
UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DARRELL L. DEEM, AN INDIVIDUAL AND
ON BEHALF OF HIS ROTH IRA #14459;
DAVID G. LAW, AN INDIVIDUAL AND ON
BEHALF OF HIS ROTH IRA #11396; DJ
PROPERTY SOLUTIONS, A UTAH LIMITED
LIABILITY COMPANY; DEEM REALTY
FUNDING, DEEM INVESTMENT
COMPANY, JANINE LAW,

Plaintiffs,

v.

TRACEY BARON, AN INDIVIDUAL;
MICHELLE BARON, AN INDIVIDUAL;
TURNING LEAF HOMES, AN OREGON
LIMITED LIABILITY COMPANY; RENX
GROUP, AN OREGON LIMITED LIABILITY
COMPANY; BIG BLUE CAPITAL,
TURNING LEAF ADVISORS, RENX GROUP
II, CRIMSON INVESTMENT GROUP,

Defendants.

**MEMORANDUM DECISION AND
ORDER**

2:15-CV-00755-DS

District Judge David Sam

Defendants have moved the Court pursuant to FRCP Rule 12(b)(3) and 28 U.S.C. 1404(a) and/or 1406(a) to dismiss this case for improper venue or in the alternative to transfer it to the United States District Court for Oregon. They argue that all of the defendants and a majority of the witnesses, documents and other evidence are located in Oregon. If a case is filed in an improper venue, the Court is authorized to dismiss it, or to transfer it to the correct court. However, in this case, virtually all of the contracts between the parties contain language designating Utah as the venue for litigation. 28 U.S.C. § 1404(a) specifically authorizes venue in

the “division to which all parties have consented.” Since the parties in this case have clearly selected Utah as the forum for litigation, Utah is the proper venue for this action.

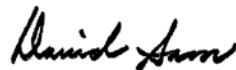
In their reply memorandum, the defendants move the Court to dismiss based on two new arguments: (1) lack of standing to sue, and (2) failure to join indispensable parties. However, as the defendants pointed out in the reply memorandum in support of their earlier motion to dismiss, DUCivR 7-1(b)(1)(A) prohibits the making of a motion in a response or reply memorandum.

The pleadings and evidence having been considered, for the above reasons and for good cause appearing,

IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss or Transfer Case is denied.

DATED this 2nd day of March, 2016.

BY THE COURT:



DAVID SAM

United States District Judge