

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lothrop v. Western Trails Charters & Tours

Lothrop · No. 24-cv-07964-AMO · Decided June 30, 2025

SUMMARY

The United States District Court for the Northern District of California denied Defendants’ motion to dismiss or transfer Szamantha Lothrop’s bus-accident action based on forum non conveniens and 28 U.S.C. § 1404(a). The court concluded that a foreign forum is required for forum non conveniens and that Defendants had not shown that the relevant transfer factors clearly favored the District of Utah. The court found that several factors favored California, while other factors were neutral or would merely shift inconvenience between the parties.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 30, 2025
DOCKET	24-cv-07964-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss on forum non conveniens grounds or, alternatively, to transfer the action to the United States District Court for the District of Utah under 28 U.S.C. § 1404(a). The court considered the matter without a hearing and denied the motion.
STANDARD OF REVIEW	A § 1404(a) transfer decision lies within the district court's discretion and depends on the facts of each case. The party seeking transfer bears the burden of showing that the balance of convenience clearly favors transfer and must make a strong showing of inconvenience sufficient to overcome the plaintiff's choice of forum.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- forum non conveniens
- venue
- civil procedure
- negligence
- personal injury

PRACTICE AREAS

civil procedure

torts

personal injury

venue

QUESTIONS PRESENTED

1. Whether forum non conveniens permits dismissal or transfer when the proposed alternative forum is another federal district rather than a foreign country.
2. Whether transfer to the District of Utah was warranted under 28 U.S.C. § 1404(a) based on the convenience of the parties and witnesses and the interest of justice.

HOLDINGS

1. Forum non conveniens does not provide a basis for dismissal when the proposed alternative forum is another federal district; interdistrict transfer is governed by 28 U.S.C. § 1404(a).
2. Transfer was unwarranted because defendants failed to show that the relevant convenience and public-interest factors clearly favored Utah. The plaintiff's choice of the Northern District of California, the California location of the ticket transaction and trip origin, plaintiff's California contacts and medical treatment, and the resulting litigation burdens outweighed or neutralized the Utah-related considerations.

KEY QUOTATIONS

“Dismissal under forum non conveniens requires that an alternative forum be available in [a] foreign country.” (at 1)

“The burden is on the party seeking transfer to show that when these factors are applied, the balance of convenience clearly favors transfer.” (at 2)

“The defendant must make a strong showing of inconvenience to warrant upsetting the plaintiff’s choice of forum.” (at 2)

“Accordingly, transfer would not be in the interest of justice as it would merely shift inconvenience from Defendants to Lothrop.” (at 5)

FACTUAL BACKGROUND

The action arose from a December 12, 2022 bus accident in Tremonton, Utah, during plaintiff's trip from Oakland, California, to Cheyenne, Wyoming. Plaintiff purchased her ticket online while residing in Alameda County, California, and the trip originated in California. She alleged serious injuries, received initial treatment in Utah, continued treatment from California physicians, and faced substantial physical difficulty traveling. Defendants were non-California residents but conducted business directed toward California.

PROCEDURAL HISTORY

Plaintiff brought a diversity tort action arising from a bus accident in Utah. Defendants sought dismissal based on forum non conveniens and transfer to Utah under § 1404(a). The Northern District of California denied both requests, concluding that forum non conveniens was unavailable for transfer to another federal district and that defendants failed to show that the § 1404(a) factors clearly favored transfer.

DISPOSITION

other

CASES CITED

- Concat LP v. Unilever, PLC, 350 F. Supp. 2d 796, 809 (N.D. Cal. 2004)
- Jones v. GNC Franchising, Inc., 211 F.3d 495, 498-99 (9th Cir. 2000)
- State of Cal. v. Bureau of Land Mgmt., 286 F. Supp. 3d 1054, 1059 (N.D. Cal. 2018)
- Lax v. Toyota Motor Corp., 65 F. Supp. 3d 772, 776 (N.D. Cal. 2014)
- Decker Coal Co. v. Commonwealth Edison Co., 805 F.2d 834, 843 (9th Cir. 1986)

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