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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 MATTHEW WARD, on behalf of
7 himself individually and on behalf of
8 other similarly situated current or former
employees,

9 Plaintiff,

10 v.

11 HAT WORLD INC.,

12 Defendant.

C17-781 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

14 (1) Defendant's motion to transfer venue to the United States District Court for
15 the Southern District of Indiana, docket no. 9, is GRANTED. The Court is persuaded
16 that the factors set forth in *Decker Coal Co. v. Commonwealth Edison Co.*, 805 F.2d 834
17 (9th Cir. 1986), warrant "upsetting" plaintiff's choice of forum and transferring this
18 matter to the Southern District of Indiana. *See id.* at 843. Although plaintiff resides in
19 Washington, every other putative opt-in plaintiff identified in the pleadings is located in
20 another state closer to Indiana than to Washington. In addition, although key witnesses
21 like the district sales managers with whom plaintiff worked are on the West Coast (*i.e.*,
22 Alaska, California, Oregon, and Washington, as well as Alberta and British Columbia,
23 Canada), the same cannot be said of the district sales managers with whom other putative
opt-in plaintiffs worked, most of whom are situated in Kansas, Michigan, Ohio,
Oklahoma, or Texas. Finally, defendant's witnesses and documentary evidence are in
Indiana. Defendant has made the requisite "strong showing of inconvenience" to justify
transferring this matter to the Southern District of Indiana pursuant to 28 U.S.C.
§ 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a
district court may transfer any civil action to any other district or division where it might
have been brought . . .").

1 (2) Defendant's motion, docket no. 18, for relief from the briefing schedule
2 concerning plaintiff's motion for conditional certification of a collective action pursuant
3 to the Fair Labor Standards Act ("FLSA"), is GRANTED as follows. The Court declines
4 to rule on plaintiff's motion for conditional certification, docket no. 11, prior to transfer.
5 After the matter is transferred, plaintiff shall take the steps necessary to place the motion
6 on the court's calendar in the Southern District of Indiana. Because judicial action on the
7 motion is being delayed at defendant's request, the statute of limitations for putative opt-
8 in plaintiffs is hereby EQUITABLY TOLLED from the date the motion for conditional
9 certification of a collective action was filed, *i.e.*, June 22, 2017, and until sixty (60) days
10 after the date of this Minute Order or until a later date that is fixed by the transferee court.
11 *See Adams v. Inter-Con Sec. Sys., Inc.*, 242 F.R.D. 530, 542-43 (N.D. Cal. 2007).

12 (3) The Clerk is DIRECTED to transfer this case to the United States District
13 Court for the Southern District of Indiana, to administratively CLOSE this case, and to
14 send a copy of this Minute Order to all counsel of record.

15 Dated this 12th day of July, 2017.

16 William M. McCool
17 Clerk

18 s/Karen Dews
19 Deputy Clerk