

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHRISTOPHER D. PETSINGER,

Plaintiff,

V.

No. 10-2428-SAC

GENEVA WHEELER,

Defendant.

MEMORANDUM AND ORDER

This case is ready to set for trial. The Court has previously ruled on the summary judgment motion, and has received no notice that the case has settled.

When this case was filed in Kansas City, plaintiff designated the place of trial as Kansas City, Kansas. (Dk. 3). As stated in D.Kan. Rule 40.2: "Unless the court orders otherwise, the plaintiff's request governs where the case is filed, docketed, and maintained." Nonetheless, the pretrial order states:

Trial will be in Topeka, Kansas, or such other place in the District of Kansas as may be designated by Judge Crow.

Dk. 33, p. 17.

This case was initially assigned to this Court, rather than to a Kansas City judge, because of the new district-wide draw of civil cases which began

in March of 2010. That change of procedure was not intended to effect any change in a party's choice of location for trial. This Court has no desire to override the parties' choice of location for trial, or to impose upon them the burden of a trial in a forum which has no connection to the parties or the witnesses.

The Court has the discretion to conduct trials in the most appropriate venue, and, as a senior judge, has significant flexibility in the types of cases it handles and the matters it tries. Under the district-wide draw policy, if a senior judge is assigned a case away from his duty station and he decides he does not wish to travel, another judge will try the case.

In deciding the most appropriate place in the District for a trial, the court considers the same factors relevant for inter-District transfers under 28 U.S.C. §1404(a). Southern Star Central Gas Pipeline v. Greul, No. 08-2115-KHV, 2008 WL 5264130 (D.Kan. Dec. 17, 2008). Because the underlying event occurred near Kansas City, Kansas, and all witnesses known to the Court reside near there, and all counsel are located there, no reason is known to the Court why this case should not be tried in Kansas City, Kansas.

Accordingly, in the interest of justice, the court hereby designates that trial in this case will be held Kansas City, Kansas. This case will be reassigned to an active district court judge for trial in Kansas City, Kansas. The parties may submit to this court any objections to reassignment within

ten days of the date of this order, and if none is received, the reassignment will occur promptly.

IT IS SO ORDERED.

Dated this 3rd day of August, 2011.

s/ Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge