

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Ben Pepa v. Northern Terrace Homeowners Association

Pepa · No. CV-25-04049-PHX-KML · Decided December 10, 2025

SUMMARY

The United States District Court for the District of Arizona ordered the transfer of Ben Pepa’s action against Northern Terrace Homeowners Association to the District of Nevada under the first-to-file rule and 28 U.S.C. § 1404(a). The dispute concerns ownership of the domain name <northernterrace.vegas> and related administrative proceedings. The court took no action on the pending motion for temporary restraining order and preliminary injunction, leaving that issue for the Nevada court.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 10, 2025
DOCKET	CV-25-04049-PHX-KML
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff filed an action concerning ownership and transfer of a domain name and moved for a temporary restraining order and preliminary injunction. The court considered supplemental briefing on whether the action should be transferred to the District of Nevada or dismissed as duplicative of a substantially identical Nevada action.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

TOPICS

- venue
- civil procedure
- injunctions
- copyright law
- commercial litigation

PRACTICE AREAS

- civil procedure
- venue
- intellectual property
- copyright infringement
- commercial litigation

QUESTIONS PRESENTED

1. Whether the Arizona action should be transferred to the District of Nevada rather than dismissed as duplicative of the previously filed Nevada action.
2. Whether the court should rule on plaintiff's motion for a temporary restraining order and preliminary injunction before transfer.

HOLDINGS

1. Transfer of the Arizona action to the District of Nevada was appropriate because the action was filed only to prevent transfer of the domain name, that purpose had been accomplished, and the Nevada forum was the proper forum for further proceedings because the evidence and witnesses were located there.
2. The Arizona court would take no action on the pending motion for a temporary restraining order and preliminary injunction; the District of Nevada would determine whether early injunctive relief was necessary.

KEY QUOTATIONS

“A transfer under § 1404(a) results in a change of courtrooms, not a change of law.” (at 2)

FACTUAL BACKGROUND

In 2022, Ben Pepa registered the domain name `northernterrace.vegas`, which was registered through GoDaddy, whose principal office is in Arizona. In August 2025, Northern Terrace Homeowners Association initiated an administrative proceeding seeking ownership of the domain name, and the panel ordered the domain transferred to NTHOA. Pepa filed an identical federal action in Nevada and then filed this Arizona action after GoDaddy stated that suit in the selected mutual jurisdiction was required to prevent transfer pending resolution of the dispute.

PROCEDURAL HISTORY

NTHOA initiated an administrative domain-name proceeding that resulted in a decision transferring the domain name to NTHOA. Plaintiff then filed an identical federal action in Nevada and a subsequent action in Arizona after GoDaddy indicated that suit in the selected mutual jurisdiction was necessary to prevent transfer. The Arizona court declined to dismiss the action as duplicative, ordered transfer to the District of Nevada, took no action on the pending injunctive motion, and directed the clerk to close the Arizona case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The clerk was ordered to transfer the case to the United States District Court for the District of Nevada and close the Arizona case. The District of Nevada was left to determine whether early injunctive relief was necessary.

CASES CITED

- In re Bozic, 888 F.3d 1048, 1052 (9th Cir. 2018)
- Ravelo Monegro v. Rosa, 211 F.3d 509, 513 (9th Cir. 2000)

OPINION

Pepa

PER CURIAM.

1 WO 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Ben Pepa, No. CV-25-04049-PHX-KML 10 Plaintiff, ORDER 11 v. 12 Northern Terrace
Homeowners Association, 13 Defendant. 14 15 On November 13, 2025, the court ordered plaintiff
Ben Papa, defendant Northern 16 Terrace Homeowners Association (“NTHOA”), and non-party
GoDaddy.com, LLC to file 17 supplemental briefs addressing certain threshold issues, including
whether this case should 18 be transferred to the District of Nevada. (Doc. 13.) Pepa and NTHOA
filed briefs, but 19 GoDaddy did not. Having reviewed the supplemental briefs, transfer to the
District of 20 Nevada is appropriate. 21 The court outlined the relevant facts in its November 13
order. In brief, sometime 22 in 2022 plaintiff Ben Pepa registered the domain name
<northernterrace.vegas>. GoDaddy 23 is the registrar of that domain name and GoDaddy’s
principal office is in Arizona. In

24 August 2025, NTHOA initiated an administrative proceeding seeking to gain ownership of
25 the domain name. The complaint NTHOA filed in that administrative proceeding identified 26
the “mutual jurisdiction” where it would “submit, with respect to any challenges to a 27 decision
in the administrative proceeding canceling or transferring the domain name.” 28 (Doc. 15-1 at 9.)
NTHOA selected the “mutual jurisdiction” of “the location of the 1 principal office of the
concerned registrar,” i.e. Arizona. (Doc. 15-1 at 9.) 2 On October 13, 2025, the administrative
panel issued a decision transferring the 3 domain name to NTHOA. GoDaddy informed Pepa it
would implement the decision in ten 4 days unless it received notice that Pepa had initiated suit in
the “mutual jurisdiction” 5 NTHOA had selected. On October 24, 2025, Pepa informed GoDaddy
he had “commenced 6 a federal lawsuit in the United States District Court [for] the District of
Nevada.” (Doc. 11- 7 2 at 4.) GoDaddy indicated that suit was not sufficient to prevent transfer
because it had 8 not been filed in the applicable “mutual jurisdiction.” (Doc. 11-2 at 2.) That
prompted Pepa 9 to file this suit, which is identical to the Nevada suit. Pepa explains he filed suit
in Arizona 10 solely to ensure GoDaddy did not transfer the domain name pending entry of a final
11 judgment resolving the disputes between Pepa and NTHOA. 12 Almost two weeks after filing
his complaint in this court, Pepa filed a motion for 13 temporary restraining order and preliminary
injunction. (Doc. 11.) That motion sought an 14 order prohibiting GoDaddy from transferring the
domain name. (Doc. 11 at 14.) The court 15 called for supplemental briefing from the parties and
GoDaddy. The court was particularly 16 interested in hearing from GoDaddy whether it would

comply with orders issued by the 17 U.S. District Court for the District of Nevada. (Doc. 13 at 4.) GoDaddy received a copy of 18 the court's order but opted to ignore it. (Doc. 14.) 19 In the supplemental briefing, Pepa asks the court to transfer this case to Nevada 20 while NTHOA requests the court dismiss this case as duplicative of the Nevada case. (Doc. 21 15 at 3; Doc. 16 at 7-8.) GoDaddy's refusal to file a supplemental brief supports 22 transferring this case to Nevada, not dismissing it. In re Bozic, 888 F.3d 1048, 1052 (9th 23 Cir. 2018) (first-to-file rule allows court to transfer, stay, or dismiss second action). The 24 only reason Pepa filed the present suit was because GoDaddy claimed filing suit in Arizona 25 was necessary to prevent transfer of the domain name. GoDaddy refused to explain that 26 position but assuming it was necessary for Pepa to file suit in Arizona to prevent transfer, 27 that purpose has been accomplished. There is no need for additional proceedings in Arizona 28 and transferring this case to Nevada—where the evidence and witnesses are located—is 1 || appropriate. Cf Ravelo Monegro v. Rosa, 211 F.3d 509, 513 (9th Cir. 2000) (“A transfer 2|| under § 1404(a) results in a change of courtrooms, not a change of law.”). 3 The court takes no action on the pending motion for temporary restraining order and || preliminary injunction. The Nevada court will be in the best position to determine whether 5 || there is any need for early injunctive relief. 6 IT IS ORDERED the Clerk of Court shall transfer this case to the United States District Court for the District of Nevada and close the current case. 8 Dated this 10th day of December, 2025. 9 Honorable Krissa M. Lanham 12 United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-