

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)

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