1 WO 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF ARIZONA 7 8 Juan Alfaro Ortiz, et al., 9 CV 12-2576-PHX-PGR 10 Plaintiffs, **ORDER** 11 v. Rocky Mountain Mushroom LLC, et al., 12 Defendants. 13 14 Before the Court is Plaintiffs' Motion to Transfer for Convenience. (Doc. 18.) 15 Plaintiffs are farm workers from Yuma County, Arizona. Defendant is Wyoming 16 corporation with its principal place of business in Wyoming. 17 On November 30, 2012, the Plaintiffs filed a Complaint, alleging a claim under the 18 Agricultural Workers Protection Act, the Fair Labor Standards Act, Wyoming wage law, and 19 for common law breach of contract. (Doc. 1.) According to Plaintiffs, an agent of Defendant 20 placed a telephone call to Plaintiff Ortiz in Arizona, recruiting him to work for Defendant. 21 Plaintiffs then traveled to Wyoming where they allege Defendant violated the oral promises 22 made concerning the conditions of employment. 23 On February 2, 2013, Defendants moved to dismiss all claims pursuant to Rule 24 12(b)(2) and (3) of the Federal Rules of Civil Procedure, alleging lack of personal 25 jurisdiction. (Doc. 10.) Plaintiffs' filed a response in opposition, contending that specific 26 personal jurisdiction exists and asserting, among other arguments, that they "cannot afford 27 to pursue this litigation in Wyoming." (Doc. 12 at 7.) On July, 2013, the Court held oral 28 argument on the motion to dismiss.

The pending motion to transfer, filed after oral argument, indicates that "Plaintiffs have now expressed their ability to try this matter in Wyoming." (Doc. 18 at 1.) Plaintiffs also argue that transfer to Wyoming would serve "the interests of justice." (*Id.* at 2.) Accordingly, they ask the Court to transfer the matter to the District of Wyoming under 28 U.S.C. 1404(a).

Section 1404(a) provides that, "For the convenience of the 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." The Court agrees with the parties that convenience and the interests of justice dictate transfer to the District of Wyoming, where the operative facts of the case occurred.

Accordingly,

IT IS HEREBY ORDERED granting Plaintiffs' motion to transfer. (Doc. 18.) The Clerk of the Court is instructed to transfer this case to the District Court for the District of Wyoming.

IT IS FURTHER ORDERED denying as moot Defendants' motion to dismiss. (Doc. 10.)

DATED this 8^{th} day of July, 2013.

Paul G. Rosenblatt

United States District Judge