

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK

BYD Sports, LLC and BYD Management, LLC v. Don King, Don  
King Productions, Inc., Doe Corporations 1-10, Doe Beneficiaries 1-  
10

No. 24 Civ. 9335 (AT) · No. 24 Civ. 9335 (AT) · Decided December 1, 2025

SUMMARY

The U.S. District Court for the Southern District of New York holds that venue is improper in the district because no defendant resides there and a substantial part of the events giving rise to the claims did not occur there. The court rejects plaintiffs’ arguments based on judicial estoppel, a forum-selection clause, and alleged economic effects in New York. It grants defendants’ motion to transfer the action to the Southern District of Florida under 28 U.S.C. § 1406(a), denies the Rule 12(b)(3) motion to dismiss, and declines to address dismissal for failure to state a claim.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Analisa Torres                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | U.S. District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                          |
| DECIDED               | December 1, 2025                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 24 Civ. 9335 (AT)                                                                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Plaintiffs brought claims including defamation, tortious interference with economic relations, and breach of contract. Defendants moved to dismiss for improper venue and failure to state a claim, or alternatively to transfer the action to the Southern District of Florida.                                                                                   |
| STANDARD OF REVIEW    | Venue under 28 U.S.C. § 1391(b)(2) is determined through a fact-specific, qualitative inquiry into the overall nature of the claims and the specific events or omissions in the forum. Transfer under § 1406(a) is committed to the district court's considerable discretion and is appropriate when venue is improper and transfer is in the interest of justice. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                    |

## TOPICS

venue motions to dismiss civil procedure commercial litigation contracts

## PRACTICE AREAS

civil procedure commercial litigation contracts torts

## QUESTIONS PRESENTED

1. Whether defendants were judicially estopped from contesting venue based on positions taken in other litigation.
2. Whether a forum-selection clause in a 2021 promotional agreement required this action to be brought in the Southern District of New York.
3. Whether venue was proper in the Southern District of New York under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to plaintiffs' claims occurred there.
4. Whether the action should be transferred to the Southern District of Florida under 28 U.S.C. § 1406(a).

## HOLDINGS

1. Defendants were not judicially estopped from contesting venue because plaintiffs did not show that defendants had taken an inconsistent position concerning venue in a materially similar factual and legal setting that had been adopted by another tribunal.
2. The forum-selection clause in the 2021 promotional agreement did not encompass plaintiffs' claims and therefore did not establish an enforceable requirement that this action be litigated in the Southern District of New York.
3. Venue was not proper in the Southern District of New York because a substantial part of the events or omissions giving rise to plaintiffs' claims did not occur there.
4. Because venue was improper in the Southern District of New York, and the action could have been brought in the Southern District of Florida, transfer there was in the interest of justice under 28 U.S.C. § 1406(a).

## KEY QUOTATIONS

*“When material acts or omissions within the forum bear a close nexus to the claims, they are properly deemed ‘significant’ and, thus, substantial, but when a close nexus is lacking, so too is the substantiality necessary to support venue.” (at 7)*

*“Courts enjoy considerable discretion in deciding whether to transfer a case in the interest of justice.” (at 9)*

## FACTUAL BACKGROUND

Plaintiffs, Virginia limited liability companies managed by Cecil Miller, alleged that Don King and Don King Productions agreed or intended to collaborate with them on a Nigerian boxing event. After King ceased responding and plaintiffs renamed and proceeded with the event, King and DKP sent a cease-and-desist letter to

plaintiffs and a Nigerian government official and posted it on social media. The Nigerian event was canceled, an Amazon affiliate ended its streaming relationship with plaintiffs, and plaintiffs alleged continuing reputational and economic harm.

## PROCEDURAL HISTORY

Plaintiffs filed the action in the Southern District of New York on December 12, 2024 and later filed a third amended complaint. Defendants moved to dismiss or transfer. The court held that venue was improper in the Southern District of New York, rejected plaintiffs' judicial-estoppel and forum-selection-clause arguments, granted transfer to the Southern District of Florida under 28 U.S.C. § 1406(a), denied the Rule 12(b)(3) motion as moot, and declined to reach the motion to dismiss for failure to state a claim.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The Clerk was directed to transfer the case to the United States District Court for the Southern District of Florida. The court did not reach defendants' motion to dismiss for failure to state a claim.

## CASES CITED

- Koch v. Christie's Int'l PLC, 699 F.3d 141, 145 (2d Cir. 2012)
- Rodal v. Anesthesia Grp. of Onondaga, P.C., 369 F.3d 113, 118 (2d Cir. 2004)
- Mitchell v. Washingtonville Cent. Sch. Dist., 190 F.3d 1, 6 (2d Cir. 1999)
- Daniel v. Am. Bd. of Emergency Med., 428 F.3d 408, 432–33 (2d Cir. 2005)
- Donnay USA Ltd. v. Donnay Int'l S.A., 705 F. App'x 21, 26 (2d Cir. 2017)
- Nat'l Union Fire Ins. Co. of Pittsburgh, Pa. v. Wynn Las Vegas, LLC, 509 F. Supp. 3d 38, 50 n.6 (S.D.N.Y. 2020)
- NuMSP, LLC v. St. Etienne, 462 F. Supp. 3d 330, 343 (S.D.N.Y. 2020)
- Martinez v. Bloomberg LP, 740 F.3d 211, 217 (2d Cir. 2014)
- Boehner v. Heise, 410 F. Supp. 2d 228, 240 (S.D.N.Y. 2006)
- Greenblatt v. Gluck, 265 F. Supp. 2d 346, 352 (S.D.N.Y. 2003)
- Astor Holdings, Inc. v. Roski, No. 01 Civ. 1905, 2002 WL 72936, at \*9 (S.D.N.Y. Jan. 17, 2002)
- Abalu v. Soc'y of Human Res. Mgmt., No. 24 Civ. 5917, 2025 WL 1019199, at \*14 (S.D.N.Y. Apr. 4, 2025)
- RLP Ventures LLC v. All Hands Instruction NVP, No. 18 Civ. 3988, 2019 WL 1316030, at \*6 (S.D.N.Y. Mar. 22, 2019)
- Lama v. New Century Found., No. 19 Civ. 2169, 2019 WL 7599899, at \*8 (S.D.N.Y. Oct. 10, 2019), report & recommendation adopted, No. 19 Civ. 2169, 2019 WL 13368587 (S.D.N.Y. Oct. 28, 2019)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/u-s-district-court-for-the-southern-district-of-new-york-united-states-district-court-for-the-southe/2025/byd-sports-llc-and-byd-management-llc-v-don-king-don-king-094nh8cl>