

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL JASPER, et al.,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Case No. 17-CV-06284-LHK

**ORDER GRANTING STIPULATION TO
TRANSFER**

Re: Dkt. No. 37

Plaintiffs filed this action against Defendant on October 30, 2017. ECF No. 1. Plaintiffs’ counsel, who had filed several other substantially similar cases in different districts, sought to centralize the litigation in the Southern District of Florida or the Northern District of Illinois. However, on February 2, 2018, the Judicial Panel on Multidistrict Litigation (“JPML”) denied the request for centralization. ECF No. 19. The JPML observed that “[t]ransfer under Section 1404 to a single, agreed-upon district appears to be a viable option to place the cases before a single judge for all purposes.” *Id.* On March 9, 2018, the parties filed a stipulation to transfer the instant case to the Eastern District of Michigan, where a similar action is already pending. ECF No. 37.

Section 1404(a) states: “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

1 have been brought or to any district or division to which all parties have consented.” The purpose
2 of Section 1404(a) is to “prevent the waste ‘of time, energy and money’ and ‘to protect litigants,
3 witnesses, and the public against unnecessary inconvenience and expense[.]” *Van Dusen v.*
4 *Barrack*, 376 U.S. 612, 616 (1964) (quoting *Continental Grain Co. v. Barge FBL-585*, 364 U.S.
5 19, 26, 27 (1960)).

6 When determining whether a transfer is proper, a court must employ a two-step analysis.
7 A court must first consider the threshold question of whether the case could have been brought in
8 the forum to which the moving party seeks to transfer the case or whether the parties have all
9 consented to the putative transferee forum. *See Hoffman v. Blaski*, 363 U.S. 335, 344 (1960); *see*
10 *also Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 414 (9th Cir. 1985) (“In determining whether an
11 action might have been brought in a district, the court looks to whether the action initially could
12 have been commenced in that district.” (internal quotation marks and citations omitted)). Once the
13 party seeking transfer has made this showing, district courts have discretion to consider motions to
14 change venue based on an “individualized, case-by-case consideration of convenience and
15 fairness.” *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988) (quoting *Van Dusen*, 376
16 U.S. at 622). “No single factor is dispositive, and a district court has broad discretion to
17 adjudicate motions for transfer on a case-by-case basis.” *Ctr. for Biological Diversity v.*
18 *Kemphorne*, No. 08-1339, 2008 WL 4543043, at *2 (N.D. Cal. Oct. 10, 2008) (citing *Stewart*
19 *Org., Inc.*, 487 U.S. at 29; *Sparling v. Hoffman Constr. Co., Inc.*, 864 F.2d 635, 639 (9th Cir.
20 1988)).

21 At the first step of the two-part inquiry into whether transfer would be appropriate, the
22 Court must consider whether the case could have been brought in the putative transferee district or
23 whether the parties have all consented to the putative transferee district, here the Eastern District
24 of Michigan. Here, all parties have consented to transfer to the Eastern District of Michigan, so
25 the first step is satisfied. *See* ECF No. 37.

26 At the second step, the Court concludes that factors of convenience and fairness favor
27 transfer for two reasons. First, there is substantial overlap between the subject matters of the

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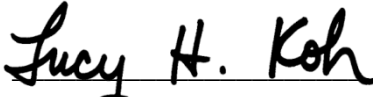
1 Eastern District of Michigan action and the instant case. The cases contain the same factual
2 allegations and assert parallel putative statewide class claims. ECF No. 37 at 1. As a result,
3 transferring the case would serve the interests of justice by avoiding inconsistent rulings and
4 duplicative proceedings.

5 Second, the parties in this case have stipulated to this case's transfer to the Eastern District
6 of Michigan, which is strong evidence that the convenience of the parties would be served by
7 transfer. The Eastern District of Michigan is Defendant's home district, and both parties will
8 benefit from litigating the various related cases in one forum before one judge instead of in five
9 different districts before five different judges.

10 Accordingly, the Court in its discretion finds that transferring the case to the Eastern
11 District of Michigan, where Defendant is based, where another case between the parties is
12 pending, and where the parties have stipulated to transfer, will be the most efficient course and
13 will serve the interest of justice. The Court GRANTS the parties' stipulation to transfer the case
14 to the Eastern District of Michigan, ECF No. 37, and DENIES AS MOOT Defendant's motion to
15 dismiss, ECF No. 28. The Clerk shall transfer the case and close the case file in this district.

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17 **IT IS SO ORDERED.**

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19 Dated: 3/9/18

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21 LUCY H. KOH
22 United States District Judge
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