

No. 25-_____

IN THE
Supreme Court of the United States

DEBORAH KOLLMAN AS EXECUTOR OF
THE ESTATE OF STEPHANIE A. SMITH,
Petitioner,

v.

MERCY HEALTH-CLERMONT HOSPITAL, LLC;
EMERGENCY MEDICINE PHYSICIANS OF
CINCINNATI, LTD.; SAMANTHA YELLEY, D.O.;
AND LABORATORY CORP. OF AMERICA HOLDINGS,
Respondents.

On Petition for a Writ of Certiorari to
the Ohio Court of Appeals for the
Twelfth Judicial District

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Section 1367 of Title 28 authorizes federal district courts in certain circumstances to exercise supplemental jurisdiction over claims arising under state law. Section 1367 further provides that “[t]he period of limitations for any [such] claim . . . shall be tolled while the claim is pending.” 28 U.S.C. § 1367(d). The Court has never addressed the effect of § 1367(d)’s tolling provision when, as here, the state-claim limitations period expires after the case is timely filed in state court but before the defendant removes the case to federal court, and the federal court eventually declines to exercise supplemental jurisdiction over the state claims.

The questions presented are: When a case is timely filed in state court and then removed to federal court, does the tolling provision in § 1367(d) stop the clock on the limitations period for any state-law claims as of the time the plaintiff initially, and timely, filed the claim in state court? Or, does the clock stop only once the claim is pending in federal court, even if removal to federal court is beyond the plaintiff’s control?

PARTIES TO THE PROCEEDING

Petitioner is Deborah Kollman as the executor of Stephanie Smith's estate.¹ Respondents are Mercy Health-Clermont Hospital, LLC; Emergency Medicine Physicians of Cincinnati, Ltd.; Samantha Yelley, D.O.; and Laboratory Corporation of America Holdings (NYSE:LH).

RELATED PROCEEDINGS

Smith v. Mercy Health-Clermont Hospital, LLC, No. 2025-1663, Supreme Court of Ohio. Judgment denying discretionary review entered March 3, 2026.

Smith v. Mercy Health-Clermont Hospital, LLC, No. CA2024-02-010, Court of Appeals of Ohio for the Twelfth Judicial District. Judgment entered May 5, 2025. First rehearing granted and judgment entered November 3, 2025. Second rehearing denied March 3, 2026.

Smith v. Mercy Health-Clermont Hospital, LLC, No. 2023 CVA 00692, Court of Common Pleas for Clermont County. Judgment entered January 11, 2024.

Smith v. Mercy Health-Clermont Hospital, LLC, No. 1:21-cv-00573, United States District Court for the Southern District of Ohio. Judgment entered June 20, 2023.

Smith v. Mercy Health-Clermont Hospital, LLC, No. 1:21-cv-00057, United States District Court for the Southern District of Ohio. Judgment entered January 3, 2022.

¹ Kollman and Smith's estate were substituted as the plaintiff-appellant on May 28, 2025, after Smith passed away. For simplicity's sake, "Smith" refers collectively to Smith and her estate.

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OPINIONS BELOW

The Supreme Court of Ohio’s decision declining to review the Court of Appeals for the Twelfth Judicial District of Ohio’s principal opinion is reported in a table at 2026-Ohio-667, and the judgment is reprinted in the Appendix to the Petition (“Pet. App.”) at Pet. App. 21a. The Twelfth District’s opinions are reported at 2025-Ohio-4986 and 2025-Ohio-1590 and are reprinted in the Appendix to the Petition at 32a and 2a, respectively. The Court of Common Pleas for Clermont County’s decision is unreported and is reprinted at Pet. App. 22a.

STATEMENT OF JURISDICTION

The Court of Appeals for the Twelfth Judicial District of Ohio issued a principal opinion on May 5, 2025. Pet. App. 2a. It granted Smith’s timely application for reconsideration on November 3, 2025, and issued a second opinion that same day. Pet. App. 32a. The Twelfth District denied Smith’s second application for reconsideration on March 3, 2026. Pet. App. 47a. The Supreme Court of Ohio denied Smith’s timely request for discretionary review on March 3, 2026. Pet. App. 21a. The jurisdiction of this Court is properly invoked pursuant to 28 U.S.C. § 1257.

STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 1367(a) provides:

Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same

case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

28 U.S.C. § 1367(d) provides:

The period of limitations for any claim asserted under subsection (a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period

INTRODUCTION

This case presents the Court an opportunity to clarify the law surrounding the supplemental jurisdiction statute's tolling provision, 28 U.S.C. § 1367(d).

Actions in state court routinely involve diverse parties who raise state-law claims, a mix of federal- and state-law claims, or state-law claims levied against a defendant who is entitled to a federal forum under federal law. While such an action is pending in state court, the limitations period for the state-law claims often expires. This usually poses no problem—the plaintiff can rest assured knowing she timely filed her action. But unforeseeable complications arise when a defendant employs a removal device to sweep the case into federal court.

A further complication arises when, as here, the defendant removes the case to federal court after the state-claim limitations period has expired. If the

federal court dismisses the action without prejudice, the plaintiff can find herself right back in state court, this time months or years after the limitations period for her state-law claims has expired. Are her claims now time-barred because the defendant forced her to take an involuntary detour into federal court? And is she out of luck even after she timely filed the initial action in state court?

Congress enacted 28 U.S.C. § 1367(d) to answer these questions. Under that provision, the “period of limitations” applicable to a state-law claim falling within the district court’s supplemental jurisdiction “shall be tolled while the claim is pending and for a period of 30 days after it is dismissed.” *Id.* A claim falls within the federal court’s supplemental jurisdiction if it is part of a “civil action of which the district courts have original jurisdiction” and it is “so related to claims in the action within such original jurisdiction that they form part of the same case or controversy.” *Id.* If these requirements are met, the plaintiff may ride along through the detour to federal court without worrying that her state-law claim will be deemed untimely when she returns to state court. Section 1367(d) works to “hold [the limitation period] in abeyance, *i.e.*, to stop the clock.” *Artis v. District of Columbia*, 583 U.S. 71, 75 (2018).

But § 1367(d) is silent about where a claim must be “pending” before the state limitations period may be tolled. Does tolling begin only when the case is removed to federal court? Or does tolling begin earlier, when the plaintiff files her complaint in state court? This time-of-trigger question makes all the difference when, as here, a defendant removes the case after the state-claim limitations period expires and the case eventually makes its way back to the state court’s docket as a refiled case.

If § 1367(d) triggers only upon removal to federal court, then the plaintiff is out of luck, despite timely filing her complaint in state court. By the time her case started “pending” in a federal forum, it may be too late—her state-law claim can become time-barred before removal because the limitations period had already expired. Absent state law to the contrary, she can never return to state court. But if § 1367(d) triggers when the claim starts “pending” in any court, the limitations period is tolled the moment plaintiff files her complaint. This leaves the plaintiff free to refile her case in state court if the federal court dismisses the action without prejudice.

This Court in *Artis v. District of Columbia* referenced both interpretations. In one instance, Justice Ginsburg’s majority opinion rewrote § 1367(d) to align with the first theory: “The period of limitations for any [state] claim [joined with a claim within federal-court competence] shall be tolled while the claim is pending [*in federal court*] and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.” *Artis*, 583 U.S. at 75 (alterations, other than emphasis, in original; emphasis added) (quoting 28 U.S.C. § 1367(d)). In other parts of the opinion, the majority embraced the text’s inclusive nature, observing that § 1367(d) applies generally to state-law claims “pending elsewhere” or “earlier commenced in another forum.” *Id.* at 80 & n.4.

State courts, including the Ohio appellate court here, have embraced the *Artis* majority’s bracket-laden rewrite of § 1367(d) over the text Congress

chosed. They hold that the tolling provision triggers only upon removal:

[I]f a plaintiff files mixed federal-state claims in state court and the defendant later removes the case to federal court, but only after the state limitations period has expired, in such circumstances, section 1367(d) does not reach back in time to toll the limitations period for the interval the case was in state court. The tolling begins only upon removal, when the state claims come under the federal court’s supplemental jurisdiction.

Pet. App. 11a; *see also, e.g., Kim v. Dickinson Wright, PLLC*, 442 P.3d 1070, 1074 (Nev. 2019); *Ryan v. Streck, Inc.*, 958 N.W.2d 703, 713 (Neb. 2021).

But that is not what the statute says. Section 1367(d) requires only that the state-law claim fall within the district court’s supplemental jurisdiction, and that the claim be “pending.” 28 U.S.C. § 1367(d). Nowhere does the statute’s plain text demand that a claim be pending in federal court. And, since jurisdiction has long been based “upon the state of things at the time of the action brought,” *e.g., Mollan v. Torrance*, 22 U.S. 537, 539 (1824), an appropriate state-law claim comes within the district court’s supplemental jurisdiction when it is filed in state court. The hornbook “time-of-filing rule” can produce no other result. *Grupo Dataflux v. Atlas Glob. Grp., L.P.*, 541 U.S. 567, 570–71 (2004).

Put differently, the *Artis* majority’s “[in federal court]” addition has inadvertently led state courts to add a requirement to § 1367(d) that does not exist. Neither the statute’s text nor this Court’s precedents about district courts’ original jurisdiction support the reading of § 1367(d) that has been percolating since

the Court decided *Artis* eight years ago. The time is right for this Court to step in, clarify *Artis*, and hold that § 1367(d) tolls the period of limitations for state-law claims in a mixed federal–state action when the action starts “pending” in state court.

Smith respectfully asks the Court to grant the Petition.

STATEMENT OF THE CASE

In late-October 2019, Smith lost the use of her right arm after an employee of Respondent Laboratory Corporation of America Holdings (“LabCorp”) tried and failed multiple times to draw blood from the arm. Pet. App. 23a–24a. Smith filed a complaint in state court raising state-law negligence claims against the medical facilities, physicians, and staff who had treated her. Pet. App. 24a. Her action was filed a few days before the one-year limitations period for her claims expired.

Yet some of the facilities and doctors she named in the complaint were deemed employees of the Public Health Service entitled by 42 U.S.C. § 233 to remove her action to district court and have the United States take their place as defendants. Pet. App. 24a; 28 U.S.C. § 1346. Section 233(a) also makes the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671–80, the exclusive remedy for actions against such employees. And the FTCA requires plaintiffs to exhaust administrative remedies available through the relevant federal agencies before filing an action in court. 28 U.S.C. § 2675. Not taking any chances, in addition to her state-court complaint, Smith also submitted an administrative claim to the Department of Health and Human Services. Pet. App. 5a. Because HHS took no action on her claim within six months of

its filing, the claim was “deemed” denied. *See* 28 U.S.C. § 2675(a).

In the meantime, while her timely filed complaint was pending in state court, the state-law limitations period expired. The United States then invoked 42 U.S.C. § 233 and 28 U.S.C. § 1442(a)(1) to remove the action to the United States District Court for the Southern District of Ohio and substituted itself as the party defendant. Pet. App. 24a. The United States moved to dismiss the case, arguing Smith had failed to exhaust her administrative remedies under the FTCA. Pet. App. 5a. The district court never ruled on that motion.

Again, not taking any chances while that first action was pending, and after HHS denied her administrative claim, Smith filed a second, “protective” complaint in federal court, pleading the same claims against the same federal defendants. *See Bray v. Bon Secours Mercy Health, Inc.*, 97 F.4th 403, 416–18 (6th Cir. 2024) (Thapar, J., concurring) (explaining that a plaintiff complies with the FTCA by filing a “separate, ‘protective’ action in federal court” after exhausting her administrative remedies). At a status conference, the parties agreed that the first case would be dismissed and that Smith would file an amended complaint in the second case to add the state-court defendants. Pet. App. 5a. Smith did so, alleging the same claims against the same parties as in her original state-court complaint. Pet. App. 24a.

Eventually, though, Smith asked, and the district court agreed, to dismiss the United States as a defendant. Pet. App. 24a. That left the case with only state claims pending against only state defendants. Accordingly, the district court declined to retain jurisdiction, dismissing the case “without prejudice for refiling in state court.” Pet. App. 6a.

Smith did just that. She refiled her complaint in state court within a matter of days, alleging the same state-law claims against the same defendants as in her original complaint, but with some new factual allegations about her involuntary trip through the federal courts sparked by the United States's involvement. Pet. App. 6a, 25a.

One of the defendants—LabCorp—asked the Ohio trial court to dismiss Smith's action, arguing, amongst other things, that the limitations period had expired. Pet. App. 28a. Other defendants then chimed in with the same argument. Pet. App. 6a. Smith countered that 28 U.S.C. § 1367(d) tolled the limitations period while her claims were pending, starting when she filed her first complaint in state court, not when the action was removed to federal court. Pet. App. 26a–27a, 29a–30a. The Ohio trial court concluded that § 1367(d)'s tolling provision “ha[d] no applicability in the current action” because Smith's claims were “not filed within Ohio's applicable one-year statute of limitations.” Pet. App. 31a. The Ohio trial court dismissed every defendant on these grounds. Pet. App. 27a, 31a.

The Ohio appellate court affirmed. It held that “section 1367(d)'s tolling applies only to claims ‘pending in federal court.’” Pet. App. 11a (quoting *Artis*, 583 U.S. at 83). Despite appearing nowhere in the text of § 1367(d), the state appellate court took *Artis*'s “in federal court” language to be a “textual limitation” on § 1367(d)'s scope. Pet. App. 11a. So, according to that court, “[i]f the state limitations period expired before removal, the plaintiff's state claims are already time-barred, and section 1367(d) offers no relief.” Pet. App. 11a.

On reconsideration, the Ohio appellate court issued a second opinion confirming its holding on § 1367(d). Pet. App. 32a–46a. Smith moved the

appellate court to reconsider its decision a second time on a procedural issue under state law, which the court denied. Pet. App. 47a–51a. On March 3, 2026, the Supreme Court of Ohio denied Smith’s timely request for discretionary review of the intermediate appellate court’s decision. Pet. App. 21a.

REASONS TO GRANT THE PETITION

Whether § 1367(d) begins tolling the period of limitations for a state-law claim when that claim starts pending in state court is an issue that has consistently evaded federal review. By the time the question comes up, the case has left the district court’s docket and returned to the state court. Once there, state courts read *Artis* and conclude that the plaintiff’s claim became untimely before the defendant removed the action to federal court. Without this Court’s review, that incorrect reading of § 1367(d) and *Artis* will continue to proliferate unchecked.

The Court should grant certiorari to resolve this important question. Congress enacted § 1367(d) “[t]o prevent the limitations period on . . . supplemental claims from expiring while the plaintiff was fruitlessly pursuing them in federal court.” *Jinks v. Richland County*, 538 U.S. 456, 459 (2003). By holding that § 1367(d) does not apply to cases filed by the plaintiff in state court but removed to federal court by a defendant, state courts are robbing § 1367(d) of its plain meaning. In such cases, state courts have transformed § 1367(d) from a shield against inadvertent untimeliness into a trap for the plaintiff who sues a defendant that, unbeknownst to the plaintiff, is entitled to remove to a federal forum. Indeed, the state appellate court here reached that conclusion based on its atextual reading of § 1367(d).

This Court's review is also warranted because the state courts' incorrect reading of § 1367(d) has negative side effects for the legal framework determining when claims come within the district court's original and supplemental jurisdiction.

I. State courts have wrongly added an in-federal-court requirement to § 1367(d).

A. Section 1367(d)'s text does not limit tolling to cases where the plaintiff first files in federal court.

The plain language of 28 U.S.C. § 1367(d) does not require the action to be pending in federal court; the action simply must be “pending”:

The period of limitations for any claim asserted under [28 U.S.C. § 1367](a), and for any other claim in the same action that is voluntarily dismissed at the same time as or after the dismissal of the claim under subsection (a), shall be tolled *while the claim is pending* and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.

28 U.S.C. § 1367(d) (emphasis added). Nowhere does § 1367 provide that the limitations period tolls only while the claim is pending in federal court. Indeed, when Congress means to toll a limitations period only while a claim is pending in federal court, it says just that. In 28 U.S.C. § 1332, for example, the “limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled *during the period that the action is pending in Federal court.*” *Id.*

§ 1332(d)(11)(D) (emphasis added); *see also Artis*, 583 U.S. at 80 n.4.

Plus, before enacting § 1367, Congress declined to adopt language proposed by the American Law Institute (ALI) that would have expressly limited tolling to the period a claim was pending in federal court. The ALI had proposed a refiling provision that would have governed claims “in an action timely commenced in a federal court” but later dismissed on jurisdictional grounds. *Artis*, 583 U.S. at 85–86, quoting AM. LAW INST., STUDY OF THE DIVISION OF JURISDICTION BETWEEN STATE AND FEDERAL COURTS § 1386(b) (1969). When Congress eventually enacted § 1367, it declined to limit the tolling provision to when a case is pending “in federal court,” *contra, e.g., id.* at 86, opting for tolling to apply more broadly when a case is simply “pending,” 28 U.S.C. § 1367(d).

Artis does not resolve the issue, either. There, the Court held that “tolled” in § 1367 means to “stop the clock” on the limitations period for any state-law claims. *Artis* at 75. But Justice Ginsburg’s majority opinion added a qualification Congress did not include in the statute: that the limitations period is tolled only while the state-law claims are pending “in federal court.” *E.g., id.* at 74.

That addition had no bearing on the analysis; it was simply a reflection of the facts of that case. *Artis* had filed her complaint in federal district court, alleging federal claims under Title VII of the Civil Rights Act of 1964 and “state” claims under the law of the District of Columbia. *Id.* at 77. As of that filing, roughly two years remained on the limitations period for her state-law claims. *Id.* at 78. It would be another two and one half years, though, before the district court granted the defendant’s motion for summary judgment on the Title VII claim, declined to exercise

supplemental jurisdiction over Artis’s remaining state-law claims, and dismissed the federal action. *Id.* at 77. Artis refiled her state-law claims in state court 59 days after the federal action was dismissed. *Id.* at 78. The question for this Court was whether § 1367(d) paused the state-law limitations period once Artis filed her initial complaint—in which case her refiled state action was timely—or whether, since the state-law limitations period expired while her case was pending in federal court, § 1367(d) gave Artis only a 30-day, post-federal-dismissal grace period to refile her state claims in state court—in which case her refiled action was untimely. *Id.* at 74–75.

The Court adopted the former interpretation, holding that § 1367(d) “stop[ped] the clock” on the state-law limitations period once Artis filed her initial complaint. *Id.* at 75, 80–88. Nowhere in *Artis* does the Court address the effect of § 1367(d) when the plaintiff originally files in state court and the action is later removed to federal court. *See generally id.*

Much of the majority’s rationale in *Artis*, though, suggests that, under those circumstances, § 1367(d) tolls the state-law limitations period from the date the complaint was originally filed in state court. For instance, the *Artis* majority explained that its stop-the-clock interpretation of § 1367(d)’s tolling provision “account[ed] for the fact that a claim was timely pressed in another forum.” *Artis* at 91. It pointed to other federal statutes that stop the clock on a limitations period “while the claim is pending elsewhere.” *Id.* at 80 & n.4.

Reading “in federal court” into the statute turns the point of § 1367(d) on its head. The statute is meant to preserve a plaintiff’s timely filed, state-court claims. Nothing in the statute’s text suggests that removal *by a defendant* can defeat that aim.

B. State courts are divided, but they most often perpetuate *Artis*’s atextual reading of § 1367(d).

State courts have restated the *Artis* majority’s “[in federal court]” requirement with troubling regularity. *Artis*, 583 U.S. at 75. In this case, the Ohio appellate court went so far as to call that language, which appears nowhere in the statute, a “textual limitation” that “excludes the pre-removal period when claims were pending exclusively in state court” from § 1367(d)’s tolling timeline. Pet. App. 11a.

Other lower courts have stated the in-federal-court requirement even when the case’s procedural posture did not require it. See *Buchan v. Milton Hershey Sch.*, 208 A.3d 1081, 1087 (Pa. Super. Ct. 2019) (holding, in a case originally filed in federal court, that “[s]ection 1367(d) tolls the limitations period for state law claims that are pending before a federal court under supplemental jurisdiction”); *Bray v. Idaho Dep’t Juvenile Corr.*, 564 P.3d 377, 385–86 (Idaho 2025) (same); *Pinder v. Duchesne Cnty. Sheriff*, 478 P.3d 610, 627 (Utah 2020) (same in a case where the plaintiffs “brought no state law claims”); *Nathanson v. Tortoise Cap. Advisors, LLC*, 342 A.3d 507, 530 (Md. App. Ct. 2025) (same in a case regarding whether § 1367(d) applied to cases dismissed “under the doctrine of forum non conveniens”); *Nicholsen v. Dennery*, No. ST-2022-CV-00125, 2025 WL 1202504, at *4 (V.I. Super. Ct. Apr. 16, 2025) (same regarding claims “not presented” in the complaint); *Underwood v. Mercy Health Physicians North, LLC*, 203 N.E.3d 36, 47 (Ohio Ct. App. 2022) (same when the state-law limitations period expired before the claim was first filed in federal court). Not even federal courts are immune from the confusion, though their cases never reach the merits of the question raised here. See, e.g.,

PHH Mortg. Corp. v. Stuber, 766 F. Supp. 3d 1162, 1174 (D. Kan. 2025); *Sullenberger v. City of Coral Gables*, No. 22-CV-21830, 2026 WL 1041962, at *4 n.6 (S.D. Fla. Apr. 17, 2026).

But not all state high courts have committed this error. In *Murey v. City of Chickasaw*, the Supreme Court of Alabama recognized that § 1367(d) does not impose a pending-in-federal-court requirement. In *Murey*, the plaintiff sued in state court, alleging a mix of state- and federal-law claims against police officers and the City of Chickasaw. 385 So. 3d 903, 907–08 (Ala. 2023). The defendants removed the case to federal court. *Id.* The district court resolved the plaintiff’s federal claims and declined to exercise supplemental jurisdiction over the remaining state-law wrongful-death claim, which it dismissed without prejudice. *Id.* The plaintiff refiled the claim in state court “in accordance with 28 U.S.C. § 1367(d).” *Id.* Though there were procedural issues with some of the plaintiff’s other claims, the Alabama Supreme Court recognized that the wrongful-death claim was not time-barred because the plaintiff “complied with 28 U.S.C. § 1367(d)” by refiled in state court, “within 30 days of the federal district court’s dismissal . . . in the first action,” “the same state-law claims that were asserted in the first action before the expiration of the applicable statute of limitations.” *Id.* at 911.

II. This case presents an important question of federal law.

Congress has long enacted laws that alter state limitations periods. *E.g.*, *Stewart v. Kahn*, 78 U.S. 493, 493–94 (1870). It has done so to address both practical and procedural barriers in the state and federal courts that prevented courts from deciding claims on their merits and that interfered with the

date-certain benefit of limitations periods. *Id.*; *Jinks*, 538 U.S. at 461–62.

Section 1367(d) is no different. Before the tolling provision existed, district courts faced three “unsatisfactory options” when deciding “whether to retain jurisdiction over supplemental state-law claims that might be time barred in state court.” *Jinks*, 538 U.S. at 462. They could either (1) condition dismissal on the defendant’s waiver of any statute-of-limitations defense; (2) retain jurisdiction over the state-law claims even though they would be better heard by the state court; or (3) dismiss the claims with a promise the plaintiff could reopen the federal case if the state court dismissed the claims as time-barred. *Id.* at 463. These procedural maneuvers relied on defendants’ shaky goodwill, frustrated the statutory aim of allowing state-law claims to return to state-court dockets, or promoted inefficiencies by practically requiring duplicative litigation. *Id.* And none of these ill-fit options are available anymore following *Royal Canin U.S.A., Inc. v. Wullschleger*, 604 U.S. 22 (2025), rendering a tolling statute essential to address such concerns.

Congress stepped in to fix the problem in 1990. *Artis*, 583 U.S. at 75. After extensive study, it enacted § 1367(d) to provide a straightforward tolling rule that would replace the unworkable tripartite regime. *Jinks*, 538 U.S. at 463. By doing so, Congress sought to promote the “fair and efficient operation of the federal courts” and to more generally ensure “the administration of justice.” *Id.* Overlaying this goal was an understanding that a plaintiff’s state-law claim should not wither on the vine just because the plaintiff was litigating—voluntarily or not—in a federal forum. *Id.* at 459. Congress’s vision relies on the state courts to diligently apply § 1367(d). By

necessity, district courts cannot be the primary movers in this area—they have no control over a case’s disposition once it leaves the federal system. So, any misconstruction of § 1367(d)’s text evades federal review until this Court grants certiorari.

Whether the state courts are correct that § 1367(d) does not apply to cases that start in state court, are removed to federal court after the limitations period expires, and then return to state court is an important question of federal law that only this Court can resolve conclusively.

III. The lower court’s decision upends settled precedent on the time-of-filing jurisdictional rule.

Apart from concerns about state courts disrupting § 1367(d)’s purpose, this Court should also grant certiorari because the Ohio appellate court ran roughshod over long-standing law about the district court’s original jurisdiction. Allowing this opinion to go unreviewed invites other state courts to reproduce the same error.

For a state-law claim to enjoy § 1367(d) tolling, it must fall within the district court’s supplemental jurisdiction. 28 U.S.C. § 1367(d). Such jurisdiction arises when a claim forms part of the same case or controversy as a “civil action of which the district courts have original jurisdiction.” 28 U.S.C. § 1367(a). The lower court reasoned that district courts “have original jurisdiction,” *id.*, over a claim only once removal occurs and the action “arrives” on the district court’s docket. Pet. App. 12a. That is, the limitations-period clock stops upon removal and not a moment sooner. In this way, the lower court treated jurisdiction like a baton that must be handed back and

forth between courts—no two judicial bodies may possess it simultaneously.

This Court has long rejected that pass-the-baton understanding of original jurisdiction. The United States is not a “foreign sovereignty” separate from and domineering over the states; it is a co-equal government that shares power concurrently with the states. *E.g.*, *Claflin v. Houseman*, 93 U.S. 130, 136 (1876). Within this overlapping structure, the state and federal judiciaries are equally competent to hear and determine matters arising under either state or federal law. *Id.* at 136–37. To be sure, the Supremacy Clause allows Congress to exclude certain matters from consideration in state courts; but that power is tempered by the “deeply rooted presumption in favor of concurrent state court jurisdiction.” *Tafflin v. Levitt*, 493 U.S. 455, 459 (1990). One of the foundational premises of our federalist system, then, is that state courts and federal courts share the power to decide certain cases. The lower court here strayed from those first principles when it suggested that the federal courts’ power is preempted by a state court’s jurisdiction.

But this Court need not mull over the ideals of federalism to see that the lower court got it wrong. Whether an action falls within the district court’s original jurisdiction is determined by the state of things as they existed when the plaintiff filed her complaint. *Louisville & Nashville R.R. Co. v. Mottley*, 211 U.S. 149, 153–54 (1908). This time-of-filing rule is “hornbook law . . . taught to first-year law students in any basic course on federal civil procedure.” *Grupo Dataflux*, 541 U.S. at 570–71; *see also* 13D WRIGHT & MILLER’S FEDERAL PRACTICE & PROCEDURE § 3566 (3d ed. 2026); 13E WRIGHT & MILLER’S FEDERAL PRACTICE & PROCEDURE § 3608 (3d ed. 2026). A claim therefore

falls within the district court's original jurisdiction the moment it is pled, regardless of which court, state or federal, first docketed the complaint.

A nearby United States Code section suggests that Congress agrees with this understanding of original jurisdiction. In 28 U.S.C. § 1441(a), the removal statute, Congress provided that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant.” 28 U.S.C. § 1441(a) (punctuation omitted). The removal statute's plain text contemplates that, although an action may be “in a State court,” the federal district courts still “have original jurisdiction” over the matter. *Id.* This Court invoked that precise textual clue in a recent “jurisdictional primer,” suggesting that when a plaintiff files a mixed federal–state action in state court, the reason the defendant can remove it to federal court is “[b]ecause the case falls within the federal courts’ ‘original jurisdiction.’” *Royal Canin*, 604 U.S. at 27–28; *see also Grupo Dataflux*, 541 U.S. at 592.

Under a straightforward application of the time-of-filing rule, the correct point from which to assess federal jurisdiction in this case was the day Smith filed her complaint in state court, not the day the defendant removed the case to federal court. The district court “ha[d] original jurisdiction” as soon as Smith named parties who were entitled to remove. 28 U.S.C. § 1367(a). And because the case was within the district court's original jurisdiction at that point, that is when the state limitations period should have started tolling. 28 U.S.C. § 1367(d). The lower court was wrong to hold otherwise, and this Court should accept the appeal to stop other state courts from making the same mistake.

CONCLUSION

The petition for a writ of certiorari should be granted.

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