

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HOME BUILDERS ASSOCIATION OF)	
NORTHERN CALIFORNIA et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-932 (RWR)
)	
UNITED STATES FISH AND WILDLIFE)	
SERVICE et al.,)	
)	
Defendants,)	
)	
CENTER FOR BIOLOGICAL DIVERSITY,)	
)	
Intervenor-Defendant.)	

MEMORANDUM ORDER

The Center for Biological Diversity, an intervenor-defendant in this action, has filed a motion under 28 U.S.C. § 1404(a) seeking transfer of this action to the United States District Court for the Northern District of California. Plaintiffs oppose the transfer, but defendants do not. Because, on balance, the relevant factors support transferring this case to the Northern District of California, the motion to transfer will be granted.

"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 have been brought." 28 U.S.C. § 1404(a). It is not disputed that the action might have been brought in the Northern District of

California, the potential transferee court. Factors properly taken into account in assessing the merits of the requested transfer include, among other things, the plaintiffs' choice of forum, the defendants' choice of forum, the convenience of the parties, the convenience of the witnesses, the ease of access to sources of proof, the transferee court's familiarity with the governing laws, and the local interest in deciding local controversies at home. See Trout Unlimited v. United States Dep't of Agriculture, 944 F. Supp. 13, 16 (D.D.C. 1996).

This case concerns the protection of the California tiger salamander -- a creature found only in California -- which is scheduled as "threatened" under the Endangered Species Act ("ESA") and has distinct subpopulations listed as "endangered." Two prior cases involving the listing of this animal under the ESA have been litigated before United States District Judge William H. Alsup in the Northern District of California, with results that plaintiffs now challenge in this action. One of the prior cases involved an administrative record of more than 30,000 pages and 140 pages of briefing. The plaintiffs, the intervenor-defendant, the bulk of the evidence, and the scientific experts on the animal are all located in California. While a plaintiff's choice of forum is generally accorded significant weight, it does not merit such weight where, as here, the plaintiff has little or no connection with the forum it selected, but does have ties with

the transferee forum. See Trout Unlimited, 944 F. Supp. at 16 (citing cases). On balance, the familiarity of the transferee court with the issues involved in this case, the distinctly local nature of the controversy, the convenience of the parties and witnesses and the accessibility of the evidence favor the transfer of this action to the Northern District of California. Accordingly, it is hereby

ORDERED that defendants' motion to transfer venue to the United States District Court for the Northern District of California be, and hereby is, GRANTED. The Clerk of the Court is directed to transfer this case accordingly.

SIGNED this 16th day of November, 2006.

/s/
RICHARD W. ROBERTS
United States District Judge