

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

R.B., ON BEHALF OF HIMSELF
AND OTHERS SIMILARLY
SITUATED, ET AL.

CIVIL ACTION

VERSUS

NO: 12-1502

MARY LIVERS, IN HER OFFICIAL
CAPACITY AS THE DEUPTY
SECRETARY OF THE LOUISIANA
OFFICE OF JUVENILE JUSTICE,
ET AL.

SECTION: "J"(2)

ORDER

Before the Court are the Defendants' Motion for Change of Venue or, Alternatively, for Dismissal of the Case (Rec. Doc. 23), the Plaintiffs' Opposition (**Rec. Doc. 25**), and the Defendants' Reply (**Rec. Doc. 31**). After considering the motion, the parties' memoranda, the record, and the applicable law,

IT IS HEREBY ORDERED, for reasons discussed more fully below, that Defendants' Motion for Change of Venue is **GRANTED**.

The Federal Rules of Civil Procedure permit the Court to transfer a civil action to any other district where it might have been brought in the interests of justice and for the convenience of

parties and witnesses. 28 U.S.C. § 1404(a). The venue rules provide that a civil action may be brought in, *inter alia*, "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred [...]" 28 U.S.C. § 1391(b)(2).

The Court finds that the Plaintiffs in the instant case are primarily challenging the policies of the Office of Juvenile Justice ("OJJ"), a sub-office of the Department of Public Safety and Corrections, which is located in Baton Rouge, and the policy decisions of the Department Directors, who reside in Baton Rouge. Thus, most of the events or omissions giving rise to the Plaintiffs' claims occurred within the Middle District in Baton Rouge. Because the Plaintiffs are challenging department-wide policies, most of the records that they request during discovery, as well as all of the witnesses involved in the department-wide policy-making, will be located in Baton Rouge where the OJJ is located. In addition, as the putative class members are spread across the state of Louisiana, there is no overriding connection to this district. Consequently, the Court finds that a transfer to the Middle District of Louisiana would be in the interests of justice and for the convenience of the parties and witnesses.

Moreover, the subject matter of the instant action comprises a material part of the subject matter of Williams v. McKeithen, 121 F. Supp. 2d 943 (M.D. La. 2000), a case that was previously adjudicated in the United States District Court for the Middle

District of Louisiana. Both actions involve allegations that Defendants systematically deprived juveniles in state custody of access to the courts and counsel in violation of their constitutional rights. The Court finds that transferring the instant action to the Middle District of Louisiana will promote judicial economy, conserve judicial resources, and obviate any potential for conflicting rulings.

Accordingly,

IT IS ORDERED that the Defendants' Motion for Change of Venue (Rec. Doc. 23) is **GRANTED**.

IT IS FURTHER ORDERED that the above-captioned matter is hereby **TRANSFERRED** to the United States District Court for the Middle District of Louisiana.

New Orleans, Louisiana, this 30th day of October, 2012.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE