

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

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 order prohibiting GoDaddy from transferring the domain name. (Doc. 11 at 14.) The court called for supplemental briefing from the parties and GoDaddy. The court was particularly interested in hearing from GoDaddy whether it would comply with orders issued by the U.S. District Court for the District of Nevada. (Doc. 13 at 4.) GoDaddy received a copy of the court's order but opted to ignore it. (Doc. 14.) In the supplemental briefing, Pepa asks the court to transfer this case to Nevada while NTHOA requests the court dismiss this case as duplicative of the Nevada case. (Doc. 21 at 3; Doc. 16 at 7-8.) GoDaddy's refusal to file a supplemental brief supports transferring this case to Nevada, not dismissing it. In *re Bozic*, 888 F.3d 1048, 1052 (9th Cir. 2018) (first-to-file rule allows court to transfer, stay, or dismiss second action). The only reason Pepa filed the present suit was because GoDaddy claimed filing suit in Arizona was necessary to prevent transfer of the domain name. GoDaddy refused to explain that position but assuming it was necessary for Pepa to file suit in Arizona to prevent transfer, that purpose has been accomplished. There is no need for additional proceedings in Arizona and transferring this case to Nevada—where the evidence and witnesses are located—is appropriate. Cf. *Ravelo Monegro v. Rosa*, 211 F.3d 509, 513 (9th Cir. 2000) ("A transfer under § 1404(a) results in a change of courtrooms, not a change of law."). 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 there is any need for early injunctive relief. 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. Dated this 10th day of December, 2025. Honorable Krissa M. Lanham United States District Judge

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-