

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE AARON : CIVIL ACTION
 :
 v. :
 :
 COPANS MOTORS, INC. d/b/a :
 CHAMPION MOTORS : No. 05-6287

MEMORANDUM AND ORDER

FULLAM, Sr. J.

March 14, 2006

This case concerns the aborted purchase of a Porsche automobile. Plaintiff, a citizen of Pennsylvania, has sued Defendant, a Florida corporation. Defendant has moved to dismiss the complaint for improper venue, or alternatively, for a transfer of this action to Florida.

The parties dispute the extent and nature of the relevant acts that occurred in Pennsylvania. I conclude that venue is proper in this District; however, it is clear that this litigation belongs in Florida, where Plaintiff traveled to purchase the vehicle and where most if not all of the pertinent witnesses and documents are located. See *Weiner v. Tillack & Co., Ltd.*, 2005 Westlaw 2573310 (E.D. Pa. Oct. 11, 2005). The Vehicle Purchase Contract signed by the parties includes in its standard terms a forum-selection clause (Broward County, Florida) and choice-of-law clause (Florida law). Although there are several copies of the Vehicle Purchase Contract executed at different times, and Plaintiff alleges in the Complaint that he

did not sign one such document in 2003 (Exhibit "B" to the Complaint), Plaintiff does not dispute that he traveled to Florida in November of 2005, when he executed several documents at the dealership, including a Vehicle Purchase Agreement (Exhibit "I" to Defendant's Motion). That Plaintiff signed the documents in a professed hurry to attend to another appointment does not invalidate his agreement. Because Plaintiff agreed to litigate in Florida and because the purchase of the automobile would have been consummated in Florida, I will grant Defendant's motion.

An Order follows.

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AND NOW, this 14th day of March 2006, upon consideration of Defendant's Motion to Dismiss or Transfer the Action and the response thereto,

IT IS hereby ORDERED that the Motion to Transfer is GRANTED and the Clerk is directed to transfer the action, pursuant to 28 U.S.C. § 1404(a), to the United States District Court for the Southern District of Florida.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.