IT IS ORDERED as set forth below:

Date: September 24, 2012

Paul W Bonapfel

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Paul W. Bonapfel
U.S. Bankruptcy Court Judge

_____

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

IN RE:	:	
	:	
BRANDY MURPHY BONE and	:	Case No. 12-41765-pwb
KELLY DIANE BONE,	:	
	:	Chapter 13
Debtors.	:	
	:	

ORDER ON TRANSFER OF VENUE WITHIN 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 Haralson County, Georgia, which is within the

Newnan Division, their attorney filed it in the Rome Division and then filed a motion to retain

venue in the Rome Division. [Docket No. 9]. 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 Newnan 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 filing in the improper division, 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 should deny the motion to transfer venue and direct that it be transferred to the Newnan Division. See *In re Johnson,* Case No. 12-40381. Transfer of the case at this point, however, could result in administrative burdens for the Court, the Chapter 13 trustee, and other parties.

Cases in the Newnan Division are not ordinarily assigned to this Judge or the Chapter 13 Trustee assigned to this case. Transfer of the case to the Newnan Division would require either

that the Chapter 13 Trustee ordinarily assigned to cases in Newnan be assigned to this case or that the current Chapter 13 Trustee incur the burden of administering a case in a division in which she does not ordinarily have cases.

Moreover, hearings are scheduled for October 3 in Rome. Transfer of the case to the Newnan Division would result in delays in the administration of this case.

The practicalities of this case and the apparent absence of any forum shopping motivation cause the Court to exercise its discretion to permit this case to continue in the Rome Division.

Problems like these will also occur, of course, when a party files the case in the proper division and seeks its transfer to another. Indeed, their existence may be a basis for denial of the transfer request. To minimize them, a party seeking to transfer a case to another division must immediately request a transfer and seek its expedited determination.

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 consider the imposition of sanctions.

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]