

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

In re Eisner Advisory Group, LLC Data Breach Litigation

In re Eisner Data Breach Litigation · No. 25-CV-03044 (MMG) · Decided February 25, 2026

SUMMARY

The United States District Court for the Southern District of New York granted the defendant's unopposed motion to transfer consolidated data-breach class actions to the District of Minnesota under 28 U.S.C. § 1404. The court concluded that venue was proper in Minnesota and that the convenience of the parties and witnesses and the interests of justice favored transfer.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Margaret M. Garnett
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	February 25, 2026
DOCKET	25-CV-03044 (MMG)
DISPOSITION	other
PROCEDURAL POSTURE	In a consolidated putative class action arising from an alleged data breach, Defendant moved without opposition under 28 U.S.C. § 1404 to transfer the action from the Southern District of New York to the District of Minnesota.
STANDARD OF REVIEW	District courts have wide latitude in deciding whether to transfer venue under 28 U.S.C. § 1404. The court applies a two-step inquiry: whether venue is proper in the transferee district and whether transfer serves the convenience of the parties and witnesses and the interests of justice.
PRECEDENTIAL VALUE	unpublished
PARTIES	David Fallen, Chris Ouellette, Hannah Watzka, Timothy Rushing v. Eisner Advisory Group, LLC

TOPICS

- venue
- class actions
- civil procedure
- mediation

PRACTICE AREAS

civil procedure

class actions

venue

QUESTIONS PRESENTED

1. Whether venue was proper in the District of Minnesota for purposes of transfer under 28 U.S.C. § 1404.
2. Whether the convenience of the parties and witnesses and the interests of justice favored transferring the consolidated action from the Southern District of New York to the District of Minnesota.

HOLDINGS

1. Venue was proper in the District of Minnesota because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred there.
2. Transfer to the District of Minnesota was appropriate because the relevant convenience and interest-of-justice factors strongly favored Minnesota.

KEY QUOTATIONS

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.”

FACTUAL BACKGROUND

The consolidated cases arise from an alleged September 2023 data breach involving Eisner Advisory Group, LLC. The breach and related activities occurred in Minnesota, where most likely witnesses and relevant evidence were located, and another action arising from the same facts was pending in the District of Minnesota. None of the named Plaintiffs resided in the Southern District of New York, and all Plaintiffs stated that they did not oppose transfer.

PROCEDURAL HISTORY

Plaintiffs filed four related actions in the Southern District of New York in April 2025. The cases were consolidated, stayed for mediation, and later reopened after mediation failed; Plaintiffs then filed a Consolidated Class Action Complaint. Defendant moved to transfer the consolidated action to the District of Minnesota, and Plaintiffs notified the Court that they did not oppose the motion.

DISPOSITION

other

CASES CITED

- Everlast World's Boxing Headquarters Corp. v. Ringside, Inc., 928 F. Supp. 2d 735, 742 (S.D.N.Y. 2013)
- Van Dusen v. Barrack, 376 U.S. 612, 616 (1964)
- D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 106-07 (2d Cir. 2006)

- In re Bystolic Antitrust Litig., No. 20-CV-05735 (LJL), 2021 WL 148747, at *3 (S.D.N.Y. Jan. 15, 2021)
- Tlapanco v. Elges, 207 F. Supp. 3d 324, 329 (S.D.N.Y. 2016)
- In re Eisner Advisory Group Data Breach Litigation, No. 25-CV-01409 (D. Minn.)

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