

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHALIL HAMMOND, et al.,	:	Honorable Timothy J. Savage
	:	
Plaintiffs	:	
	:	
v.	:	No. 24-0922
	:	
THE PENNSYLVANIA DEPARTMENT	:	
OF CORRECTIONS, et al.,	:	
	:	
Defendants	:	Filed Via Electronic Case Filing

DEFENDANTS' MOTION TO TRANSFER PURSUANT
TO LOCAL RULE 40.1(c)(2) AND 28 U.S.C. § 1404(a)

The Defendants, through counsel, Kelly J. Hoke and Joseph Fulginiti, Assistant Counsel to the Department of Corrections, hereby respectfully move this Honorable Court to transfer this action currently pending in the Eastern District of Pennsylvania to the Middle District of Pennsylvania pursuant to Local Rule 40.1(c)(2) and 28 U.S.C. § 1404(a) for the reasons stated herein, and aver as follows:

1. Plaintiffs initiated this prospective class action with the filing of a complaint on March 4, 2024; the pleading was later amended on May 29, 2024. *See Documents Nos. 1, 29.*
2. By their various claims for relief, Plaintiffs endeavor to stop the Pennsylvania Department of Corrections “from placing individuals with mental illness or psychiatric disabilities in solitary confinement.” *Id.*, at ¶ 1.

3. The causes of action asserted include violations of the Eighth Amendment, the Americans with Disabilities Act, and the Rehabilitation Act. *Id.*, at ¶¶ 396-417.
4. Plaintiffs — Khalil Hammond, David Thompson, Antoine Walker, Muwsa Green, Tyrone Leonard and Malika Henderson — are individuals currently incarcerated at various institutions within the Pennsylvania Department of Corrections and have been identified as representatives of the prospective class.
5. Defendants are the Pennsylvania Department of Corrections, Secretary of Corrections Laurel Harry, former-Acting Secretary of Corrections George Little, Executive Deputy Secretary Michael Wenerowicz, Deputy Secretary for Reentry Lucas Malishchak, and Director of Psychology Brian Schneider.
6. On May 31, 2024, current lead counsel entered their appearance on behalf of the Defendants; shortly thereafter, counsel withdrew a previously filed motion and sought an extension of time by which to respond to the amended complaint. *See Documents Nos. 33, 35, 36, 37.*
7. Transfer of this matter to the Middle District of Pennsylvania is proper for several reasons as outlined in the simultaneously filed brief, and as weighed against the factors established by *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 879 (3d Cir. 1995).
8. This motion is not made for a dilatory purpose or any other improper reason.

WHEREFORE, the Defendants respectfully request that the Court grant their motion to transfer venue to the Middle District.

Respectfully submitted,
Office of General Counsel

A handwritten signature in blue ink, appearing to read 'Joseph Fulginiti', with a stylized, overlapping loop structure.

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Date: July 16, 2024

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed with the Court's ECF system and therefore simultaneously made available to all counsel of record.



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