

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA

Border States Industries, Inc. v. Eric Nisewonger also known as Bo
Nisewonger, and Gateway Electrical Supply LLC

Border States Industries · No. 3:25cv2260-MCR-HTC · Decided January 19, 2026

SUMMARY

The United States District Court for the Northern District of Florida applies the first-filed rule to a related trade-secret misappropriation action pending in the Southern District of Alabama. The court concludes that the cases substantially overlap and directs that the Alabama action be transferred to the Northern District of Florida for consolidation. The court also grants the defendants’ request to defer consideration of the preliminary-injunction motion until consolidation.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida
WRITING FOR THE COURT	M. Casey Rodgers
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	January 19, 2026
DOCKET	3:25cv2260-MCR-HTC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order, which the court construed as a motion for a preliminary injunction. Before scheduling a hearing, the court resolved the parties' dispute over which of two related federal actions should proceed under the first-filed rule.
STANDARD OF REVIEW	The first-filed rule is discretionary and requires comparison of the character of the suits, the parties, the asserted rights, and the degree of overlap; an objecting party must show compelling circumstances for an exception.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive rather than binding outside the case.

TOPICS

- civil procedure
- trade secrets
- trade secret misappropriation
- injunctions

PRACTICE AREAS

civil procedure

trade secret misappropriation

intellectual property

commercial litigation

QUESTIONS PRESENTED

1. Whether the first-filed rule applied to the Florida and Alabama actions despite differences in defendants, asserted state-law claims, and alleged downloads.
2. Whether the Alabama action should be transferred to the Northern District of Florida and consolidated with the first-filed Florida action.
3. Whether ruling on the preliminary-injunction motion should be deferred until the related actions were consolidated.

HOLDINGS

1. The first-filed rule applies because the Florida and Alabama actions substantially overlap in their facts, claims, parties, asserted rights, and legal issues.
2. Transfer of the second-filed Alabama action to the Northern District of Florida for consolidation with the first-filed Florida action was appropriate.
3. The request to defer ruling on the preliminary-injunction motion until the related actions were consolidated was granted.

KEY QUOTATIONS

“Having fully considered the Parties’ arguments and the law, the Court concludes that the first-filed rule applies and transfer of the second-filed suit to this District for consolidation is appropriate.” (2)

“When the cases involve “overlapping issues and parties,” there is “a strong presumption” favoring proceeding in the forum of the first-filed suit.” (3)

“The parties’ alleged conduct as well as the substantive issues substantially overlap, justifying application of the first-filed rule, and Border States has offered no compelling circumstances that would warrant an exception from the first-filed rule.” (7)

FACTUAL BACKGROUND

Border States alleged that former employee Eric Nisewonger and others misappropriated customer lists, pricing strategies, inventory data, plans, and implementation strategies to help launch Gateway, a competing electrical-supply company. Border States filed this Florida action against Nisewonger and Gateway, then filed a related Alabama action against Jeffrey Bradford, Glenn Ford, and Gateway alleging a coordinated scheme involving the same trade secrets, forensic evidence, and period of misconduct. The two actions shared substantial factual allegations, legal issues, exhibits, and an alleged common objective of using Border States' trade secrets for Gateway's benefit.

PROCEDURAL HISTORY

Border States filed this action in the Northern District of Florida alleging federal and Florida trade-secret misappropriation against Eric Nisewonger and Gateway Electrical Supply LLC. Four days later, Border States filed a related action in the Southern District of Alabama against Jeffrey Bradford, Glenn Ford, and Gateway. The Alabama court stayed that action pending resolution of the first-filed issues by the Florida court. The Florida court confirmed that this action was the proper first-filed forum, directed transfer of the Alabama action to the Northern District of Florida for consolidation, and deferred ruling on the preliminary-injunction motion until consolidation.

DISPOSITION

other

REMAND INSTRUCTIONS

The court directed that the Alabama action, *Border States Indus. Inc. v. Jeffrey Bradford, Jr., Glenn Ford, and Gateway Elec. Supply, LLC*, Case No. 1:25cv468-JB-MU, be transferred to the Northern District of Florida, assigned to Judge Rodgers, and referred to chambers for an order of consolidation. The court deferred ruling on the preliminary-injunction motion until consolidation.

CASES CITED

- *Collegiate Licensing Co. v. Am. Cas. Co. of Reading, Pa.*, 713 F.3d 71, 78-79 (11th Cir. 2013)
- *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Haydu*, 675 F.2d 1169, 1174 (11th Cir. 1982)
- *Cadle Co. v. Whataburger of Alice, Inc.*, 174 F.3d 599, 603 (5th Cir. 1999)
- *Manuel v. Convergys Corp.*, 430 F.3d 1132, 1135 (11th Cir. 2005)
- *Rickey Land & Cattle Co. v. Miller & Lux*, 218 U.S. 258, 262 (1910)
- *Mann Mfg., Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971)
- *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)

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