

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

JANICE A. JENSEN : CIVIL ACTION
: :
v. : :
: :
TRANS UNION, LLC, et al. : No. 06-00979-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

July 20, 2006

The defendant American Express Company has filed a motion to dismiss this action for improper venue, or, alternatively, to transfer the case to the District of Colorado. Movant contends that the pertinent events occurred in Colorado, and that this District has no connection to the litigation except for the location of the offices of plaintiff's attorneys.

To the extent that the movant seeks dismissal of the action for improper venue, the motion must be denied. Plaintiff's complaint alleges that American Express regularly conducts business in this District - an assertion which is not challenged in the pending motion. It would seem, therefore, that American Express is subject to *in personam* jurisdiction here, hence venue is proper under 28 U.S.C. § 1391(c).

To the extent that American Express seeks to have the case transferred, for the convenience of the parties and their witnesses, 28 U.S.C. § 1404(a), the motion cannot be decided at this time. American Express is only one of several defendants, whose convenience must also be taken into account. The pending

motion has not been served on any of the other defendants, and their respective views as to the proper location of the eventual trial are unknown.

The main office of American Express is located in New York City. Plaintiff resides in Colorado. She contends that, as a result of identify theft, all of the defendants, at various times, provided false and damaging credit information about her, and that the defendants failed to correct their records after they became aware of the identity theft. The motion now before the court seems to be based on the assumption that the pertinent events are those involved in the identity theft (which apparently occurred in Colorado), whereas plaintiff's complaint focuses upon the alleged misconduct of the defendants in reacting to the identity theft - events which presumably occurred at the various locations where defendants conducted their credit-reporting activities. The pending motion does not identify any witnesses whose convenience would be served by a transfer to Colorado, or anywhere else.

For the foregoing reasons, the defendant's motion to dismiss will be denied, and the defendant's motion to transfer will be denied without prejudice to renewal upon a proper showing, including a showing that service has been made upon the other defendants.

An Order follows.

