

1 CURTIS A. JENNINGS, III
928 Beryl Street
San Diego, California 92109
2 Tel: 858-245-2878

3 Curtis A. Jennings, III
Debtor, In Pro Per
4

5 UNITED STATES BANKRUPTCY COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
7

8 In the matter of:

9 CURTIS A. JENNINGS, III,

10 Debtor,

11 CURTIS A. JENNINGS, III,

12 Plaintiff,

13 vs.

) Bankruptcy Case No.: 10-20626-11

) Adversary Proceeding No. 11-90255

) **NOTICE OF MOTION AND MOTION TO**
) **CHANGE VENUE IN ADVERSARY**
) **PROCEEDING; MEMORANDUM OF**
) **POINTS AND AUTHORITIES;**
) **DECLARATION OF CURTIS A.**
) **JENNINGS, III.**

15 WASHINGTON MUTUAL BANK now doing
16 business as J. P. MORGAN CHASE BANK,
17 N.A., J. P. MORGAN CHASE BANK, N.A. a
18 corporation and successor in interest to
19 WASHINGTON MUTUAL BANK
20 ASSOCIATION; CHASE HOME FINANCE,
21 LLC, a subsidiary of J. P. MORGAN CHASE
22 BANK, a limited liability company and as
23 successor in interest to WASHINGTON
24 MUTUAL BANK ASSOCIATION and as
agent for J P. MORGAN CHASE HOME
FINANCE; WASHINGTON MUTUAL
BANK; and DOES 1 to 5,

Defendants.

25
26 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

27 NOTICE is GIVEN that on July 27, 2011, at 2:00 p.m. or as soon thereafter as the
28 matter can be heard in Department 1 of the above-entitled Court. Debtor, Curtis A. Jennings, III

1 moves this court with his Motion To Change Venue in Adversary Proceeding. The Motion is
2 supported by the Memorandum of Points and Authorities and the Declaration of Curtis A.
3 Jennings, III.

4 This Motion is made under 28 U.S.C. § 1412 and is governed pursuant to Local
5 Bankruptcy Rule 9014. More particularly, this Motion To Change Venue In Adversary
6 Proceeding is made pursuant to Local Bankruptcy Rule 7019.

7 8 **I. LEGAL BASIS OF MOTION**

9 This Motion to change venue of adversary complaint requires consideration of several
10 factors. Factors for consideration include the *parties' forum preferences, where the claims arose,*
11 *convenience to the parties* and witnesses, as well as the *location of books and records.*

12 As to the whether or not a change of venue of the adversary complaint from bankruptcy
13 Court to the United States District Court is in the interest of both parties' as to *forum preference*
14 in the adjudication of the adversary proceeding is clearly in the mutual interests of both parties in
15 this action.

16 The subject matter in the adversary complaint specifically involves federal questions of
17 law directly arising out of acts of congress such as Truth-In-Lending Act, Rosenthal Fair Debt
18 Collections Practices Act, Home Owners Equity Protection Act, Regulation Z and other federal
19 laws which would judicially adjudicated under the full breathe of the jurisdiction of the United
20 States District Court.

21 Additionally, the legal questions of law that the adversary complaint raises legal issues
22 that the district courts have familiarity with on a regular basis and are otherwise adjudicated in
23 the district courts as a matter of law, therefore, a change of venue, here, is in the interests of
24 judicial economy.

25 The *claims* alleged in the adversary complaint *arose and within the jurisdiction* of the
26 United States District Court. Therefore, the district court has subject matter jurisdiction as well
27 as personal jurisdiction as a result of where the claims arose.

1 And there exists little, if any, change with regards to *convenience* of the litigants in the
2 event of transferring venue from United States Bankruptcy Court to the United States District
3 Courts and the *books and records* for the case would be judicially and economically transferred
4 from one court to the other with least of efforts because of the geographically close proximity of
5 the courts to each other.

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