

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PRECEDENTIAL VALUE	unpublished district court order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)

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