

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**DAVID COBB, et al.,
Counter-Plaintiffs,**

and

**KERRY-EDWARDS 2004, INC.,
Intervenor-Counter-Plaintiff,**

**Case No. 2:04-CV-1139
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp**

v.

**DELAWARE COUNTY BOARD
OF ELECTIONS,**

and

**J. KENNETH BLACKWELL,
Ohio Secretary of State,
Counter-Defendants.**

ORDER

On February 14, 2005, the Court ordered the parties in this case to submit Statements of Position as to why this action should not be transferred to the Northern District of Ohio and joined with the case of *Rios v. Blackwell*, 3:04-CV-7724.

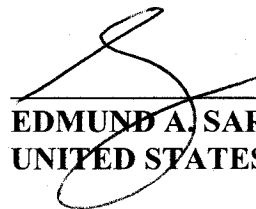
The Court has reviewed the parties' filings and concludes that a transfer of venue is appropriate. 28 U.S.C. § 1404(a) bestows on this Court the authority to transfer "any civil action to any other district or division where it might have been brought." Courts have broad discretion in this regard and simply must determine whether a transfer would promote the interest of justice and would serve the convenience of parties and witnesses. *See Amphion, Inc. v. Buckeye Electric*

Co., 285 F.Supp.2d 943, 946-47 (E.D. Mich. 2003).

The Court finds that these factors weigh in favor of transfer. The instant action is nearly identical to the earlier filed *Rios* case. Accordingly, justice is served by transferring this action to the Northern District of Ohio. The Clerk is **DIRECTED** to transfer this case to the United States District Court for the Northern District of Ohio for joinder with *Rios v. Blackwell*, 3:04-CV-7724. All pending matters in the Southern District of Ohio are rendered **MOOT**.

IT IS SO ORDERED.

5-9-2005
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE