

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

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

v.

MONEX DEPOSIT COMPANY, MONEX
CREDIT COMPANY, NEWPORT SERVICE
CORPORATION, LOUIS CARABINI, and
MICHAEL CARABINI,

Defendants.

Case No. 17-cv-06416

Hon. Sharon Johnson Coleman

DEFENDANTS' MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)

Defendants Monex Deposit Company, Monex Credit Company, Newport Service Corporation, Louis Carabini and Michael Carabini (collectively, "Defendants"), pursuant to 28 U.S.C. § 1404(a) and this Court's September 19, 2017 Order (Dkt. No. 35), respectfully moves this Court to enter an order transferring this action from the United States District Court for the Northern District of Illinois to the United States District Court for the Central District of California (Southern Division) (the "Motion").

Contemporaneous with this Motion, Defendants filed their Memorandum of Law in Support of Motion to Transfer Venue. In support of this Motion, Defendants state the following:

1. 28 U.S.C. § 1404(a) provides that a case may be transferred from one federal district to another "[f]or the convenience of parties and witnesses, in the interest of justice." *Id.*
2. Here, the Commodity Futures Trading Commission ("CFTC") has brought suit in the Northern District of Illinois against Monex Deposit Company (a California partnership located solely in California), Monex Credit Company (a California partnership located solely in

California), Newport Service Corporation (a California Corporation located solely in California), Louis Carabini (a California resident) and Michael Carabini (a California resident), for actions based in, and conducted from, Defendants' offices in Newport Beach, California.

3. The vast majority of witnesses reside in the Central District of California. The Central District of California is the only place where the most third-party witnesses are subject to subpoena. No state but California has as high an interest in this action — the nexus of the CFTC's claims is based in California and, if the CFTC is to be believed, no state has a greater percentage of alleged "victims" than California.

4. Accordingly, for the reasons stated herein and more fully presented in Defendants' Memorandum of Law in Support of Motion to Transfer Venue, this Court should transfer the above-captioned lawsuit to the United States District Court for the Central District of California (Southern Division) pursuant to Section 1404(a).

WHEREFORE, pursuant to 28 U.S.C. § 1404(a), Defendants Monex Deposit Company, Monex Credit Company, Newport Service Corporation, Louis Carabini and Michael Carabini request that this Court enter an order transferring this action from the United States District Court for the Northern District of Illinois to the United States District Court for the Central District of California (Southern Division), and for all other relief that is just, equitable and proper.

Dated: October 3, 2017

Respectfully submitted,
MONEX DEPOSIT COMPANY, MONEX
CREDIT COMPANY, NEWPORT SERVICE
CORPORATION, LOUIS CARABINI, AND
MICHAEL CARABINI

By: /s/ Steven L. Merouse
One of their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2017, I electronically filed *Defendants' Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a)* with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel who have appeared in this matter.

By: /s/ Steven L. Mero
One of the Attorneys for Defendants