

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KENNETH ISRAEL, ET AL.

§

v.

§

Case No. 2:16-CV-580-JRG-RSP

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LSK ENTERPRISES, INC.

§

§

MEMORANDUM ORDER

Currently before the Court is Defendant LSK Enterprises, Inc.'s Motion to Transfer Venue (Dkt. No. 4). Defendant seeks transfer of the case to either the Middle District of Alabama or the Western District of Louisiana. For the reasons that follow, the motion is DENIED.

This lawsuit arises out of a serious motor vehicle collision between a tractor-trailer owned and operated by Defendant, and an automobile occupied by Sheri and Kenneth Israel, Plaintiffs. The accident occurred on Interstate 20 near Greenwood, Louisiana, less than 5 miles from the Harrison County line. Plaintiffs reside in Harrison County, Texas, in this District. Plaintiffs were treated by first responders from the Town of Greenwood and the surrounding Caddo Parish, Louisiana. They were taken to a hospital in Shreveport, and have received extensive medical treatment in Harrison County since their release from the hospital. All of the first responders, investigating police, and medical providers are within the subpoena power of this Court. Most are located within 25 miles of the courthouse.

Defendant's motion is based primarily on the fact that its driver is no longer employed by it and lives in Alabama, well beyond the subpoena power of this Court. The only other witnesses in Alabama are said to be employees of Defendant, who might testify about Defendant's policies and practices.

This is not a close question. There are no factors that weigh in favor of transfer of this case to Alabama. While the accident did occur in Louisiana, a transfer there would not be any more convenient for the Defendant's Alabama witnesses, and would be less convenient for the Plaintiff's witnesses, all of whom are within the subpoena power of this Court.

Accordingly, the motion to transfer is DENIED.

SIGNED this 16th day of August, 2016.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE