

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GILLING,

Plaintiff,

v

KENNY, et al,

Defendants.

Case No. 13-138061-CK
Hon. Wendy Potts

OPINION AND ORDER RE: DEFENDANTS JABLONSKI, DEJOURNETT &
SMITH'S MOTION FOR CHANGE OF VENUE

At a session of Court
Held in Pontiac, Michigan

On
JUN 19 2014

Defendants Michael Jablonski, Billy DeJournett, and Thomas Smith move the Court to order a change of venue to Genesee County. The Court is exercising its discretion to decide the matter without a hearing. MCR 2.119(E)(3).

Defendants do not dispute that venue is proper in Oakland County. Instead, they seek a venue change on the ground that venue would be more convenient in Genesee County. The Court has discretion under MCR 2.222(A) to order a change of venue “for the convenience of parties and witnesses.” Defendant has the burden of making a persuasive showing of inconvenience justifying a change of venue. *Kohn v Ford Motor Co*, 151 Mich App 300, 305; 390 NW2d 709 (1986). The Court must also give deference to Plaintiff’s choice of venue. *Chilingirian v Fraser*, 182 Mich App 163, 165; 451 NW2d 541 (1989).

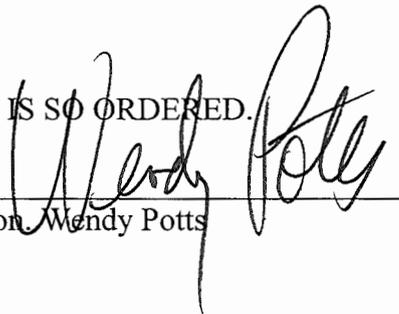
Although a few of the Defendants neither work nor live in Oakland County, most of the Defendants have substantial connections here. Many of the transactions or events at issue in this case occurred in Oakland County, and some documents and records pertaining to Plaintiff's claims are kept here. To the extent that Defendants have to travel to Oakland County for court or for other purposes, most of them will be driving less than 30 miles. Further, traveling can be minimized by using technology or requiring Plaintiff to travel to where the witnesses or documents are kept.

For all of these reasons, Defendants fail to show that Oakland County is so inconvenient that venue must be changed and the motion is denied.

Dated:

JUN 19 2014

IT IS SO ORDERED.



Hon. Wendy Potts