

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**KIMBERLY D. BRANTLEY, Administratrix
of the Estate of Benjamin Brantley, Deceased**

PLAINTIFF

v.

No. 3:16-cv-352-DPM

UPS GROUND FREIGHT, INC.;
OPTIMUM STAFFING, INC., d/b/a
Optimum Logistic Solutions;
ROBERT L. WOODALL; and John Does 1-6

DEFENDANTS

ORDER

1. The Court notes and accepts UPS's joinder in Optimum and Woodall's opposition to Bridgefield's motion to intervene. The Court directs the Clerk to terminate *No 268* as a separate motion.

2. Bridgefield's motion to intervene, *No 251*, is granted as modified. Bridgefield's proposed complaint makes many substantive claims in detail, while its motion says this workers' compensation carrier will be a non-participating party. The request to join this dispute on the merits is untimely. FED. R. CIV. P. 24; *U.S. Bank National Association v. State Farm Fire & Casualty Company*, 765 F.3d 867, 869-70 (8th Cir. 2014). This case is in its final stages: discovery is done; pretrial motions are being briefed for a comprehensive hearing in June; and trial is set first out in October. Brantley's estate, moreover, has and will adequately represent this family on the merits; the estate has and will

represent the carrier's potential interests indirectly. Bridgefield will have a statutory lien if, but only if, Brantley (through his estate) is made whole by the case. *Riley v. State Farm Mutual Automobile Insurance Company*, 2011 Ark. 256, at 11-16, 381 S.W.3d 840, 848-50. Until then, the insurer's interest is uncertain. The Court exercises its discretion in these circumstances and grants limited permissive intervention, FED. R. Civ. P. 24(b)(1)(B). Bridgefield may participate on three issues: any settlement, the terms of any Judgment, and the existence and enforcement of any lien. *Amos v. Stroud*, 252 Ark. 1100, 1104, 482 S.W.2d 592, 594-95 (1972). Bridgefield must file another proposed complaint, addressing only these issues rather than the underlying merits, and acknowledging its contingent interest, by 12 April 2019.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

27 March 2019