

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRUCE BOWEN and CHERYL MUELLER,
individually, and on behalf of all others similarly
situated, and on behalf of the WHEATON
FRANCISCAN SYSTEM RETIREMENT PLAN,

Plaintiff,

v.

WHEATON FRANCISCAN services, Inc., d/b/a
Wheaton Franciscan Healthcare, an
Illinois Non-Profit Corporation, OPERATIONS
COMMITTEE OF THE BOARD OF DIRECTORS
OF WHEATON FRANCISCAN SERVICES, INC.,
JOHN and JANE DOES 1-20, MEMBERS OF THE
OPERATIONS COMMITTEE, ASCENSION
HEALTH, a Missouri Non-Profit Corporation,
ASCENSION HEALTH ALLIANCE, D/B/A
ASCENSION, a Missouri Non-Profit Corporation,
ASCENSION HEALTH PENSION COMMITTEE,
JOHN and JANE DOES 21-40, MEMBERS OF
THE ASCENSION HEALTH PENSION
COMMITTEE, each an individual, and JOHN and
JANE DOES 41-60, each an individual,

Defendants.

Civil Action No.: 1:16-cv-6782

Hon. Gary Feinerman

DEFENDANTS’ MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(a)

Defendants, Wheaton Franciscan Services, Inc. d.b.a. Wheaton Franciscan Healthcare, the Operations Committee of the Board of Directors of Wheaton Franciscan Services, Inc., Ascension Health, Ascension Health Alliance, d.b.a. Ascension, and Ascension Health Pension Committee (collectively, “Defendants”), by and through their attorneys, respectfully request that this Court transfer this matter to the Eastern District of Missouri pursuant to 28 U.S.C. § 1404(a). Defendants submit the following in support:

On June 28, 2016, Plaintiffs Bruce Bowen and Cheryl Mueller, participants in the Wheaton Franciscan System Retirement Plan (the “Wheaton Plan”) sued to enforce rights they claims they have under the Employment Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. §§ 1001 *et. seq.*, in the Wheaton Plan. Plaintiffs’ Complaint should be transferred to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. § 1404(a) because there is a forum selection clause in the Wheaton Plan designating the Eastern District of Missouri as the proper forum for suit.

Defendants incorporate by reference their concurrently filed Supplemental Brief in Support of Motion to Transfer Venue Under 28 U.S.C. § 1404(a).

WHEREFORE, Defendants respectfully request that this Court grant their Motion to Transfer Venue Under 28 U.S.C. § 1404(a), and grant other relief as this Court deems proper.

Date: July 20, 2016

/s/ Edward C. Young

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Counsel for All Defendants

CERTIFICATE OF SERVICE

I, Edward C. Young, one of the attorneys for Defendants, certify that I caused a copy of the DEFENDANTS' MOTION TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(a) to be served by e-mail via the Court's ECF System, upon counsel for Plaintiff:

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Date: July 20, 2016

/s/ Edward C. Young