfer to Alaska.

...

Plaintiffs voluntarily brought three identical claims that name the same defendants in three different forums. The Defendants have agreed to litigate in one of Plaintiffs' chosen forums, the District of Alaska. Although the Court makes no ruling on whether it has personal jurisdiction over Roberts, Alaska clearly has personal jurisdiction over all parties. Rather than expend court time and resources on determining whether Western District of Washington is

an appropriate forum, the Court can simply transfer the case to the District of Alaska. The parties agree to dismiss Pawlak with prejudice and the Court finds dismissal appropriate. Thus, transfer to the District of Alaska will serve the interest of justice.

(Filing No. [37](#) at CM/ECF pp. 3, 8-9.) In light of this order, and because this matter is identical to the two cases that were consolidated and transferred to the District of Alaska, the parties are directed to inform the court whether they would like this case transferred to the District of Alaska for further proceedings, or whether they would like this case dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. By December 18, 2012, the parties shall inform the court whether they would like this case transferred to the District of Alaska for further proceedings, or whether they would like this case dismissed without prejudice.

2. If the parties fail to respond by December 18, 2012, the court will dismiss this matter without prejudice and without further notice.

3. The Clerk of the court is directed to terminate the pending motion associated with filing no. 37.

DATED this 12<sup>th</sup> day of December, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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