

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES GUMMERSON and  
MILDRED GUMMERSON,

Plaintiffs,

MEMORANDUM AND ORDER

v.

07-C-104-S

MONACO COACH CORPORATION,

Defendant.

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Presently pending before the Court in the above entitled matter is defendant's motion to transfer venue to the United States District Court for the Middle District of Florida. The motion was filed in this Court on March 19, 2006. Twenty-five days have passed since the filing thereof. The parties attended this Court's Preliminary Pre-trial Conference by telephone on March 8, 2007 at which time the Court ordered that all motions for summary judgment and other dispositive motions shall be accompanied by memorandum of law, opposing party being given 20 days from receipt thereof to respond. Plaintiffs apparently are satisfied with the transfer of this case to the Middle District of Florida and have not responded within the time previously ordered.

Based on the arguments of defendant, it readily appears that the Middle District of Florida is a more appropriate venue than the Western District of Wisconsin. Plaintiffs could have brought the action in the Middle District of Florida. The convenience of the parties and witnesses and the interest of justice favors transfer

to the Middle District of Florida. It would appear that all witnesses are located in the Middle District of Florida rather than the State of Wisconsin and their convenience should be respected by the Court when considering the motion to transfer. As suggested by defendant, not only would Florida likely prove a more convenient forum for plaintiffs' but the Middle District of Florida would not inconvenience plaintiffs in any appreciable way. Plaintiffs reside primarily in Vero Beach, Florida making it more convenient for them to litigate there. Further, the interest of justice favors transfer to the Middle District of Florida particularly where the presence of witnesses could be compelled to attend more readily in Florida than in Wisconsin and apparently Wisconsin law may not govern plaintiffs' action.

Accordingly, without objection,

ORDER

IT IS ORDERED that defendant's motion to transfer venue is GRANTED.

IT IS FURTHER ORDERED that the above entitled matter is TRANSFERRED to the United States District Court for the Middle District of Florida.

Entered this 13th day of April, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge