



**TABLE OF CONTENTS**

I. SUMMARY .....	1
II. TRANS-SIBERIAN ORCHESTRA, INC. ....	2
III. ARGUMENT AND AUTHORITIES .....	3
A. The Applicable Law .....	3
1. Standard of Review .....	3
2. Scope of the Federal Court’s Personal Jurisdiction .....	4
3. “Specific” versus “General” Jurisdiction.....	5
B. This Court Lacks Personal Jurisdiction Over TSO, Inc.....	6
1. Plaintiff’s Conclusory (and Untrue) Jurisdictional Allegations Do Not Establish Personal Jurisdiction over TSO, Inc. ....	6
2. TSO, Inc. Is a Separate and Distinct Entity from Wild Child and Night Castle.....	7
3. This Court Lacks General Jurisdiction of TSO, Inc. ....	9
4. The Court Lacks Specific Jurisdiction Over TSO, Inc. ....	9

**TABLE OF AUTHORITIES*****Cases***

<i>AR Factoring, LLC v. Commonwealth Applied Silica Techs., LLC</i> , 2020 WL 360509 (E.D. La. Jan. 22, 2020) .....	4
<i>Aviles v. Kunkle</i> , 978 F.2d 201 (5th Cir. 1992) .....	6
<i>Burger King Corp. v. Rudzewicz</i> , 471 U.S. 2127, 105 S.Ct. 2174 .....	12
<i>E. Concrete Materials, Inc. v. ACE AM. Ins. Co.</i> , 948 F.3d 289 (5th Cir. 2020) .....	9
<i>Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.</i> , 592 U.S. 351, 141 S. Ct. 1017, 209 L.Ed.2d 225 (2021) .....	8
<i>Frank v. P N K (Lake Charles) L.L.C.</i> , 947 F.3d 331 (5th Cir. 2020) .....	4
<i>Freudensprung v. Offshore Tech. Servs., Inc.</i> , 379 F.3d 327 (5th Cir. 2004) .....	10
<i>Goodyear Dunlop Tires Operations, S. A. v. Brown</i> , 564 U.S. 915, 131 S.Ct. 2846, 180 L.Ed.2d 796 (2011) .....	8
<i>Ham v. La Cienega Music Co.</i> , 4 F.3d. 413 (5th Cir. 1993) .....	6
<i>Hamm v. Acadia Healthcare Co., Inc.</i> , 2021 WL 1212539, Civ. Action. No. 20-1515 (E.D. La. March 31, 2021) .....	9
<i>Hargrave v. Fibreboard Corp.</i> , 710 F.2d 1154 (5th Cir. 1983) .....	10
<i>Helicopteros Nacionales de Colombia, S.A. v. Hall</i> , 466 U.S. 408 (1984) .....	8
<i>Jackson v. Tanfoglio Giuseppe, S.R.L.</i> , 615 F.3d 579 (5th Cir. 2010) .....	10
<i>Johnston v. Multidata Sys. Int'l Corp.</i> , 523 F.3d 602 (5th Cir. 2008) .....	8
<i>Luv N' care, Ltd. v. Insta-Mix, Inc.</i> , 438 F.3d 465 (5th Cir. 2006) .....	3, 4, 8
<i>Monkton Ins. Servs., Ltd. v. Ritter</i> , 768 F.3d 429 (5th Cir. 2014) .....	9
<i>Palmer v. Idalia Llorens Collection Agency, Inc.</i> , 434 F. Supp. 3d 462 (E.D. Tex. 2020) .....	7
<i>Panda Brandywine Corp. v. Potomac Elec. Power Co.</i> , 253 F.3d 865 (5th Cir. 2001) .....	5, 9, 12
<i>Paz v. Brush Engineered Materials, Inc.</i> , 445 F.3d 809 (5th Cir. 2006) .....	5
<i>Religious Tech. Ctr. v. Liebreich</i> , 339 F.3d 369 (5th Cir. 2003) .....	7
<i>Revell v. Lidov</i> , 317 F.3d 467 (5th Cir. 2002) .....	6

<i>Ruston Gas Turbines, Inc. v. Donaldson Co.</i> , 9 F.3d 415 (5th Cir. 1993) .....	12
<i>Sangha v. Navig8 ShipManagement Priv. Ltd.</i> , 882 F.3d 96 (5th Cir. 2018) .....	5
<i>Seiferth v. Helicopteros Atuneros, Inc.</i> , 472 F.3d 266 (5th Cir. 2006) .....	4
<i>Shambaugh &amp; Son, L.P. v. Steadfast Ins. Co.</i> , 91 F.4th 364 (5th Cir. 2024) .....	7
<i>Southmark Corp. v. Life Investors, Inc.</i> , 851 F.2d 763 (5th Cir. 1988) .....	10
<i>Stroman Realty, Inc. v. Wercinski</i> , 513 F.3d 476 (5th Cir. 2008) .....	7
<i>Submersible Sys., Inc. v. Perforadora Cent., S.A.</i> , 249 F.3d 413 (5th Cir. 2001) .....	8
<i>Wyatt v. Kaplan</i> , 686 F.2d 276 (5th Cir. 1982) .....	3
 <b><i>Statutes</i></b>	
42 U.S.C. § 2000e .....	6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JESSICA FEATHERSTON**

*Plaintiff,*

**V.**

**TRANS-SIBERIAN ORCHESTRA,  
INC., NIGHT CASTLE MANAGEMENT  
INC., WILD CHILD TOURING, INC.  
PRODUCTION RESOURCE GROUP,  
LLC and SHOWPAY, LLC**

***Defendants.***

[illegible]

**Civil Action No. 3:25-cv-00697-N**

**DEFENDANT TRANS-SIBERIAN ORCHESTRA, INC.’S MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION AND BRIEF IN SUPPORT**

Defendant Trans-Siberian Orchestra, Inc. (TSO, Inc.), files this Motion to Dismiss Due to Lack of Personal Jurisdiction and Brief in Support and states:

## I. SUMMARY

This is a sexual harassment lawsuit brought pursuant to Title VII and Texas law. Plaintiff, Jessica Featherston, who worked for either Production Resource Group, LLC or Showpay, LLC<sup>1</sup> alleges that a transsexual employee of a non-defendant, Glow Motion, sexually harassed her while she was working during the 2023 Trans-Siberian Orchestra Tour. Plaintiff also alleges she, a woman, was subject to disparate treatment because there were not always separate shower stalls available to women on the tour.

<sup>1</sup>TSO, Inc. did not employ Plaintiff or contract with Plaintiff for her services. Her exact relationship with PRG and/or Showpay is unknown to TSO, Inc.

TSO, Inc. moves to dismiss based on lack of personal jurisdiction because TSO, Inc. does not have contacts with Texas sufficient to support general or specific jurisdiction. Specific jurisdiction is further lacking because Plaintiff's claims are not based on any Texas connections.

## **II.**

### **TRANS-SIBERIAN ORCHESTRA, INC.**

The Trans-Siberian Orchestra is a band founded by the late Paul O'Neill to create music which spanned the world to bring people together, much in the same way the Trans-Siberian Railway spanned through the coldest parts of the world to bring people together. (App. 001, ¶ 2) The band is now best known for its recorded music. (*Id.*)

Trans-Siberian Orchestra, Inc. is a Florida corporation with its principal places of business in New York and Florida. (App. 001, ¶5) TSO, Inc. is responsible for managing recordings, editing and archiving the band's music as well as administering the band's music and merchandising royalties. (*Id.*) It has no registered agent for service in Texas. (*Id.*) It was served in this lawsuit through its registered agent in Tallahassee, Florida. (*Id.*)

TSO, Inc. has only two full-time employees plus an intern who are not Texas residents and who do not travel to Texas for the company. (App. 002, ¶ 7) Nor do they travel with the band "on tour." (*Id.*) These employees generally work in Florida for TSO, Inc. (*Id.*) The company has no employees or facilities in Texas and does not transact business in Texas. (*Id.*) It does not own property in Texas and does not maintain any bank accounts in Texas. (App. 002, ¶ 8) It does not file taxes in Texas. (App. 002, ¶ 5) It is a separate and independent corporation from co-Defendants Wild Child Touring, Inc. and Night Castle Management, Inc. (App. 001, ¶ 4) It is also not related in any way to the other Defendants Production Resource Group, LLC or Showpay, LLC, and does not contract with either of those two entities for services in Texas or elsewhere. (App. 002, ¶ 9)

TSO, Inc. did not employ Plaintiff and cannot be considered her joint employer. (*Id.*) It has not paid Plaintiff any salary, bonus, or fees. (*Id.*) TSO, Inc. exercised no control or supervision over Plaintiff or her alleged harasser, Amber Robertson. (*Id.*) Ms. Robertson was at all times employed by the unnamed Glow Motion, Inc. (*Id.*) TSO, Inc. does not contract with Glow Motion for any services in Texas or elsewhere. (*Id.*) TSO, Inc. has no control over the tour, the shower facilities available at each tour stop or where people shower during the tour, or the persons who do the lighting for the tour. (App. 002, ¶¶ 9-10).

Notably, none of the alleged acts of sexual harassment are alleged to occur in Texas and Plaintiff does not allege that any of the Texas stops of the band's tour denied women individual shower stalls. She cannot do so because the tour she worked on never stopped in Texas. (App. 003, ¶ 11) There are no factual allegations contained in Plaintiff's Petition which connect Plaintiff's claims to Texas other than the fact that Plaintiff is a Texas resident.

TSO, Inc., now moves to dismiss Plaintiff's claims for lack of personal jurisdiction.

### **III. ARGUMENT AND AUTHORITIES**

#### **A. The Applicable Law**

##### **1. Standard of Review**

"Where a defendant challenges personal jurisdiction, the party seeking to invoke the power of the court bears the burden of proving that jurisdiction exists." *Luv N' care, Ltd. v. Insta-Mix, Inc.*, 438 F.3d 465, 469 (5th Cir. 2006) (citing *Wyatt v. Kaplan*, 686 F.2d 276, 280 (5th Cir. 1982)). At this stage, the plaintiff must establish only a *prima facie* case for her assertion that the federal district court can exercise personal jurisdiction over the defendant to defeat its motion to dismiss. *Frank v. P N K (Lake Charles) L.L.C.*, 947 F.3d 331, 336 (5th Cir. 2020) (quoting *Seiferth v. Helicopteros Atuneros, Inc.*, 472 F.3d 266, 270 (5th Cir. 2006)). In determining whether the

plaintiff has established such a *prima facie* case, this Court must “take all uncontroverted allegations in the complaint as true and resolve any conflicts in the plaintiff's favor.” *AR Factoring, LLC v. Commonwealth Applied Silica Techs., LLC*, 2020 WL 360509, at \*2 (E.D. La. Jan. 22, 2020) (citing *Luv N’ care*, 438 F.3d at 469). However, the court is not required “to credit conclusory allegations, even if uncontroverted[.]” *Panda Brandywine Corp. v. Potomac Elec. Power Co.*, 253 F.3d 865, 869 (5th Cir. 2001), and is not limited to the pleadings, but “may consider the contents of the record at the time of the motion[.]” *Sangha v. Navig8 ShipManagement Priv. Ltd.*, 882 F.3d 96, 101 (5th Cir. 2018) (quoting *Paz v. Brush Engineered Materials, Inc.*, 445 F.3d 809, 812 (5th Cir. 2006)).

## 2. Scope of the Federal Court’s Personal Jurisdiction

This case was removed to this Court because Plaintiff alleged a federal question. Specifically, Plaintiff alleged that Defendants violated Title VII. Since Title VII is silent on service of process, amenability to personal jurisdiction is determined by the Texas long-arm statute. *See Aviles v. Kunkle*, 978 F.2d 201, 204 (5<sup>th</sup> Cir. 1992). *See also Ham v. La Cienega Music Co.*, 4 F.3d 413, 415 (5<sup>th</sup> Cir. 1993) (“Absent a controlling federal statute regarding service of process, we must first determine whether the long arm statute of the forum state permits exercise of jurisdiction.”); 42 U.S.C. § 2000e, *et seq.* For a court to exercise personal jurisdiction over a non-resident defendant, the court must find: “(1) the long-arm statute of the forum state creates personal jurisdiction over the defendant; and (2) the exercise of personal jurisdiction is consistent with the due process guarantees of the United States Constitution.” *Revell v. Lidov*, 317 F.3d 467, 469 (5th Cir. 2002). Because the Texas's long-arm statute “is coextensive with the federal constitutional limits of due process,” the primary issue here is whether exercising personal jurisdiction over TSO, Inc. is consistent with the Due Process Clause. *Palmer v. Idalia Llorens Collection Agency, Inc.*,



434 F. Supp. 3d 462, 467 (E.D. Tex. 2020), (citing *Stroman Realty, Inc. v. Wercinski*, 513 F.3d 476, 482 (5th Cir. 2008); *Religious Tech. Ctr. v. Liebreich*, 339 F.3d 369, 373 (5th Cir. 2003)).

### 3. “Specific” versus “General” Jurisdiction

There are two types of personal jurisdiction under federal law: general and specific. *Shambaugh & Son, L.P. v. Steadfast Ins. Co.*, 91 F.4th 364, 372 (5<sup>th</sup> Cir. 2024). General personal jurisdiction applies “only when a defendant is ‘essentially at home,’” and any and all claims may be brought against a defendant wherever it is subject to such jurisdiction. *Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 352, 141 S. Ct. 1017, 1019, 209 L.Ed.2d 225 (2021) (quoting *Goodyear Dunlop Tires Operations, S. A. v. Brown*, 564 U.S. 915, 919, 131 S.Ct. 2846, 180 L.Ed.2d 796 (2011)). “Where a defendant has ‘continuous and systematic general business contacts’ with the forum state, the court may exercise ‘general’ jurisdiction over any action brought against that defendant.” *Luv N’ care, Ltd.*, 438 F.3d at 469 (quoting *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414–15 n.9 (1984)). The Fifth Circuit has held that the “continuous and systematic contacts test is a difficult one to meet, requiring extensive contacts between a defendant and a forum.” *Johnston v. Multidata Sys. Int’l Corp.*, 523 F.3d 602, 609 (5th Cir. 2008) (quoting *Submersible Sys., Inc. v. Perforadora Cent., S.A.*, 249 F.3d 413, 419 (5th Cir. 2001) (citation omitted)).

However, if the defendant's contacts with the forum state are less pervasive, the court may still exercise “specific” jurisdiction over that defendant in a particular action without violating due process if certain requirements are met. *Luv N’ care, Ltd.*, 438 F.3d at 469. Specific personal jurisdiction is narrower and attaches only when there is a sufficient connection between a defendant’s forum-related contacts and a plaintiff’s causes of action. *Ford Motor Co.*, 141 S. Ct. at 1024–25. The Fifth Circuit applies a three-step test for determining specific personal jurisdiction:

(1) whether the defendant has minimum contacts with the forum state, i.e., whether it purposely directed its activities toward the forum state or purposefully availed itself of the privileges of conducting activities there;

(2) whether the plaintiff's cause of action arises out of or results from the defendant's forum-related contacts; and

(3) whether the exercise of personal jurisdiction is fair and reasonable.

*E. Concrete Materials, Inc. v. ACE AM. Ins. Co.*, 948 F.3d 289, 296 (5th Cir. 2020) (quoting *Monkton Ins. Servs., Ltd. v. Ritter*, 768 F.3d 429, 433 (5th Cir. 2014)). To make a *prima facie* showing of specific jurisdiction, the plaintiff need only satisfy the first two factors. *Hamm v. Acadia Healthcare Co., Inc.*, 2021 WL 1212539, \*4, Civ. Action. No. 20-1515 (E.D. La. March 31, 2021). “Although jurisdictional allegations must be accepted as true, such acceptance does not automatically mean that a *prima facie* case for specific jurisdiction has been presented.” *Id.*, quoting *Panda Brandywine Corp. v. Potomac Elec. Power Co.*, 253 F.3d 865, 868 (5th Cir. 2001). Plaintiff is required to show the nonresident defendant’s “purposeful availment of the benefits and protections of and minimum contacts with the forum state.” *Id.*

**B. This Court Lacks Personal Jurisdiction Over TSO, Inc.**

**1. Plaintiff’s Conclusory (and Untrue) Jurisdictional Allegations Do Not Establish Personal Jurisdiction over TSO, Inc.**

Plaintiff alleges that this court has personal jurisdiction over TSO, Inc. as follows:

This Court has personal jurisdiction over TSO, Night Castle Management, and Wild Child Touring (“TSO Defendants”) because these three interrelated entities regularly conduct business in Texas, intentionally targeted Texas a marketplace for their 2023 Tour (“2023 TSO Tour”) by scheduling multiple concerts in Texas, and acted as Featherston’s joint employers alongside PRG and Showpay. The causes of action alleged in this petition relate to the TSO Defendants’ policies for road crew on the 2023 TSO Tour.

*Plaintiff's Petition*, ¶ 9. This conclusory statement within a conclusory statement within a conclusory statement does not establish jurisdiction over TSO, Inc.<sup>2</sup> See *Panda Brandywine Corp.*, 253 F.3d at 869 (“ . . . the prima-facie-case requirement does not require the court to credit conclusory allegations, even if uncontroverted.”).

## **2. TSO, Inc. Is a Separate and Distinct Entity from Wild Child and Night Castle**

After this paragraph 9, Plaintiff makes no further specific factual allegations about TSO, Inc. Instead, Plaintiff groups TSO, Inc., Wild Child and Night Castle together throughout the rest of her Petition as “TSO Defendants”. But TSO, Inc. is a company separate and distinct from Wild Child and Night Castle and, as such, this Court must consider only its contacts with Texas when determining if it can exercise jurisdiction over this Defendant. Generally, “the proper exercise of personal jurisdiction over a nonresident corporation may not be based solely upon the contacts with the forum state of another corporate entity with which the defendant may be affiliated.” *Freudensprung v. Offshore Tech. Servs., Inc.*, 379 F.3d 327, 346 (5th Cir. 2004). In determining whether the plaintiff “has overcome the presumption of corporate separateness” such that the corporations may be “fuse[d] ... for jurisdictional purposes,” the following factors, referred to as the *Hargrave* factors, guide our inquiry: “(1) the amount of stock owned by the parent of the subsidiary; (2) whether the entities have separate headquarters, directors, and officers; (3) whether corporate formalities are observed; (4) whether the entities maintain separate accounting systems; and (5) whether the parent exercises complete control over the subsidiary's general policies or daily activities.” *Id.*; see also *Hargrave v. Fibreboard Corp.*, 710 F.2d 1154, 1160 (5th Cir. 1983). Courts have noted that “the maintenance of corporate formalities tips in favor of finding that the entities

---

<sup>2</sup> After this paragraph, there are no further specific factual allegations concerning TSO, Inc. Instead, Plaintiff groups TSO, Inc., Wild Child and Night Castle together throughout her Petition as “TSO Defendants”.

are not alter egos,” even where other factors support an alter ego relationship. *Jackson v. Tanfoglio Giuseppe, S.R.L.*, 615 F.3d 579, 588 (5th Cir. 2010); *see also Southmark Corp. v. Life Investors, Inc.*, 851 F.2d 763, 773-74 (5th Cir. 1988) (“[I]t is well-settled that where ... a wholly owned subsidiary is operated as a distinct corporation, its contacts with the forum cannot be imputed to the parent.”).

The evidence establishes that TSO, Inc., Night Castle Management and Wild Child Touring are three separate and distinct entities which each do separate things related to the band. (App. 001-002, ¶¶ 4-6) TSO, Inc. is a Florida based entity, with its principal places of business in New York and Florida. (App. 001, ¶ 5) TSO, Inc. is responsible for managing recordings, editing and archiving the band’s music as well as administering the band’s music and merchandising royalties. (*Id.*) Night Castle Management is a New York based entertainment management company which manages and seeks to manage multiple clients, including the band. (App. 002, ¶ 6) Its headquarters and principal place of business are in New York, New York. *Id.* Wild Child Touring, Inc. is a tour production company. (*Id.*) It is the band’s dedicated tour producer and is a Florida based company. As a tour production company, its principal place of business is wherever a tour is, but it does have offices in New York, New York. (*Id.*) As tour producer, Wild Child, not TSO, Inc., is responsible for retaining vendor services and facilitating tour logistics. (*Id.*)

These three entities are not subsidiaries or affiliates of each other. (App. 001, ¶ 4) They each maintain their own separate accounting system and each files their own tax return and maintain their own corporate formalities. (*Id.*) TSO, Inc. has no control over Wild Child or Night Castle’s policies or daily activities. (*Id.*)

As such, this Court should only consider TSO, Inc.'s contacts with Texas here. As TSO, Inc. has insufficient contacts in Texas, personal jurisdiction is lacking, and dismissal of this Defendant is appropriate.

**3. This Court Lacks General Jurisdiction of TSO, Inc.**

TSO, Inc. lacks continuous and systematic general business contacts with Texas. As set forth above, TSO, Inc. is a foreign corporation. It does not have a registered agent for service in Texas. Its owners do not reside in Texas. Before this lawsuit, it had never been sued in Texas and it has never brought suit in Texas.

TSO, Inc. does not conduct business in Texas. It does not have any employees, servants or agents in Texas, and it does not recruit any employees in Texas. (App. 002, ¶ 7) In fact, TSO, Inc. has only three employees. (*Id.*) These employees do not reside in Texas and do not, and have no need to, travel to Texas to do business for TSO, Inc. (*Id.*) They do not go out on tour with the band and, therefore, are not present for any of the band's handful of Texas shows. (*Id.*)

TSO, Inc. does not maintain any facility or place of business in Texas, does not own any real or personal property in Texas, and does not have any contracts with any Texas resident. (App. 002, ¶ 8) It has no bank accounts in Texas. (*Id.*)

TSO, Inc. clearly does not have the type of continuous and systematic contacts within Texas to establish general jurisdiction. As such, unless Plaintiff can establish specific jurisdiction (which she cannot), dismissal of TSO, Inc. is appropriate.

**4. The Court Lacks Specific Jurisdiction Over TSO, Inc.**

This Court also lacks specific jurisdiction over TSO, Inc. Establishing a *prima facie* case for specific jurisdiction first “requires the plaintiff to show the nonresident defendant's purposeful availment of the benefits and protections of and minimum contacts with the forum state.” *Panda*

*Brandywine Corp.*, 253 F.3d at 868 (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. at 474, 105 S.Ct. 2174 (“[T]he constitutional touchstone remains whether the defendant purposefully established ‘minimum contacts’ in the forum State.”)). “The non-resident’s purposeful availment must be such that the defendant should reasonably anticipate being haled into court in the forum state.” *Ruston Gas Turbines, Inc. v. Donaldson Co.*, 9 F.3d 415, 419 (5th Cir. 1993) (quotation omitted). As set forth above, TSO, Inc. has no such contacts with Texas such that it could have reasonably anticipated being haled into this Court.

Plaintiff further cannot establish the second element of specific jurisdiction because Plaintiff’s causes of action do not arise out of and did not result from TSO, Inc.’s Texas-related contacts. First, TSO, Inc. has no such contacts. Second, even if it did, Plaintiff’s causes of action have absolutely no relation with Texas as set forth below.

In her jurisdictional statement, Plaintiff alleges that this Court has personal jurisdiction over TSO, Inc. because TSO, Inc. (along with Night Castle and Wild Child) were Plaintiff’s “joint employers” along with Production Management Group and Showpay. But TSO, Inc. did not contract with Defendants Production Management Group or Showpay for services in Texas or any place else. (App. 002, ¶ 9) It did not contract with Amber Robertson’s employer, Glow Motion for services in Texas or any other state. (*Id.*) As such, it had no ability to direct, supervise or instruct any person working out on the tour. (*Id.*) Further, TSO, Inc. did not, by itself or in coordination with any other Defendant, assign job duties, manage labor relations, resolve workplace disputes or establish a chain of command on the tour. (*Id.*) TSO, Inc. played no role in hiring, firing or disciplining any person who participated in the 2022 or 2023 TSO tour, including Plaintiff, Amber Robertson or any of the persons named in Plaintiff’s Petition. (*Id.*) It did not create or maintain any policies for road crews during the 2022 or 2023 tour as its business has nothing to do with

those crews. (*Id.*) It never made any payments in the form of wages, bonuses, direct incentives, or overtime to Plaintiff, Amber Robertson, any other lighting crew member or anyone else named in Plaintiff's petition. (*Id.*) Regardless, TSO, Inc. has no control over the tour, the shower facilities available at each tour stop or where people shower during the tour, or the persons who do the lighting for the tour. (App. 002, ¶¶ 9-10). Under no circumstances could TSO, Inc. be considered a "joint employer" given these facts.

Moreover, Texas is in no way related to Plaintiff's causes of action against TSO, Inc. or any other Defendant. Plaintiff does not allege that any sexual harassment occurred in Texas or during any of the band's stops in Texas.<sup>3</sup> She does not allege that she complained of sexual harassment while in Texas. But, even if she had, TSO, Inc.'s employees were not on site during these tours and, therefore, they could not have received any reports of harassment during the tour or been aware of who was showering where. Plaintiff also does not allege that she (or any other woman) was denied an individual shower stall at any of the tour's Texas stops. The only connection Texas seems to have to Plaintiff's claims is that she is a Texas resident but that does not confer specific jurisdiction on to TSO, Inc.

Finally, the exercise of personal jurisdiction over TSO, Inc. is not fair or reasonable here. Given TSO, Inc.'s complete lack of Texas contacts and the complete lack of a Texas connection to Plaintiff's claims as alleged here, it would be unfair and unreasonable to exert jurisdiction over TSO, Inc., particularly when Plaintiff brought the same claims against other named Defendants over which this Court has jurisdiction. Dismissal for lack of personal jurisdiction is appropriate here.

---

<sup>3</sup> Plaintiff, in fact, cannot make this allegation because Plaintiff never worked on the part of the tour which performs in Texas. (App. 003, ¶ 11)

FOR THESE REASONS, Defendant Trans-Siberian Orchestra, Inc., moves this Court to grant its Motion to Dismiss for Lack of Personal Jurisdiction, to dismiss Plaintiff's claims against it, and for any other relief to which Defendant has shown itself justly entitled.

Respectfully submitted,

By: /s/ Rachel Z. Ullrich

Rachel Z. Ullrich

Texas Bar No. 24003234

[rullrich@fordharrison.com](mailto:rullrich@fordharrison.com)

Kimberly M. Bennett

Texas Bar No. 00798359

[kbennett@fordharrison.com](mailto:kbennett@fordharrison.com)

*\*Admission to this Court pending*

**FORDHARRISON LLP**

1601 Elm Street, Suite 4450

Dallas, Texas 75201

Telephone: (214) 256-4700

Facsimile: (214) 256-4701

**ATTORNEYS FOR DEFENDANTS  
TRANS-SIBERIAN ORCHESTRA, INC.,  
NIGHT CASTLE MANAGEMENT, INC.,  
WILD CHILD TOURING, INC.**



**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2025, I electronically filed the foregoing *Defendant Trans-Siberian Orchestra, Inc.'s Motion to Dismiss* with the Clerk of Court via the CM/ECF system that will send notification of such filing to all counsel of record, as follows:

Michelle Stratton  
[mstratton@mbssmartlaw.com](mailto:mstratton@mbssmartlaw.com)  
Rick Houghton  
[rhoughton@mbssmartlaw.com](mailto:rhoughton@mbssmartlaw.com)  
Conor Harvey  
[charvey@mbssmartlaw.com](mailto:charvey@mbssmartlaw.com)  
Christian McGuire\*  
[cmcguire@mbssmartlaw.com](mailto:cmcguire@mbssmartlaw.com)  
**MURPHY BALL STRATTON LLP**  
1001 Fannin Street, Suite 720  
Houston, Texas 77002

Beth Parlato\*  
[beth.parlato@iwf.org](mailto:beth.parlato@iwf.org)  
**INDEPENDENT WOMEN'S FORUM**  
1802 Vernon Street NW, Suite 1027  
Washington, D.C. 20009

**ATTORNEYS FOR PLAINTIFF**

*\*Pro Hac Vice Pending*

Nicholas Barry\*  
[nicholas.barry@aflegal.org](mailto:nicholas.barry@aflegal.org)  
Laura Steil\*  
[laura.stell@aflegal.org](mailto:laura.stell@aflegal.org)  
**AMERICA FIRST LEGAL FOUNDATION**  
611 Pennsylvania Avenue SE #231  
Washington, DC 20003

Carrie B. Hoffman  
[choffman@foley.com](mailto:choffman@foley.com)  
Jessica Glatzer Mason  
[jmason@foley.com](mailto:jmason@foley.com)  
Austin Matthew Falcon  
[afalcon@foley.com](mailto:afalcon@foley.com)  
**FOLEY & LARDNER LLP**  
2021 McKinney Avenue, Suite 1600  
Dallas, TX 75201-3340

/s/ Rachel Z. Ullrich

Rachel Z. Ullrich