

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INTERVARSITY CHRISTIAN FELLOWSHIP USA)
and INTERVARSITY CHRISTIAN FELLOWSHIP)
WAYNE STATE UNIVERSITY CHAPTER,)
Plaintiffs,)

No. 1:18-cv-231

-v-

Honorable Paul L. Maloney

BOARD OF GOVERNORS OF WAYNE STATE)
UNIVERSITY, et al.,)
Defendants.)

ORDER GRANTING MOTION TO TRANSFER VENUE

The Wayne State Defendants ask that this lawsuit be transferred to the United States District Court for the Eastern District of Michigan for the convenience of the parties. Plaintiffs, the national and the local chapter for a Christian student organization, insist that their choice of venue be honored. The balance of factors weighs in favor of continuing this litigation in the Eastern District. Accordingly, Defendants' motion will be granted.¹

I.

A federal district court may transfer any civil action to another federal district where the lawsuit might have been brought. 28 U.S.C. § 1404(a). The statute permits transfer to any district where venue is proper, and the statute does not require that the initial forum where the suit was filed be wrong or improper. *Atlantic Marine Constr. Co., Inc. v. United States Dist. Court for the Western Dist. of Texas*, 571 U.S. 49, 59 (2013). In addition to

¹ The motion will be resolved without a hearing. See W.D. Mich. LCivR 7.2(d) and 7.3(d).

limiting the venues where an action may be transferred, the statute also limits the reasons a court may transfer a lawsuit, it must be "for the convenience of the parties and witnesses, in the interest of justice." 28 U.S.C. § 1404(a); see *Ferens v. John Deere Co.*, 494 U.S. 516, 521 (1990). "[D]istrict courts have 'broad discretion' to determine when party 'convenience' or 'the interest of justice' make a transfer appropriate." *Reese v. CNH America LLC*, 574 F.3d 315, 320 (6th Cir. 2009).

When deciding whether to transfer venue, courts should consider and balance public and private interests. See *Moses v. Business Card Express, Inc.*, 929 F.2d 1131, 1137 (6th Cir. 1991). The private interests of the parties that should be considered include:

(1) the convenience of the parties; (2) the convenience of the witnesses; (3) the relative ease of access to sources of proof; (4) the availability of process to compel attendance of unwilling witnesses; (5) the cost of obtaining willing witnesses; (6) the practical problems indicating where the case can be tried more expeditiously and inexpensively; and (7) the interests of justice, a term broad enough to cover the particular circumstances of each case, which in sum indicate that the administration of justice will be advanced by a transfer.

Steelcase, Inc. v. Smart Techs., Inc., 336 F. Supp. 2d 714, 720 (W.D. Mich. 2004) (Quist, J.) (quoting *Campbell v. Hilton Hotels Corp.*, 611 F. Supp. 155, 157 (E.D. Mich. 1985)).

Public factors for consideration include (1) the enforceability of the judgment; (2) practical considerations affecting trial management; (3) docket congestion; (4) the local interest in deciding local controversies at home; (5) the public policies of the fora; and (6) the familiarity of the trial judge with the applicable state law. *Id.* (citing *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 879 (3d Cir. 1995)). While a plaintiff's choice of venue should be afforded some weight, the factor is not dispositive. *Lewis v. ACB Business Servs., Inc.*, 135 F.3d 389, 413 (6th Cir. 1998). And, where the plaintiff does not reside in the selected venue, the weight

afforded the choice is diminished. *Means v. United States Conference of Catholic Bishops*, 836 F.3d 643, 651 (6th Cir. 2016).

A. Private Interests

The private interest factors weigh in favor of transfer to the Eastern District. All of the defendants with connections to Michigan government have been dismissed and none of the parties who remain in the lawsuit are located in the Western District. Wayne State University is located in Detroit, Michigan, which is in the Eastern District. The local chapter of InterVarsity Christian Fellowship is connected to Wayne State University. And, the national chapter of InterVarsity Christian Fellowship is an Illinois based not-for-profit corporation, with its headquarters in Wisconsin. All of the witnesses and all of the proofs will be located in the Eastern District. Although Plaintiffs selected the Western District, their choice is afforded little weight here because neither Plaintiff resides in this District. The other private interest factors do not weigh in favor of or against transfer.

B. Public Interests

The public interest factors also weigh in favor of transfer. Because the dispute is about a student organization on the Wayne State campus, the local interest favors having the controversy resolved in the Eastern District. With the exception of docket congestion, the remaining public interests do not weigh in favor of or against transfer. While the Court has resolved one motion in this lawsuit, the issue raised did not require the Court to familiarize itself with the facts and law underlying the merits of the dispute.

Docket congestion and practical concerns about trial management heavily favors transfer. One of the four authorized, active judgeships for this district has been vacant for

more than two years and no nominee is currently pending the United States Senate. As a result, the remaining three active judges' dockets have seen an approximate thirty percent increase in assigned cases. According to statistics compiled by the United States Courts, litigants filed approximately 2,300 cases in the Western District while the Eastern District received approximately 5,500.² The Eastern District, however, has fifteen judgeships and only one is currently vacant. The same statistical table indicates that, in 2018, the Western District received 580 filings per judgeship, with weighted filings at 517 per judgeship. By comparison, the Eastern District received 363 filings per judgeship, with weighted filings at 331 per judgeship. Further exacerbating the dockets, there were 111 criminal felony filings per judgeship in the Western District as compared to 65 in the Eastern District. Also relevant, but not reflected in these statistics, the Western District is assisted by one senior status judge, while the Eastern District is assisted by eight judges who have taken senior status.

To the extent Plaintiffs are concerned about delay and the use of judicial resources, those factors also weigh in favor of transfer. Based on this Court's recent experience, and inferring from the statistics already discussed, this dispute will likely be resolved more expeditiously in the Eastern District of Michigan.

II.

The relevant interests weigh in favor of transferring this lawsuit to the Eastern District of Michigan. The only interest weighing in favor of denying Defendants' motion is that Plaintiffs selected this forum. But, neither Plaintiff resides in the Western District, a fact that

² Federal Court Management Statistics – Comparison Within Circuit September 30, 2018. <https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2018/09/30-3>.

undermines most of the weight that would be afforded to their choice. At this point in the litigation, none of the parties are based in the Western District and all of the witnesses and proofs are located in the Eastern District. Based on a comparison of statistics published by the United States Courts, the public's interest would be served by transferring the lawsuit.

Accordingly, the Wayne State University Defendants' motion to transfer venue (ECF No. 34) is **GRANTED**. This lawsuit is **TRANSFERRED** to the Eastern District of Michigan. **IT IS SO ORDERED**.

Date: February 5, 2019

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge