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2
3 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 REBECCA BARRICK,

6 Plaintiff,

7 v.

8 AMERICAN AIRLINES, INC.,

9 Defendant.

CASE NO. C16-5957BHS

ORDER GRANTING
DEFENDANT'S MOTION FOR
REASSIGNMENT TO THE
SEATTLE DIVISION

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11 This matter comes before the Court on Defendant American Airlines, Inc.'s
12 ("American") motion for reassignment to the Seattle division (Dkt. 13).

13 On October 11, 2016, Plaintiff Rebecca Barrick ("Barrick") filed a complaint
14 against American in Pierce County Superior Court for the State of Washington. Dkt. 1-2.
15 Barrick asserts one count of negligence based on allegations that a flight attendant on her
16 American flight from Seattle to Philadelphia gave her dry ice instead of ice, which
17 resulted in a second-degree burn on her chest. *Id.*

18 On November 16, 2016, American removed the matter to this Court. Dkt. 1.
19 Pursuant to the local rules of procedure, the Clerk initially assigned the case to the
20 Tacoma division because the complaint was removed from Pierce County. Local Rules,
21 W.D. Wash. LCR 3(d)(1).
22

1 On December 7, 2016, American filed the instant motion requesting a transfer to
2 the Seattle division. Dkt. 13. On December 13, 2016, Barrick responded. Dkt. 14. On
3 December 28, 2016, American replied. Dkt. 15.

4 The local rules provide that assignment depends upon where defendants reside,
5 where defendants have their principal places of business, or where the claim arose. Local
6 Rules, W.D. Wash. LCR 3(d)(1).

7 In this case, the only relevant assignment criterion is where the claims arose.
8 American argues that its duty to protect Barrick arose when it accepted Barrick as a
9 passenger on its flight and she was under the care and custody of its employees. Dkt. 13
10 at 2. Barrick counters that the duty arose when she purchased the ticket from her
11 residence in Tacoma. Dkt. 14 at 2–3. The Court finds that American has presented the
12 better argument; otherwise, every time an individual purchases an airline ticket, the
13 airline would owe a duty of care relating to the personal safety of the individual. Such a
14 proposition is indefensible. Accordingly, the Court concludes that, if the events giving
15 rise to the claim arose in Washington, the events occurred in King County at Sea-Tac
16 airport. The Court **GRANTS** American’s motion and directs the Clerk to transfer this
17 case to the Seattle division.

18 **IT IS SO ORDERED.**

19 Dated this 26th day of January, 2017.

20 

21 **BENJAMIN H. SETTLE**
22 United States District Judge