

Plaintiff, a new homeowner, entered into a contract with the defendants, a designer and an architect. The contract required the defendants to remodel the plaintiff's home in State A. The designer resides in the Eastern District of State B, and the architect resides in the Western District of State B.

The defendants failed to do any of the work, so the plaintiff sued them together in a federal court in the Eastern District of State B.

The defendants filed a motion to dismiss for improper venue.

Will the federal court likely grant the motion?

- A. No, because both defendants are subject to personal jurisdiction in State B.
- B. No, because the designer resides in the Eastern District of State B and the architect resides in the Western District of State B.
- C. Yes, because the contract was to be performed at the plaintiff's home in State A.
- D. Yes, because the architect resides in the Western District of State B.

Explanation:

Venue—ie, the geographical location of the federal court that can hear a lawsuit—is proper in *any* judicial district where:

- any defendant **resides**—so long as all defendants reside in the same state (ie, **residency-based venue**)
- a substantial portion of the events that gave rise to the suit occurred (ie, **events-based venue**) or a substantial part of the property at issue is located (ie, **property-based venue**) *or*
- any defendant is subject to the court's **personal jurisdiction**—but only if neither of the above provisions applies (ie, **fallback provision**).

Here, both defendants reside in State B. And since the designer resides in the Eastern District of State B, residency-based venue exists there. The fact that venue would also be proper in the Western District of State B (since the architect resides there) does not negate the proper venue in the Eastern District of State B (**Choice D**). Therefore, the court will likely deny the defendants' motion to dismiss.

(Choice A) Whether a defendant is subject to personal jurisdiction will only be considered for venue purposes if (1) the defendant is a corporation (since it resides where it is subject to personal jurisdiction) or (2) the fallback provision applies because residency, events, and property-based venue cannot be shown. Neither instance is seen here.

(Choice C) State A is a proper, events-based venue because the contract giving rise to the suit was to be performed there. But venue can be proper in multiple judicial districts—including the Eastern District of State B.

Educational objective:

Venue is proper in any federal district where (1) any defendant resides so long as all defendants reside in the same state, (2) a substantial portion of the events occurred or a substantial part of the property is located, or (3) any defendant is subject to personal jurisdiction—but only if the first two provisions do not exist.

References

- 28 U.S.C. § 1391(b) (proper venue).

Requirements for proper federal court

Subject-matter jurisdiction

Can plaintiff bring claim in federal court?

Federal question



OR

Diversity



Personal jurisdiction

Is defendant sufficiently connected to forum state?

Eg, state of residence



Eg, minimum contacts



Venue

In which forum-state district can claim be heard?

Eg, residency-based



Eg, events-based

