

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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ROBERT B. ALTROLIO
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WENCOAST RESTAURANTS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 05-2420 Ma/P
)	
MARSHALL W. CRISS and)	
THOMAS POWELL,)	
)	
Defendants.)	

ORDER DENYING PLAINTIFF'S REQUEST FOR A TEMPORARY INJUNCTION AND
TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA IN CHARLESTON, SOUTH CAROLINA

On June 8, 2005, this court heard oral arguments on plaintiff Wencoast Restaurants, Inc.'s ("Wencoast") request for a temporary injunction. This case involves, among other issues, the removal of defendant Marshall W. Criss ("Criss") from the board of directors of Wencoast. (Compl. at ¶ 17.) Criss' position as a director of Wencoast is provided for in ¶ 4 of the Wencoast Restaurants, Inc. Shareholder Agreement (the "Shareholder Agreement").

The Shareholder Agreement contains a forum selection clause which states that "any legal or equitable action or proceeding arising under or in connection with this Agreement shall be brought exclusively in any federal or state court within the County of Charleston, State of South Carolina." (Shareholder Agreement at ¶

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 6-9-05

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17.) Because this case arises in part from and is connected with the Shareholder Agreement, the forum selection clause applies. Because this court is located in Shelby County, Tennessee, not Charleston County, South Carolina, the court denies Plaintiff's request for a temporary injunction. Under 28 U.S.C. § 1404 a district court may transfer a civil case "in the interest of justice" to another "district or division." On Plaintiff's oral motion, this case is TRANSFERRED to the United States District Court for the District of South Carolina in Charleston, South Carolina.

So ordered this 8th day of June 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02420 was distributed by fax, mail, or direct printing on June 9, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT