

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Sergey Firsov v. Scandinavian Airlines System Denmark-Norway-
Sweden

Firsov · No. 25-cv-03691-EMC · Decided January 28, 2026

SUMMARY

The United States District Court for the Northern District of California denied Sergey Firsov’s motion to reconsider the dismissal with prejudice of his claims against Scandinavian Airlines System. The court also denied as moot his motion to transfer venue to the District of New Jersey and stated that any request for civil contempt proceedings regarding unpaid sanctions must be made by motion. The order was entered on January 28, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Edward M. Chen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 28, 2026
DOCKET	25-cv-03691-EMC
DISPOSITION	other
PROCEDURAL POSTURE	After the Court dismissed Plaintiff's amended complaint with prejudice and entered final judgment, Plaintiff moved for reconsideration under Federal Rule of Civil Procedure 59(e) and to transfer the action to the District of New Jersey. Defendant also requested that the Court initiate civil contempt proceedings based on Plaintiff's failure to pay monetary sanctions.
STANDARD OF REVIEW	A motion to alter or amend a final judgment under Rule 59(e) may be granted to correct manifest errors of law or fact, consider newly discovered or previously unavailable evidence, prevent manifest injustice, or account for an intervening change in controlling law. To the extent the motion was treated under Rule 60(b), Plaintiff was required to establish entitlement to relief under an applicable subsection.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Sergey Firsov v. Scandinavian Airlines System Denmark-Norway-Sweden

TOPICS

motion for reconsideration

personal jurisdiction

venue

contempt

sanctions

PRACTICE AREAS

civil procedure

admiralty

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff established a basis for reconsideration of the final judgment under Federal Rule of Civil Procedure 59(e), or alternatively Rule 60(b).
2. Whether Plaintiff's motion to transfer the action to the District of New Jersey should be granted.
3. Whether the Court should initiate civil contempt proceedings based on Plaintiff's failure to pay monetary sanctions without a properly filed motion.

HOLDINGS

1. Reconsideration was properly denied because Plaintiff identified no newly discovered or previously unavailable evidence, no intervening change in controlling law, and no manifest error of law or fact or manifest injustice warranting relief.
2. The Montreal Convention did not establish personal jurisdiction over SAS for the challenged flight, and Plaintiff failed to explain how the Court could exercise personal jurisdiction over SAS concerning a Copenhagen-to-Toronto flight.
3. The motion to transfer to the District of New Jersey was moot because the motion for reconsideration was denied and was otherwise an improper attempt at forum shopping.
4. The Court would not initiate contempt proceedings on the notice alone; SAS and/or SANA must file a motion specifying the requested relief and providing authority supporting it.

KEY QUOTATIONS

"There are four basic grounds upon which a Rule 59(e) motion may be granted." (1)

"If SAS and/or SANA seek relief from the Court, then they must file a motion." (3)

FACTUAL BACKGROUND

Plaintiff's claims arose from an air-conditioner incident and a food-or-drink incident associated with international air travel. The Court had previously concluded that it lacked personal jurisdiction over SAS as to the air-conditioner claims and that the food-or-drink claims failed to allege bodily injury. Plaintiff also failed to oppose the motion to dismiss and had not paid \$722 in monetary sanctions awarded by the Court.

PROCEDURAL HISTORY

On January 21, 2026, the Court granted Defendant's motion to dismiss the amended complaint, addressing the merits despite Plaintiff's failure to oppose, and dismissed the action with prejudice because further amendment would be futile. Final judgment was entered on January 26, 2026. Plaintiff then moved for reconsideration and transfer. The Court denied reconsideration, held the transfer motion moot and improper forum shopping, and directed Defendant to file a motion if it sought contempt-related relief.

DISPOSITION

other

CASES CITED

- McDowell v. Calderon, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999)
- Allstate Ins. Co. v. Herron, 634 F.3d 1101, 1111 (9th Cir. 2011)

OPINION

Firsov

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 SERGEY FIRSOV, Case No. 25-cv-03691-EMC 8 Plaintiff,

ORDER DENYING PLAINTIFF’S

9 v. MOTION TO RECONSIDER AND

MOTION TO TRANSFER

10 SCANDINAVIAN AIRLINES SYSTEM

DENMARK-NORWAY-SWEDEN,

11 Docket Nos. 100-02 Defendant. 12 13 14 Pending before the Court are three matters: (1) Mr. Firsov’s motion to reconsider; (2) Mr. 15 Firsov’s motion to transfer venue; and (3) SAS/SANA’s request for civil contempt proceedings. 16 The Court’s rulings as to each are provided below.

17 I. DISCUSSION

18 A. Motion to Reconsider 19 On January 21, 2026, the Court granted SAS’s motion to dismiss Mr. Firsov’s amended 20 complaint. The Court addressed the merits of the motion even though Mr. Firsov had failed to file 21 an opposition. The Court dismissed the case with prejudice, both because Mr. Firsov had failed to 22 oppose and because further amendment would be futile. See Docket No. 96 (order). On January 23 26, 2026, a final judgment was entered in favor of SAS. See Docket No. 98 (final judgment). 24 That same day, Mr. Firsov filed his pending motion to reconsider. 25 Because a final judgment has been entered, the Court construes Mr. Firsov’s motion as one 26 brought pursuant to Federal Rule of Civil Procedure 59(e). See Fed. R. Civ. P. 59(e)

(providing 27 that “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of There are four basic grounds upon which a Rule 59(e) motion may 1 be granted. First, the movant may demonstrate that the motion is necessary to correct manifest errors of law or fact upon which the 2 judgment is based. Second, the motion may be granted so that the moving party may present newly discovered or previously 3 unavailable evidence. Third, the motion will be granted if necessary to prevent manifest injustice Fourth, a Rule 59(e) motion may 4 be justified by an intervening change in controlling law. 5 *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999); see also *Allstate Ins. Co. v. 6 Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011) (same). 7 Here, Mr. Firsov does not assert that there is newly discovered or previously unavailable 8 evidence; nor does he claim that there has been an intervening change in controlling law. At most, 9 he contends a manifest error of law or fact or a manifest injustice. The Court rejects this 10 contention. 11 As an initial matter, Mr. Firsov failed to file an opposition to the motion to dismiss. Given 12 that failure, he cannot claim either a manifest error of law or fact or a manifest injustice. 13 Putting that fact aside, Mr. Firsov’s motion fails on the merits. As to claims based on the 14 air conditioner incident, the Court held that it did not have personal jurisdiction over SAS. Mr. 15 Firsov argues that, under the Montreal Convention, the Court should have construed his flights 16 from San Francisco to Copenhagen to Warsaw, and then from Warsaw to Copenhagen to Toronto 17 to St. John’s, and then from St. John’s to Toronto to San Francisco, see FAC, Ex. (ECF Pages 27, 18 30), as a single international flight. But as the Court explained in its dismissal order, the Montreal 19 Convention does not bar nation-states from imposing their own jurisdictional requirements. Mr. 20 Firsov has failed to explain how this Court can have personal jurisdiction with respect to a SAS 21 flight from Copenhagen to Toronto. The fact that Mr. Firsov later took a flight from St. John’s to 22 Toronto and then from Toronto to San Francisco is immaterial given that those flights were 23 provided by an entirely different airline (Porter). See FAC, Ex. (ECF Page 30). 24 With respect to claims based on the food/drink incident, Mr. Firsov simply argues that 25 “[p]hysical trauma inside body from external event is accident.” Mot. at 2. But the Court did not 26 dismiss the claims because Mr. Firsov had failed to allege an accident. Rather, the Court 27 dismissed the claims because Mr. Firsov had failed to allege a bodily injury. See Docket No. 96] constitute a physical manifestation of injury.””). 2 To the extent Mr. Firsov’s motion may be considered a Rule 60(b) motion, he fares no 3 || better. He has not demonstrated that he is entitled to relief under any of the subsections of Rule 4 || 60(b). 5 The Court therefore denies the motion to reconsider. 6 || B. Motion to Transfer 7 Because the Court is denying Mr. Firsov’s motion to reconsider, his motion to transfer (to 8 || the District of New Jersey) is moot. Furthermore, the motion is clearly forum shopping. Mr. 9 || Firsov chose to bring this suit in California. After receiving adverse rulings, he moved to 10 || disqualify the undersigned. That motion was denied. The motion to transfer is, in effect, an 11 attempt to obtain a different adjudicator where there is no basis for doing so. 12 || C. Request for Civil Contempt Proceedings 13 Finally, the Court has received the notice from SAS and SANA that Mr. Firsov has failed 14 || to pay the monetary

sanctions (\$722) awarded by the Court. SAS and SANA ask that the Court 3 15 initiate civil contempt proceedings and “consider additional monetary sanctions and/or a pre-filing a 16 || order preventing Plaintiff from continuing his abuse of the federal judicial system.” Not. at 4. 17 If SAS and/or SANA seek relief from the Court, then they must file a motion. If they Zz 18 choose to file a motion, then they must, inter alia, be specific about the relief being requested and 19 || provide authority to demonstrate that the relief sought is appropriate.

20 I. CONCLUSION

21 For the foregoing reasons, the Court denies Mr. Firsov’s motion to reconsider and motion 22 || to transfer. 23 This order disposes of Docket Nos. 100-02. 24 IT IS SO ORDERED. 25 || Dated: January 28, 2026 26 27

EDWA . CHEN

28 United States District Judge