

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

In re Eisner Advisory Group, LLC Data Breach Litigation

In re Eisner Advisory Group 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 grants 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 finds that venue is proper in Minnesota and that the convenience of the parties, witnesses, access to evidence, locus of operative facts, and interests of justice strongly favor 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	Defendant moved under 28 U.S.C. § 1404 to transfer a consolidated putative class action from the Southern District of New York to the District of Minnesota. Plaintiffs did not oppose the motion.
STANDARD OF REVIEW	District courts have wide latitude in deciding whether to transfer venue under 28 U.S.C. § 1404. The court applied 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PRECEDENTIAL VALUE	nonprecedential district court memorandum and order
PARTIES	David Fallen, Chris Ouellette, Hannah Watzka, Timothy Rushing, Plaintiffs in the consolidated class action v. Eisner Advisory Group, LLC

TOPICS

venue

class actions

civil procedure

PRACTICE AREAS

civil procedure

venue

class actions

data breach litigation

QUESTIONS PRESENTED

1. Whether venue was proper in the District of Minnesota under 28 U.S.C. § 1391(b), such that transfer under 28 U.S.C. § 1404(a) was permissible.
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 the claims occurred there.
2. Transfer to the District of Minnesota was appropriate because the relevant convenience factors and the interests of justice 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.” (Discussion)

“The Clerk of Court is respectfully directed to terminate the motion at Dkt. No. 26, TRANSFER the consolidated cases to the United States District Court for the District of Minnesota, and CLOSE this case.” (Conclusion)

FACTUAL BACKGROUND

The consolidated litigation arises 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 materials were located. The named Plaintiffs brought a nationwide putative class action, none resided in the Southern District of New York, and all stated that they did not oppose transfer.

PROCEDURAL HISTORY

Four related actions were filed in the Southern District of New York between April 11 and April 15, 2025, consolidated on April 30, 2025, and later stayed pending mediation. After mediation failed, Plaintiffs filed a Consolidated Class Action Complaint. Defendant moved to transfer the consolidated action to the District of Minnesota, and Plaintiffs filed a notice of nonopposition. The court granted the transfer motion, directed the Clerk to transfer the consolidated cases, and closed the case.

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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