

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

FIDELITY NATIONAL INFORMATION	:	
SOLUTIONS, INC., MARKET	:	
INTELLIGENCE, INC., and	:	CIVIL ACTION NO. 02-CV-6928
PENNSYLVANIA BANKERS	:	
ASSOCIATION,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
GEORGE D. SINCLAIR, et al.,	:	
Defendants.	:	

**MEMORANDUM**

BUCKWALTER, J.

January 8, 2003

Presently before this Court are Defendants' Motion to Dismiss or Transfer Plaintiffs' Amended Complaint and Plaintiffs' Memorandum in Opposition thereto. For the reasons set forth below, Defendants' Motion is DENIED.

**DISCUSSION**

Defendants are enforcing the Financial Institution Reform, Recovery and Enforcement Act of 1989 ("Act") against Plaintiffs. The Act provides for a comprehensive regulatory scheme governing the use of appraisals in defined mortgage lending transactions. Plaintiffs conduct valuations of properties in the Eastern District, many of which do not conform with the Act. Accordingly, Plaintiffs are alleging that Defendants' enforcement of the Act is unlawful.

Defendants have moved to dismiss this action or to transfer it to the Middle District of Pennsylvania, because the Eastern District is not a proper venue or, alternatively, because the Middle District is a more convenient venue. Defendants' Motion is denied because the Eastern District is both a proper and convenient forum in which to litigate this action.

Under 28 U.S.C. § 1391(b), venue can lie in more than one district.<sup>1</sup> See Cottman Transmission Sys., Inc. v. Martino, 36 F.3d 291, 294 (3d Cir. 1994). Here, venue is appropriate in multiple districts. It is appropriate in the Middle District, because that is where Defendants reside.<sup>2</sup> However, venue is also appropriate in the Eastern District, because substantial events giving rise to this claim occurred in the Eastern District and a substantial part of the property that is the subject of this action is located in the Eastern District. See Id. As stated above, Plaintiffs conduct several valuations of property in the Eastern District which do not conform with the Act. If the Court finds that Defendants may enforce the Act, Plaintiffs could no longer perform these valuations in the Eastern District. Although the Act was adopted in Harrisburg, it is enforced in this District. Accordingly, there is a substantial connection with the Eastern District such that venue is proper here.

Furthermore, Defendants are not sufficiently inconvenienced by litigating in the Eastern District so as to warrant a transfer of venue. Defendants are represented by the Office of

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1. Pursuant to 28 U.S.C. § 1391(b), venue can lie (1) where all the defendants reside; (2) where a substantial part of the events giving rise to the claim occurred or a substantial part of the property that is the subject of the action is situated; or (3) where any defendant may be found, if venue cannot lie in any other district.

2. For venue purposes, the residence of a state official is located at the state capitol, even if the state official maintains branch offices in other parts of the state. Germain v. Pennsylvania Liquor Control Bd., No. 98-5437, 1999 U.S. Dist. LEXIS 276, at \*6 (E.D. Pa. Jan. 15, 1999). The Defendants in this case are state officials working for the Pennsylvania State Board of Certified Real Estate Appraisers, and they are being sued in their official capacity. Therefore, for venue purposes, their residence is in Harrisburg, which is located in the Middle District. See Perkins v. Snider, No. 94-4785, 1994 U.S. Dist. LEXIS 13709, at \*3-4 (E.D. Pa. Sept. 2, 1994).

the Attorney General which maintains an office in Philadelphia. In fact, Chief Deputy Attorney General John O.J. Shellenberger, the attorney working on this case, works in the Philadelphia office.

Most importantly, Plaintiffs have selected the Eastern District as the forum in which they wish to litigate this action. A plaintiff's choice of forum is to be afforded great weight and should be given "paramount consideration" in a decision regarding change of venue. Shutte v. Armco Steel Corp., 431 F.2d 22, 25 (3d Cir. 1970). The inconvenience Defendants allege they will suffer by having to litigate this action in the Eastern District is not sufficient to outweigh Plaintiffs' choice of forum. Accordingly, Plaintiffs' choice of forum will not be disturbed.

An appropriate Order follows.

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PENNSYLVANIA BANKERS	:	
ASSOCIATION,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
GEORGE D. SINCLAIR, et al.,	:	
Defendants	:	

**ORDER**

AND NOW, this 8<sup>th</sup> day of January, 2003, upon consideration of Defendant Members of the Pennsylvania State Board of Certified Real Estate Appraisers' Motion to Dismiss or Transfer Plaintiffs' Amended Complaint and Plaintiffs Fidelity National Information Solutions, Inc.'s, Market Intelligence, Inc.'s, and the Pennsylvania Bankers Association's Memorandum in Opposition thereto, it is hereby **ORDERED** that Defendants' Motion is **DENIED**.

BY THE COURT:

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RONALD L. BUCKWALTER, J.