
There are four factors which must be analyzed in order to determine appropriate venue for actions involving individuals. The first two factors apply to cases in which the **subject matter jurisdiction** is based on either diversity of citizenship or a federal question. The third factor only applies to cases based on **diversity of citizenship** jurisdiction. The fourth factor only applies to cases based on **federal question** jurisdiction.

(1) Residence

Venue is proper in a judicial district where any defendant resides, if all defendants reside in the same state; or

(2) Act

Venue is proper in a judicial district in which a substantial part of the **events or omissions** giving rise to the claim occurred; or most the property that is subject to the action is located.

(3) Diversity Only

Venue is proper in a judicial district in which the defendants are subject to **personal jurisdiction** at the time the action is commenced, if there is no district in which the action may otherwise be brought.

(4) Federal Question Only

Venue is proper in a judicial district in which any defendant **may be found**, if there is no district in which the action may otherwise be brought.

- **Waiver**

As with personal jurisdiction objections, venue objections may be waived if not **timely asserted**.

b) Corporate Parties

Different circumstances need to be considered when determining venue for corporations under 28 U.S.C. § 1391(c). For venue purposes, a defendant corporation is deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced. In a state which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.

c) Local Action

A **local action** is one that must be filed where a *res*, or real property is located. Conversely, all other types of actions are deemed to be **transitory**. The common law rule is followed in 28 U.S.C. § 1392, which is captioned: “Defendants or property in different districts in the same State.” It provides that: “Any civil action, of a local nature, involving property located in different districts in the same State, may be brought in any of such districts.”