

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

ANTHONY J. ALLEGRINO II : CIVIL ACTION  
: :  
V. : :  
: :  
FIDELITY INVESTMENTS, INC., *et al.* : NO. 09-2573

**MEMORANDUM**

FULLAM, Sr. J.

September 9, 2009

The defendants have moved to dismiss this ERISA action for improper venue or to transfer it to Texas. The plaintiff, a New York resident, has sued various entities and one individual, alleging that he has been denied pension benefits payable after the death of his brother, who worked in Texas.

If the Fidelity entities are properly named, then venue likely lies in this District pursuant to ERISA's specific venue statute. See 29 U.S.C. § 1132(e)(2) ("Where an action under this subchapter is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.").

Assuming that the case was properly filed in this District, the litigation nevertheless belongs in Texas, where the plaintiff's brother worked, where the plan was administered, and where, it appears, all relevant documents and witnesses may be

found. See Jumara v. State Farm Ins. Co., 55 F.3d 873, 879 (3d Cir. 1995). The plaintiff has not identified any Pennsylvania connection to the dispute.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam  
Fullam, Sr. J.

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**ORDER**

AND NOW, this 9th day of September 2009, upon consideration of The Texas Children's Hospital Defendants' Motion to Transfer Venue and for Partial Dismissal (Document No. 6); The Fidelity Defendants' Motion to Transfer Venue and to Dismiss (Document No. 9); and Melissa A. Lockwood's Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue, or Alternatively, Motion to Transfer Case to Proper Venue (Document No. 11), and the responses thereto, IT IS hereby ORDERED:

That the motions to transfer are GRANTED. The Clerk is directed to transfer the action, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the Southern District of Texas.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.