

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORTH SMITH DIVISION**

ABF FREIGHT SYSTEM, INC. *

*

Plaintiff *

*

V. *

*

NO: 2:10CV02165 SWW

INTERNATIONAL BROTHERHOOD *

*

OF TEAMSTERS, ET AL. *

*

Defendants

ORDER REGARDING DECEMBER 16, 2010 HEARING

By order entered December 2, 2010, the Court granted a hearing on the motion to dismiss submitted by separate defendants YRC, Inc., New Penn Motor Express, Inc., and USF Holland, Inc. (collectively, “employer defendants”). As stated in the order, the Court finds that a hearing will help the Court determine whether Plaintiff ABF Freight System, Inc. (“ABF”) has standing or whether the question of standing is severable from the merits of ABF’s claims.

The Court notes that separate defendants International Brotherhood of Teamsters, the Teamsters National Freight Industry Negotiating Committee, Teamsters Local Union 373, and Teamsters Local Union 878 (collectively, “union defendants”) and separate defendant Trucking Management, Inc. (“TMI”) have filed separate motions to dismiss, in which they also assert that ABF lacks standing. However, neither the union defendants nor TMI have requested a hearing, and the hearing scheduled for December 16, 2010 pertains solely to the employer defendants’ motion to dismiss.

IT IS THEREFORE ordered that if defendant TMI or the union defendants wish to be heard at the December 16, 2010 hearing, they must notify the Court on or before December 13,

2010. The Court directs all participating attorneys to avoid redundant, cumulative argument.

The Court intends to conclude this hearing no later than 5:00 p.m. on December 16, 2010..

IT IS FURTHER ORDERED that if counsel desire the Court to examine any documents pertaining to this matter, those documents must be submitted to the Court on or before December 13, 2010, along with a list of any witnesses expected to be called at the hearing and a list of proposed exhibits. Counsel are advised that electronic devices are prohibited in the Courthouse except as permitted under General Order No. 54 and Local Rule 83.2, which may be viewed on the Court's website: www.ore.uscourts.gov.

IT IS SO ORDERED THIS 3RD DAY OF DECEMBER, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE