

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Susan Colby, et al. v. VisionWorks of America, Inc.

Colby · No. 1:25-cv-00387-JLT-SAB · Decided October 16, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge recommending that VisionWorks of America, Inc.'s motion to transfer venue be granted. The court recommends transferring the putative data-privacy class action from the Eastern District of California to the Western District of Texas under 28 U.S.C. § 1404(a), while declining to apply the first-to-file rule because the related Texas action had been administratively closed. Objections were due within fourteen days of service.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 16, 2025
DOCKET	1:25-cv-00387-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to transfer this putative data-privacy class action from the Eastern District of California to the Western District of Texas under the first-to-file rule and 28 U.S.C. § 1404(a). The magistrate judge issued findings and recommendations recommending that the motion be granted and the case transferred.
STANDARD OF REVIEW	The moving party bears the burden of demonstrating that transfer is appropriate. Transfer under 28 U.S.C. § 1404(a) is evaluated through an individualized, case-by-case consideration of convenience and fairness, considering nonexclusive factors including the plaintiff's forum choice, party and witness convenience, access to evidence, familiarity with applicable law, consolidation feasibility, local interest, and relative court congestion. Application of the first-to-file rule is discretionary and may be declined for equitable reasons.

PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to district judge review and adoption.
PARTIES	Susan Colby, et al. v. VisionWorks of America, Inc.

TOPICS

venue class actions civil procedure hipaa medical records privacy

PRACTICE AREAS

civil procedure venue class actions data privacy health law

QUESTIONS PRESENTED

1. Whether the first-to-file rule required or supported transfer of the action to the Western District of Texas.
2. Whether the action could have been brought in the Western District of Texas under 28 U.S.C. § 1404(a).
3. Whether the convenience of the parties and witnesses and the interest of justice favored transfer under § 1404(a).

HOLDINGS

1. The first-to-file rule did not warrant transfer because the earlier-filed Sharma action had been administratively closed, was inactive, and therefore did not present the duplicative-rulings or inconsistent-judgments concern the rule is designed to prevent. The court also concluded that equitable circumstances justified declining to apply the rule even if its threshold requirements were met.
2. The action could have been brought in the Western District of Texas because minimal diversity and federal-question jurisdiction existed, VisionWorks was subject to personal jurisdiction there, and venue was proper there.
3. Transfer to the Western District of Texas was appropriate under § 1404(a). The convenience of the parties and witnesses and relative docket congestion favored transfer, while the plaintiff's choice of forum, access to evidence, familiarity with applicable law, feasibility of consolidation, and local interest were neutral.

KEY QUOTATIONS

“Because Sharma is inactive, it does not present the risk of duplicative rulings or inconsistent judgments that the first-to-file rule was designed to prevent.” (at 18)

“Upon weighing the factors discussed above, the Court finds that transfer to the Western District of Texas is appropriate and warranted under 28 U.S.C. § 1404(a).” (at 28)

FACTUAL BACKGROUND

Plaintiffs brought a putative class action alleging that VisionWorks collected and transmitted personally identifiable and sensitive health information entered on its scheduling website to unauthorized third parties

through online tracking tools. VisionWorks is a Texas corporation headquartered in San Antonio, while the four named plaintiffs reside in California, Illinois, Maryland, and New York. A related earlier putative class action, *Sharma*, was filed in the Western District of Texas concerning alleged transmission of protected health information through VisionWorks's website, but that case had been administratively closed and its future status was unclear.

PROCEDURAL HISTORY

Plaintiffs filed the putative nationwide class action in the Eastern District of California on April 3, 2025. VisionWorks moved to transfer venue, asserting that an earlier related action, *Sharma v. VisionWorks of America, Inc.*, was pending in the Western District of Texas and that the § 1404(a) convenience factors favored transfer. After briefing and oral argument, the magistrate judge recommended transfer; the recommendation was subject to objections and review by the assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the matter be transferred to the United States District Court for the Western District of Texas. The recommendation was submitted to the assigned district judge for review, and objections were due within fourteen days.

CASES CITED

- *In re Bozic*, 888 F.3d 1048, 1051-52 (9th Cir. 2018)
- *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th Cir. 1997)
- *Kron Law Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787 F.3d 1237, 1240 (9th Cir. 2015)
- *Pacesetter Sys. Inc. v. Medtronic, Inc.*, 678 F.2d 93, 95 (9th Cir. 1982)
- *Alltrade, Inc. v. Uniweld Prods.*, 946 F.2d 622, 628 (9th Cir. 1991)
- *Sarkar v. Garland*, 39 F.4th 611, 618 (9th Cir. 2022)
- *Quinn v. CGR*, 828 F.2d 1463, 1465 n.2 (10th Cir. 1987)
- *Lehman v. Revolution Portfolio LLC*, 166 F.3d 389, 392 (1st Cir. 1999)
- *Church of Scientology of California v. U.S. Dep't of Army*, 611 F.2d 738, 750 (9th Cir. 1979)
- *Van Dusen v. Barrack*, 376 U.S. 612, 616 (1964)
- *Continental Grain Co. v. The FBL-585*, 364 U.S. 19, 26-27 (1960)
- *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988)
- *Commodity Futures Trading Comm'n v. Savage*, 611 F.2d 270, 279 (9th Cir. 1979)
- *Walters v. Famous Transps., Inc.*, 488 F. Supp. 3d 930, 936 (N.D. Cal. 2020)
- *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498-99 (9th Cir. 2000)
- *Ventress v. Japan Airlines*, 486 F.3d 1111, 1118 (9th Cir. 2007)

- *Park v. Dole Fresh Vegetables, Inc.*, 964 F. Supp. 2d 1088, 1093 (N.D. Cal. 2013)
- *Decker Coal Co. v. Commonwealth Edison Co.*, 805 F.2d 834, 843 (9th Cir. 1986)
- *Hawkins v. Gerber Prods. Co.*, 924 F. Supp. 2d 1208, 1214, 1216 (S.D. Cal. 2013)
- *Lou v. Belzberg*, 834 F.2d 730, 739 (9th Cir. 1987)
- *Vehimax Int'l, LLC v. Jui Li Enter. Co., Ltd.*, 2010 WL 11527371, at *6 (C.D. Cal. Mar. 10, 2010)
- *Los Angeles Mem'l Coliseum Comm'n v. Nat'l Football League*, 89 F.R.D. 497, 501 (C.D. Cal. 1981)
- *Catch Curve, Inc. v. Venali, Inc.*, 2006 WL 4568799, at *7 (C.D. Cal. Feb. 27, 2006)
- *In re Genentech, Inc.*, 566 F.3d 1338, 1345 (Fed. Cir. 2009)
- *Doe v. Epic Games*, 435 F. Supp. 3d 1024, 1042 (N.D. Cal. 2020)
- *EFG Bank AG, Cayman Branch v. Transamerica Life Ins. Co.*, 2017 WL 2926022, at *4 (C.D. Cal. July 6, 2017)
- *Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Texas*, 571 U.S. 49, 67 (2013)
- *Saunders v. USAA Life Ins. Co.*, 71 F. Supp. 3d 1058, 1061 (N.D. Cal. 2014)
- *Burger King Corp. v. Rudzewicz*, *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 473 (1985)
- *Guimei v. Gen. Elec. Co.*, 172 Cal. App. 4th 689, 703 (2009)
- *Van Meter v. Mondelez Int'l, Inc.*, 2025 WL 875391, at *4 (N.D. Cal. Mar. 18, 2025)
- *Gates Learjet Corp. v. Jensen*, 743 F.2d 1325, 1337 (9th Cir. 1984)
- *Shore to Shore Props., LLC v. Allied World Assur.*, 2011 WL 4344177, at *6 (N.D. Cal. Sept. 15, 2011)
- *Rubio v. Monsanto Co.*, 181 F. Supp. 3d 746, 765 (C.D. Cal. 2016)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)