Venue

1391
- Beware of Local Action, but Reasor Hill allowed when wrongs otherwise go unaddressed
- Majority view- for persons, residence = domicile
- Can be waived expressly, by failure to object, or by contract (Zapata)

1391(a) – Diversity Only
(1) any district where any D resides if all Ds reside in the same state
(2) any district where a substantial part of the events or omissions giving rise to claim occurred (or where substantial part of property subject to the action is situated)
(3) fall-back: any district where any D is subject to personal jurisdiction

1391(b) – Not Solely Diversity Based
(1) same as 1391(a)(1)
(2) same as 1391(a)(2)
(3) fall-back: a district where any D may be found

1391(c)
Corporation resides in any district where it is subject to personal jurisdiction

1391(d) – (g)
Strange cases like an alien can be sued in any district.

Pendant Venue, for 14(a) etc.

1392
In action of a local nature involving property located in different districts in the same state, action may be brought in either district. (Recall Reasor-Hill, where venue allowed despite local nature of action).

Transfer & Removal

1404(a)- Change of Venue
For convenience of parties and witnesses, district court may transfer case to another district where it might have been brought.
- Diversity case - law travels with case
- Federal question case – new law applied
- On its own or by petition at any time.
- New court must have had three rings.
- Original court had three rings.

1407
Civil actions with one or more common questions of fact may be transferred to any district for consolidated pre-trial proceedings. They are then remanded.

1406(a)- Cure of Defective Venue
District court of a case having venue in the wrong district shall dismiss, or in the interest of justice, transfer to any district or division it could have been brought.
- Venue was improper, new courts law applies

1441- Removal
- 1441(a) - remove any federal question case.
- 1446(a) - all Ds must agree to remove [except class actions, 1453]
- 1441(c) – removal jurisdiction: whenever a separate and independent claim or cause of action within the jurisdiction conferred by 1331 is joined with one or more otherwise non-removable claims or causes of action, the entire case can be removed and court will determine all matters, or, in its discretion, it may remand all matters in which State law predominates.
  o American Fire – where there is a single wrong to P for which relief is sought, arising from an interlocked series of transactions, there is no separate claim or cause under 1441(c).
  o possibly unconstitutional when it allows removal of claims that bear no relation to federal question and have no diversity
- 1441(f) removal even if state court had lacked jurisdiction
- 1447(c) motion to remand within 30 days for anything beside SMJ
- FRCP 11(b)(2) – fraudulent joinder to prevent removal

Diversity Specific
- 1441(b) – remove diversity cases if no Ds are citizens of trial state [except class actions, 1453] must have original / supplemental juris.
- Diversity must also exist at time of trial or time non-diverse D was dropped, not just time of removal
- 1446(b) - if a federal claim is added, removal is proper
- 1447(e) - non-diverse D added: denial of joinder or remand of case