

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT**

IN RE:)	CASE No.	18-50295 (JAM)
)		
VICTOR CHUENG)	CHAPTER	7
)		
DEBTOR.)	RE: ECF No.	13
)		

ORDER DENYING AMENDED MOTION TO CHANGE VENUE

On March 12, 2018, the Debtor filed a petition for relief under Chapter 7 of the Bankruptcy Code. On his petition, the Debtor listed Stamford, Connecticut as his principal residence, and Middle Village, New York as his mailing address. On May 22, 2018, pursuant to 28 U.S.C. §§ 1408 and 1414, the Chapter 7 Trustee filed an amended motion seeking to transfer the Debtor's case to the Eastern District of New York or to dismiss the Debtor's case for improper venue (the "Amended Motion to Change Venue," ECF No. 13). According to the Amended Motion to Change Venue, the Debtor moved to Middle Village, New York in October 2017, and continued to remain there through and on the petition date. The Connecticut address listed by the Debtor on his petition is a storage facility where the Debtor maintains certain patient records, including computer equipment and x-rays, which the Debtor failed to disclose as assets in his Schedules filed with the Court. Because the Debtor failed to disclose the assets in his Schedules, and because the Debtor resided in New York during the 180-day period preceding the petition date as required under 28 U.S.C. § 1408, the Chapter 7 Trustee seeks to transfer the Debtor's case to the Eastern District of New York, or dismiss the Debtor's case for improper venue.

Subsequent to the filing of the Amended Motion to Change Venue, the Debtor filed an Amended Schedule A/B, listing the assets the Debtor maintains at the storage facility in

Stamford, Connecticut (the “Amended Schedule A/B,” ECF No. 17). On June 12, 2018, the Debtor filed an Objection to the Amended Motion to Change Venue (ECF No. 19), asserting that, *inter alia*, the Debtor practiced dentistry in Connecticut from 2011 to 2018 and continues to maintain the majority of his assets in the storage facility in Stamford, Connecticut.

A hearing on the Amended Motion to Change Venue and the Debtor's Objection to the Amended Motion to Change Venue was held on July 24, 2018. During the July 24th hearing, the United States Trustee asserted that the proper venue of the Debtor's case is the Eastern District of New York for the same reasons stated by the Chapter 7 Trustee. At the conclusion of the hearing, the Court took the matter under advisement.

Pursuant to 28 U.S.C. § 1408, venue is proper in any jurisdiction where a debtor maintains his residence, principal place of business, or where his principal assets are located for 180 days immediately preceding the petition date or for a longer portion of the 180-day period preceding the petition date. Even if venue is determined to be proper in the district where the bankruptcy case was filed, the case may be transferred "in the interest of justice or for the convenience of the parties." 28 U.S.C. § 1412; *see also* 28 U.S.C. § 157(a) (providing bankruptcy courts the authority to transfer a case or proceeding under 28 U.S.C. § 1412). Pursuant to 28 U.S.C. § 1412, courts traditionally analyze the following factors in determining whether a transfer of venue is appropriate: (i) proximity of witnesses necessary to the administration of the estate; (ii) location of assets; (iii) economic administration of the estate; and (iv) necessity for ancillary administration if liquidation results. *See, e.g., In re Commonwealth Oil Ref. Co., Inc.*, 596 F.2d 1239 (5th Cir. 1979). The decision of whether to transfer venue pursuant to 28 U.S.C. § 1412 is within a court's discretion. *See In re Patriot Coal Corp.*, 482 B.R 718, 738-39 (Bankr. S.D.N.Y. 2012).

Here, pursuant to 28 U.S.C. §§ 1408 and 1412, venue of the Debtor's Chapter 7 case in the District of Connecticut is proper. From 2011 to 2018, the Debtor practiced dentistry in Connecticut. The Debtor continues to maintain his business related property, such as patient records, computer equipment, and x-rays, at the storage facility in Stamford, Connecticut. The Chapter 7 Trustee's argument that because the Debtor failed to disclose the assets in his Schedules, those assets cannot be considered the principal assets of the Debtor for purposes of 28 U.S.C. § 1408, is effectively moot due to the filing of the Amended Schedule A/B. The § 341 meeting was conducted in Connecticut. At least eleven (11) out of thirty-two (32) creditors of the Debtor are Connecticut based companies represented by local counsel in Connecticut. It appears that much of the administration of the Debtor's estate has already occurred in Connecticut. Based on the specific facts of this case, and in the absence of any case law asserted by the Chapter 7 Trustee or the United States Trustee in support of their positions, the Court finds that venue of the Debtor's Chapter 7 case is proper in the District of Connecticut under 28 U.S.C. §§ 1408 and 1412. Accordingly, it is hereby

ORDERED: The Amended Motion to Change Venue is **DENIED**.

Dated at Bridgeport, Connecticut this 7th day of August, 2018.

Julie A. Manning
Chief United States Bankruptcy Judge
District of Connecticut

