

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Aileen Fessia, et al. v. HMSHost Corporation

Fessia v. HMSHost Corporation, Civ. No. DLB-25-1970 (D. Md. Feb. 10, 2026) · No. Civ. No. DLB-25-1970 ·
Decided February 10, 2026

SUMMARY

The U.S. District Court for the District of Maryland denied HMSHost Corporation’s motion under 28 U.S.C. § 1404(a) to transfer a negligence and loss-of-consortium action to the District of Hawaii. The court concluded that the convenience of the parties and witnesses, the interest of justice, and HMSHost’s delay in seeking transfer weighed against disturbing the plaintiffs’ chosen forum.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Deborah L. Boardman
JURISDICTION	U.S. District Court for the District of Maryland
DECIDED	February 10, 2026
DOCKET	Civ. No. DLB-25-1970
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under 28 U.S.C. § 1404(a) to transfer the negligence and loss-of-consortium action from the District of Maryland to the District of Hawaii.
STANDARD OF REVIEW	A party seeking transfer under 28 U.S.C. § 1404(a) bears the burden of showing by a preponderance of the evidence that transfer is proper. The court first determines whether the action could have been brought in the transferee district, then weighs the plaintiff's choice of venue, witness convenience and access, party convenience, and the interest of justice. Transfer is committed to the sound discretion of the trial court, and the plaintiff's choice of forum should rarely be disturbed unless the balance strongly favors the defendant.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- venue
- civil procedure
- negligence
- personal injury
- torts

PRACTICE AREAS

civil procedure

torts

personal injury

QUESTIONS PRESENTED

1. Whether the action could have been brought in the District of Hawaii.
2. Whether the balance of the factors under 28 U.S.C. § 1404(a) justified transferring the case from the District of Maryland to the District of Hawaii.
3. What weight should be given to the plaintiffs' choice of the District of Maryland when neither the plaintiffs nor the underlying conduct was connected to Maryland.
4. Whether HMSHost established sufficient witness inconvenience, party inconvenience, and interest-of-justice considerations to overcome the plaintiffs' chosen forum.

HOLDINGS

1. The action could have been brought in the District of Hawaii, and the parties did not dispute that threshold requirement.
2. Transfer to the District of Hawaii was not warranted because HMSHost failed to show that the § 1404(a) factors strongly favored transfer.
3. The plaintiffs' choice of the District of Maryland was entitled to less deference because the plaintiffs did not reside in Maryland and the complained-of conduct did not occur there, but the factor was ultimately neutral.
4. HMSHost did not establish sufficient witness inconvenience to support transfer.
5. HMSHost's five-month delay in seeking transfer, after litigation and discovery had substantially progressed, weighed heavily against transfer.

KEY QUOTATIONS

“A party requesting a change of venue under this statute “bears the burden of showing, by a preponderance of the evidence, that transfer to another venue is proper.”” (at 2)

“Ultimately, “[t]he decision whether to transfer venue is committed to the sound discretion of the trial court.”” (at 3)

“HMS has not met its burden to show that the balance of the § 1404(a) factors tips strongly enough in its favor to justify disturbing the plaintiffs’ choice of forum.” (at 8)

FACTUAL BACKGROUND

Aileen and Daniel Fessia, Utah residents, were traveling through Kahului Airport in Maui, Hawaii, when Aileen was struck by a food-services cart operated by HMSHost employee Baron Ladia. The cart was allegedly stacked so high that Ladia's view was obstructed, and Aileen suffered serious injuries requiring multiple surgeries and preventing her from working. The accident, incident witnesses, and related records were principally located in

Hawaii, while HMSHost had its principal place of business in Maryland and the Fessias identified Maryland-based expert witnesses and a treating physician who would find Maryland more convenient than Hawaii.

PROCEDURAL HISTORY

The Fessias filed suit in the District of Maryland on June 20, 2025, and HMSHost answered. After the court entered a scheduling order, referred the case for settlement discussions, and discovery was underway, HMSHost moved on November 17, 2025, to transfer the case to Hawaii. The plaintiffs opposed the motion, the parties continued discovery and settlement-related proceedings, and the court denied transfer without a hearing.

DISPOSITION

other

CASES CITED

- Menk v. MITRE Corp., 713 F. Supp. 3d 113, 132 (D. Md. 2024)
- Kimber v. Plus3 IT Sys., LLC, No. ELH-18-3046, 2019 WL 1518970, at *3 (D. Md. Apr. 5, 2019)
- Versus Evil LLC v. PNC Bank, Nat'l Ass'n, 613 F. Supp. 3d 916, 923 (D. Md. 2020)
- CoStar Realty Info., Inc. v. Meissner, 604 F. Supp. 2d 757, 770 (D. Md. 2009)
- D2L Ltd. v. Blackboard, Inc., 671 F. Supp. 2d 768, 777-78 (D. Md. 2009)
- Trs. of the Plumbers & Pipefitters Nat'l Pension Fund v. Plumbing Servs., Inc., 791 F.3d 436, 444 (4th Cir. 2015)
- Byerson v. Equifax Info. Servs., LLC, 467 F. Supp. 2d 627, 632 (E.D. Va. 2006)
- Collins v. Straight, Inc., 748 F.2d 916, 921 (4th Cir. 1984)
- Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508 (1946)
- Mamani v. Bustamante, 547 F. Supp. 2d 465, 469 (D. Md. 2008)
- Atl. Marine Constr. Co. v. U.S. Dist. Ct. for W. Dist. Tex., 571 U.S. 49, 63 (2013)
- Bell v. CSX Transp., Inc., 758 F. Supp. 3d 390, 394 (D. Md. 2024)
- Manne v. Jaddou, No. CV 21-1092 PJM, 2022 WL 102853, at *7 (D. Md. Jan. 11, 2022)
- United States ex rel. Salomon v. Wolff, 268 F. Supp. 3d 770, 774-75 (D. Md. 2017)
- Smellie v. Marriott Int'l, Inc., No. PX-23-2121, 2023 WL 7487183, at *4 (D. Md. Nov. 13, 2023)
- Atl. City Assocs. No. Two (S-1), LLC v. Reale, No. CCB-11-78, 2011 WL 1769842, at *3 (D. Md. May 9, 2011)
- Intell. Ventures I LLC v. Cap. One Fin. Corp., No. PWG-14-111, 2014 WL 979198, at *5-6 (D. Md. Mar. 12, 2014)