

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	No. 3:12-0179
v.)	Magistrate Judge Brown
)	
DUSTIN B. BOGART, et al.,)	
)	
Defendants)	

O R D E R

This case is presently set for a case management hearing on Monday, September 24, 2012, at 3:30 p.m. (Docket Entry 27). The Plaintiff in this matter has filed a motion for consolidation and has requested consolidation of this case with the related Pennsylvania case.

The United States has previously filed a statement on consolidation at the request of the Magistrate Judge (Docket Entry 41). In the United States' submission they point out that they believe that because of real property located in Tennessee they must maintain the case here.

So long as the Court has jurisdiction venue is something that may be waived by the parties. In this case it appears that the Defendants are willing to waive venue issues because of their physical location in Pennsylvania and the need to care for an elderly relative.

A complicated issue, however, is that there is also a Defendant in this case, Southern Country Ranch, which has not made

an appearance and which there apparently is some question as to whether service of process was proper.

The United States, however, has taken no action to date to seek a default as to Southern Country Ranch.

The Magistrate Judge will change the initial case management conference from in-court to one conducted by telephone. **To participate in the conference call, parties will call 615-695-2851 at the scheduled time.**

The Bogarts should email to the Magistrate Judge's office (brownochambers@tnmd.uscourts.gov) any changes they suggest to the proposed scheduling order by **NOON, September 24, 2012**. The Magistrate Judge would certainly like to discuss with the parties whether it is possible to transfer at least the Bogart portion of this case to Pennsylvania, and also learn more about the Southern Country Ranch property and its present status, and value.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge