

1 Berna L. Rhodes-Ford (Bar #7879)
 Rhodes-Ford & Associates, P.C.
 2 8485 W. Sunset Road, Suite 106
 Las Vegas, NV 89113
 3 (702) 684 - 6262
 berna@rhodesford.com

4
 5 Garret A. Leach, P.C., *pro hac vice*
 KIRKLAND & ELLIS LLP
 300 North LaSalle
 6 Chicago, IL 60654
 (312) 862 - 2000
 7 gleach@kirkland.com

8 *Attorneys for Plaintiff*

9
 10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF NEVADA**

12 ALLSTATE INSURANCE)
 13 COMPANY, an)
 Illinois Insurance Company,)
 14)
 Plaintiff,)

15 v.)

16 KIA MOTORS AMERICA, INC., a)
 17 California)
 corporation, and KIA MOTORS)
 18 CORPORATION, a foreign corporation)
 19 Defendants.)

Case No. 2:16-cv-01221-MMD-NJK

**JOINT STIPULATION TO
 TRANSFER VENUE TO THE
 UNITED STATES DISTRICT
 COURT FOR THE CENTRAL
 DISTRICT OF CALIFORNIA**

20
 21 _____

1 Pursuant to 28 U.S.C. § 1404, the Parties hereby file this Stipulation to Transfer
2 Venue to the United States District Court for the Central District of California. Plaintiff
3 Allstate Insurance Company, an Illinois Insurance Company (“Allstate”), and Defendants
4 Kia Motors America, Inc., a California Corporation, and Kia Motors Corporation, a
5 foreign corporation (collectively, the “Defendants”), by and through their respective
6 counsel of record, hereby stipulate as follows:

7 WHEREAS, on June 2, 2016, Allstate filed its Complaint in this District. There is
8 no dispute between the parties that venue is proper in this District pursuant to 28 U.S.C.
9 §1391.

10 WHEREAS, Defendants filed a Motion to Transfer Venue to the Central District of
11 California, together with a Memorandum of Points and Authorities in Support Thereof,
12 on August 1, 2016;

13 WHEREAS, Allstate currently must respond to Defendants’ Motion on or before
14 August 15, 2016;

15 WHEREAS, the Parties have engaged in positive negotiations on the issue of
16 transfer and have reached agreement that the case should be transferred to the Central
17 District of California;

18 WHEREAS, in the interest of judicial efficiency, and with a desire to not overly
19 burden the courts or the Parties with extensive briefings and/or hearings on this issue,
20 Allstate has agreed to stipulate to Defendants’ Motion to Transfer Venue to the Central
21 District of California;

22 WHEREAS, as part of this Stipulation, Defendants have agreed to not move to
23 dismiss defendant Kia Motors Corporation on the grounds that the Central District of
24 California lacks personal jurisdiction during the course of this action;

25 WHEREAS, transfer of this matter is controlled by 28 U.S.C. § 1404, which
26 provides:

27 For the convenience of the parties and witnesses, in the interest of justice, a
28 district court may transfer any civil action to any other district or division where

1 it might have been brought or to any district or division to which all parties have
2 consented.

3 WHEREAS, as thoroughly discussed by Defendants in the Memorandum of Points
4 and Authorities in support of their Motion to Transfer Venue, this action could have been
5 brought in the Central District of California;

6 NOW, THEREFORE, in consideration of the foregoing, Allstate and Defendants
7 agree and hereby stipulate, through their respective counsel of record, to:

8 Transfer this action to the United States District Court for the Central District of
9 California and request that this action be transferred accordingly.

10 Dated: August 12, 2016

/s/ Berna L. Rhodes-Ford

11 Berna L. Rhodes-Ford (Nevada Bar Number 7879)
12 Rhodes-Ford & Associates, P.C.
13 8485 W. Sunset Road, Suite 106
14 Las Vegas, NV 89113
Telephone: (702) 684-6262
berna@rhodesford.com

15 Garret A. Leach, P.C. *pro hac vice*
16 KIRKLAND & ELLIS LLP
17 300 North LaSalle
18 Chicago, IL 60654
19 (312) 862 - 2000
gleach@kirkland.com

20 Dated: August 12, 2016

/s/ D. Lee Roberts Jr.

21 D. Lee Roberts Jr. (Nevada Bar Number 8877)
22 Timothy A. Mott (Nevada Bar Number 12828)
23 Weinberg, Wheeler, Hudgins Gunn & Dial, LLC
24 6385 South Rainbow Boulevard, Suite 400
25 Las Vegas, NV 89118
26 Telephone: (702) 938-3809
27 Facsimile: (702) 938-3864

28 Kevin J. Minnick, *pro hac vice*
Lance A. Etcheverry, *pro hac vice*
Skadden, Arps, Slate, Meagher & Flom LLP
300 S Grand Avenue
Suite 3400
Los Angeles, CA 90071-3144
213-687 5000

1
2 **ORDER**

3 Based on the stipulation of the parties, it is hereby ORDERED that Defendants'
4 motion is GRANTED and the action is ordered transferred to the United States District
5 Court for the Central District of California to be reassigned to a judge in the Central
6 District for all purposes.
7

8
9 IT IS SO ORDERED:

10 

11 _____
12 UNITED STATES DISTRICT JUDGE

13 Dated: August 15, 2016.

14 Submitted by:

15 /s/ Berna L. Rhodes-Ford

16 Berna L. Rhodes-Ford (Nevada Bar Number 7879)
17 Rhodes-Ford & Associates, P.C.
18 8485 W. Sunset Road, Suite 106
19 Las Vegas, NV 89113
20 Telephone: (702) 684-6262
21 berna@rhodesford.com

22 Garret A. Leach, P.C., *pro hac vice*
23 KIRKLAND & ELLIS LLP
24 300 North LaSalle
25 Chicago, IL 60654
26 (312) 862 - 2000
27 gleach@kirkland.com

28 *Attorneys for Plaintiff*
Allstate Insurance Company