UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Southern Division (Chattanooga)

CHRISTINA DeBUSK,	)	
	)	
Plaintiff,	)	Civil Action No. 1:25-cv-00374-CLC-MJD
	)	
v.	)	
	)	
UNITED AIRLINES, INC.,	)	
	)	
Defendant.	)	

PLAINTIFF'S FED. R. CIV. P. 59(e) MOTION TO ALTER OR AMEND THE COURT'S JUDGMENT ORDER DISMISSING COMPLAINT FOR LACK OF PERSONAL JURISDICTION, AND TO TRANSFER ACTION PURSUANT TO 28 U.S.C. § 1631

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INTRODUCTION

Plaintiff Christina DeBusk moves under Federal Rule of Civil Procedure 59(e) to alter or amend the Court's Judgment Order dismissing her complaint for lack of personal jurisdiction. (Doc. 26.) For purposes of this motion, DeBusk does not challenge this Court's ruling that personal jurisdiction over Defendant United Airlines was lacking. She instead specifically requests that the Court amend its order to transfer this action under 28 U.S.C. § 1631 to the Northern District of Illinois, which has personal jurisdiction over United and where this case could have been originally brought.

Once a court finds that it lacks jurisdiction, Section 1631 obligates the court to determine whether it would be in the interest of justice to transfer the case to a court where the action could have been originally brought. *See Jackson v. L & F Martin Landscape*, 421 F. App'x 482, 484 (6th Cir. 2009). The Sixth Circuit accordingly has held that a court abuses its discretion when it dismisses an action "without first determining whether a transfer would be 'in the interest of justice.'" *Jackson*, 421 F. App'x at 484. And the statute's mandatory terms contemplate a *sua sponte* determination—a plaintiff does not waive transfer by not expressly requesting it in her opposition to the defendant's motion to dismiss or transfer. *See Baker v. Bensalz Prods., Inc.*, 478 F. Supp. 3d 618, 621–22 (S.D. Ohio 2020) (citing decisions by courts that "refused to find a plaintiff waived their right to transfer, given § 1631's mandatory language").

Transferring this action—as this Court did in the substantively identical *Panaro v. United Airlines, Inc.*, No. 4:23-cv-45, 2024 WL 4291495 (E.D. Tenn. Sept. 25, 2024) (Collier, J.)—rather than dismissing it would not only promote this Court's uniformity of decisions but prevent manifest injustice. The Sixth Circuit has recognized that transferring an action is "especially compelling if the statute of limitations has run since the commencement of the action, so that dismissal might prevent the institution of a new suit by the plaintiff and a resolution on the merits." *Jackson*, 421 F. App'x at 484. Here, Title VII's limitations period arguably might bar DeBusk from refiling her claims in the Northern District of Illinois, and thus this Court's dismissal without prejudice may in effect operate as a dismissal with prejudice. Such a result is inconsistent with Title VII's remedial purpose to vindicate the rights of employees who diligently pursue their discrimination claims.

Transferring this case under Section 1631 is in the interest of justice. *First*, this action indisputably could have been brought in the Northern District of Illinois: United is headquartered there and venue is proper there under 42 U.S.C. § 2000e-5(f)(3). *Second*, the limitations period has run. DeBusk's Title VII claims were subject to a 90-day filing period that expired while this case was pending. Consequently, the dismissal, although entered without prejudice, arguably may foreclose any refiling and any decision on the merits. *Third*, DeBusk filed in this District in good faith, and venue was proper in this District under Section 2000e-5(f)(3). This Court itself observed that the Sixth Circuit "has not addressed the issue of personal jurisdiction over fully remote employees," and found that several of the governing factors favored jurisdiction. (Doc. 25 at 4, 6.) A plaintiff who litigates in good faith an unsettled jurisdictional question in a proper venue is a paradigmatic candidate for transfer rather than outright dismissal.

Finally, "[u]niformity within the district is desired, if not required, to achieve legal predictability." *Johnson v. Hill Bros. Transp.*, 262 F. Supp. 2d 889, 891 (E.D. Tenn. 2003). This Court's dismissal of DeBusk's case rather than transferring it squarely conflicts with its ruling in *Panaro*. In that case, same as here, United moved to dismiss for lack of personal jurisdiction and, in the alternative, to transfer the action to the Northern District of Illinois. *See* 2024 WL 4291495, at *1 (Collier, J.). Unlike here, however, this Court in *Panaro* focused only on United's alternative request to transfer and ultimately granted it. *See id.* This Court expressly considered the question of venue first "[b]ecause a transfer of venue to the Northern District of

Illinois would render the personal jurisdiction issue moot." *Id.* Relying on this Court's analytical sequence in *Panaro*, DeBusk focused her opposition on why transfer was unwarranted because personal jurisdiction existed (in DeBusk's view). (Doc. 23 at 9–19.) But the Court chose the converse here, addressing only United's Rule 12(b) motion to dismiss, and finding that it lacked personal jurisdiction. (Doc. 25.) At no point did the Court address whether transferring this action, which "is generally favored over dismissal of an action as it allows for an adjudication on the merits," *Mansouri v. TJM Equities LLC*, 2025 WL 4277681, at *6 (W.D. Tenn. Mar. 7, 2025) (citation omitted), would be in the interests of justice. The Court should follow its decision in *Panaro* and transfer this case.

To prevent a manifest injustice to DeBusk, and to avoid producing two contradictory decisions, the Court should alter its judgment under Rule 59(e), undertake the mandatory transfer inquiry under Section 1631, and transfer this action to the United States District Court for the Northern District of Illinois as it did in *Panaro*. *Cf. Turek v. Mold-Rite Tool, Inc.*, 2006 WL 8445360, at *1–2 (E.D. Ky. Dec. 27, 2006) (granting plaintiffs' motion to alter or amend the judgment then transferring the action "in the interest of justice" because "[p]laintiffs have stated that they may face statute of limitations problems if their claims are dismissed as opposed to transferred").

PROCEDURAL HISTORY

Plaintiff Christina DeBusk, a Tennessee resident, worked for United Airlines, Inc. for more than twenty-six years, serving in a succession of positions across several States. (Doc. 1 ¶¶ 17–22.) Defendant United Airlines is a Delaware corporation with its principal place of business in Chicago, Illinois, which lies within the Northern District of Illinois. (Doc. 1 ¶ 16.) DeBusk does not dispute that United is subject to personal jurisdiction in that district.

DeBusk's religious-discrimination claims arise under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. The EEOC issued DeBusk a Notice of Right to Sue on

September 17, 2025, and she commenced this action on December 16, 2025, within the ninety-day period Title VII prescribes. (Doc. 1 ¶ 14.) Venue was proper in this District under Title VII's venue provision, 42 U.S.C. § 2000e-5(f)(3), because DeBusk's termination occurred here and she would have continued to work remotely in Tennessee but for her termination. (Doc. 1 ¶ 9.) Venue would also have been proper in the Northern District of Illinois, where United maintains its principal place of business and is subject to personal jurisdiction. (Doc. 1 ¶ 16.)

In February 2026, United moved to dismiss for lack of personal jurisdiction and improper venue under Federal Rule of Civil Procedure 12(b)(2) and (3) and, in the alternative, to transfer the action to the Northern District of Illinois under 28 U.S.C. § 1404(a) and § 1406(a). (Doc. 15 at 18.)

In opposition, DeBusk addressed United's venue arguments before addressing its motion to dismiss for lack of personal jurisdiction. (Doc. 23 at 9–19.) She grounded that sequence in this Court's own decision in *Panaro v. United Airlines, Inc.*, 2024 WL 4291495 (E.D. Tenn. Sept. 25, 2024) (Collier, J.), in which United similarly moved to dismiss for lack of personal jurisdiction under Rule 12(b)(2), or alternatively to transfer venue under 28 U.S.C. § 1404(a) to the Northern District of Illinois.

In *Panaro*, the Court analyzed venue rather than personal jurisdiction because, it determined, a transfer of venue would render the jurisdictional question moot. *See id.*, at *1. In her opposition, DeBusk specifically quoted this Court: "[a]lthough threshold jurisdictional questions are typically resolved before questions of venue, 'when there is a sound prudential justification for doing so, … a court may reverse the normal order of considering personal jurisdiction and venue.'" (Doc. 23 at 9 n.1 [quoting *Panaro*, 2024 WL 4291495, at *1 (quoting *Leroy v. Great W. United Corp.*, 443 U.S. 173, 180 (1979))].)

Because, as in *Panaro*, "a transfer of venue to the Northern District of Illinois would render the personal jurisdiction issue moot," DeBusk urged the Court to "first consider the question of venue." (Doc. 23 at 9 n.1 [quoting *Panaro*, 2024 WL 4291495, at *1].) And in light of *Panaro*, she devoted the majority of her opposition to arguing why venue was proper in this District. (*Id*. at 9–19). Critically, DeBusk never argued that venue was improper in the Northern District of Illinois, only that the balance of factors weighed in favor of Tennessee as her choice of forum. (Doc. 23 at 11.) In short, given that this Court focused its analysis in *Panaro* on United's alternative motion to transfer, DeBusk did not expressly request transfer—if this Court followed its decision in *Panaro*, as United urged (Doc. 15 at 2, 8), then the Court would either have transferred the case or not.

On July 13, 2026, the Court granted (without holding an evidentiary hearing) United's motion to dismiss for lack of personal jurisdiction and dismissed the action without prejudice. (Doc. 25.) Although in *Panaro* this Court addressed only United's motion to transfer venue, while denying its Rule 12(b)(2) motion to dismiss for lack of personal jurisdiction, *see* 2024 WL 4291495, at *1, this Court took the opposite approach here, granting United's motion to dismiss DeBusk's complaint for lack of personal jurisdiction while sidestepping the venue analysis (Doc. 25).

The Court found that United had not purposefully availed itself of the privilege of acting in Tennessee. (Doc. 25 at 4.) The Court acknowledged that the jurisdictional issue involving remote employees was unsettled, observing that "the Court of Appeals for the Sixth Circuit has not addressed the issue of personal jurisdiction over fully remote employees." (*Id*.) The Court also found that some of the governing factors "do cut in favor of jurisdiction," including that DeBusk "work[ed] predominantly from within the forum state"; that United "was aware of Plaintiff's location in Tennessee and furnished her with a computer and other tools to facilitate remote work"; and that United had designated her base as Nashville. (*Id*. at 6.) The Court ultimately found that jurisdiction was lacking and dismissed the action without prejudice. (Doc. 26.) In its Memorandum, the Court did not address venue, much less determine whether transferring this action would be in the interest of justice. Meanwhile, Title VII's ninety-day period for commencing suit expired during the pendency of this action.

LEGAL STANDARD

Under Rule 59(e) of the Federal Rules of Civil Procedure, a court may grant a motion to alter or amend a judgment "if there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice." *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Cir. 2005). The rule "is not intended to relitigate matters already decided by the Court." *Windsor v. A Fed. Exec. Agency*, 614 F. Supp. 1255, 1264 (M.D. Tenn. 1983), *aff'd*, 767 F.2d 923 (6th Cir. 1985). Instead, its "purpose" is "to allow a district court to correct its own mistakes." *Merritt v. Wipro Ltd.*, 2026 WL 1040309, at *1 (W.D. Tenn. Apr. 16, 2026) (citing *White v. New Hampshire Dep't of Emp't Sec.*, 455 U.S. 445, 450 (1982)).

ARGUMENT

I. The Court committed a clear error of law by dismissing the action rather than determining whether transferring the case would be in the interest of justice, as required by 28 U.S.C. § 1631.

A. The Sixth Circuit holds that Section 1631 imposes a mandatory obligation on the trial court to determine whether transferring the case would be in the interest of justice rather than dismissing it.

The Court erred by not performing its mandatory obligation under 28 U.S.C. § 1631 to consider whether transferring this action to the Northern District of Illinois would be in the interest of justice. Section 1631 provides that when the court "finds that there is a want of jurisdiction," it "*shall*, if it is in the interest of justice, transfer such action ... to any other such court in which the action ... could have been brought...." 28 U.S.C. § 1631 (emphasis added). "A court may decide to dismiss an action rather than transferring it under § 1631 either because (1) no permissible federal court would have jurisdiction over the action, or because (2) transfer would not be in the interest of justice." *Roman v. Ashcroft*, 340 F.3d 314, 328 (6th Cir. 2003) (quotation marks omitted).

Although Section 1631 "confer[s] broad discretion in ruling on a motion to transfer," *Stanifer v. Brannan*, 564 F.3d 455, 456–57 (6th Cir. 2009), "that broad discretion is abused when it is not at least exercised," *Jackson v. L & F Martin Landscape*, 421 F. App'x 482, 484 (6th Cir. 2009) (citing *Taylor v. Social Sec. Admin.*, 842 F.2d 232, 233 (9th Cir. 1988)); *see also Commodities Export Co. v. U.S. Customs Serv.*, 888 F.2d 431, 439 (6th Cir. 1989) (recognizing that a court abuses its discretion when it "refus[es] to transfer without determining whether transfer would be 'in the interest of justice'" (quoting 28 U.S.C. § 1631)). Indeed, "a district court is *required* to transfer an action in which it lacks jurisdiction to the appropriate federal jurisdiction 'if it is in the interest of justice.'" *Woody v. Marberry*, 178 F. App'x 468, 473 (6th Cir. 2006) (emphasis added).

As one court observed, Section 1631's use of "[t]he word 'shall' indicates that the action is *mandatory*." *Baker v. Bensalz Prods. Inc.*, 478 F. Supp. 3d 618, 621 (S.D. Ohio 2020) (emphasis added); *see also id.* (quoting *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) ("[T]he mandatory 'shall' ... normally creates an obligation impervious to judicial discretion.")). "Therefore, the statute *requires* that a district court, once it determines it lacks personal jurisdiction, consider transferring the case to a different jurisdiction if justice so requires." *Id.* (emphasis added).

The Sixth Circuit's decision in *Jackson* is instructive. There, as here, a plaintiff filed suit in a district where personal jurisdiction over the defendant was found to be lacking. 421 F. App'x at 483. The court dismissed the complaint without prejudice. *Id.* The Sixth Circuit reversed, holding that a court which finds it lacks jurisdiction abuses its discretion when it dismisses "without first determining whether a transfer would be 'in the interest of justice.'" *Id.* at 484. Because a court's "broad discretion is abused when it is not at least exercised," the failure to undertake the interest-of-justice inquiry was itself reversible error. *Id.*

Applying *Jackson* to these facts admits of one result here. The Court found that it lacked personal jurisdiction over United. (Doc. 25 at 8.) It was then required to determine whether the interest of justice warranted transfer before dismissing. It made no such determination. That was a clear error of law. And the case for transfer is at its strongest here, because *Jackson* recognized that the reasons for transferring rather than dismissing are "especially compelling if the statute of limitations has run since the commencement of the action, so that dismissal might prevent the institution of a new suit by the plaintiff and a resolution on the merits." *See* 421 F. App'x at 484. As discussed below, the statute-of-limitations issue is present here, such that dismissal arguably may foreclose the new suit and the resolution on the merits that a transfer would preserve. The Court should amend its judgment and undertake the transfer inquiry it did not perform.

B. A party need not expressly request transfer to trigger the court's mandatory obligation under Section 1631 to determine whether transferring would be in the interest of justice.

To be sure, the plaintiff in *Jackson* expressly requested transfer whereas DeBusk did not. 421 F. App'x at 483. But that is irrelevant here. Section 1631 commands that a court that finds a want of jurisdiction "shall, if it is in the interest of justice, transfer" the action, and that mandatory duty falls to the court to discharge whether or not a party names the statute. In other words, the Court has the power to transfer cases *sua sponte* because of Section 1631's mandatory language. *See, e.g.*, *Flatt v. Aspen Dental Mgmt., Inc.*, 2019 WL 6044159, at *3 (S.D. Ohio Nov. 15, 2019) ("Though no party has raised this issue, federal courts have the power to transfer cases *sua sponte* under 28 U.S.C. §§ 1406(a) and 1631."); *Burrell v. Concept AG, LLC*, 2019 WL 12762540, at *13 (W.D. Tenn. Aug. 23, 2019) ("a court may *sua sponte* cure jurisdictional defects by transferring a suit under § 1631"); *Jones v. Herbert Kannegiesser GmbH*, 2006 WL 3240710, at *2 (W.D. Mich. Nov. 7, 2006) ("Although Plaintiffs have not filed a motion to transfer, a court may *sua sponte* cure jurisdictional defects by transferring a suit under § 1631."); *Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990) ("A motion to transfer is unnecessary because of the mandatory cast of section 1631's instructions").

In any event, transfer was squarely before the Court. United moved, in the alternative to dismissal, to transfer this action to the Northern District of Illinois under §§ 1404(a) and 1406(a). (Doc. 15.) The Court should have determined *sua sponte* whether transferring the action would have been in the interest of justice. *Cf., e.g.*, *Burrell*, 2019 WL 12762540, at *1 ("the Court *sua sponte* orders the case transferred to the Northern District of Mississippi pursuant to 28 U.S.C. § 1631, as that district court is the more appropriate forum based on a lack of personal jurisdiction before the undersigned Court"); *Woodward v. Dignity Health Rehab. Hosp.*, 2021 WL 3860554, at *4 (N.D. Ohio Aug. 30, 2021) ("Rather than dismiss this action for lack of personal jurisdiction and for improper venue, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the District of Nevada, and exercises its discretion to do so."). The Court, at variance with the decisions of other courts and its own decision in *Panaro*, simply dismissed the case.

C. Even if Section 1631 does not create a mandatory obligation to consider transfer, a court should not lightly impute a waiver by omission.

"[E]ven if the statute does not mandate that a court *sua sponte* consider a transfer, but instead creates only a waivable right for a party to seek such transfer, the strong statutory language at the very least suggests that a court should not lightly impute such a waiver." *Baker*, 478 F. Supp. 3d at 622. That is particularly a concern here, because DeBusk did not stand silent on transfer. She briefed the question at length, and she did so in direct reliance on this Court's own precedent.

DeBusk's opposition addressed United's venue and transfer arguments before it reached personal jurisdiction, devoting over ten pages to the subject. (Doc. 23 at 9–19.) She grounded that sequence in *Panaro*, 2024 WL 4291495, a decision that could hardly be closer to this one. There, as here, United moved to dismiss for lack of personal jurisdiction or, in the alternative, to transfer the action to the Northern District of Illinois. *Id.* at *1. And there, this Court took up venue first, explaining that "a transfer of venue to the Northern District of Illinois would render the personal jurisdiction issue moot." *Id.*

Relying on that sequence, DeBusk urged this Court to proceed the same way, quoting *Panaro*'s holding that "when there is a sound prudential justification for doing so, … a court may reverse the normal order of considering personal jurisdiction and venue," and asking the Court to "first consider the question of venue." (Doc. 23 at 9 n.1.)

That reliance shaped the opposition that followed. Because *Panaro* framed the dispute as a choice between transfer and retention, DeBusk devoted the balance of her brief to the only question that framing left open: whether the interest of justice favored keeping the case in this District or sending it to Illinois. (Doc. 23 at 9–19.) She argued that venue was proper here and that her choice of a Tennessee forum was entitled to great weight. (*Id*. at 11.) What she never argued, because it was never in dispute, was that the Northern District of Illinois was an invalid forum. By engaging in the venue balancing factors set forth in *Functional Pathways of Tenn., LLC v. Wilson Senior Care, Inc.*, 866 F. Supp. 2d 918, 930 (E.D. Tenn. 2012), she effectively acknowledged that the case could be heard there. Her position was not that transfer was unavailable, but that it was unwarranted.

DeBusk's briefing thus presupposed the disposition *Panaro* had produced. If this Court had followed *Panaro*, as United itself urged (Doc. 15 at 2, 8), then the Court would have taken up venue first and done one of two things: transfer the case to Illinois or keep it in Tennessee. Dismissal was no part of that framework. DeBusk accordingly had no reason to file a separate request for transfer under Section 1631. The transfer question was already before the Court, and *Panaro*'s framework, on which she relied, did not present dismissal as a possible outcome of the venue analysis. That reliance was eminently reasonable. In every respect that bears on transfer, this case is like *Panaro*: the same defendant, the same dispute, and the same alternative motion to transfer to the same district.

In any event, "any 'waiver' would be a waiver by omission, as [DeBusk] never expressly disclaimed an interest in transfer, but merely failed to raise the issue, which hardly suggests a knowing, intelligent, and voluntary relinquishment of a right." *Baker*, 478 F. Supp. 3d at 622. A litigant who engages the transfer question directly, in reliance on the Court's decision in a materially identical case, has not made a "knowing, intelligent, and voluntary relinquishment of a right." *Id.* at 622. To treat as a waiver her decision not to file a redundant Section 1631 motion or expressly request it in her opposition would penalize her for relying on this Court's decision in *Panaro*. Section 1631's mandatory language forbids that result, and principles of fairness should not permit it.

II. Dismissing this case rather than transferring it as the Court did in *Panaro* would result in a manifest injustice.

Rule 59(e) permits a court to alter or amend a judgment to prevent manifest injustice. *See GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). Manifest injustice is "[a]n error in the trial court that is direct, obvious, and observable." *Tennessee Prot. & Advoc., Inc. v. Wells*, 371 F.3d 342, 348 (6th Cir. 2004) (quoting *Black's Law Dictionary* 974 (7th ed. 1999)). Dismissing this action for lack of personal jurisdiction, rather than transferring it to the Northern District of Illinois as the Court did in *Panaro*, works a manifest injustice for two independent reasons. First, the dismissal implicates an arguable statute-of-limitations problem: because the limitations period governing her Title VII claims elapsed during the pendency of this action, DeBusk may be barred from bringing her claims in a new action. Second, and apart from any potential time-bar, dismissal saddles DeBusk with the needless cost and expense of refiling the identical action in the very forum to which this case could and should be transferred. The Court can avoid both consequences, and cure the injustice, by amending its judgment to transfer this action under Section 1631. Each ground is addressed in turn.

A. An action refiled in the Northern District of Illinois may be time-barred by Title VII's statute of limitations.[1]

Dismissing this action for lack of personal jurisdiction, rather than transferring it to the Northern District of Illinois, works a manifest injustice because the limitations period governing DeBusk's claims elapsed while this case was pending before the Court. Title VII gave DeBusk ninety days from her notice of right to sue to bring her action. 42 U.S.C. § 2000e-5(f)(1). She received that notice on September 17, 2025, and filed this suit on December 16, 2025, within the window. (Doc. 1 ¶ 14.)

That window has since closed. The Sixth Circuit holds that filing a complaint that is later dismissed without prejudice does not toll Title VII's statutory filing period. *See Wilson v. Grumman Ohio Corp.*, 815 F.2d 26, 28 (6th Cir. 1987). The Seventh Circuit, whose law would govern any refiling in Illinois, similarly holds that when a suit is dismissed, "the tolling effect of the filing of the suit is wiped out and the statute of limitations is deemed to have continued running from whenever the cause of action accrued, without interruption by that filing." *Elmore v. Henderson*, 227 F.3d 1009, 1011 (7th Cir. 2000). "In other words, a suit dismissed without prejudice is treated for statute of limitations purposes as if it had never been filed." *Id.* Thus, on the very date that this Court dismissed DeBusk's complaint without prejudice, it was arguably already too late for her to refile in the Northern District of Illinois. *See* 21 Fed. Proc., L. Ed. § 50:543 ("Where a complaint is timely filed and later dismissed, timely filing of the

[1] DeBusk argues that the statute of limitations may bar a subsequent suit for purposes of this motion only. Thus, she does not concede that any subsequent action is in fact time barred. Nor does she waive any argument that her complaint is subject to equitable tolling. *See Wilson v. Grumman Ohio Corp.*, 815 F.2d 26, 28 (6th Cir. 1987) (holding that "although Title VII filing requirements are jurisdictional, they are subject to equitable tolling in limited circumstances").

complaint does not toll or suspend the 90-day limitations period for filing a Title VII action after the issuance of a right-to-sue letter.").

The label on the Court's order is therefore futile: "a dismissal without prejudice is often equivalent to a dismissal with prejudice in Title VII cases because the dismissal occurs after the short period for filing the action has passed." 21 Fed. Proc., L. Ed. § 50:538; *accord Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1023 (7th Cir. 2013) (noting the statute-of-limitations hazard is "especially great in cases subject to very short filing deadlines, such as Title VII employment discrimination cases").

Equitable tolling is an uncertain remedy. Although the Supreme Court has held "that the statutory time limits applicable to lawsuits against private employers under Title VII are subject to equitable tolling," *Irwin v. Dep't of Veterans Affs.*, 498 U.S. 89, 95 (1990), "[f]ederal courts have typically extended equitable relief only sparingly," *id.* at 96. A litigant is entitled to equitable tolling if she shows (1) that she has been "pursuing [her] rights diligently" and (2) that "some extraordinary circumstance stood in [her] way" that prevented her from timely filing. *Holland v. Florida*, 560 U.S. 631, 649 (2010). DeBusk no doubt has pursued her rights diligently, but the Seventh Circuit might not consider that a dismissal without prejudice is an "extraordinary circumstance" entitling her to equitable tolling. *See Lee v. Cook Cnty.*, 635 F.3d 969, 972–73 (7th Cir. 2011) ("nor was dismissal without prejudice an 'extraordinary circumstance' that undermined his clients' rights"). "Equitable tolling is not a remedy for an erroneous judgment; appeal, or in exceptional cases a motion under Fed. R. Civ. P. 60, is." *Elmore*, 227 F.3d at 1013.

The remedy for a dismissal that triggers a time-bar is the post-judgment relief DeBusk seeks now, not equitable tolling. Congress enacted Section 1631 "to protect a plaintiff against either additional expense or the expiration of a relevant statute of limitations in the event that the plaintiff makes an error in trying to select the proper court within the complex federal court system." *Roman*, 340 F.3d at 328 (quoting 17 Charles A Wright et al., *Fed. Prac. & Proc.* § 4104, at 406 (2d ed. 1986)). And it supplies the remedy directly: upon transfer, the action "shall proceed as if it had been filed … on the date upon which it was actually filed in … the court from which it is transferred." *Id.* (quoting 28 U.S.C. § 1631). The Sixth Circuit has confronted this danger and left little doubt about how courts should respond to it. The reasons for transferring a case to a proper forum rather than dismissing it, the Court explained, are "especially compelling if the statute of limitations has run since the commencement of the action, so that dismissal might prevent the institution of a new suit by the plaintiff and a resolution on the merits." *Jackson*, 421 F. App'x at 484. For that reason, in deciding whether transfer serves the interest of justice, a court "may consider whether the applicable statute of limitations might prejudice the plaintiff if the action were dismissed and refiled in the proper court." *Jones*, 2006 WL 3240710, at *1 (citing *Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 467 (1962)).

Here, that prejudice is no abstraction. DeBusk may be barred from bringing her claims in any new action. The limitations period ran while her case was before this Court, and dismissal now risks the harm *Jackson* identified: no new suit, and no resolution on the merits. An amended order would carry DeBusk's December 16, 2025 filing date to Illinois and allow her claims to be heard where United can be sued. Whereby dismissal may surrender DeBusk's claims to a clock that has already run, transfer preserves them—precisely as Congress intended. To affirm the first course, when the second costs nothing and saves everything, is the sort of direct, obvious, and observable error that Rule 59(e) enables this Court to correct.

B. Granting United's motion to dismiss is not in the interest of justice because it results in needless expense and delay by requiring a completely new filing in the Northern District of Illinois.

Even if the limitations period posed no bar, dismissal would still work an injustice, because it would force DeBusk to refile the identical case in Illinois at her own expense.

DeBusk is no wealthy litigant. United fired her, stripping her of the income and benefits she had earned over twenty-six years. (DeBusk Decl. Supp. Opp'n to Def.'s Mot. Dismiss, Doc. 23-1 ¶¶ 3, 20, 30.) She now lives on a small family farm in rural Tennessee, and she attests that litigating this case in Illinois would impose "a genuine financial and personal burden." (*Id.* ¶¶ 27, 30.) Requiring her to file her complaint a second time, pay a second filing fee, and serve United anew would heap needless cost on a plaintiff least able to bear it. *Cf. Stevenson v. Willis*, 579 F. Supp. 2d 913, 918 (N.D. Ohio 2008) ("Requiring refiling in this case would merely amount to a needless waste of judicial resources and added expense to the parties.").

Section 1631 exists to spare plaintiffs precisely this waste. The statute protects a plaintiff against "additional expense" when she misjudges the proper forum. *Roman*, 340 F.3d at 328. Transferring an action rather than dismissing it avoids making a plaintiff "incur the additional expense of filing the same petition" elsewhere. *Burrell*, 2019 WL 12762540, at *14; *cf. Dayton Casting Co. v. Full Mold Process, Inc.*, 404 F. Supp. 670, 673–74 (S.D. Ohio 1975) ("For this Court to grant the defendant's motion to dismiss is clearly not in the interest of justice. It would result in needless expense and delay by requiring a completely new filing in the Eastern District of Michigan."). A single order transfers this case to Illinois at no cost to either side. Dismissal instead makes a terminated employee of limited means pay to start over in a proper forum to which the Court could send her at no cost. Imposing that burden when Section 1631 offers a costless alternative is a direct, obvious, and observable error.

C. Transferring this case would avoid two contradictory decisions from this Court.

Transfer would also ensure the consistency of this Court's rulings. For purposes of this motion, this case and *Panaro* are the same. In both, United moved to dismiss or, in the alternative, to transfer to its home forum in the Northern District of Illinois. In *Panaro* this Court transferred to Illinois in the interest of justice. 2024 WL 4291495, at *4. Although nothing of substance distinguishes this case, the Court resolved it the opposite way. That was error.

Notably, the *Panaro* plaintiffs also did not ask the case to be transferred as a fall back. Instead, they simply argued in their opposition why the Court should keep the case in their home State and chosen forum. *See* Pls.' Mem. of Law in Opp'n to Def.'s Mot. to Dismiss at 11, *Panaro v. United Airlines, Inc.*, No. 4:23-cv-00045-CLC-CHS (E.D. Tenn. Jan. 5, 2024), ECF No. 14. Unlike here, however, this Court transferred the case anyway, finding transfer to the Northern District of Illinois to be in the interest of justice. *Panaro*, 2024 WL 4291495, at *4. As this Court's decision in *Panaro* shows, a plaintiff need not request transfer to trigger the Court's consideration.

"[E]ach court is bound to follow its own prior decisions." *In re Gaylor*, 123 B.R. 236, 242 (Bankr. E.D. Mich. 1991). As one court observed, "I and my colleagues endeavor to integrate our decisions with prior decisions of this court so as to promote uniformity and predictability within the district." *In re Anderson*, 357 B.R. 473, 480 (Bankr. W.D. Mich. 2006). "Inconsistent decisions create the potential for piecemeal litigation, and even conflict between the courts' orders." *Bahe v. City of Upper Arlington*, 2023 WL 2652570, at *5 (S.D. Ohio Mar. 27, 2023).

Deciding two materially identical cases in opposite ways—transferring one action against United while dismissing the other—undermines "uniformity and predictability" from this Court's decisions as it leaves litigants unable to predict how similar facts will fare in the same court.[2] Indeed, DeBusk relied on this Court's decision in *Panaro*, reading it as this

[2] The lone difference between the cases is procedural, and it changes nothing. *Panaro* arrived by removal, so United sought transfer under Section 1404(a); here, the Court found no personal jurisdiction, which routes transfer through Section 1631. That dictates which statute supplies the remedy, not what the remedy is. Section 1631 exists to transfer a case the court cannot hear, and it points to the same destination *Panaro* chose. A difference in the vehicle is no reason to trade transfer for dismissal.

Court's blueprint for determining United's motion: the Court analyzed venue before personal jurisdiction because a transfer of venue would render the jurisdictional question moot. *See* 2024 WL 4291495, at *1. In her opposition, DeBusk specifically quoted this Court: "[a]lthough threshold jurisdictional questions are typically resolved before questions of venue, 'when there is a sound prudential justification for doing so, … a court may reverse the normal order of considering personal jurisdiction and venue.'" (Doc. 23 at 9 n.1 [quoting *Panaro*, 2024 WL 4291495, at *1 (quoting *Leroy*, 443 U.S. at 180)].)

Accordingly, under *Panaro*'s framework, the dispositive issue brought by United's motion was whether DeBusk's action should be transferred to the Northern District of Illinois. But this Court bypassed *Panaro* and the transfer analysis, reached personal jurisdiction instead, and dismissed the case—a result DeBusk had little reason to guard against. She should not lose her claims for following this Court's prior decision.

This Court should follow *Panaro*. *Cf. Rocha v. Sauder Woodworking Co.*, 221 F. Supp. 2d 818, 819 (N.D. Ohio 2002) ("As a general rule, as embodied in the doctrine of stare decisis, I should follow my prior ruling."). To dismiss this case while transferring *Panaro* consigns substantively identical facts to opposite fates in the same court. Transfer under Section 1631 avoids that contradiction and reaches the result the Court has already found to be in the interest of justice in *Panaro*. To maintain otherwise here would result in a manifest injustice to DeBusk.

III. Transferring this action to the Northern District of Illinois would be in the interest of justice.

The Court should find that transferring to the Northern District of Illinois is in the interest of justice under Section 1631. "Transfer is generally favored over dismissal of an action as it allows for an adjudication on the merits. Absent evidence that the plaintiff filed the complaint in bad faith or to harass the defendant, the interest of justice typically requires transfer rather than dismissal." *Mansouri*, 2025 WL 4277681, at *6. The transfer analysis requires a two-part inquiry. First, the Court must determine "whether this action 'could have been brought' in another forum." *Concord Music Grp., Inc. v. Anthropic PBC*, 738 F. Supp. 3d 973, 990 (M.D. Tenn. 2024) (quoting 28 U.S.C. § 1631). Second, it must determine "whether transfer is 'in the interest of justice.'" *Id.* (quoting 28 U.S.C. § 1631). Both requirements are met here.

A. United is subject to personal jurisdiction in Illinois, and venue is proper in the Northern District of Illinois.

"The Court turns first to whether this action 'could have been brought' in the Northern District Court of Illinois, Eastern Division, which is to ask where venue would be proper and where personal jurisdiction would exist." *Fountain Equip. Fin., LLC v. Elk Grove Truck Sales, Inc.*, 2025 WL 876767, at *6–7 (E.D. Tenn. Mar. 20, 2025) (citing 28 U.S.C. § 1631).

Venue is proper in the Northern District of Illinois. Under 42 U.S.C. § 2000e-5(f)(3), a plaintiff may bring a Title VII action in any of four judicial districts: (1) any district in the state where the unlawful employment practice was "committed"; (2) the district where employment records are maintained; (3) the district where the plaintiff "would have worked but for" the unlawful practice; or (4) if the defendant is not found in any district under the first three prongs, the district of the defendant's principal office. *Hairston v. Wormuth*, 2024 WL 1812153, at *3 (M.D. Tenn. Apr. 25, 2024). The Northern District of Illinois satisfies the first, second, and fourth prongs.

United committed the challenged practice in Illinois. By its own account, United "developed all relevant policies (i.e., United's COVID-19 vaccination policy and the RAP), and implemented all decisions related to Plaintiff's claims, at United's principal place of business in Chicago, Illinois," and "all alleged decisions and actions giving rise to Plaintiff's claims occurred in the Northern District of Illinois." (Doc. 15 at 2, 11; Limacher Decl. ¶¶ 7–10.) The relevant employment records sit in Illinois. United admits that "the records related to United's implementation of its COVID-19 vaccination policy, implementation of the RAP, and other relevant documents are primarily maintained in the Northern District of Illinois, and none are in the Eastern District of Tennessee," and that its "personnel records are primarily maintained" there too. (Doc. 15 at 12; Limacher Decl. ¶¶ 7–12.) Finally, venue also lies because United's principal office is in Chicago. 42 U.S.C. § 2000e-5(f)(3). (Compl. ¶ 16.) Under the first, second, and fourth prongs, venue is proper in the Northern District of Illinois.

United is subject to personal jurisdiction in Illinois. A corporate defendant is subject to personal jurisdiction where its principal place of business is located. *See Cap. Plus Constr. Servs., LLC v. Blucor Contracting, Inc.*, 2020 WL 5441437, at *3 (E.D. Tenn. Sept. 10, 2020) (citing *Daimler AG v. Bauman*, 571 U.S. 117, 118 (2014)). The parties do not dispute that United's principal place of business is in Chicago, Illinois. (Doc. 1 ¶ 16 ["Defendant United Airlines, Inc., is a Delaware corporation with its principal place of business in Chicago, Illinois."]; Doc. 15 at 13 ["Defendant may be subject to general jurisdiction in Delaware or Illinois…."].) United is therefore at home there and subject to general personal jurisdiction, and thus this action could have been brought in the Northern District of Illinois.

In short, the Northern District of Illinois would be a proper venue and have personal jurisdiction over United. *Cf. Fountain*, 2025 WL 876767, at *7 ("Given defendant resides … in Illinois, the Northern District of Illinois, Eastern Division, would have personal jurisdiction over defendant, and the district would be a proper venue"). The action "could have been brought" there, thus warranting transfer. 28 U.S.C. § 1631.

B. DeBusk filed this action in this District in good faith.

The interest of justice generally requires transfer rather than dismissal "[u]nless there is evidence that the plaintiff brought the case in this district in bad faith or to harass the defendant." *LGT Enters., LLC v. Hoffman*, 614 F. Supp. 2d 825, 842 (W.D. Mich. 2009). DeBusk did not file suit in this District in bad faith or to harass United.

DeBusk had a good faith belief that United was subject to personal jurisdiction in Tennessee because United purposefully employed her as a remote call center supervisor here.

The question was an open one. This Court acknowledged that "the Court of Appeals for the Sixth Circuit has not addressed the issue of personal jurisdiction over fully remote employees." (Doc. 25 at 4.) A plaintiff does not act in bad faith by litigating a jurisdictional theory the governing court of appeals has never decided. That DeBusk did not ultimately prevail does not make her position meritless. *Cf. Baker*, 478 F. Supp. 3d at 622 ("[T]he jurisdictional question here was not straightforward…. Plaintiffs had at least some basis for believing that jurisdiction would lie. Thus, there is no reason to assume that the filing here was in bad faith.")

DeBusk also had concrete reasons to believe United had purposefully availed itself of Tennessee. As this Court observed, "some factors do cut in favor of jurisdiction and Plaintiff puts forth arguments that Defendant's knowledge of her location is sufficient to establish jurisdiction." (Doc. 25 at 6.) DeBusk declared that she worked entirely remotely from Tennessee (Doc. 1 ¶ 24); that United knew of her Tennessee location and furnished her a company computer and other tools to perform her work there (Doc. 23-1 ¶ 11); that United designated her operational base as Nashville International Airport (*id.* ¶ 13); that United maintained the employment relationship through regular telephone and electronic communications directed into Tennessee (*id.* ¶ 18); and that United's decision to close its physical facilities and retain a remote workforce financially benefited the company (*id.* ¶ 8). "This case presented a close call with respect to personal jurisdiction. Plaintiff should not be punished for her understandable error in filing in this district." *Coleman v. Chen*, 712 F. Supp. 117, 123 (S.D. Ohio 1988).

In short, DeBusk reasonably believed that United was subject to personal jurisdiction here and thus did not bring her suit in bad faith. *Cf. LGT Enters.*, 614 F. Supp. 2d at 843 ("There is nothing in our record to suggest that LGT filed the complaint here in bad faith or to harass the defendant, *i.e.*, knowing or believing that Hoffman was not subject to this court's jurisdiction."). The Court accordingly should find that transferring is in the interest of justice.

Cf., *e.g.*, *Coleman*, 712 F. Supp. at 123 (determining that court lacked personal jurisdiction over California defendant in personal injury action then holding that interests of justice justified transfer of action to California under 28 U.S.C. § 1406(a) rather than dismissal); *LeafFilter N., LLC v. Home Craft Builders, Inc.*, 487 F. Supp. 3d 643, 651–52 (N.D. Ohio 2020) (finding that interests of justice would be served by transferring, rather than dismissing, plaintiff's claims, finding there was "no need for parties to restart litigation anew" or for company "to lose out on any benefit it may otherwise have been entitled to based on its initial filing date").

CONCLUSION

For the foregoing reasons, the Court should grant DeBusk's motion under Federal Rule of Civil Procedure 59(e), alter and amend its Judgment Order (Doc. 26), vacate the dismissal of the Complaint, and transfer this action to the United States District Court for the Northern District of Illinois under 28 U.S.C. § 1631. DeBusk further requests any other relief the Court deems just and proper.

Dated: August 10, 2026

Respectfully submitted,

/s/ Horatio G. Mihet

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2026, I electronically filed the foregoing Plaintiff's Opposition to Defendant's Motion to Dismiss or Transfer Venue with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: August 10, 2026

Respectfully submitted,

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