

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

A.L., et al.,)	CASE NO. 2:14-cv-03327-R
)	
Plaintiffs,)	
)	ORDER GRANTING MOTION TO
v.)	TRANSFER VENUE
)	
WALT DISNEY PARKS AND)	
RESORTS U.S., INC.,)	
)	
Defendant.)	
)	
)	

Before the Court is Defendant Walt Disney Parks and Resorts U.S., Inc.’s (“Disney”) Motion to Transfer Venue. Finding the matter suitable for decision on the papers, the Court took it under submission on September 8, 2014.

This case challenges the steps Disney has taken to accommodate persons with autism and other cognitive disabilities at the Walt Disney World Resort in Florida and the Disneyland Resort in California. These steps are referred to generally as the Disability Access Service or “DAS.”

Plaintiffs are 26 persons who allegedly experienced inadequate accommodations during visits to Disneyland or Disney World. Of these twenty-six Plaintiffs, twenty-four are not residents of California and nearly half of them reside in Florida. In addition, all but two of the Plaintiffs complain only of actual discrimination that occurred at Disney World. An additional three

1 Plaintiffs complain of being deterred from visiting both Disneyland and Disney World as a result
2 of the DAS. Allegations relating to events or Plaintiffs in California occupy less than 10% of the
3 574 paragraphs of the Complaint.

4 Defendant Disney is a Florida corporation that owns and operates Disneyland in California
5 and Disney World in Florida, both of which implement DAS. According to Disney, the DAS
6 program was primarily designed by employees at Disney World in Florida, and the
7 implementation and employee training related to DAS at Disney World took place in Florida.
8 Disney also asserts that other witnesses who will be of central importance to the case, senior
9 management from Disney World's Guest Relations, Guest Communications, Standards and
10 Auditing, and Operations departments, work and reside in Florida.

11 In their complaint, Plaintiffs bring 57 total causes of action, 35 of which involve the
12 application of Florida law. Since Plaintiffs filed their complaint, certain Plaintiffs have filed
13 administrative complaints with the Florida Commission on Human Relations. Plaintiffs' counsel
14 has apparently notified Defendant's counsel of the intention to add claims under Florida Civil
15 Rights Act once administrative remedies have been exhausted.

16 For the convenience of parties and witnesses, in the interest of justice, a district court may
17 transfer any civil action to any other district or division where it might have been brought. Title
18 28 U.S.C. § 1404(a). Transfer is appropriate when the moving party shows: venue is proper in the
19 transferor district court; the transferee district court has personal jurisdiction over the defendants
20 and subject matter jurisdiction over the claims; and transfer will serve the convenience of the
21 parties and witnesses, and will promote the interests of justice. *Goodyear Tire & Rubber Co. v.*
22 *McDonnell Douglas Corp.*, 820 F. Supp. 503, 506 (C.D.Cal.1992). The Court may also consider
23 the following factors: the location where the relevant agreements were negotiated and executed,
24 the state that is most familiar with the governing law, the plaintiffs choice of forum, the respective
25 parties' contacts with the forum, the contacts relating to the plaintiffs cause of action in the chosen
26 forum, the differences in the costs of litigation in the two forums, the availability of compulsory
27 process to compel attendance of unwilling non-party witnesses, and the ease of access to sources
28 of proof. *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498-99 (9th Cir. 2000).

1 A party requesting a transfer must establish that venue is proper in the transferor district
2 and that the transferee district is one where the action might have been brought. *Goodyear*, 820
3 F.Supp. at 506. Here, as alleged in Plaintiffs' complaint, Disney is a Florida corporation with its
4 principal place of business in Orange County, Florida. Accordingly, Disney is subject to personal
5 jurisdiction in the Middle District of Florida. In addition, Disney does business in the Central
6 District of California is subject to personal jurisdiction here.

7 Generally, a court affords a plaintiff's choice of forum "substantial weight." *Metz v. United*
8 *States Life Ins. Co.*, 674 F. Supp. 2d 1141, 1146 (C.D. Cal. 2009) (citations omitted). However,
9 there are instances in which such choice receives less weight. For example, a foreign plaintiff's
10 forum choice deserves less deference than the choice of a domestic plaintiff. *Id.* Deference to the
11 plaintiffs choice of venue is further diminished if the moving party establishes one or more of the
12 following factors: the operative facts have not occurred within the forum; the forum has no
13 particular interest in the parties or subject matter; the forum is not the primary residence of either
14 the plaintiff or defendant; or the subject matter of the litigation is not substantially connected to
15 the forum. *Id.*

17 Here, because the Plaintiffs are numerous and overwhelmingly not residents of California,
18 the Court affords less weight to Plaintiffs' choice of forum. Further, as described below, because
19 the other factors do not weigh in favor of the present forum, including that nearly all operative
20 facts occurred within the Middle District of Florida, deference given to the Plaintiffs' choice is
21 again reduced. Notably, twenty-four of the twenty-six 26 Plaintiffs do not reside in California.
22 Indeed, most of the Plaintiffs live in Florida or other east coast states and all but two complain
23 only of actual discrimination that occurred at Disney World. Thus, the Court affords less
24 deference to Plaintiffs' choice of forum.

26 The Court also weighs the convenience of the parties and witnesses when determining
27 whether to transfer. Indeed, the convenience of witnesses "is often the most important factor in
28

1 deciding whether to transfer an action.” *Getz v. Boeing Co.*, 547 F. Supp. 2d 1080, 1083 (N.D.
2 Cal. 2008) (quotation omitted). But the party seeking a transfer cannot rely on vague
3 generalizations as to the convenience factors. *Florens Container v. Cho Yang Shipping*, 245 F.
4 Supp. 2d 1086, 1093 (N.D. Cal. 2002). In addition, the location of a party’s headquarters,
5 employees, and relevant business activities may weigh in favor of transfer. *Adachi v.*
6 *Carlyle/Galaxy San Pedro, L.P.*, 595 F. Supp. 2d 1147, 1151-52 (S.D. Cal. 2009).

8 Here, because a transfer to the Middle District of Florida would be more convenient for the
9 Plaintiffs, Defendant, and non-party witnesses, this factor weighs heavily in favor of a transfer. It
10 is clear that a transfer to the Middle District of Florida would convenience Disney. Disney has its
11 principal place of business in Florida, and Disney World is located in the Middle District of
12 Florida. Further, much of Disney’s senior management that is familiar with the DAS program
13 reside in Florida. In addition, because virtually all of the Disney employees who sought to
14 accommodate the plaintiffs are in Florida, they would be inconvenienced by a transfer.

16 A transfer to the Middle District of Florida will also be more convenient for the Plaintiffs.
17 Most of the Plaintiffs live in Florida or other east coast states and all but two of them complain of
18 actual discrimination that occurred only at Disney World. Because Plaintiffs themselves will
19 likely testify in this case and may choose to call their family members, friends, medical providers,
20 and other individuals to testify about Plaintiffs’ disabilities and the experiences they had while
21 visiting Disney World, it is likely that many such witnesses will also be inconvenienced by a
22 transfer to the Middle District of Florida. Because the parties and the witnesses would be
23 inconvenienced by a transfer to the Middle District of Florida, this factor strongly weighs in favor of
24 a transfer.

26 The availability of compulsory process also favors a transfer to the Middle District of
27 Florida. As discussed, nearly half of Plaintiffs are residents of Florida and virtually all of the
28

1 Plaintiffs' complaints relate to Disney World. To the extent the employees with whom plaintiffs
 2 interacted are no longer employed at Disney World but remain in Florida, they would not be
 3 subject to compulsory process in this District. Similarly, Plaintiffs' witnesses with knowledge of
 4 the claims are subject to compulsory process in Florida for the Plaintiffs who reside in that state.
 5 Accordingly, this factor favors a transfer to the Middle District of Florida.

6
 7 The Middle District of Florida's familiarity with the applicable law also favors a transfer.
 8 Of Plaintiffs' 57 claims, 35 are based on Florida law. In addition, since the filing of Plaintiffs'
 9 complaint, Plaintiffs' counsel has notified Defendant of his intention to add additional claims
 10 under Florida law. Accordingly, because of the overwhelming presence of Florida law in the
 11 present case, this factor strongly favors a transfer to the Middle District of Florida.

12 In accordance with the foregoing, the Court finds that Defendant has met its burden of
 13 showing that the convenience and justice factors weigh heavily in favor of venue in the Middle
 14 District of Florida.

15 IT IS HEREBY ORDERED that Defendant's Motion to Transfer to the Middle District of
 16 Florida is GRANTED.

17 Dated: September 18, 2014.



22 MANUEL L. REAL
 23 UNITED STATES DISTRICT JUDGE

24
 25
 26
 27
 28



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

TERRY NAFISI

District Court Executive and
Clerk of Court

To: Clerk, United States District Court
Middle District of Florida
401 West Central Boulevard, Suite 1200
Orlando, FL 32801

Re: Transfer of our Civil Case No. 2:14-cv-03327-R-RZ
Case Title: A. L. et al v. Walt Disney Parks and Resorts US, Inc.

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our file:

- Original case file documents are enclosed in paper format.
- Electronic Documents are accessible through Pacer.
- Other: Case extracted and transferred via electronically.

Very truly yours,

Clerk, U.S. District Court

Date: September 23, 2014

By P. Lopez phyllis_lopez@cacd.uscourts.gov
Deputy Clerk

cc: *All counsel of record*

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to appropriate address listed below and provide the case number assigned in your district:

- CivilIntakecourtdocs-LA@cacd.uscourts.gov (Los Angeles Office)
- CivilIntakecourtdocs-RS@cacd.uscourts.gov (Riverside Office)
- CivilIntakecourtdocs-SA@cacd.uscourts.gov (Santa Ana Office)

Case Number: _____

Clerk, U.S. District Court

Date: _____

By _____
Deputy Clerk