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Hawkins v National Basketball Assn

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295 F.Supp. 103

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295 F.Supp. 103

United States District Court W.D. Pennsylvania.

Cornelius HAWKINS, a/k/a Connie Hawkins, Plaintiff,
v.

NATIONAL BASKETBALL ASSOCIATION,
an unincorporated association, J. Walter Kennedy,
individually and as President of the National Basketball
Association, Zollner Corporation, a corporation,
Cincinnati Basketball Club Co., a corporation, California
Sports, Incorporated, a corporation, Madison Square
Garden Corporation, a corporation, St. Louis Hawks
Basketball Club, Inc., a corporation, the Baltimore
Bullets Basketball Club, Inc., a corporation, and
RIKO Enterprises, Inc., a corporation, Defendants.

Civ. A. No. 66-1320.

Jan. 23, 1969.

Synopsis

Private antitrust action, wherein defendants moved for transfer to the Southern District of New York. The United States District Court for the Western District of Pennsylvania, Marsh, J., held that depositions and affidavits tendered on motion to transfer antitrust action to Southern District of New York were insufficient to establish greater convenience for parties and witnesses as result of transfer, and plaintiff's choice of district of his own residence would not be disturbed.

Motion denied.

See also 288 F.Supp. 614.

West Headnotes (6)

[1] **Federal Courts** 🔑 Plaintiff's choice of forum; forum shopping

170B Federal Courts

170BXII Change or Transfer of Venue

170BXII(A) In General; Venue Laid in Proper Forum

170Bk2904 Factors Considered

170Bk2906 Plaintiff's choice of forum; forum shopping

(Formerly 170Bk105, 106k277.1)

In antitrust actions, defendants must show a preponderant balance of inconvenience to overcome plaintiff's privilege to choose the forum. 28 U.S.C.A. § 1404(a).

2 Cases that cite this headnote

[2] **Antitrust and Trade Regulation** 🔑 Venue

29T Antitrust and Trade Regulation

29TXVII Antitrust Actions, Proceedings, and Enforcement

29TXVII(B) Actions

29Tk969 Jurisdiction and Venue

29Tk969(3) Venue

(Formerly 29Tk969, 265k28(3))

A private antitrust suit by basketball player against basketball association and its members was not local in nature but partook of multistate interest, as affecting proper venue, where exclusion of plaintiff as a playing member had multistate effect by affecting members of the association in several states. 28 U.S.C.A. § 1404(a).

[3] **Federal Courts** 🔑 Antitrust cases

170B Federal Courts

170BXII Change or Transfer of Venue

170BXII(A) In General; Venue Laid in Proper Forum

170Bk2907 Particular Determinations

170Bk2909 Antitrust cases

(Formerly 170Bk107, 106k277.1)

Depositions and affidavits tendered on motion to transfer antitrust action to Southern District of New York were insufficient to establish greater convenience for parties and witnesses as result of transfer, and plaintiff's choice of district of his own residence would not be disturbed. 28 U.S.C.A. § 1404(a).

4 Cases that cite this headnote

[4] **Federal Courts** 🔑 Antitrust cases

170B Federal Courts
170BXII Change or Transfer of Venue
170BXII(A) In General; Venue Laid in Proper Forum
170Bk2907 Particular Determinations
170Bk2909 Antitrust cases
(Formerly 170Bk107, 106k277.1)

In passing on motion to transfer antitrust action, court would consider only convenience or inconvenience of those witnesses who had been identified as probable witnesses and substance of whose testimony appeared to be competent and material. 28 U.S.C.A. § 1404(a).

1 Cases that cite this headnote

[5] **Federal Courts** 🔑 Antitrust cases

170B Federal Courts
170BXII Change or Transfer of Venue
170BXII(A) In General; Venue Laid in Proper Forum
170Bk2907 Particular Determinations
170Bk2909 Antitrust cases
(Formerly 170Bk107)

On motion to transfer antitrust action, attorney's affidavit suggesting probability that discovery

would lead to other witnesses who were likely residents of Southern District of New York could not be considered as lending any weight. 28 U.S.C.A. § 1404(a).

[6] **Federal Courts** 🔑 Antitrust cases

170B Federal Courts
170BXII Change or Transfer of Venue
170BXII(A) In General; Venue Laid in Proper Forum
170Bk2907 Particular Determinations
170Bk2909 Antitrust cases
(Formerly 170Bk107, 106k277.1)

On motion to transfer antitrust action, only minimal weight could be given to conjecture and speculation. 28 U.S.C.A. § 1404(a).

All Citations

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