

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY MOORE,

Plaintiff,

v.

F/V PACIFIC MARIT, INC., and/or
BRENDAN BATES,

Defendants.

No. 2:16-cv-01876-RAJ

**PROPOSED STIPULATED MOTION AND
ORDER OF TRANSFER TO THE U.S.
DISTRICT COURT FOR THE DISTRICT
OF OREGON, EUGENE DIVISION**

COME NOW the parties above named, through their respective counsel of record, and stipulate to the entry of an Order of Transfer to the United States District Court for the District of Oregon, Eugene Division, for the reason that the Western District of Washington lacks personal jurisdiction and the proper venue is in the Eugene Division of the District of Oregon.

I. MOTION AND STIPULATION

A transfer is mandated by 28 U.S.C. §1631, because there is a want of jurisdiction in the Western District of Washington, the proper venue is the Eugene Division in the District of Oregon, and a transfer is in the interest of justice.

1 None of the parties reside in Washington State. They are all domiciled in Oregon,
2 specifically in Douglas County. Defendants lack the requisite contacts with Washington
3 State for an exercise of jurisdiction. Moreover, the alleged and disputed injury allegedly
4 occurred while fishing off the coast of Coos Bay, Oregon.

5 This action should have been filed in the United States District Court for the District
6 of Oregon, Eugene Division. Under Local Rule 3-2, the Eugene Division encompasses both
7 Coos and Douglas Counties. Furthermore, the proper venue for Plaintiff's Jones Act claim is
8 where the defendant either resides, transacted substantial business, or where the action arose.
9 *E.g. Pure Oil Co. v. Suarez*, 384 U.S. 202, 204, 86 S. Ct. 1394, 1395, 16 L. Ed. 2d 474
10 (1966) (venue proper where corporate defendant "transacted a substantial amount of
11 business"). Oregon is the paradigm forum. For a corporation, "[t]he paradigmatic locations
12 where general jurisdiction is appropriate ... are its place of incorporation and its principal
13 place of business." *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1069 (9th Cir. 2015). "For an
14 individual, the paradigm forum for the exercise of general jurisdiction is the individual's
15 domicile" *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924, 131
16 S.Ct. 2846, 180 L.Ed.2d 796 (2011).

17 A transfer is in the interest of justice, because a dismissal for lack of jurisdiction
18 would time-bar Plaintiff's action. *See Complaint* (Dkt #1) (alleging injury in or about
19 December/January 2013/2014).

20 For these reasons, the parties hereby stipulate to a transfer to the United States
21 District Court for the District of Oregon, Eugene Division.

22 ///

23 ///

1 DATED this 19th day of January, 2017.

2 LE GROS BUCHANAN & PAUL

O'BRYAN BAUN KARAMANIAN

3
4 By: s/ Markus B.G. Oberg
Markus B.G. Oberg, WSBA #34914
5 LeGros, Buchanan & Paul
4025 Delridge Way SW, Suite 500
6 Seattle, WA 98106-1271
Telephone: (206) 623-4990
7 Fax: (206) 467-4828
E-mail: moberg@legros.com;
8 *Attorneys for Defendants F/V Pacific
Marit, Inc., and Brendan Bates*

By: s/ Dennis M. O'Bryan (via email
authorization 1.19.2017)
Dennis M. O'Bryan, MI Bar #P30545
Pro Hac Vice
401 S. Old Woodward, Suite 463
Birmingham, MI 48009
Telephone: 248.258.6262
Fax: 248.258.6047
E-mail: dob@obryanlaw.net
Attorneys for Plaintiff

9 DAVIS LAW GROUP, P.C.

10
11 By: s/ Christopher M. Davis (via email
authorization 1.19.2017)
Christopher M. Davis, WSBA #23234
12 2101 4th Ave. #1030
13 Seattle, WA 98121
Telephone: 206.727.4000
14 Fax: 206.727.4001
E-mail: chris@davislawgroupseattle.com
15 *Attorneys for Plaintiff*

16 **II. ORDER**

17 IT IS ORDERED that the above-captioned lawsuit be and hereby is TRANSFERRED
18 to United States District Court for the District of Oregon, Eugene Division.

19 DATED this 23rd day of January, 2017.

20
21
22 

23 The Honorable Richard A. Jones
United States District Judge