



1 application to intervene as a defendant. The first two motions are already scheduled to be heard  
2 before the undersigned on November 7, 2017.

3 Defendant-intervenor-applicant Cox has submitted his application to intervene ex parte in  
4 order to oppose plaintiff Roadrunner's motion for preliminary injunction. He represents that his  
5 ex parte application "is based on exigent circumstances in that a preliminary injunction is  
6 currently scheduled to be heard on November 7, 2017 that will irreparably prejudice Mr. Cox."  
7 (Doc. No. 42 at 1.) Mr. Cox asserts that he has substantial interests that will be impaired in this  
8 litigation, because the remedies sought by plaintiff Roadrunner would prevent him from being  
9 employed by defendant TGS, as well as other freight and hauling related companies. (*Id.* at 4.)  
10 He also argues that intervention is necessary because defendant TGS cannot adequately represent  
11 his individual interests in remaining employed with either TGS or another freight and hauling  
12 company at the hearing on Roadrunner's motion for preliminary injunction. Counsel for  
13 defendant TGS has consented to Mr. Cox's application to intervene, but plaintiff Roadrunner has  
14 not.

15 The court notes that on October 10, 2017, plaintiff Roadrunner submitted an ex parte  
16 application to shorten time for the hearing on its motion for preliminary injunction. (Doc. No.  
17 34.) Although that application for an order shortening time was denied (Doc. No. 40) on October  
18 13, 2017, the court recognizes that plaintiff Roadrunner has a significant interest in a timely  
19 hearing on its motion for preliminary injunction and would not wish to delay the hearing on that  
20 motion until the other two pending motions are resolved.

21 In order to balance the parties' competing concerns, the court will schedule all three  
22 pending motions for a hearing on November 7, 2017. All parties, including defendant-intervenor-  
23 applicant Cox, are directed to submit oppositions and replies according to the briefing schedule  
24 outlined in Local Rule 78-230 with respect to defendant TGS's motion to consolidate the two  
25 related cases (Doc. No. 30) and plaintiff Roadrunner's motion for preliminary injunction (Doc.  
26 No. 32). Any opposition to defendant-intervenor-applicant Cox's ex parte application to  
27 intervene shall be submitted by October 27, 2017, with any replies to be filed by November 1,

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1 2017.<sup>1</sup> This court will rule on all three motions in due course following the November 7, 2017  
2 hearing.

3 IT IS SO ORDERED.

4 Dated: October 18, 2017

*Dale A. Floyd*  
5 UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> In this regard, were the court to determine that the motion to intervene should be denied it could  
28 strike and disregard Cox's opposition to Roadrunner's motion for preliminary injunction if that  
were deemed appropriate.