

1 Jill Garcia, Esq.
 2 Nevada Bar No. 7805
 3 jill.garcia@ogletree.com
 4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
 5 Wells Fargo Tower
 6 Suite 1500
 7 3800 Howard Hughes Parkway
 8 Las Vegas, NV 89169
 9 Telephone: 702.369.6800
 10 Fax: 7092.369.5694

11 Attorneys for Defendant American Airlines, Inc.

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 CHARITY MITCHELL,

15 Plaintiff,

16 vs.

17 US AIRWAYS/AMERICAN AIRLINES,

18 Defendants.

Case No. 2:15-cv-01921-JAD-PAL

**~~[PROPOSED]~~ ORDER DENYING IN PART
 AND GRANTING IN PART DEFENDANT
 AMERICAN AIRLINES, INC.'S
 MOTION TO DISMISS OR, IN THE
 ALTERNATIVE, TRANSFER VENUE**

19 On July 10, 2017, the Court heard Defendant American Airlines, Inc.'s Motion to Dismiss,
 20 or in the Alternative, Transfer Venue. (ECF No. 16.) Defense counsel Jill Garcia appeared.
 21 Plaintiff, pro se, did not appear for the hearing.

22 The Court heard the representations of counsel regarding the pending motions before the
 23 Court. It is ORDERED that Defendant American Airlines, Inc.'s Motion to Dismiss Or, In the
 24 Alternative, Transfer Venue is DENIED IN PART AND GRANTED IN PART.

25 The Court denies Defendant American Airlines Inc.'s Motion to Dismiss.


26 The Court grants Defendant American Airlines Inc.'s Motion to Transfer Venue. "For the
 27 convenience of parties and witnesses, in the interest of justice, a District Court may transfer any
 28 civil action to any other district or division where it might have been brought." 28 U.S.C. §

1 1404(a). When considering a motion to transfer venue, the Court must “weigh multiple factors in
2 its determination whether transfer is appropriate in a particular case.” Jones v. GNC Franchising,
3 Inc., 211 F.3d 495, 498 (9th Cir. 2000) (citing Stewart Org., Inc. v. Ricoh Corp., 487 U.S. 22, 29
4 (1988)). In particular, the Court must consider: (1) the convenience of the parties; (2) the
5 convenience of the witnesses; and (3) the interest of justice. Id.

6 The Court finds a transfer to the District of Arizona is proper because: (1) the events
7 Plaintiff complains of did not occur in Nevada; (2) the parties have more contacts with Arizona
8 than they do with Nevada; (3) Arizona is a more convenient forum because the witnesses reside in
9 Arizona; (4) there is more convenient access to sources of proof in Arizona; (5) it is unclear where
10 Plaintiff currently resides, and may reside part-time in California; and (6) it would be unfair to
11 impose jury duty on citizens of Nevada because Nevada has no relationship to the action. This
12 case shall be transferred to the District of Arizona.

13 Further, the Early Neutral Evaluation (“ENE”) currently set in this matter for July 27, 2017,
14 is hereby vacated.

15 IT IS SO ORDERED.

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19 U.S. DISTRICT COURT JUDGE
20 7/24/2017
21 DATED

22 **IT IS ORDERED that this case is transferred to the District of Arizona. The Clerk of**
23 **Court is instructed to close this case.**
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that service of the foregoing **[PROPOSED]**
ORDER DENYING IN PART AND GRANTING IN PART DEFENDANT AMERICAN
AIRLINES, INC.’S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER
VENUE was made this day by depositing a true and correct copy of same for mailing, first class
mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:

Charity Mitchell
3108 St. Tropez
Las Vegas, NV 89128

Charity Mitchell
1130 White Rock Road, #112
El Dorado Hills, CA 95762

Plaintiff Pro Per

Dated this 21st day of July, 2017.

/s/ Darhyl Kerr
An Employee of Ogletree, Deakins, Nash
Smoak & Stewart, P.C.

30525017.1

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
WELLS FARGO TOWER
SUITE 1500, 3800 HOWARD HUGHES PARKWAY
LAS VEGAS, NV 89169
TELEPHONE: 702.369.5694

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