

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DEON PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:15-cv-01692-TWP-MPB
)	
RAY SKILLMAN’S WESTSIDE IMPORTS, INC.,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFF’S MOTION FOR CHANGE OF VENUE

This matter is before the Court on *pro se*, Plaintiff Deon Phillips’ (“Mr. Phillips”) Motion for Change of Venue. Mr. Phillips asks that his race discrimination case be moved to the Northern District of Indiana in Hammond, Indiana “to whereas I would receive a fair trial on my behalf.” ([Filing No. 44](#)). 28 U.S.C. § 1404(a) provides that a district court may transfer any civil action to any other district where it might have been brought or to any district or division to which all parties have consented, for the convenience of parties and witnesses or in the interest of justice. Mr. Phillips has not alleged that the Defendant has consented and he has not established any bases which would justify transferring this matter to the Northern District of Indiana. For the reasons stated below, the motion is **denied**.

I. DISCUSSION

In the Seventh Circuit, four factors guide the exercise of discretion for change of venue, granted by § 1404(a): (1) the plaintiff’s choice of forum; (2) the convenience to the parties; (3) the convenience to witnesses; and (4) the interests of justice. *Coffey v. Van Dorn Iron Works*, 796 F.2d 217, 219-20 (7th Cir. 1986). Regarding the first three factors, the movant, Mr. Phillips, has the burden of establishing, by reference to particular circumstances, that the transferee forum (the

Northern District of Indiana) is clearly more convenient. Mr. Phillips filed this action in the Southern District of Indiana and at all times relevant to this litigation, resided within the geographical boundaries of the Southern District of Indiana. ([Filing No. 1 at 1](#)). The Defendant, Ray Skillman's Westside Imports, Inc., is a corporation which conducts business within the geographical environs of the Southern District of Indiana. *Id.* This action is an employment discrimination case and it is apparent—from a review of the parties' preliminary witness lists—that several witnesses listed are Mr. Phillips former co-workers and thus, it appears that the Southern District of Indiana is the more convenient forum for the witnesses listed by both parties. The Southern District of Indiana was Mr. Phillips' choice of forum and the record of this case shows the Southern District of Indiana is the more convenient forum for the parties and witnesses.

With respect to evaluating whether transferring this case is in the best interest of justice, the Court may consider factors such as docket speed, consolidation of related cases, maximization of judicial expertise, and protection of the forum's community interests. *Coffey* at 221. On September 23, 2016, the parties informed the Magistrate Judge that discovery had been completed, and the period for discovery is now closed. ([Filing No. 42](#)) The deadline to file any motions for summary judgment was previously set for October 28, 2016; responses were to be filed on or before November 28, 2016; and replies, if any, were to be filed on or before December 19, 2016. *Id.* The matter is proceeding in an efficient manner. Moreover, Mr. Phillips has not alleged any of the factors listed above; rather, he complains about disputes with his former attorney and concerns that he will not receive a fair trial. Importantly, Mr. Phillips is no longer represented by the former counsel and it is this Court's obligation to make certain these proceedings are fair. Mr. Phillips has not met his burden of showing that a change of venue is appropriate under the

statute and forum shopping is forbidden. Neither the convenience of the parties nor the interests of justice warrant a transfer to the Northern District of Indiana. Accordingly, Mr. Phillips' Motion to Change Venue ([Filing No. 44](#)) is **DENIED**.

SO ORDERED.

Date: 10/6/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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