

**IN THE UNITED STATES DISTRICT COURT
FOR THE MOCK TRIAL DISTRICT OF CONFERENCE ROOM 57C**

WHINEY SUBCONTRACTOR, INC.
Plaintiff,

v. **Civil Action No. 429:34 -XX- 969-Y-2237-XJ12~9A.3(12)[b]**

UPSTANDING AMERICAN BUSINESS CORP.
Defendant.

Defendant's Motion to Transfer Venue

Upstanding American Business Corp. (“UABC”) respectfully moves this court to transfer this cause from the Mock Trial District of Conference Room 57C to Conference Room 60A, pursuant to 28 U.S.C. § 1404(a). The Court should order a transfer because Whiney Subcontractor, Inc. (“WSI”) could have brought this action in Conference Room 60A, and because transfer will enhance the convenience of the parties and witnesses, improve accessibility for the jury, and further the interests of justice for the reasons outlined below.

A. *This Case Could Have Been Brought on the 60th Floor*

This case could originally have been brought on the 60th floor. Though we will not burden the court with relevant case law here, it is clear that the defendant is subject to personal jurisdiction on the 60th floor. Additionally, venue is proper because many of the events out of which this controversy arose occurred within the jurisdiction of the 60th floor.¹ See 28 U.S.C. § 1391(a). Indeed, a closer examination of the facts of the case will no doubt reveal that

¹ Oddly enough, the jurisdiction of the 60th floor’s Conference Room A extends well beyond Dallas into most of Texas, as well as several of the mid-Atlantic states.

not only *could* the case have been filed on the 60th floor, but that it *should* have been filed on the 60th floor.²

B. Convenience of the Witnesses.

A quick glance over the list of witnesses shows that, of the four witnesses scheduled to testify (all of whom are attorneys), one resides on the 59th floor, one on the 61st floor, and two on the 60th floor itself. Though it should be obvious that such a configuration would result in the choice of the 60th floor as an optimal venue, an analysis of the available numerical data ought to convince the court beyond all doubt.

Assuming a stair-step count of twenty-one per floor (counting landings), a 60th-floor trial would result in a combined traveled vertical distance of 84 stair steps (round-trip) by the four witnesses. In contrast, a 57th-floor trial would generate a total, combined, round-trip, stair-step count of 504—a full 500% increase over the 60th-floor trial.

The court should also note that the above numbers take into account vertical staircase travel only. Due to the particular office locations of the witnesses in question, when combined horizontal office-to-courtroom distances are factored in, a 60th-floor trial saves approximately 1000 total witness steps, or approximately 3300 feet of round-trip witness travel. Assuming an average land speed of 4.2 mph for Dallas-based litigators (and 4.1 for transactional attorneys), this translates into a savings of roughly 8.982035928 minutes of attorney travel time, or, rounding up to the nearest tenth of an hour, .2 billable hours. And, though exact billing rates are not currently available to defense counsel, the court can clearly see that, based on estimated

² Had plaintiff's counsel been more concerned with the court's needs and less distracted by wine tastings and/or Texas Hold 'Em Night at a well-known Dallas gentlemen's club, they might have noticed this.

billing rates for attorneys of this unfathomably high caliber, the loss in total billing would be somewhere in the neighborhood of a bajillionty dollars. This clearly weighs in favor of transfer.

C. *Convenience of the Attorneys.*

Since the four attorneys in this case have somehow been assigned to offices on four different floors, their placement does not aid in this analysis. However, it is worth noting that the junior counsel for the defense has a bit of a back problem, and choosing a court located just a few doors down from his 60th-floor office would allow him more ready access to his stockpile of Aleve and his extensive supply of orthopedicly³-corrective, ergonomic butt donuts.⁴

D. *Calendar Congestion.*

The docket of Conference Room 60A is not nearly as congested as that of Conference Room 57C. According to statistics maintained by defense counsel, Conference Room 57C is home to frequent clerk lunches, firm-wide coffees, and informal lectures that both complicate the coordination of furniture transfers in and out of the room, and leave behind a lingering aroma of hastily catered finger-food trays. Conference Room 60A, on the other hand, is used infrequently enough that a summer clerk, if so inclined, could, in theory, nap there undetected for several hours last Tuesday afternoon between 1:12 PM and 4:37 PM, for example. Thus, this factor favors transfer.

³ Shut up. "Orthopedicly" is so a word.

⁴ Also, eye-witness testimony can confirm that he gets winded simply walking to the restroom, and that the above-mentioned staircase travel would no doubt put him at risk of heart failure and further spinal difficulty, as well as put him in serious danger of burning many of the roughly three thousand, hard-earned calories he consumed at lunch today. See Michael L. Laussade, Note, *What I Ate When the Managing Partner Took Me To Lunch*, 84 TEXAS L. REV. 354, 367 (2005) (arguing that the author would not have ordered the peach cobbler had he not been threatened with physical violence by the managing partner, but that it was, consumption under duress aside, pretty fantastic).

E. Ease of Access to Vending Machines.

Though other floors house vending machines, empirical studies show that the quality of fare available in the 60th floor's break room is significantly higher than that of other break rooms. In particular, the consistent availability of Cheddar and Sour Cream Ruffles on the 60th floor leans heavily in favor of transfer.⁵

F. Other Factors.

Surely it has not escaped the court's notice that, unlike the carpeted dungeon that is Conference Room 57C, Conference Room 57A has, not one, but *two* windows looking out on the downtown Dallas area. Likewise, we suspect that it has not escaped the court's notice that the facts of this particular case are about as exciting as a date with grandma.⁶ Thus, it is our belief that holding the trial in a court with windows and sunlight might at least delay the jury's falling asleep during direct examination of the witness voted "Most Mind-Numbingly Boring Witness 2005" by *Mock Trial Lawyer Today*. Or, failing that, the ready access to a sixty-story fall will at least allow jurors a relatively painless alternative to sitting through what promises to be an excruciating fifteen minutes of plaintiff's counsel's closing arguments.⁷

G. Conclusion.

With the exception of the plaintiff's choice of forum, which does not warrant deference in this case, all of the section 1404(a)(ish) factors outlined above favor transfer to Conference Room 60A. Accordingly, the Court should transfer this case to Conference Room 60A.

Respectfully submitted,

Counsel for the Defense

⁵ Has the court tried these things? They are, to use a technical term, "effing incredible."

⁶ That is unless, of course, your grandma is particularly hot. For example, if your grandma were Catherine Zeta Jones, this simile would not apply to you. Angelina Jolie is also not bad.

⁷ She said that she plans on bringing in a PowerPoint presentation and a ukulele. I swear to God.

