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15 *Attorneys for Intervenor-Plaintiff*
16 *Owner-Operator Independent Drivers Association*

17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 CALIFORNIA TRUCKING
20 ASSOCIATION *et al.*,

21 Plaintiffs,

22 OWNER-OPERATOR
23 INDEPENDENT DRIVERS
24 ASSOCIATION,

25 Intervenor- Plaintiff,

26 v.

27 ATTORNEY GENERAL ROB
28 BONTA, *et al.*,

Defendants.

Case No. 3:18-CV-02458-BEN-DEB

**INTERVENOR-PLAINTIFF'S
NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Roger T. Benitez

Date: April 10, 2023

Time: 10:30 a.m.

Courtroom: 5A

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on April 10th at 10:30 a.m. in Courtroom 5A
of the above-entitled court, Intervenor-Plaintiff Owner-Operator Independent

1 Drivers Association will and hereby do move this Court, pursuant to Federal Rule of
2 Civil Procedure 65, for the issuance of a preliminary injunction on their First Claim
3 For Relief of Intervenor’s Complaint for Declaratory and Injunctive Relief [ECF No.
4 122-2]. Intervenor-Plaintiff seeks a preliminary injunction enjoining the enforcement
5 of Assembly Bill 5 as to those motor carriers who operate in interstate commerce or,
6 in the alternative as to motor carriers whose drivers are not based in California and
7 spend less than fifty percent of their working time in California.

8 This motion is based on this Notice of Motion and Motion, the concurrently
9 filed Memorandum of Points and Authorities, the declarations of Todd Spencer, Marc
10 McElroy, Stacy R. Williams, and Albert Hemerson, the pleadings and papers on file
11 in this action, particularly the prior declaration of Mr. Spencer, and any further
12 evidence or argument that may be presented at or before the hearing of this motion.

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DATED: December 7, 2022

Timothy A. Horton
The Law Office of Timothy A. Horton
By: /s/ Timothy A. Horton
Timothy A. Horton

Local counsel for Intervenor-Plaintiff
Owner-Operator Independent Drivers
Association

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