

Judge Albright Changes Procedures for Transfers to Austin – Opposed Motions Required

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To date, Judge Albright has yet to deny an intra-district motion to transfer a case from Waco to Austin and, indeed, was accepting stipulations by the parties agreeing to a transfer to Austin. In all cases, once the case was transferred to the Austin Division, it remained on Judge Albright's docket. The Court has just changed these procedures. Judge Albright no longer accepts stipulations or unopposed motions, and **requires** defendants to file opposed motions to transfer to Austin. Defendants should now be prepared to gather facts necessary to meet the transfer factors under 1404(a), as analyzed by the Fifth Circuit in *In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004) (*Volkswagen I*) and *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 312 (5th Cir. 2008) (*Volkswagen II*). It is unclear whether this will impact the transfer rate, though we expect the Court to apply the traditional transfer analysis, as done in the past, and keep a share of cases in Waco.

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