

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LESTER PAIGE, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 02-025-SLR  
 )  
 SOLO CUP, )  
 )  
 Defendant. )

**MEMORANDUM ORDER**

At Wilmington this 6th day of August, 2002, having reviewed defendant's motion to transfer venue;

IT IS ORDERED that defendant's motion (D.I. 12) is granted for the following reasons:

1. In general, venue must be established pursuant to 28 U.S.C. § 1391 for each cause of action, and motions to transfer venue are considered pursuant to 28 U.S.C. § 1404. In the case at bar, plaintiff filed an action for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et seq., alleging proper venue with this court. (D.I. 3)

2. Proper venue for Title VII actions is governed by 42 U.S.C. § 2000e-5(f)(3). (D.I. 12 at 1-2) Courts have determined that § 2000e-5(f)(3) sets forth four judicial districts where an employment discrimination action may be brought:

(1) where "the unlawful employment practice is alleged to have been committed;"

(2) where "the plaintiff would have worked but for the alleged unlawful employment practice;"

(3) where "the employment records relevant to such practice are maintained and administered;" and

(4) where the employer "has his principal office" if he cannot be found within the district where "the plaintiff would have worked but for the alleged unlawful employment practice."

Thurmon v. Martin Marietta Data Sys., 596 F. Supp. 367, 368 (M.D. Pa. 1984) (quoting Stebbins v. State Farm Mutual Automobile Ins. Co., 413 F.2d 1100, 1102 (D.C. Cir. 1969)). See also EEOC v. Waffle House, Inc., \_\_ U.S. \_\_, 122 S.Ct. 754, 760 (2002); de Rojas v. Trans States Airlines, Inc., 204 F.R.D. 265, 267 (D.N.J. 2001).

3. Defendant claims that venue in the instant action is proper in the United States District for the District of Maryland for the following reasons:

a. The unlawful employment practices are alleged to have occurred at defendant's facilities located in Federalsburg, Maryland;

b. The employment records that are relevant to this claim are also located at its Maryland facilities; and

c. Plaintiff would have worked and did work at the Solo Cup factory located in Federalsburg, Maryland. (D.I. 12, Exs. 1-2)

4. Based on the evidence submitted, the court finds that the underlying facts of the alleged discrimination occurred in Maryland.

5. Accordingly, the Clerk of Court is directed to transfer the case to the United States District Court for the District of Maryland.

Sue L. Robinson  
United States District Judge