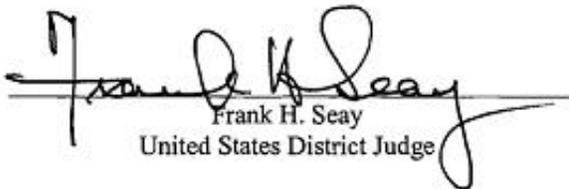


computer manufactured by defendant Hewlett-Packard Company caught fire, damaging their home. Plaintiffs seek damages for the loss of their home, personal property, living expenses, financial burden, emotional trauma and anguish resulting from the loss of their home, loss of income, attorney fees and punitive damages.

At the time of the fire, Allstate Property & Casualty Insurance Company, provided homeowners insurance to the plaintiffs. As a result of the fire, Allstate paid the plaintiffs over \$170,000.00 to repair their home, and paid for living expenses and damage to personal property. Allstate filed a subrogation suit on May 21, 2009, in Oklahoma County, Oklahoma. Allstate seeks to be reimbursed to the extent of payments made to plaintiffs, which did not include the plaintiffs' \$1,000.00 deductible or any damage sustained by plaintiffs that was not covered under the policy. That action was removed to the United States District Court for the Western District of Oklahoma on June 9, 2009.

Pursuant to 28 U.S.C. Sec. 1391, venue is proper in both the United States District Court for the Eastern District of Oklahoma and the United States District Court for the Western District of Oklahoma. The court has considered all the factors set forth in 28 U.S.C. Sec. 1404 (a) to determine if a change of venue is appropriate. All factors appear even to support venue in either court. As a result, since the lawsuit in the United States District Court for the Western District of Oklahoma was initiated first, the court finds that it is appropriate to transfer this case to the United States District Court for the Western District of Oklahoma. Since the court is granting the Motion to Transfer, it will not rule on the Motion to Dismiss filed by defendant.

IT IS SO ORDERED this 16th day of December, 2009


Frank H. Seay
United States District Judge