

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

NORTH SHORE MARINE TERMINAL AND  
LOGISTICS, INC.,

Plaintiff,

Case No. 2:24-cv-73

v.

HON. JANE M. BECKERING

LOCKHEED MARTIN CORPORATION, et  
al.,

Defendants.

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**MEMORANDUM OPINION AND ORDER**

In May 2024, Plaintiff North Shore Marine Terminal and Logistics, Inc. (NSMT) initiated this case against Lockheed Martin Corporation and the United States Department of the Navy (“U.S. Navy”), alleging damage to the NSMT marine facility caused by a public vessel of the United States. The U.S. Navy filed a motion to dismiss for improper venue (ECF No. 24).<sup>1</sup> Relying on the factual representations of the Commander of the U.S. Navy as to the vessel’s location on the relevant dates (Decl., ECF No. 25-1), the U.S. Navy argues that the only proper venue for NSMT’s claims is the District Court for the Middle District of Florida (ECF No. 25 at PageID.98). In its response to the motion, NSMT recognizes that the Public Vessel Act’s venue provision, 46 U.S.C. § 31104(a), “may require transfer despite this action having no connection to the state of Florida,” and NSMT requests that the action be transferred to the Middle District of Florida (ECF No. 35 at PageID.238).

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<sup>1</sup> Defendant Lockheed Martin Corporation also filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 26), which this Court has not addressed.

Pursuant to 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” *See generally Tobien v. Nationwide Gen. Ins. Co.*, 133 F.4th 613 (6th Cir. 2025) (describing the decision as falling within a district court’s discretion). Here, in light of the demonstrated defect in venue and NSMT’s request, the Court will, in its discretion and the interest of justice, transfer this case to the proper district. Therefore:

**IT IS HEREBY ORDERED** that the Motion to Dismiss for Improper Venue (ECF No. 24) is GRANTED to the extent that this matter is TRANSFERRED to the United States District Court for the Middle District of Florida.

For purposes of this Court’s docket in the Western District of Michigan, this action is TERMINATED.

Dated: August 18, 2025

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge