

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WENDY KEIRSTED,

Plaintiff,

v.

Case No. 6:21-cv-778-RBD-GJK

THE PROCTOR & GAMBLE
COMPANY,

Defendant.

ORDER

Plaintiff brought this class action against Defendant for alleged misrepresentations regarding Defendant's product—Crest Gum & Enamel Repair toothpaste. (Doc. 12.) Now Defendant moves to transfer this case to the U.S. District Court for the Southern District of New York ("SDNY") because the oldest lawsuit regarding representations with the Crest Gum & Enamel Repair toothpaste is pending in SDNY. (Doc. 21 ("Motion").) Plaintiff does not oppose. (*Id.* at 5.) On review, the Motion is granted.

Under 28 U.S.C. § 1404(a), "a district court may transfer any civil action to any other district or division where it might have been brought" for "the convenience of parties and witnesses." SDNY has subject matter jurisdiction over this action through the Class Action Fairness Act. (Doc. 12, ¶ 19.) And venue is

proper in any judicial district where a defendant “resides, if all defendants are residents of the State in which the district is located.” 28 U.S.C. § 1391(b)(1). For venue purposes, a corporate defendant resides in any judicial district in which it is subject to personal jurisdiction. *Id.* § 1391(c)(2). As Defendant is subject to personal jurisdiction in SDNY, venue is proper there and this action could have been brought in SDNY. *See Nieves v. Proctor & Gamble Co*, No. 7:21-cv-00186, Doc. 1 (S.D.N.Y. Jan. 9, 2021).

So the Court turns to whether the action should be transferred for the convenience of the parties and witnesses. *See* 28 U.S.C. § 1404(a). Given the similar case pending in SDNY and the parties’ agreement, transfer is appropriate to conserve judicial resources and prevent inconsistent judgments. *See Greely v. Lazer Spot, Inc.*, No. CV 411-096, 2012 WL 170154, at * 3–4 (S.D. Ga. Jan. 19, 2012).

Accordingly, it is **ORDERED AND ADJUDGED:**

1. Defendant’s Unopposed Motion to Transfer Venue (Doc. 21) is **GRANTED**.
2. The Clerk is **DIRECTED** to transfer this action to the U.S. District Court for the Southern District of New York, for consideration with *Nieves v. Proctor & Gamble Co*, No. 7:21-cv-00186.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 28, 2021.




ROY B. DALTON JR.
United States District Judge

Copies to:
U.S. District Court for the
Southern District of New York