

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTROSE ENVIRONMENTAL :
GROUP, INC., :
 :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 20-834-RGA
 :
 DHANANJAYA R. YEDDULA, :
 :
 :
 Defendant. :

MEMORANDUM ORDER

Defendant filed a motion to dismiss or to transfer venue. (D.I. 6). The motion was referred to a Magistrate Judge. (D.I. 16). The motion was briefed, and the Magistrate Judge denied the motion to transfer and recommended that the motion to dismiss be denied. (D.I. 18).

Defendant filed objections. (D.I. 32). Plaintiff responded. (D.I. 37).

Since the motion to transfer is non-dispositive, I would review the denial of that for an abuse of discretion. But I do not think Defendant has objected to that. The ruling on the motion to dismiss I review *de novo*.

The Magistrate Judge’s rationale for denying the motion to transfer is clearly explained in her opinion. Perhaps because of the deferential standard of review, Plaintiff’s objection is stated more as a request that the case be dismissed for improper venue. (D.I. 32 at 3-6). There is a split of authority. The Magistrate Judge adopted what I too consider to be the more persuasive understanding of the law. Defendant has waived his venue objection. The Magistrate Judge’s ruling on the motion to dismiss as it relates to venue is adopted.

I think the Magistrate Judge’s ruling on the motion to dismiss for failure to state a claim has been mooted by Plaintiff’s filing of an amended complaint. (D.I. 41). I was curious why

there was no responsive pleading to the amended complaint, but subsequent docket entries show the parties contemplating settlement, although so far without success.

Based on the foregoing, the Magistrate Judge's Report and Recommendation (D.I. 18) is ADOPTED as it relates to venue and transfer, and otherwise not considered. Defendant's motion to dismiss or to transfer venue (D.I. 6) is thus DENIED in part and DISMISSED in part as moot.

IT IS SO ORDERED this 2nd day of February 2021.

/s/ Richard G. Andrews
United States District Judge