

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

HADONA DIEP,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 8:21-cv-02359-PJM
v.	)	
	)	
APPLE, INC.	)	
	)	
<i>Defendant.</i>	)	

**PLAINTIFF’S MOTION FOR TRANSFER OF VENUE**

Plaintiff Hadona Diep (“Plaintiff”), by and through undersigned counsel, hereby moves this Court, pursuant to 28 United States Code § 1404(a) & (b), for the following reasons:

1. 28 U.S.C. § 1404 states, in part:

(a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.

(b) Upon motion, consent or stipulation of all parties, any action, suit or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district. Transfer of proceedings in rem brought by or on behalf of the United States may be transferred under this section without the consent of the United States where all other parties request transfer.

28 U.S.C. § 1404(a) & (b).

2. While this action was brought in the District in which Plaintiff resides, after additional investigation by Plaintiff’s counsel, it now appears that certain of Defendant’s user agreements that are likely applicable to this matter call for all disputes to be brought in courts located in Northern California.


3. In addition to the forum selection clause, Defendant's headquarters are located in Northern California and it conducts substantial business there. Therefore, Northern California is a proper venue.
4. Plaintiff has retained local counsel licensed in the Northern District of California, and is fully prepared to litigate the matter in that District.
5. Defendant has been served with a Waiver of Service of Summons, but has not yet responded to it.
6. Plaintiff brings this motion now to serve the interests of efficiency and judicial economy.
7. Plaintiff believes that granting this Motion is in the interests of justice, judicial economy, and preservation of the resources of the parties, and will cause no prejudice to the Parties or any of the putative class members.

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Court order the matter be transferred to the United States District Court for the Northern District of California for further proceedings, pursuant to 28 U.S.C. § 1404(a) & (b).

DATED: November 4, 2021

RESPECTFULLY SUBMITTED,



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*Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I, Joshua Whitaker, counsel for Plaintiff, hereby certify that the foregoing opposition was served upon unserved Defendant by mailing a copy of it to Defendant's last known address, this 4th day of November, 2021, to wit:

Apple, Inc.,  
One Apple Park Way  
Cupertino, CA 95014

*Attorneys for Plaintiff*

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Joshua Whitaker