

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-385-FDW-DCK**

KIMBERLY H. STODDARD,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
FIRST UNUM LIFE INSURANCE COMPANY,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the parties’ “Joint Motion To Transfer Venue And Extend Deadline To Conduct Initial Attorney Conference And File Report Of The Same” (Document No. 6) filed October 29, 2015. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, as well as good cause shown by the parties, the undersigned will grant the motion.

The parties agree that this is an action for disability benefits governed by the Employee Retirement Income Security Act (“ERISA”). (Document No. 6). Moreover, the parties assert that in civil actions governed by ERISA, venue is proper “in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found.” Id. (quoting 29 U.S.C. § 1132(e)(2)). Defendant first sought and received disability benefits under the underlying plan in Orange County, North Carolina, located in the Middle District of North Carolina. Id.

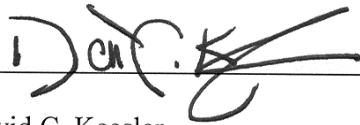
The parties contend that venue is proper in New York where the plan is administered, or in the Middle District of North Carolina. The parties jointly request that this matter be transferred to the United States District Court for the Middle District of North Carolina.

IT IS, THEREFORE, ORDERED that the parties' "Joint Motion To Transfer Venue And Extend Deadline To Conduct Initial Attorney Conference And File Report Of The Same" (Document No. 6) is **GRANTED**.

IT IS FURTHER ORDERED that this matter be immediately transferred to the United States District Court for the Middle District of North Carolina.

SO ORDERED.

Signed: October 30, 2015



David C. Keesler
United States Magistrate Judge

