

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)

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