



### **Standard of Review**

Under § 1404, a district court may “[f]or the convenience of parties and witnesses, in the interest of justice” transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a). District courts have broad discretion in determining whether or not to grant a motion to transfer under § 1404(a). *In re Volkswagen AG*, 545 F.3d 304, 311 (5th Cir. 2008). When considering such motion, the court looks to a variety of private and public interest factors, none of which are dispositive. *Id.*, at 315. The motion should be granted when “the movant demonstrates that the transferee venue is clearly more convenient.” *Id.*

### **Discussion**

Arguing this case has no connection to Austin, Defendant asserts the Midland-Odessa Division is clearly more convenient because Defendant’s headquarters (including its human resources and payroll departments), the majority of its drilling rigs and nearly all of the relevant documents, potential witnesses and putative class members are located in and around the Midland-Odessa area. Defendant also asserts the alleged acts and/or omissions of which Plaintiffs complain all occurred in and around Midland-Odessa, and that the named Plaintiffs reside either in Midland-Odessa or closer to that area than to Austin.

Plaintiffs do not dispute Defendant’s contention that trying this action in the Midland-Odessa Division would be more convenient. In fact, Plaintiffs expressly acknowledge Defendant “may be correct that most of the public and private interest factors weigh in favor of transferring this case to the Midland-Odessa Division, or at least such factors are neutral . . .” (Pls. Response, ¶ 1). The Plaintiffs oppose the transfer, however, “out of concern as to whether the case may be expeditiously resolved in that division.” *Id.*<sup>1</sup>

The Court finds, and Plaintiffs do not dispute, that the Midland-Odessa Division is clearly

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<sup>1</sup>There is currently no full-time United States District Judge assigned to the Midland-Odessa Division.

more convenient for the parties and witnesses. The only argument Plaintiffs assert against such transfer is the potential for delay. When the interest factors weigh in favor of transfer, however, the speed with which the transferee court may resolve the action does not outweigh the other considerations. *In re Genentech, Inc.*, 566 F.3d 1338, 1347 (D.C. Cir. 2009).

Accordingly, the Court finds Defendant's motion should be granted and the case transferred to the Midland-Odessa Division.

**IT IS THEREFORE ORDERED** Defendant's Motion to Transfer Venue and Supporting Brief (Clerk's Dkt. #11) is hereby **GRANTED**, and this action is hereby **TRANSFERRED** to the Midland-Odessa Division of the Western District of Texas.

**SIGNED** on July 24, 2015.



ROBERT L. PITMAN  
UNITED STATES DISTRICT JUDGE