NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD K. CACIOPPO,	:	CIVIL ACTION NO. 08-3276 (MLC)
Plaintiff,	:	**MEMORANDUM OPINION**
v.	:	
GEOFFREY J. WINTERS, et al.,	:	
Defendants.	:	

THE PLAINTIFF, who is pro se and a New Jersey citizen, bringing this action in New Jersey state court to recover damages for breach of contract against the defendants, (1) Geoffrey J. Winters, Tia Hunt Winters, Philip Schiavoni, s/h/a Philip Schiavone, Frederick Davis, and Steven J. Curley, who are citizens of Connecticut, (2) Ultraguard Corporation, which is deemed to be a citizen of Delaware and Connecticut, (3) Joan Cresap, s/h/a Joan Prescap, who is a citizen of New York, (4) Richard DeMarle, who is a citizen of Massachusetts, (5) Douglas C. Marty, who is a citizen of Florida, and (6) John Goodman, who is a citizen of Texas (dkt. entry no. 1, Rmv. Not. & Compl.); and the defendants removing the action based upon jurisdiction under 28 U.S.C. § ("Section") 1332 (see Rmv. Not.);[1] and

[1] The action was also removable under Section 1331, as the plaintiff asserts a claim under the Racketeer Influenced & Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968. (Compl. at 36.)

THE DEFENDANTS separately moving, inter alia, to transfer venue to the United States District Court for the District of Connecticut pursuant to Section 1404 ("Separate Motions") (dkt. entry no. 9, Mot. Br. at 12-14; dkt. entry no. 10, Separate Mot. Br. at 12-14); and the Court deciding the Separate Motions without oral argument, see Fed.R.Civ.P. 78(b); and

IT APPEARING that the plaintiff has not opposed the Separate Motions, even though they have been pending for several months; and it appearing that (1) most of the defendants are Connecticut citizens, (2) most of the incidents underlying the allegations occurred in Connecticut (see Compl. at 9-17, 24, 28 (detailing meetings, communications, trips, fraudulent activities, issuance of cease-and-desist orders, and state-court litigation in Connecticut)), and (3) the plaintiff rented Connecticut property (dkt. entry no. 10, Geoffrey J. Winters Certif. at 3); and

THE COURT having broad discretion under Section 1404 to consider a transfer of venue to a district where an action might have been more properly brought, see Jumara v. State Farm Ins. Co., 55 F.3d 873, 875, 877 n.3, 883 (3d Cir. 1995); and thus the Court, in the Court's discretion, intending to (1) grant the parts of the Separate Motions seeking to transfer venue to the District of Connecticut, (2) deny without prejudice the parts of the Separate Motions seeking other relief, and (3) transfer the

action to the District of Connecticut; and for good cause appearing, the Court will issue an appropriate Order.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: March 17, 2009