

1 THE HONORABLE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 GARY MOORE,

10 Plaintiff,

11 v.

12 F/V PACIFIC MARIT, INC., and/or
13 BRENDAN BATES,

14 Defendants.

No. 2:16-cv-01876-RAJ

**PROPOSED STIPULATED MOTION AND
ORDER OF TRANSFER TO THE U.S.
DISTRICT COURT FOR THE DISTRICT
OF OREGON, EUGENE DIVISION**

15 COME NOW the parties above named, through their respective counsel of record,
16 and stipulate to the entry of an Order of Transfer to the United States District Court for the
17 District of Oregon, Eugene Division, for the reason that the Western District of Washington
18 lacks personal jurisdiction and the proper venue is in the Eugene Division of the District of
19 Oregon.

20 **I. MOTION AND STIPULATION**

21 A transfer is mandated by 28 U.S.C. §1631, because there is a want of jurisdiction in
22 the Western District of Washington, the proper venue is the Eugene Division in the District
23 of Oregon, and a transfer is in the interest of justice.

**PROPOSED STIPULATION AND ORDER
OF TRANSFER - Page 1**
(Cause No. 2:16-cv-01876-RAJ)
{28162-00282438:1}

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1 None of the parties reside in Washington State. They are all domiciled in Oregon,
2 specifically in Douglas County. Defendants lack the requisite contacts with Washington
3 State for an exercise of jurisdiction. Moreover, the alleged and disputed injury allegedly
4 occurred while fishing off the coast of Coos Bay, Oregon.

5 This action should have been filed in the United States District Court for the District
6 of Oregon, Eugene Division. Under Local Rule 3-2, the Eugene Division encompasses both
7 Coos and Douglas Counties. Furthermore, the proper venue for Plaintiff's Jones Act claim is
8 where the defendant either resides, transacted substantial business, or where the action arose.

9 *E.g. Pure Oil Co. v. Suarez*, 384 U.S. 202, 204, 86 S. Ct. 1394, 1395, 16 L. Ed. 2d 474
10 (1966) (venue proper where corporate defendant "transacted a substantial amount of
11 business"). Oregon is the paradigm forum. For a corporation, "[t]he paradigmatic locations
12 where general jurisdiction is appropriate ... are its place of incorporation and its principal
13 place of business." *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1069 (9th Cir. 2015). "For an
14 individual, the paradigm forum for the exercise of general jurisdiction is the individual's
15 domicile" *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924, 131
16 S.Ct. 2846, 180 L.Ed.2d 796 (2011).

17 A transfer is in the interest of justice, because a dismissal for lack of jurisdiction
18 would time-bar Plaintiff's action. *See Complaint* (Dkt #1) (alleging injury in or about
19 December/January 2013/2014).

20 For these reasons, the parties hereby stipulate to a transfer to the United States
21 District Court for the District of Oregon, Eugene Division.

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**PROPOSED STIPULATION AND ORDER
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(Cause No. 2:16-cv-01876-RAJ)**
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1 DATED this 19th day of January, 2017.

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16 **II. ORDER**

17 IT IS ORDERED that the above-captioned lawsuit be and hereby is TRANSFERRED
18 to United States District Court for the District of Oregon, Eugene Division.

19 DATED this 23rd day of January, 2017.

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The Honorable Richard A. Jones
United States District Judge

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PROPOSED STIPULATION AND ORDER
25 OF TRANSFER - Page 3
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