

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GWEN YEAMAN,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:05-cv-0406-LJM-WTL
)	
CAROLINE ASHLEIGH,)	
)	
Defendant.)	

Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction or to Transfer This Case to the Eastern District of Michigan Under 28 U.S.C. § 1404(a)

Defendant Caroline Ashleigh asks that this Court dismiss this case or in the alternative to transfer this case to the Eastern District of Michigan pursuant to 28 U.S.C. §1404(a) for the following reasons:

1. As shown in greater detail in the supporting brief filed with this motion, this Court lacks personal jurisdiction over Ms. Ashleigh because she does not have sufficient minimum contacts with Indiana.

2. As shown in greater detail in the supporting brief filed with this motion, transfer under 28 U.S.C. § 1404(a) is appropriate because the disputed property is located there and because the events relevant to the dispute occurred there.

COHEN & MALAD, LLP

By: /s/ Arend J. Abel
Arend J. Abel #10763-49
Attorney for Caroline Ashleigh

COHEN & MALAD, LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204
Telephone (317) 636-6481
Fax (317) 636-2593

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon counsel of record, as listed below, via the Court's electronic filing system on April 22, 2005:

Steven C. Shockley
SOMMER BARNARD ATTORNEYS, PC
One Indiana Square, Suite 3500
Indianapolis, IN 46204
(317) 713-3500
(317) 713-3699 (FAX)

/s/ Arend J. Abel
Arend J. Abel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GWEN YEAMAN,)
)
 Plaintiff,)
)
 v.)
)
 CAROLINE ASHLEIGH,)
)
 Defendant.)

CASE NO.

DECLARATION OF CAROLINE ASHLEIGH

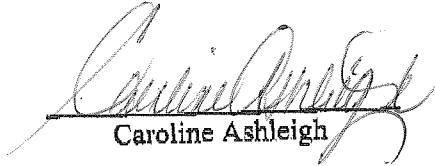
Caroline Ashleigh ("Ashleigh") makes the following declaration under penalties for perjury:

1. I am more than eighteen years old, and I have personal knowledge of the facts stated in this declaration.
2. I am a resident of the United States of America and have continuously resided in Oakland County, Michigan, since 1988.
3. I am an independent general appraiser.
4. I first met Gwen Yeaman ("Yeaman") in or about the Spring of 2003 through a meeting arranged by Bernard Ewell of Santa Fe, New Mexico, who wanted Yeaman to meet me. The meeting took place in Oakland County, Michigan.
5. In or about August 2004, Yeaman sought me out to purchase the bandolier bag.
6. As a result, I purchased the bandolier bag from its owners, Mike and Jenny Lyton, both residents of the State of Arizona.

7. I had no co-ownership agreement with Gwen Yeaman concerning the bandolier bag.
8. Yeaman brought the bandolier bag to me in Oakland County, Michigan, in or about August 2004. I wrote a check to Mike and Jenny Lyton and mailed it to their residence in Arizona from Oakland County, Michigan.
9. The bandolier bag was auctioned at Christie's in New York City, New York, on January 13, 2005, and sold for \$132,000.00 inclusive of the buyer's premium.
10. The hammer price of the bandolier bag excluding the buyer's premium is \$110,000.00.
11. Christie's is still holding the proceeds from the bandolier bag because Yeaman hired a New York City, New York, law firm to contact Christie's and inform them that the ownership of the bandolier bag was in dispute.
12. The contract Ashleigh signed with Christie's in Oakland County, Michigan, list's Ashleigh as the "sole consignor".
13. Yeaman also delivered to Michigan the other Native American objects described in the complaint, though she told me, in writing, that they belonged to other persons for whom I was to sell them.
14. Ms. Yeaman appraised those items at approximately \$49,000.00.
15. The above property belongs to three different owners, none of which are Yeaman.
16. I have never transacted business in the State of Indiana.

I DECLARE UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

Date: March 12, 2015


Caroline Ashleigh

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GWEN YEAMAN,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:05-cv-0406-LJM-WTL
)	
CAROLINE ASHLEIGH,)	
)	
Defendant.)	

Order on Motion to Dismiss for Lack of Personal Jurisdiction or to Transfer This Case to the Eastern District of Michigan Under 28 U.S.C. § 1404(a)

This matter came before the Court on Defendant Caroline Ashleigh’s request that this Court dismiss this case or in the alternative to transfer this case to the Eastern District of Michigan pursuant to 28 U.S.C. §1404(a). The Court has read and considered the Motion and accompanying brief and declaration, and the opposition thereto filed by Plaintiff and now GRANTS the Motion to Transfer. IT IS THEREFORE ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan. The Motion to Dismiss is MOOTED by this action.

Dated: _____

Sarah Evans Barker, Judge
United States District Court for
the Southern District of Indiana

Distribution:

Arend J. Abel
COHEN & MALAD, LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204

Steven C. Shockley
SOMMER BARNARD ATTORNEYS, PC
One Indiana Square, Suite 3500
Indianapolis, IN 46204
(317) 713-3500
(317) 713-3699 (FAX)