

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Brickman Investments Inc.,
Plaintiff,
-against-
Wells Fargo & Company et al.,
Defendants.

24-CV-7751 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Proposed intervenors filed a motion to intervene and transfer on November 6, 2024, arguing that this case should be transferred to the Northern District of California under 28 U.S.C. § 1404 to be consolidated with a case pending before Judge Chhabria. Dkt. 17. The motion noted that plaintiff has moved before the Judicial Panel on Multidistrict Litigation (JPML) to transfer a large group of “cash sweep” cases to the Southern District of New York under 28 U.S.C. § 1407. *Id.* at 2. Defendants joined the motion to transfer this case. Dkt. 27. The case before Judge Chhabria is stayed pending the outcome of plaintiff’s § 1407 motion before the JPML. *Id.*

Section 1404(a) states that a “district court may transfer” a case “[f]or the convenience of parties and witnesses” and “in the interest of justice.” Here, given that the JPML decision may direct that all cases come to the Southern District, the Court agrees with plaintiff that there is no point in transferring this case “across the country” with the possibility of “get[ting] sent right back where it started”; or, in the case that the JPML centralizes in another jurisdiction, to “a third unknown jurisdiction.” Dkt. 25 at 5. The motion to intervene and transfer is DENIED without prejudice. If proposed intervenors wish to make a renewed motion, they should do so only after the JPML makes its decision.

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 17.

SO ORDERED.

Dated: November 26, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge