

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DONALD K. BORTZFIELD,  
Plaintiff,

vs.

Case No. 04-1317-JTM

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,  
Defendant.

MEMORANDUM AND ORDER

This is an action seeking to recover underinsured motorist benefits. The matter is before the court on the defendant's Motion to Transfer (Dkt. No. 4), which seeks to transfer the case pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the District of Colorado, on the grounds that the accident occurred in Colorado, plaintiff was then employed there, he was treated there, the plaintiff's doctors and employer are likely witnesses in the action, the policy was issued there, and the law of that state will control. Defendant's motion was filed on November 4, 2004; plaintiff has not responded. Defendant's motion will be granted both for good cause shown and as an unopposed matter pursuant to D.Kan. Rule 7.4.

IT IS SO ORDERED this 3d day of February, 2005.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE