

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

DeFranceschi & Klemm, PC,  
Plaintiff

v.

Case No. 12-cv-432-SM

Kenneth Isaacson,  
Hazel M. Isaacson, and  
Roberta Doheny, Trustee,  
Defendants


**O R D E R**

Re: (Document No. 4) Motion to Transfer Venue to the  
District of Massachusetts

**Ruling:** The "response" to defendants' notice of removal (doc. no. 3) is construed to be a motion to remand on grounds of untimely removal, which motion is denied. It is clear from the exhibits filed by plaintiff that an issue existed with respect to proper service of process on the Isaacsons, which issue was resolved by agreement - Attorney Himelfarb offered to accept service on behalf of the Isaacson defendants as of October 10, 2012, and Attorney Maher objectively manifested his agreement without condition. The case was then removed within thirty days.

The motion to transfer venue to the District of Massachusetts (doc. no. 4) is also granted for the reasons given in the supporting memorandum filed by defendants. Plaintiff is a Massachusetts professional corporation with offices in Boston; the contract for professional services giving rise to plaintiff's debt and contract breach claims was negotiated and executed in Massachusetts and substantial professional services were performed under the contract by plaintiff in Massachusetts; the case could have been filed in the District of Massachusetts and that district is certainly convenient for plaintiff, plaintiff's witnesses (the principals apparently reside in Massachusetts) and it is more convenient for the Isaacson defendants who reside in New Jersey but whose counsel is in Boston; and, there is litigation pending between many of the same parties in the

District of Massachusetts that arises out of the same core events and operative facts and which raises the same issues (contract breach, debt, and professional negligence claims), with which this case will very likely be consolidated (this removed case and the case pending in the District of Massachusetts were filed nearly contemporaneously in June and July of 2012). See Isaacson v. DeFranceschi, et al., Civ. No. 12-11374-JLT. This case is hereby transferred to the District of Massachusetts. 28 U.S.C. § 1404(a).

  
Steven J. McAuliffe  
United States District Judge

Date: January 17, 2013

cc: David Himelfarb, Esq.  
David M. Klemm, Esq.  
William L. Maher, Esq.