

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

MICHAEL H. SIMPSON,

Plaintiff,

v.

BEAVER DAM COMMUNITY
HOSPITALS, INC.,

Defendant.

OPINION AND ORDER

13-cv-40-bbc

Plaintiff Michael Simpson brought this suit for race discrimination under Title VII of the Civil Rights Act and 42 U.S.C. § 1981. Plaintiff alleges that he applied for and was offered a position as a family practice physician with defendant Beaver Dam Community Hospitals, Inc. However, as a condition of his employment, he was required to apply for and obtain medical staff privileges at the hospital as part of his employment offer. Plaintiff contends that defendant refused to give him medical staff privileges because he is black.

Now before the court is defendant's motion to dismiss the case for improper venue. Dkt. #3. Defendant contends that venue is improper in this district because (1) the underlying actions occurred at its hospital in Beaver Dam, which is located in Dodge County in the Eastern District of Wisconsin; (2) plaintiff's application for employment and other records are maintained and administered in Dodge County; (3) plaintiff would have worked as a family physician in Dodge County; and (4) defendant's principal office is located in

Dodge County.

I am denying the motion. Defendant's motion is premised solely on Title VII's specific venue provision, which provides that

[A]n action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office.

42 U.S.C. § 2000e-5(f). Plaintiff needs to satisfy only one of these options, not all of them. Plaintiff's allegations satisfy the first option, which authorizes a plaintiff to bring a Title VII action "in *any* judicial district *in the State* in which the unlawful employment practice is alleged to have been committed." (Emphasis added). Unlike the other venue options identified in § 2000e-5(f), this first option does not limit venue to "the" judicial district in which particular events or records are found, but allows the plaintiff to sue in "any" judicial district "in the state" in which the unlawful employment practice occurred. In this case, the alleged unlawful employment practice occurred in Wisconsin. Therefore, venue is proper in both this district and the Eastern District of Wisconsin.

Additionally, plaintiff satisfies the third option, which allows him to sue in "the juridical district in which [he] would have worked but for the alleged unlawful employment practice." Plaintiff alleges that he would have worked both in the Eastern and Western Districts of Wisconsin. Although defendant argues that plaintiff's primary place of employment would be in the Eastern District, the statute does not limit venue to the

location of a plaintiff's "primary" place of employment. Thus, venue is proper in this district.

ORDER

IT IS ORDERED that defendant Beaver Dam Community Hospitals, Inc.'s motion to dismiss for improper venue, dkt. #3, is DENIED.

Entered this 21st day of May, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge