

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.

OPINION

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-

