



Some Connection Must Be Shown to Take Advantage of the Rocket Docket

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Judge Doumar recently issued a reminder to litigants that the EDVA's Rocket Docket is not available to just anyone, absent some connection to the forum. The defendant Graphic Packaging (GP) is a Delaware corporation headquartered in Marietta, Georgia, which formerly had a folding carton facility in Richmond. The plaintiff Eaglewood Consulting (Eaglewood) is a New York limited liability company, who filed suit as a qui tam relator under 35 USC § 282, for alleged false marking violations by GP. GP moved to dismiss, stay, or transfer, based on its lack of connections to the EDVA.

Eaglewood opposed GP's motion, in part because of the speed of the EDVA's docket, which it contended would proceed to trial in one-third of the time it would take in the N.D. Ga. In response to this argument, the Court explained:

Aware of an expeditious docket's magnetism, courts within the Eastern District of Virginia routinely transfer actions having no discernible connection to this district. See, e.g., *Cognitronics Imaging Svs.. Inc. v. Recognition Research. Inc.*, 83 F. Supp. 2d 689, 699 (E.D. Va. 2000) ("The "rocket docket" certainly attracts plaintiffs, but the Court must ensure that this attraction does not dull the ability of the Court to continue to act in an expeditious manner." (quoting *Schlegel U.K. Holdings Ltd. v. Cooper Tire & Rubber Co.*, No. 970522-A, slip op. at 18 (E.D. Va. June 10, 1997)); *GTE Wireless. Inc. v. Qualcomm. Inc.*, 71 F. Supp. 2d 517, 520 (E.D.Va. 1999) ("Docket conditions, although relevant, are a minor consideration when all other reasonable and logical factors would result in a transfer of venue."). Aside from docket considerations, the Court struggles to find any other factor which counsels in favor of retaining this action.

[*Eaglewood Consulting, LLC v. Graphic Packaging Int'l, Inc., No. 2:10-cv-00125, Slip Op. at 5-6 \(E.D. Va. Oct. 25, 2010\).*](#) After analyzing the remaining interests of justice factors under section 1404(a), the Court transferred the case to the Northern District of Georgia.

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