

**BLOGS**

Choice of Forum/Venue

Nevada Federal Court Transfers Venue to Illinois Notwithstanding Forum-Selection Clause

A federal court in Nevada recently transferred a franchisor's trademark infringement lawsuit to Illinois, the location of the franchise, declining to rule on the franchisor's motion for preliminary injunction. *Hofbräuhaus of Am., LLC v. Oak Tree Mgmt. Servs.*, 2023 WL 24179 (D. Nev. Jan. 3, 2023).

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The court transferred venue to Illinois federal court "because the likelihood of confusion is in Illinois, and an Illinois court is best positioned to order and enforce injunctive relief if such relief is appropriate." The court did not discuss the application of the forum-selection clause in the franchise agreement. Instead, the court reached its conclusion by addressing whether convenience and the interests of justice favored transfer. In view of the transfer, the court declined to rule on the motion for a preliminary injunction, holding that those issues should be decided by the transferee court.

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