JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 26-1762 PA (SSCx)	Date	June 18, 2026
Title	Zionya Nolan v. MSC Cruises USA LLC, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE	
Kamilla Sali-Suleyman	N/A	N/A
Deputy Clerk	Court Reporter	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
None	None	

Proceedings: IN CHAMBERS – COURT ORDER

Plaintiff Zionya Nolan ("Plaintiff") initiated this action against defendants MSC Cruises USA, LLC ("MSC") and Aggreko, Inc. ("Aggreko") (jointly "Defendants") on February 18, 2026. Plaintiff's Complaint alleges claims for negligence, premises liability, product liability, and negligent infliction of emotional distress, arising out of an injury Plaintiff suffered while working on the pool deck stage of an MSC cruise ship during a music event in February 2024. According to the Complaint, the MSC vessel was either at sea near, or docked at, the Port of Miami, Florida at the time of the incident. The music event was organized by Cloud 9 Adventures, which hired Aggreko to provide, deliver, install, and maintain temporary power generators and electrical distribution systems to support the event, and Plaintiff alleges that Agrekko was responsible for ensuring that all electrical equipment and power distribution systems were safe for use. Plaintiff worked for Clair Global, which was responsible for installing and operating audio equipment for the event. While assisting with stage setup, Plaintiff leaned against a metal stage leg and was electrocuted.

According to the Complaint, Plaintiff is an "individual residing in Los Angeles County, California"; MSC is "a corporation headquartered in Florida, engaged in the business of operating cruise ships in the United States"; and Aggreko is "a corporation organized and existing under the laws of the United States . . . ." (Compl. ¶¶ 3–5.) The Complaint alleges that this Court has admiralty jurisdiction pursuant to 28 U.S.C. § 1333. (Id. ¶ 8.)

On March 13, 2026, the Court issued an Order requiring Plaintiff to show cause ("OSC") why this action should not be dismissed without prejudice for lack of personal jurisdiction and why this action should not be dismissed or transferred to the United States District Court for the Southern District of Florida (the "Southern District of Florida") or another district for the convenience of the parties and witnesses, and in the interest of justice. (Docket No. 6.) The Court is in receipt of Plaintiff's Response to the Court's OSC. (Docket No. 7.) In her Response, Plaintiff concedes that the Complaint does not allege facts to establish this Court's personal jurisdiction over either Defendant and that this District has limited connection to this action.

Plaintiff "submits that the action could have been brought in the . . . Southern District of Florida, where Defendants are subject to personal jurisdiction and where a substantial portion of the operative facts occurred," and asks the Court to transfer the action to the Southern District of Florida pursuant to 28 U.S.C. § 1404(a). (Id. at pp. 1–2.)[1/]

II. Legal Standard

Although 28 U.S.C. § 1391(b) ordinarily governs venue in a civil action, cases falling under the Court's admiralty jurisdiction pursuant to 28 U.S.C. §§ 1333 and 1337 "are not considered 'civil actions' for purposes of venue under Section 1391." Matter of Star & Crescent Boat Co., Inc., 549 F. Supp. 3d 1145, 1154–55 (S.D. Cal. 2021), see 12 Charles A. Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 3142 (3d ed.). Instead, "[a]n admiralty or maritime claim under [Federal Rule of Civil Procedure] 9(h) is governed by 28 U.S.C. § 1390." Fed. R. Civ. P. 82; see also 28 U.S.C. § 1390(b) (providing that chapter "shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333" except "as otherwise provided by law").

Section 9 of Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions provides:

> The complaint shall be filed in any district in which the vessel has been attached or the plaintiff seeks to limit liability; or, if the vessel has not been attached or arrested, then in any district in which the owner has been sued with respect to any such claim. When the vessel has not been attached or arrested to answer the matters aforesaid, and suit has not been commenced against the owner, the proceedings may be had in the district in which the vessel may be, but if the vessel is not within any district and no suit has been commenced in any district, then the complaint may be filed in any district. For the convenience of parties and witnesses, in the interest

[1/] While the Court's OSC also allowed Defendants an opportunity respond (see OSC at p. 2 ("Each defendant may file a Response, which shall not exceed 15 pages, by the latter of either April 20, 2026 or 21 days after the defendant is served with the Summons and Complaint.")), Plaintiff has not served either Defendant (see Docket No. 9 (Plaintiff's response to OSC regarding failure to serve within time required under Rule 4(m)). However, because Plaintiff concedes that the Court lacks personal jurisdiction over Defendants and does not oppose transfer of this action, the Court takes the OSC under submission.

> of justice, the court may transfer the action to any district; if venue is wrongly laid the court shall dismiss or, if it be in the interest of justice, transfer the action to any district in which it could have been brought.

Fed. R. Civ. P., Supp. R. F(9). Thus, "in admiralty, an action may be brought against a corporation in any district court as long as the court has personal jurisdiction over it." Star & Crescent Boat, 549 F. Supp. 3d at 1155 (quoting Amazon Produce Network, LLC v. NYK Line, 143 F. Supp. 3d 252, 254 (E.D. Pa. 2015), aff'd sub nom. Amazon Produce Network, L.L.C. v. NYK Line, 679 F. App'x 166 (3d Cir. 2017)).

Courts have adopted a two-tiered approach to analyze whether a non-resident defendant's contacts with the forum state are sufficiently substantial so as to comport both with the Constitution and with traditional notions of fair play and substantial justice. Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945). This two-tiered approach involves a determination of whether a court has general or specific jurisdiction over a defendant. See Panavision Int'l, L.P. v. Toeppen, 141 F.3d 1316, 1320 (9th Cir. 1998). General jurisdiction exists when there are "substantial" or "continuous and systematic" contacts with the forum state, even if the cause of action is unrelated to those contacts. Bancroft & Masters, Inc. v. Augusta Nat'l Inc., 223 F.3d 1082, 1086 (9th Cir. 2000) (citing Helicopteros Nacionales de Columbia, S.A. v. Hall, 466 U.S. 408, 415 (1984)). "The inquiry whether a forum State may assert specific jurisdiction over a nonresident defendant 'focuses on the relationship among the defendant, the forum, and the litigation.'" Walden v. Fiore, 571 U.S. 277, 283–84 (2014) (quoting Keeton v. Hustler Magazine, Inc., 465 U.S. 770, 775 (1984)). "For a State to exercise jurisdiction consistent with due process, the defendant's suit-related conduct must create a substantial connection with the forum State." Id. at 284. In analyzing the relationship between the defendant, the forum, and the particular lawsuit, "the relationship must arise out of contacts that the 'defendant himself' creates with the forum State" and that analysis "looks to the defendant's contacts with the forum State itself, not the defendant's contacts with persons who reside there." Id. at 284–85.

Under 28 U.S.C. § 1404(a), a court may transfer an action "to any other district or division where it might have been brought" "[f]or the convenience of parties and witnesses, [and] in the interest of justice." The section 1404 transfer analysis has two steps: (1) determining whether the district to which the moving party seeks to transfer meets the requirement of being one where the case "might have been brought"; and (2) if it does, determining whether transfer would serve the convenience of parties and witnesses and the "interest of justice." See 28 U.S.C. § 1404(a). The "transferee court" must have subject matter jurisdiction, venue must be proper, and the defendants must be subject to personal jurisdiction. A court may transfer venue in response to a motion by either party in the case, or upon its own

motion. See Muldoon v. Tropitone Furniture Co., 1 F.3d 964, 966 (9th Cir. 1993). However, "a transfer is inappropriate when it merely serves to shift inconveniences from one party to the other." Kahn v. Gen. Motors Corp., 889 F.2d 1078, 1083 (Fed. Cir. 1989) (quoting Weight Watchers Int'l, Inc. v. Stouffer Corp., No. 88 CIV 7062 (MBM), 1989 WL 73292, at *4 (S.D.N.Y. June 28, 1989)).

II. Analysis

A. This Action Could Have Been Brought in the Southern District of Florida

An admiralty action may be brought in any district where the court has personal jurisdiction over the defendant. See Fed. R. Civ. P., Supp. R. F(9); Star & Crescent Boat, 549 F. Supp. 3d at 1155. Here, as Plaintiff acknowledges, the Complaint fails to establish this Court's personal jurisdiction over Defendants in this District. (See Response at p. 2.) Plaintiff argues instead that this action could have been brought in the Southern District of California. Specifically, Plaintiff asserts that the Southern District of Florida has subject matter jurisdiction over this action; that venue is proper because the incident giving rise to this action occurred in or around Miami, Florida; and that the Southern District of Florida possesses personal jurisdiction over each Defendant because (i) MSC is headquartered in Florida, and the vessel at issue operated from Florida waters; and (ii) Aggreko provided equipment and services for the event where the incident occurred. (See Response at p. 2.)

The Court agrees. The Southern District of Florida has subject matter jurisdiction over this admiralty action, and, based on the current record, it appears that venue is proper and that the Southern District of Florida would have personal jurisdiction over both Defendants. Accordingly, the Court concludes that this action could have been brought in the Southern District of Florida.

B. The Interests of Convenience and Justice Are Served By Transfer

"A motion to transfer venue under § 1404(a) requires the court to weigh multiple factors in its determination whether transfer is appropriate in a particular case." Jones v. GNC Franchising, Inc., 211 F.3d 495, 498-99 (9th Cir. 2000). This includes considering factors such as: (1) judicial economy, (2) plaintiff's choice of forum, (3) convenience of the witnesses and parties, (4) relative ease of access to proof, (5) availability of compulsory process, (6) differences in the costs of litigation in the two forums, and (7) the state that is most familiar with the governing law. Id.; E. & J. Gallo Winery v. F. & P. S.P.A., 899 F. Supp. 465, 466 (E.D. Cal. 1994).

Here, Plaintiff explains that she resides in California and has received medical treatment in this District, but that "venue in this District is tenuous in light of the location of the incident and Defendants' contacts." (Response at p. 2.) Plaintiff acknowledges that the "majority of liability witnesses, including vessel personnel, event staff, and individuals involved in the installation and operated of the electrical systems, are located in or near Florida," and that "documentary and physical evidence is more readily accessible in that forum." (Id. at p. 3.) Plaintiff also confirms that the Southern District of Florida "has a stronger local interest in adjudicating claims arising from incidents occurring at or near the Port of Miami" and that the "availability of compulsory process over non-party witnesses is significantly greater in Florida[.]" (Id.) In light of Plaintiff's representations, the Court concludes that the interests of convenience and justice factors weigh towards transfer to the Southern District of Florida.

Conclusion

The Court concludes that transferring this case will better serve the interests of justice and the convenience of the parties and witnesses and that transfer under § 1404(a) is therefore appropriate. Accordingly, the Court hereby orders the Clerk to transfer this action to the Southern District of Florida for the convenience of the parties and witnesses. See 28 U.S.C. § 1404.

IT IS SO ORDERED.