

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:17-CV-262-FDW-DSC**

SPIROFLOW SYSTEMS, INC.,

Plaintiff,

vs.

LOUISIANA-PACIFIC CANADA,
LTD.,

Defendant.

MEMORANDUM AND ORDER

THIS MATTER is before the Court on Defendant’s “Motion to Change Venue” (document #6) and the parties’ briefs and exhibits.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and this Motion is now ripe for consideration.

The parties’ May 15, 2015 Equipment Purchase Agreement contains a mandatory forum selection clause providing that “[a]ny action...will be brought...in the courts located in Tennessee.”

A forum-selection clause agreed upon by the parties “represents the parties’ agreement as to the most proper forum” and “enforcement of valid forum-selection clauses, bargained for by the parties, protects their legitimate expectations and furthers vital interests of the justice system.” Atl. Marine Const. Co., Inc. v. U.S. Dist. Court for W. Dist. of Tex., 134 S.Ct. 568, 581 (2013). “[A] valid forum-selection clause [should be] given controlling weight in all but the most exceptional cases.” Id. The party opposing the forum-selection clause bears the burden of establishing that enforcement of the clause is unwarranted. Id.

Plaintiff has failed to carry the burden of showing that the forum selection clause should not be enforced by the Court.

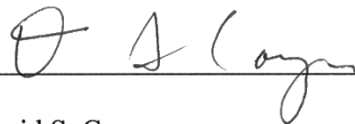
For those and the other reasons stated in Defendant's brief, the Motion to Transfer Venue will be granted.

NOW IT IS THEREFORE ORDERED that:

1. "Defendant's Motion to Transfer Venue" (document #6) is **GRANTED**.
2. The Clerk is directed to hold the file in this case until fourteen days after service of this Memorandum and Order when the parties' right of appeal to the Honorable Frank D. Whitney expires. If no party appeals this Order, then the Clerk is directed to transfer this case to the United States District Court for the Middle District of Tennessee.
3. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: July 3, 2017



David S. Cayer
United States Magistrate Judge

