

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Nash v. Honeywell International Inc.

No. 2:24-cv-02952-DAD-AC (E.D. Cal. Dec. 16, 2025) · No. 2:24-cv-02952-DAD-AC · Decided December 17,
2025

SUMMARY

The United States District Court for the Eastern District of California granted Honeywell International Inc.'s motion to transfer venue under 28 U.S.C. § 1404(a). The court concluded that the District of Arizona was more appropriate because the plaintiff primarily lived and worked there, the dispute principally arose there, Arizona was more familiar with potentially applicable law, and the District of Arizona had a less congested docket. The court ordered the action transferred to the District of Arizona and directed the clerk to close the case after forwarding the filings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 17, 2025
DOCKET	2:24-cv-02952-DAD-AC
DISPOSITION	transferred
PROCEDURAL POSTURE	Motion to transfer venue under 28 U.S.C. § 1404(a)
PRECEDENTIAL VALUE	unpublished

TOPICS

- venue
- forum non conveniens
- civil procedure
- employment law

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether the case should be transferred to the District of Arizona under 28 U.S.C. § 1404(a) for convenience of parties and witnesses and in the interest of justice

HOLDINGS

1. The motion to transfer venue is granted because Arizona is the state most familiar with the governing law, plaintiff's choice of forum is accorded little weight, Arizona is more convenient for witnesses, has greater local interest, and is less congested.

KEY QUOTATIONS

"Pursuant to 28 U.S.C. § 1404(a), 'a district court may transfer any civil action to any other district or division where it might have been brought' for the convenience of parties and witnesses and in the interest of justice." (at 1)

"Because Arizona is the state most familiar with the governing law, plaintiff's choice of forum is accorded little weight, the District of Arizona is more convenient for the identified witnesses, Arizona has a greater interest in having the local controversy decided at home, and the District of Arizona is less congested than this court, and despite the convenience of the parties and the parties' contacts favoring denial of transfer, the court will grant defendant's motion to transfer venue to the District of Arizona." (at 11)

FACTUAL BACKGROUND

Plaintiff Daniel Nash worked for defendant Honeywell International Inc. since 2015. After a new Vice President arrived, tensions increased. Plaintiff announced retirement but agreed to extend service until August 2nd. During extended period, work environment became hostile with expense report refusals. Plaintiff was abruptly terminated on July 29th for alleged misuse of documents, then pressured with threats of criminal prosecution if he didn't sign legal documents.

PROCEDURAL HISTORY

Plaintiff filed action in Placer County Superior Court; defendant removed to federal court based on diversity jurisdiction. Defendant moved to transfer venue to the District of Arizona.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The Clerk of the Court for the Eastern District of California is ordered to forward all filings to the United States District Court for the District of Arizona and close the case upon completion of transfer.

CASES CITED

- Van Dusen v. Barrack, 376 U.S. 612 (1964)
- Stewart Org., Inc. v. Ricoh Corp., 487 U.S. 22 (1988)
- Robert Bosch Healthcare Sys., Inc. v. Cardiocom, LLC, No. 3:14-cv-01575-EMC, 2014 WL 2702894 (N.D. Cal. June 13, 2014)
- Park v. Dole Fresh Vegetables, Inc., 964 F. Supp. 2d 1088 (N.D. Cal. 2013)

- Hatch v. Reliance Ins. Co., 758 F.2d 409 (9th Cir. 1985)
- Commodity Futures Trading Comm'n v. Savage, 611 F.2d 270 (9th Cir. 1979)
- Jones v. GNC Franchising, Inc., 211 F.3d 495 (9th Cir. 2000)
- Cochran v. NYP Holdings, Inc., 58 F. Supp. 2d 1113 (C.D. Cal. 1998)
- Atlantic Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Tex., 571 U.S. 49 (2013)
- Citizens for Free Speech, LLC v. Cnty. of Alameda, 338 F. Supp. 3d 995 (N.D. Cal. 2018)
- Lou v. Belzberg, 834 F.2d 730 (9th Cir. 1987)
- Williams v. Bowman, 157 F. Supp. 2d 1103 (N.D. Cal. 2001)
- A.F.P. v. United States, No. 1:21-cv-00780-DAD-EPG, 2022 WL 2704570 (E.D. Cal. July 12, 2022)
- Passantino v. Johnson & Johnson Consumer Prods., Inc., 212 F.3d 493 (9th Cir. 2000)
- Sloan v. Pfizer, Inc., No. 08-cv-01849-SBA, 2008 WL 4167083 (N.D. Cal. Sept. 8, 2008)
- Ironworkers Loc. Union No. 68 & Participating Emps. Health and Welfare Fund v. Amgen, Inc., No. 2:07-cv-05157-PSG-AGR, 2008 WL 312309 (C.D. Cal. Jan. 22, 2008)
- Jaco Env't Inc. v. Appliance Recycling Ctrs. of Am., Inc., No. 3:06-cv-06601-JSW, 2007 WL 951274 (N.D. Cal. Mar. 27, 2007)
- Gates Learjet Corp. v. Jensen, 743 F.2d 1325 (9th Cir. 1984)
- DeFazio v. Hollister Emp. Share Ownership Tr., 406 F. Supp. 2d 1085 (E.D. Cal. 2005)
- Saleh v. Titan Corp., 361 F. Supp. 2d 1152 (S.D. Cal. 2005)
- New Show Studios, LLC v. Howe, 696 F. App'x 271 (9th Cir. 2017)
- Walters v. Famous Transports, Inc., 488 F. Supp. 3d 930 (N.D. Cal. 2020)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
 CALIFORNIA 10 11 DANIEL NASH, No. 2:24-cv-02952-DAD-AC 12 Plaintiff, 13 v. ORDER
 GRANTING DEFENDANT'S MOTION TO TRANSFER VENUE 14 HONEYWELL
 INTERNATIONAL INC., (Doc. No. 10) 15 Defendant. 16 17 This matter is before the court on
 defendant's motion to transfer venue filed on May 30, 18 2025.

(Doc. No. 10.) On June 2, 2025, the pending motion was taken under submission. (Doc. 19 No.
 11.) For the reasons explained below, defendant's motion to transfer venue will be granted. 20
 BACKGROUND 21 On September 18, 2024, plaintiff Daniel Nash filed this action in Placer
 County Superior 22 Court against his employer, defendant Honeywell International Inc. (Doc.

No. 3 at 5.) On 23 October 25, 2024, defendant removed the action to this federal court pursuant to
 28 U.S.C. 24 §§ 1332, and 1441, on the grounds that diversity jurisdiction exists. (Doc. No. 1.) In
 his 25 complaint, plaintiff alleges as follows. 26 Plaintiff has worked for Honeywell International
 Inc. d.b.a. Honeywell Aerospace 27 Technologies since 2015.

(Doc. No. 3 at 5.) After the arrival of a newly appointed Vice 28 President, plaintiff's tenure was
 marked by increasing tensions. (Id.) Plaintiff announced his 1 retirement, effective April 5th,1 but

agreed to extend his service until August 2nd to facilitate a 2 smooth transition. (Id.) During this extended period, the work environment became increasingly 3 hostile.

(Id.) The Vice President's refusal to approve plaintiff's expense reports placed an undue 4 financial burden on plaintiff, making it difficult to fulfill his duties effectively. (Id.) On July 5 29th, plaintiff was abruptly terminated, purportedly for misuse of Honeywell documents found on 6 his personal email account. (Id.) Following his termination, plaintiff was subjected to significant 7 pressure including threats of criminal prosecution if he did not agree to sign certain legal 8 documents.

(Id. at 5–6.) 9 Based on the above allegations, plaintiff asserts the following four California state law 10 claims in his complaint: (1) wrongful termination in violation of public policy; (2) constructive 11 discharge; (3) retaliation and adverse employment actions; and (4) failure to reimburse business 12 expenses in violation of California Labor Code § 2802(a).

(Id. at 6–7.) 13 Defendant filed its pending motion to transfer venue to the District of Arizona on May 30, 14 2025. (Doc. No. 10.) On June 18, 2025, defendant filed a notice of plaintiff's non-opposition to 15 its motion. (Doc. No. 13.)

On July 15, 2025, plaintiff filed an untimely opposition to defendant's 16 pending motion. (Doc. No. 21.) On July 25, 2025, defendant filed its reply thereto. (Doc. No. 17 22.) 18 LEGAL STANDARD 19 Pursuant to 28 U.S.C. § 1404(a), "a district court may transfer any civil action to any other 20 district or division where it might have been brought" for the convenience of parties and 21 witnesses and in the interest of justice. "[T]he purpose of [§ 1404(a)] is to prevent the waste of 22 time, energy and money and to protect litigants, witnesses and the public against unnecessary 23 inconvenience and expense." *Van Dusen v. Barrack*, 376 U.S. 612, 616 (1964) (internal 24 quotation marks and citation omitted). "Section 1404(a) is intended to place discretion in the 25 district court to adjudicate motions for transfer according to an 'individualized, case-by-case 26 // 27 28 1 Plaintiff did not allege the year that his retirement was to become effective.

1 consideration of convenience and fairness.'" *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 2 (1988) (quoting *Van Dusen*, 376 U.S. at 622). 3 District courts employ a two-step analysis when determining whether to transfer an action. 4 *Robert Bosch Healthcare Sys., Inc. v. Cardiocom, LLC*, No. 3:14-cv-01575-EMC, 2014 WL 5 2702894, at *3 (N.D. Cal. June 13, 2014). "A court must first consider the threshold question of 6 whether the case could have been brought in the forum to which the moving party seeks to 7 transfer the case." *Park v. Dole Fresh Vegetables, Inc.*, 964 F. Supp. 2d 1088, 1093 (N.D.

Cal. 8 2013); see also *Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 414 (9th Cir. 1985) ("In determining 9 whether an action 'might have been brought' in a district, the court looks to whether the action 10 initially could have been commenced in that district.") "Once the party seeking transfer has made 11 this showing, district courts have discretion to consider motions to change

venue based on an 12 ‘individualized, case-by-case consideration of convenience and fairness.’” Park, 964 F. Supp. 2d 13 at 1093 (quoting Stewart Org., 487 U.S. at 29).

In addition, “Section 1404(a) provides for 14 transfer to a more convenient forum, not to a forum likely to prove equally convenient or 15 inconvenient.” Mainstay Bus. Sols. v. Indus. Staffing Servs., No. 2:10-cv-03344-KJM-GGH, 16 2012 WL 44643, at *1 (E.D. Cal. Jan 9, 2012) (citing Van Dusen, 376 U.S. at 645–46).

The 17 burden is on the moving party to show that transfer is appropriate. *Commodity Futures Trading 18 Comm’n v. Savage*, 611 F.2d 270, 279 (9th Cir. 1979.) 19 “A motion to transfer venue under § 1404(a) requires the court to weigh multiple factors 20 in its determination whether transfer is appropriate in a particular case.” *Jones v. GNC 21 Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir.

2000). “The primary factors to be considered are 22 convenience of witnesses and parties and concerns for judicial economy (including duplicative 23 effort, waste of time and money).” *Cochran v. NYP Holdings, Inc.*, 58 F. Supp. 2d 1113, 1119 24 (C.D. Cal. 1998), *aff’d*, 210 F.3d 1036 (9th Cir. 2000). Other factors include plaintiff’s choice of 25 forum, administrative considerations, and the respective parties’ contacts with the forum.

See 26 *Jones*, 211 F.3d at 498–99; *Rubio v. Monsanto Co.*, 181 F. Supp. 3d 746, 759 (C.D. Cal. 2016). 27 ///// 28 ///// 1 ANALYSIS 2 At step one of the transfer analysis, plaintiff does not contest that his claims could have 3 been brought in the District of Arizona. (Doc. No. 21.) Consequently, the court moves to step 4 two of the analysis to conduct “an ‘individualized, case-by-case consideration of convenience and 5 fairness.’” Park, 964 F. Supp. 2d at 1093 (quoting Stewart Org., 487 U.S. at 29).2 6 A. State Most Familiar with the Governing Law 7 One factor the court may consider is “the state most familiar with the governing law[.]” 8 *Jones*, 211 F.3d at 498; see also Atl.

Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Tex., 571 9 U.S. 49, 62 n.6 (2013) (“Public-interest factors may include... the interest in having the trial of a 10 diversity case in a forum that is at home with the law”) (citation omitted).

Here, plaintiff’s claims 11 are brought pursuant to California state law, but defendant argues that Arizona state law applies 12 instead pursuant to California Civil Code § 1646 because plaintiff was required to live and work 13 in Arizona by the terms of the employment contract, and in fact did live and work in Arizona at 14 defendant’s Arizona office until just before his termination, when he moved to California in 15 violation of his employment contract.

(Doc. No. 10 at 9–11.) In his opposition, plaintiff does not 16 substantively respond to defendant’s detailed analysis, instead merely stating in a single sentence, 17 without citation to any authority,3 that his claims are brought pursuant to California law. (Doc. 18 No. 21 at 4.) Plaintiff does not

contest that he worked in Arizona for defendant and that he 19 moved to California just before his termination.

20 Because plaintiff fails to substantively respond to defendant's argument that Arizona state 21 law is the applicable law despite the framing of plaintiff's complaint, the court finds that this 22 factor favors transfer of venue. *Citizens for Free Speech, LLC v. Cnty. of Alameda*, 338 F. Supp. 23 24 2 Because plaintiff's opposition was untimely, defendant's motion could be granted on this basis alone.

L.R. 230(c) ("A failure to file a timely opposition may also be construed by the Court as a 25 nonopposition to the motion."); see also *LFG Nat. Cap., LLC v. Gary, Williams, Finney, Lewis, Watson & Sperando, P.L.*, No. 11-cv-04538-PSG-PJW, 2011 WL 8311023, at *1 (C.D. Cal. Oct. 26 21, 2011) ("[T]he Court deems Defendants' failure to file a timely opposition to be consent to the 27 granting of the motion" to transfer venue.).

28 3 In fact, plaintiff's opposition fails to cite any authority at all. (Doc. No. 21.) 1 3d 995, 1005 (N.D. Cal. 2018) ("By failing to respond to the County's contention, Plaintiffs have 2 effectively conceded its validity."), *aff'd*, 953 F.3d 655 (9th Cir. 2020). 3 B. Choice of Forum 4 "[G]reat weight is generally accorded plaintiff's choice of forum...." *Lou v. Belzberg*, 5 834 F.2d 730, 739. "If there is any indication that plaintiff's choice of forum is the result of 6 forum shopping, plaintiff's choice will be accorded little deference." *Williams v. Bowman*, 157 F. 7 Supp. 2d 1103, 1106 (N.D.

Cal. 2001). In addition, "a plaintiff's forum choice is given 8 substantially less weight when the central dispute in the action occurred primarily in another 9 forum and lacks any significant contact with the forum." *A.F.P. v. United States*, No. 1:21-cv- 10 00780-DAD-EPG, 2022 WL 2704570, at *5 (E.D. Cal. July 12, 2022). 11 Because plaintiff currently resides in this district (Doc.

No. 21 at 1), the court finds it 12 unlikely that plaintiff has engaged in forum shopping. *Passantino v. Johnson & Johnson 13 Consumer Prods., Inc.*, 212 F.3d 493, 505 (9th Cir. 2000) (finding the defendant's concern that 14 the plaintiff relocated their home office to forum shop "fanciful" because the court "doubt[ed] 15 that many people would reorganize their entire lives by moving home offices to other judicial 16 districts in anticipation of as yet uncommitted acts of discrimination").

17 However, as stated previously, defendant contends, and plaintiff does not contest, that he 18 moved to California without permission and in violation of his employment contract shortly 19 before the end of his employment with defendant. (Doc. No. 10 at 3.) Prior to that time, he lived 20 and worked in Arizona for defendant's Arizona office, and plaintiff's supervisors made their 21 decisions from Arizona.

(Id.) Accordingly, the court finds that the central dispute in this action 22 occurred primarily in the District of Arizona and the dispute between the parties lacks any 23 significant contact with this forum. The district court's analysis in *Sloan v. Pfizer, Inc.*, No. 08- 24 cv-01849-SBA, 2008 WL 4167083 (N.D. Cal. Sept. 8, 2008) is instructive. 25 In September of 2005, Plaintiff relocated to California without seeking prior approval from Pfizer....

Defendant argues Plaintiff's 26 employment with Pfizer began in New York, is governed by New York law, and that the events at issue (the alleged discrimination) 27 happened in New York. Plaintiff argues that many of the acts on which he bases his suit, including Defendant's cancellation of his 28 disability benefits and the termination of his employment, occurred 1 during the 18-month period Plaintiff worked for Defendant while living in California....

As Pfizer points out, although some of the 2 acts upon which Plaintiff bases his claim occurred while he was 3 residing in California, the acts complained of did not themselves take place in California, but in New York. 4 5 Id. at *1, *4.

Accordingly, the court will give plaintiff's choice of forum little weight. 6 C. Convenience of Witnesses 7 The convenience of the witnesses is often the paramount factor in ruling on a motion to 8 transfer under § 1404(a). A.F.P., 2022 WL 2704570, at *6. "Importantly, while the convenience 9 of party witnesses is a factor to be considered, the convenience of non-party witnesses is the more 10 important factor." *Ironworkers Loc.*

Union No. 68 & Participating Emps. Health and Welfare 11 Fund v. Amgen, Inc., No. 2:07-cv-05157-PSG-AGR, 2008 WL 312309, at *5 (C.D. Cal. Jan. 22, 12 2008). Likewise, the convenience of an employee of the party seeking transfer is "entitled to 13 little weight" because that party "will be able to compel [the employee's] testimony at trial." 14 *Jaco Env't Inc. v. Appliance Recycling Ctrs. of Am., Inc.*, No. 3:06-cv-06601-JSW, 2007 WL 15 951274, at *4 (N.D. Cal. Mar. 27, 2007). To show inconvenience for witnesses, "the moving 16 party should state the witnesses' identities, locations, and content and relevance of their 17 testimony." *Meyer Mfg. Co. Ltd. v. Telebrands Corp.*, No. 2:11-cv-03153-LKK-DAD, 2012 WL 18 1189765, at *6 (E.D. Cal. Apr. 9, 2012) (citing *Florens Container v. Cho Yang Shipping*, 245 F. 19 Supp. 2d 1086, 1092–93 (N.D.

Cal. 2002)); see also *E. & J. Gallo Winery v. F. & P. S.p.A.*, 899 20 F. Supp. 465, 466 (E.D. Cal. 1994) ("[a]ffidavits or declarations are required to identify key 21 witnesses and a generalized statement of their anticipated testimony"). 22 Defendant argues that two of the witnesses named in the initial disclosures for both parties 23 work in Arizona for defendant.

(Doc. No. 10 at 12.) In opposition, plaintiff argues that because 24 these witnesses are employees of defendant, their convenience is entitled to little weight. (Doc. 25 No. 21 at 3.) The court agrees with plaintiff and finds that this factor only weakly favors transfer 26 of venue. *Jaco Env't Inc.*,

2007 WL 951274, at *4. 27 // 28 // 1 D. Location of Records and Evidence 2 The location of evidence is not a significant consideration “because documentary evidence 3 related to this case can be reproduced and transmitted electronically to this court.” A.F.P., 2022 4 WL 2704570, at *7; see also Williams v. Robert Half Int’l Inc., No. 4:20-cv-03989-KAW, 2020 5 WL 12655622, at *3 (N.D.

Cal. Sept. 18, 2020) (“[I]n the digital age, the access to records is 6 neutral given the portability of documents.”); Martinez v. San Diego Cnty., No. 1:16-cv-01140- 7 DAD-SKO, 2017 WL 1273822, at *4 (E.D. Cal. Apr. 4, 2017) (“Defendant San Diego County 8 does not allege that discovery in this case [will] implicate any unique types of information that 9 cannot be easily digitized or that any on-site inspections will be required in San Diego.”).

10 Accordingly, the court concludes that this factor is neutral. 11 E. Local Interest in Having Localized Controversies Decided at Home 12 Another factor the court may consider is the “local interest in having localized 13 controversies decided at home[.]” Atl. Marine Const. Co., 571 U.S. at 62 n.6. Defendant argues 14 that Arizona courts have a significantly stronger interest than California courts in addressing and 15 preventing wrongful employment practices by companies that employ and require their workers 16 to reside in Arizona.

(Doc. No. 10 at 11.) Plaintiff argues that California has a strong interest in 17 resolving disputes involving its residents, particularly when the alleged wrongful acts impacted 18 someone working within its borders. (Doc. No. 21 at 4.)

Because it appears undisputed that 19 during the vast majority of the time plaintiff was employed by defendant plaintiff lived and 20 worked in Arizona, and plaintiff was required to live in Arizona under his employment contract, 21 the court is persuaded that this factor favors transfer of venue to Arizona. See Machado v. CVS 22 Pharmacy, Inc., No. 13-cv-04501-JCS, 2014 WL 631038, at *5 (N.D.

Cal. Feb. 18, 2014) (“The 23 Court acknowledges California’s interest in adjudicating claims raised by its citizens. 24 Nevertheless, Hawaiians have a greater local interest because most of the alleged discriminatory 25 events occurred in Hawaii.

In addition, the outcome of this case may have implications for 26 employers and employees in Hawaii. Accordingly, this factor weighs slightly in favor of 27 Defendant.”) (citation omitted). 28 // 1 F. Court Congestion 2 The court may consider “the administrative difficulties flowing from court congestion[.]” 3 Atl. Marine Const. Co., 571 U.S. at 62 n.6.

Defendant provides evidence that the median time 4 from filing a civil case to trial is 64.5 months in this district and 36 months in the District of 5 Arizona. (Doc. No. 10 at 12.) Plaintiff responds by arguing that there is no substantial difference 6 in docket congestion between the Eastern District of California and the District of Arizona that 7 would justify transfer.

(Doc. No. 21 at 4.) Since plaintiff offers no countervailing evidence, the court finds that the degree of court congestion favors transfer of venue to the District of Arizona here. *Gates Learjet Corp. v. Jensen*, 743 F.2d 1325, 1337 (9th Cir. 1984) (“The real issue is not whether a dismissal will reduce a court’s congestion but whether a trial may be speedier in another court because of its less crowded docket.”).

G. Convenience of the Parties and Relative Contacts The “convenience of [the] parties” and “the respective parties’ contacts with the forum” are also factors to consider. 28 U.S.C. § 1404(a). Defendant argues that it is incorporated in Delaware and has its principal place of business in North Carolina, but the global headquarters for Honeywell Aerospace is in Phoenix, Arizona.

(Doc. No. 10 at 13.) Further, defendant argues that Honeywell Aerospace employs 7,353 people in Arizona and only 1,895 in California. (*Id.*) As for the convenience to plaintiff, defendant argues that plaintiff’s complaint is unclear about whether he is a resident of California or the Eastern District specifically. (*Id.*)

In opposition, plaintiff argues that he resides in this district, and defendant has operations in both states. (Doc. 21 No. 21 at 1, 3.) Further, plaintiff argues that Honeywell is a multinational corporation with significant resources. (*Id.* at 3.) The court’s analysis in *DeFazio v. Hollister Emp. Share Ownership Tr.*, 406 F. Supp. 2d 1085 (E.D. Cal. 2005), where the defendant corporations resided in Illinois and the individual plaintiff resided in California, is instructive.

The court may consider the physical condition and the financial strength of each of the parties. *Jones*, 211 F.3d at 499 (courts may look at the costs of litigation in the two forums). As plaintiff points out, there is no indication that defendants suffer from financial constraints in defending this action and appear to have legal representation both in Illinois and in this district.

Because a transfer here will merely shift any inconvenience from the defendants to the plaintiff, this factor must be weighed in plaintiff’s favor. See *Van Dusen v. Barrack*, 376 U.S. 612, 646, 84 S. Ct. 805, 11 L.Ed.2d 945 3 (1964). 4 *Id.* at 1090; see also *Allstar Mktg. Grp., LLC v. Your Store Online, LLC*, 666 F. Supp. 2d 1109, 5 1132 (C.D. Cal. 2009) (finding financial disparity between the parties relevant in considering the convenience of the parties factor and noting that “[w]here a disparity between the parties exists, such as an individual plaintiff suing a large corporation, the court may also consider the relative means of the parties in determining whether to transfer”) (citation omitted).

Because defendant Honeywell is a multinational corporation with employees located in both states, defendant does not appear to suffer from financial constraints to the same extent as an individual plaintiff, and transfer therefore would merely shift any inconvenience from defendant to plaintiff, the court finds that these factors weigh against transfer.

13 H. Costs of Litigation 14 The court may consider “differences in the costs of litigation in the two forums[.]” Jones, 15 211 F.3d at 498–99. “The parties have submitted little evidence on differences in litigation 16 costs[.]” Chen v. Pioneer Oil, LLC, 472 F. Supp. 3d 704, 712 (N.D. Cal. 2020). Defendant does 17 not mention this factor in its motion, and plaintiff argues in his opposition that defendant has 18 greater access to resources.

(Doc. No. 21 at 3.) In its reply, defendant argues that any physical 19 evidence and witnesses would be located in Arizona such that costs would be reduced if the 20 matter were transferred to the District of Arizona. (Doc. No. 22 at 8.) 21 The court finds both parties’ arguments persuasive to some degree. Ferrick v. Spotify 22 USA Inc., No. 15-cv-09929-BRO-RAO, 2016 WL 11623778, at *5 (C.D.

Cal. Oct. 26, 2016) 23 (finding relevant to this factor the financial disparity between the parties); Park, 964 F. Supp. 2d 24 at 1095 (“Generally, litigation costs are reduced when venue is located near the most witnesses 25 expected to testify[.]”).

Accordingly, the court finds that this factor is neutral. 26 I. Timeliness 27 The court may also consider the timeliness of the motion. Saleh v. Titan Corp., 361 F. 28 Supp. 2d 1152, 1168 (S.D. Cal. 2005); see also Sam Kholi Enters., Inc. v. Comsys Servs. LLC, 1 No. 11-cv-00970-W-NLS, 2011 WL 13257533, at *4 (S.D. Cal. Oct. 3, 2011) (“Other courts that 2 have considered the timeliness of a § 1404(a) transfer motion have done so as one of the several 3 factors analyzed in the interests of convenience and justice.”).

A district court may consider the 4 timing of a motion to transfer in relation to other developments in the case. See Moore v. Telfon 5 Commc’ns Corp., 589 F.2d 959, 968 (9th Cir. 1978) (finding that the district court “justifiably 6 found” the convenience of the parties and witnesses “outweighed by other, more compelling, 7 considerations” including “the duration of the pendency of the litigation prior to the motion to 8 transfer”); Savage, 611 F.2d at 279 (finding that the district court did not abuse its discretion in 9 denying the defendant’s motion to transfer where the “district court was familiar with the case”); 10 New Show Studios, LLC v. Howe, 696 F. App’x 271, 272 (9th Cir.

2017)4 (“Denial of Howe’s 11 request to transfer venue was not an abuse of discretion because Howe unreasonably delayed in 12 seeking transfer....”) (citing Allen v. Scribner, 812 F.2d 426, 436 (9th Cir. 1987)); Pratt v. 13 Rowland, 769 F. Supp. 1128, 1132 (N.D. Cal. 1991) (denying the defendant’s motion to transfer 14 because “[t]he fact that a preliminary injunction has already been issued in this action also 15 militates against transfer” and because “this Court [is] knowledgeable about the facts of the 16 case”); Right to Life of Cent.

Cal. v. Bonta, 614 F. Supp. 3d 729, 733 (E.D. Cal. July 6, 2022) 17 (denying the defendant’s motion to transfer where “the undersigned issued the TRO in this case” 18 and had already

“engage[d] with the substantive issues presented”). 19 Defendant filed the motion to transfer on May 30, 2025, seven months after it removed the 20 action to this court on October 25, 2024.

(Doc. Nos. 1, 10.) Defendant argues that when the 21 motion was filed, little discovery had taken place apart from exchanging initial disclosures. (Doc. 22 No. 10 at 13.) In opposition, plaintiff acknowledges the early procedural posture of the case but 23 argues that this “means that no efficiencies will be gained by transferring it.” (Doc. No. 21 at 4.) 24 “This factor is most compelling where a case nears trial or after extensive trial 25 preparation.” *Sam Kholi Enters., Inc.*, 2011 WL 13257533, at *9.

Because defendant’s motion 26 was filed early in the litigation with the parties nowhere near trial, the court has yet to decide any 27 4 Citation to this unpublished Ninth Circuit opinion is appropriate pursuant to Ninth Circuit 28 Rule 36-3(b). 1 motions in this action, the parties had engaged in little discovery, and the motion to transfer venue 2 was filed months rather than years after defendant removed the action to this court, “the 3 timeliness of the transfer motion does not weigh against transfer.” *Id.*; see also *Lixenberg v. 4 Coogi Partners, LLC*, No. 17-cv-02537-MWF-MRW, 2018 WL 4850402, at *5 (C.D.

Cal. 5 Feb. 27, 2018) (granting the defendant’s motion to transfer where “this action ha[d] only been 6 pending for a matter of months, not two years, before the Motion to Transfer was filed” and 7 where “no substantive motions [had been] decided”). 8 J. Public Policy 9 “[T]he relevant public policy of the forum state, if any, is at least as significant a factor in 10 the § 1404(a) balancing.” *Jones*, 211 F.3d at 499.

Plaintiff argues that California has a well- 11 established public policy favoring protection of employees and prompt resolution of employment 12 disputes. (Doc. No. 21 at 4.) However, California does not have a public policy favoring 13 protection of employees outside of California. Instead, California has a public policy in favor of 14 “retaining jurisdiction over cases under the California Labor Code—specifically, to retain cases 15 involving an employee who ‘primarily resides and works in California.’” *Walters v. Famous 16 Transports, Inc.*, 488 F. Supp. 3d 930, 937 (N.D.

Cal. 2020) (evaluating the enforceability of 17 forum selection clause) (quoting Cal. Lab. Code § 925). Because plaintiff lived and worked in 18 Arizona during the vast majority of the time of his employment with defendant, this factor is 19 neutral. 20 K. Weighing the Factors 21 Because Arizona is the state most familiar with the governing law, plaintiff’s choice of 22 forum is accorded little weight, the District of Arizona is more convenient for the identified 23 witnesses, Arizona has a greater interest in having the local controversy decided at home, and the 24 District of Arizona is less congested than this court, and despite the convenience of the parties 25 and the parties’ contacts favoring denial of transfer, the court will grant defendant’s motion to 26 transfer venue to the District of Arizona.

27 ///// 28 ///// 1 CONCLUSION 2 For all of the reasons explained above, 3 1. Defendants' motion to transfer venue (Doc. No. 10) is GRANTED; 4 2. The court hereby TRANSFERS this action to the United States District Court for 5 the District of Arizona; 6 3.

The court further orders the Clerk of the Court for the Eastern District of 7 California in Sacramento to FORWARD all filings in this action to the United 8 States District Court for the District of Arizona; and 9 4.

The Clerk of the Court for the Eastern District of California shall CLOSE this case 10 upon completion of the transfer. IT IS SO ORDERED. 2 Dated: _ December 16, 2025 Dal A. 2d, sy 13 DALE A. DROZD 4 UNITED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28 12