



**IT IS ORDERED as set forth below:**

**Date: September 24, 2012**

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**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

**IN RE:** :  
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**CLINTON H. JOHNSON and** : **Case No. 12-40381-pwb**  
**ELIZABETH C. JOHNSON,** :  
 : **Chapter 13**  
 :  
**Debtors.** :  
 :  
 :

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**ORDER TRANSFERRING VENUE TO ATLANTA DIVISION**

BLR 1071-1(b) provides as follows with regard to the venue of a bankruptcy case in this District in one of its divisions:

Any bankruptcy case filed in this district pursuant to 28 U.S.C. §§1408, 1409 or 1410 must be filed in the division that would also satisfy the requirements of §§1408, 1409 or 1410.

Although the Debtors in this case reside in Cherokee County, Georgia, which is within the Atlanta Division, their attorney filed it in the Rome Division and then filed a motion to retain venue in the Rome Division. [Docket No. 10]. The motion asserts that it is more convenient for

the Debtors to proceed in the Rome Division.

The Court has authority to transfer a case from one division to another under BLR 1017-1(c):

The Bankruptcy Court may transfer any bankruptcy case to another division within the district upon motion of a party in interest or sua sponte.

Good reasons may exist for this case to proceed in the Rome Division rather than the Atlanta Division, but the Debtors have not proceeded in the proper fashion to obtain that relief.

The Local Rule exists, in part, to insure that parties do not engage in “forum shopping” within the District. In this regard, it is noteworthy that the assignment of both bankruptcy judges and trustees to cases occurs based on the division in which the case is filed.

Although nothing in this case indicates that forum shopping is the motivation for the improper divisional filing, permitting debtors to take this approach as a general practice could limit the proper operation of the Local Rule. Proper enforcement and application of the District’s venue rules requires filing of the case in the proper district so that the judge properly assigned to the case can make the decision as to whether transfer to another division is appropriate.

For these reasons, the Court will **DENY** the motion to transfer venue and will order that this case be **TRANSFERRED** to the Atlanta Division.

Reassignment of this case to a judge in the Atlanta Division in accordance with the Court’s random assignment procedures could result in administrative burdens. Because it does not appear that forum shopping considerations motivated the filing in the Rome Division and because this judge and the Chapter 13 Trustee also handle cases in Atlanta, the Court directs that the case not be reassigned.

The Court notes that parties and attorneys with matters in this Court are now on notice that the filing of a case in an improper division is not proper. In future cases, therefore, the Court will promptly deny any such motions without a hearing, direct the transfer of the case to the proper division and the random assignment of a judge to the case, and consider the imposition of sanctions.

The Court notes that a hearing on the Debtors' proposed modification of their plan has been scheduled in Rome, Georgia, on October 3, 2012. In order to avoid the potential inconvenience and delay that may result from a rescheduling of that hearing in Atlanta, the Court directs that the Clerk defer the transfer of the case to the Atlanta Division until October 4, 2012.

The Clerk is directed to mail copies of this Order to the Trustee, the Debtor's attorney, and all parties in interest.

**[End of Order]**