

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-00209-KLM

GREGORY FREI, individually and on behalf of all others similarly situated,

Plaintiff,

v.

VAN'S INTERNATIONAL FOODS, INC., a California Corporation,

Defendant.

STIPULATION TO TRANSFER VENUE

Plaintiff Gregory Frei ("Plaintiff") and Defendant Van's International Foods, Inc. ("Defendant"), by and through their respective undersigned counsel, hereby stipulate, agree, and jointly request that the Court issue its order as follows:

WHEREAS, Plaintiff commenced the instant action by filing a complaint on January 30, 2015, in the United States District Court for the District of Colorado;

WHEREAS, there is a similar action, entitled *Rhinerson v. Van's International Foods, Inc.*, Case No. 3:13-cv-5923-VC, which was filed on December 20, 2013 and which is pending in the Northern District of California;

WHEREAS, Plaintiff and Defendant agree that the Hon. Vince Chhabria, before whom the *Rhinerson* action is pending, has spent time on the issues raised by this action as well as the *Rhinerson* action and it would be more efficient if this action were transferred to the Northern District of California where it could be related to and potentially consolidated with the *Rhinerson* action; and

WHEREAS, counsel for Plaintiff and Defendant have conferred and agree that, irrespective of whether venue is or is not proper in this District, venue is proper in the Northern

District of California, pursuant to 28 U.S.C. § 1391(b)(2), and this matter should be transferred to the Northern District in lieu of further litigation in this District, subject to the terms of this Stipulation.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

That this matter should be transferred to the Northern District of California:

1. The parties hereby jointly request that the Court issue its order approving and implementing this stipulation upon the filing of this stipulation without further motion, hearing and/or other proceedings; and

2. That the Court's order incorporating or otherwise implementing and consistent with the terms of this stipulation shall be effective immediately upon issuance.

IT IS SO STIPULATED.

Dated: April 10, 2015

Respectfully submitted,

WOODROW & PELUSO, LLC

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Attorney for Defendant

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[PROPOSED] ORDER GRANTING STIPULATION TO TRANSFER VENUE

The Court, having considered the Parties' Stipulation to Transfer Venue, and being duly advised in the premises, it is hereby ORDERED as follows:

1. The Stipulation is ACCEPTED.
2. The Clerk is directed to transfer this case to the United States District Court, Northern District of California.
3. No further proceedings shall be had in this Court.

IT IS SO ORDERED.

Dated this ___ day of _____ 2015.

HONORABLE KRISTEN L. MIX
UNITED STATES MAGISTRATE JUDGE