

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

STAMFORD HOLDING COMPANY,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 02-269
	:	
MAUREEN CLARK, CHRISTOPHER	:	
PLUMMER, NEW ENGLAND EQUITY,	:	
INC., CHARLES J. IRVING, ESQ.,	:	
RAMONA E. DeSALVO, ESQ. and	:	
MERRILL LYNCH, PIERCE, FENNER &	:	
SMITH, INC.,	:	
	:	
Defendants.	:	

MEMORANDUM

ROBERT F. KELLY, Sr. J.

APRIL 15, 2005

Presently pending before this Court is Plaintiff's, Stamford Holding Company ("Stamford"), Motion to Restore the Case against Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") to this Court. For the following reasons, Stamford's Motion is denied.

I. BACKGROUND

Plaintiff originally filed its Complaint in this Court on January 17, 2002. On May 23, 2002, I transferred this case to the United States District Court for the District of Connecticut pursuant to 28 U.S.C. § 1404(a) after analyzing the relevant factors set forth in Jumara v. State Farm Ins. Co., 55 F.3d 873 (3d Cir. 1995). See Stamford Holding Co. v. Clark, No. 02-269, 2002 WL 1040474 (E.D. Pa. May 23, 2002). Subsequent to the transfer, the District of Connecticut compelled arbitration and stayed the litigation. See Stamford Holding Co. v. Clark,

No. 02-1236, 2003 WL 1597206 (D. Conn. March 25, 2003). A proceeding before the National Association of Securities Dealers, Inc. (“NASD”) is ongoing between Stamford and Merrill Lynch.

In its Brief, Stamford states that Merrill Lynch is the only Defendant involved in the NASD proceedings and that the remaining Defendants were required to be assigned to the American Arbitration Association (“AAA”). As such, Stamford argues that due to the absence of the remaining Defendants in the proceeding in front of the NASD, “jurisdiction reverted back to the United States District Court for the Eastern District of Pennsylvania so divesting the NASD panel of any and all jurisdiction over Merrill Lynch.”

II. DISCUSSION

Stamford is asking this Court to retransfer its action against Merrill Lynch back to this Court. However, this Court clearly lacks jurisdiction to even consider the instant Motion.

As the courts have noted:

It is black letter law that, “[w]hen a motion for transfer under 28 U.S.C.A. § 1404(a) has been granted, and the papers lodged with the clerk of the transferee court, the transferor court – and the appellate court that has jurisdiction over it – lose all jurisdiction over the case and may not proceed further with regard to it.”

Bobian v. CSA Czech Airlines, 222 F. Supp. 2d 598, 601 n.1 (D.N.J. 2002)(quoting 15 CHARLES ALAN WRIGHT, ET AL., FEDERAL PRACTICE & PROCEDURE § 3846 (footnote omitted)); see Jones v. Infocure Corp., 310 F.3d 529, 533 (7th Cir. 2002) (“Generally speaking, a district court relinquishes all jurisdiction over a case when it is transferred to another district court.”). In this case, this Court is the transferor court as I transferred this action to the District of Connecticut in May of 2002. Thus, I plainly lack the jurisdiction necessary to consider Stamford’s Motion to

retransfer the action against Merrill Lynch.¹

III. CONCLUSION

I conclude that this Court lacks the jurisdiction necessary to consider Stamford's Motion to retransfer its action against Merrill Lynch. Thus, Plaintiff's Motion to Restore the case against Merrill Lynch in this District must be denied.

An appropriate Order follows.

¹ In support of its Motion, Plaintiff cites to Russell v. IU Int'l Corp., 685 F. Supp. 172 (N.D. Ill. 1988). However, I find Russell to be completely distinguishable. In Russell, it was the transferee court that granted plaintiff's motion to retransfer based upon a change in circumstances in the case, rather than the transferor court deciding the motion. Id. at 175-76.

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MERRILL LYNCH, PIERCE, FENNER &	:	
SMITH, INC.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this 15th day of April, 2005, upon consideration of Plaintiff's Motion to Restore the Case against Merrill Lynch in this District (Doc. No. 44) and the Response thereto, it is hereby **ORDERED** that the Motion is **DENIED** as this Court lacks jurisdiction to consider the instant Motion.

BY THE COURT:

/s/ Robert F. Kelly
Robert F. Kelly Sr. J.