

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/6/2023

RDK NY INC.,

Plaintiff,

v.

BRITISH BROADCASTING
CORPORATION d/b/a BBC,

Defendant.

Case No. 1:23-cv-06851-LAK-BCM

JOINT MOTION TO TRANSFER VENUE

Plaintiff RDK NY Inc. (“Plaintiff”) and Defendant British Broadcasting Corporation d/b/a BBC (“Defendant” and, together with Plaintiff, the “Parties”) jointly move to transfer this action to the United States District Court for the District of Columbia. In support of this motion, the Parties jointly state as follows:

WHEREAS, Plaintiff RDK NY Inc. (“Plaintiff”) commenced this action against BBC Studios Americas, Inc. on August 4, 2023 and filed an Amended Complaint against Defendant on October 3, 2023;

WHEREAS, Plaintiff requested on October 4, 2023 that Defendant waive service of the Amended Complaint and Defendant agreed to do so;

WHEREAS, Defendant’s current deadline to respond to the Complaint is December 4, 2023 pursuant to Federal Rule of Civil Procedure 4(d)(3);

WHEREAS, Defendant represents that venue is neither proper nor convenient in this district and that this district is without personal jurisdiction over Defendant;

WHEREAS, Defendant will not contest personal jurisdiction over it in the District of Columbia;

WHEREAS, the Magistrate Judge noted on October 3, 2023 that “[o]nce the Amended Complaint is served on BBC (or service is waived), it may request a change of venue” [ECF 16];

WHEREAS, the Parties consent to the transfer of this action to the United States District Court for the District of Columbia; and

WHEREAS, the Parties stipulate that transfer of this matter to the United States District Court for the District of Columbia is in the interest of justice, including because that court is more convenient for the parties and witnesses than the present venue, and because transfer will avoid prolonged and costly litigation regarding whether this Court is a proper venue and whether Defendant is subject to personal jurisdiction in this Court.

Accordingly, the Parties jointly request that the Court transfer this action to the United States District Court for the District of Columbia pursuant to 28 U.S.C. § 1404(a) and the Parties’ joint agreement and consent.

Dated: October 5, 2023

Respectfully submitted,

/s/James H. Freeman

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Counsel for Plaintiff

Dated: October 5, 2023

Respectfully submitted,

/s/Saul Cohen

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Counsel for Defendant

SO ORDERED this

6 day of October, 2023



Barbara Moses
United States Magistrate Judge

The Clerk of Court is respectfully directed to close the motion at Dkt. 21 and TRANSFER this action to the United States District Court for the District of Columbia.