

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Natalia Crespo Rosado, Individually and On Behalf of All Others
Similarly Situated v. FedEx Corporation

No. 26-CV-01861 (JAV), United States District Court for the Southern District of New York (March 30, 2026)

SUMMARY

The court grants the parties' consented motion to transfer this putative class action from the Southern District of New York to the Western District of Tennessee under 28 U.S.C. § 1404(a). The action concerns alleged breach of contract and unjust enrichment claims seeking refunds of IEEPA tariffs and related FedEx shipping and customs clearance fees, and the court finds that key operations and witnesses are located in Memphis, Tennessee.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Jeannette A. Vargas
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	March 30, 2026
DOCKET	26-CV-01861 (JAV)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed putative class claims for breach of contract, unjust enrichment, and declaratory relief. The parties consented to transfer the action from the Southern District of New York to the Western District of Tennessee under 28 U.S.C. § 1404(a).
STANDARD OF REVIEW	District courts have broad discretion in determining convenience and the interests of justice under 28 U.S.C. § 1404(a).
PRECEDENTIAL VALUE	Unknown

TOPICS

- venue
- civil procedure
- breach of contract
- unjust enrichment
- declaratory judgment

PRACTICE AREAS

- civil procedure
- commercial litigation
- contracts
- consumer protection
- remedies

QUESTIONS PRESENTED

1. Whether the action should be transferred to the United States District Court for the Western District of Tennessee under 28 U.S.C. § 1404(a) when the parties consented to the transfer and relevant operations and witnesses were located there.

HOLDINGS

1. The action should be transferred to the United States District Court for the Western District of Tennessee because the parties consented to transfer, venue and jurisdiction were proper there, and the convenience and interests-of-justice factors favored transfer.

KEY QUOTATIONS

“A district court may transfer a case “to any district or division to which all parties have consented,” “[f]or the convenience of parties and witnesses, in the interest of justice.””

“Courts typically employ a two-part test in considering a motion to transfer venue.”

FACTUAL BACKGROUND

Plaintiff alleged that FedEx charged her and other shipping customers tariffs imposed under the International Emergency Economic Powers Act, along with shipping and customs-clearance fees, and sought refunds and related declaratory relief. FedEx assessed and paid the tariffs and invoiced customers from Memphis, Tennessee, where FedEx's principal place of business and relevant witnesses concerning the transactions and services were located.

PROCEDURAL HISTORY

The action was pending in the Southern District of New York when counsel for both parties consented to transfer it to the Western District of Tennessee. The court granted the transfer request and directed the Clerk to transmit the case to that district.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk of Court was directed to transfer the action to the United States District Court for the Western District of Tennessee and terminate ECF No. 13.

CASES CITED

- Corley v. United States, 11 F.4th 79, 89 (2d Cir. 2021)
- RBG Mgmt. Corp. v. Vill. Super Mkt., Inc., No. 22-CV-7996, 2024 WL 1574026, at *2 (S.D.N.Y. Apr. 11, 2024)
- Megna v. Biocomp Lab'ys Inc., 220 F. Supp. 3d 496, 497-98 (S.D.N.Y. 2016)

OPINION

Natalia Crespo Rosado, Individually and On Behalf of All Others Similarly Situated v. FedEx Corporation

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

----- X NATALIA CRESPO ROSADO,
INDIVIDUALLY AND : ON BEHALF OF ALL OTHERS SIMILARLY :
SITUATED, : 26-CV-01861 (JAV)

Plaintiff, : ORDER -v- : FEDEX CORPORATION, : Defendant. : -----

----- X JEANNETTE A. VARGAS, United States District Judge: Plaintiff, on behalf of herself and similarly situated customers of Defendant FedEx Corporation (“FedEx”), asserts breach of contract and unjust enrichment claims, seeking refunds of tariffs imposed pursuant to the International Emergency Economic Powers Act (“IEEPA”) as well as associated shipping and customs clearance fees paid to FedEx. ECF No. 1 (“Compl.”) at 7-10. She also seeks a declaratory judgment that any refund FedEx may obtain from the federal government for tariffs paid on behalf of its customers be returned to Plaintiff and the putative class. *Id.* at 10-11. Counsel for Plaintiff and FedEx have consented to transfer this case to the U.S. District Court for the Western District of Tennessee. ECF No. 14 (“Mem. Of Law”) at 6. For the following reasons, the Court GRANTS the motion to transfer this action to the United States District Court for the Western District of Tennessee. A district court may transfer a case “to any district or division to which all parties have consented,” “[f]or the convenience of parties and witnesses, in the interest of justice.” 28 U.S.C. § 1404. “District courts have broad discretion in making determinations of convenience under Section 1404(a).” *Corley v. United States*, 11 F.4th 79, 89 (2d Cir. 2021) (quotation marks omitted). A district court may transfer venue based on a party’s motion or sua sponte. *RBG Mgmt. Corp. v. Vill. Super Mkt., Inc.*, No. 22-CV-7996, 2024 WL 1574026, at *2 (S.D.N.Y. Apr. 11, 2024) (citations omitted). Courts typically employ a two-part test in considering a motion to transfer venue. *Megna v. Biocomp Lab’ys Inc.*, 220 F. Supp. 3d 496, 497 (S.D.N.Y. 2016). First, courts consider “whether the action could have been brought in the proposed transferee forum.” *Id.* (citation omitted). If so, courts then consider whether transfer is appropriate by balancing several factors, which include, among others, the “convenience of witnesses,” “convenience of the parties,” “the locus of the operative facts,” and “judicial economy and the interests of justice.” *Id.* at 497-98 (quotation marks omitted). The parties do not dispute that both jurisdiction and venue would be proper—and indeed, request transfer to—the Western District of Tennessee, where Federal Express Corporation has its principal place of business. *Mem. Of Law* at 6, 8. Further, several factors weigh in favor of transferring the case to the Western District of Tennessee. In particular, FedEx’s assessment and payment of IEEPA tariffs to the federal government on behalf of Plaintiff and other shipping customers, and invoicing these customers for

tariff payments and other fees, was directed and administered from Memphis, Tennessee. Id. at 11-12. In addition, the FedEx witnesses with knowledge of Plaintiff's shipping transaction, the transactions of other FedEx shipping customers, and the company's shipping and customs brokerage services are located in Memphis, Tennessee. Id. at 9-10.

CONCLUSION

Accordingly, it is ORDERED that this proceeding is hereby transferred to the United States District Court for the Western District of Tennessee pursuant to 28 U.S.C. § 1404(a). The Clerk of Court is respectfully directed to transfer this action to the United States District Court for the Western District of Tennessee, and to terminate ECF No. 13. SO ORDERED. a ne 1 Asana Dated: March 30, 2026 EURMEAAL |¥ ADGA New York, New York JEANNETTE A. VARGIAS United States District Judge