

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Vugo, Inc., Donald Deans,)	
Denise Jones, Glouster Brooks,)	
and Patricia Page,)	
)	
Plaintiffs,)	
)	
)	
v.)	No. 17 C 864
)	
City of Chicago, an Illinois)	
municipal corporation)	
)	
Defendant.)	
)	

Order

In this action, plaintiffs challenge the constitutionality of a City of Chicago ordinance prohibiting commercial advertising on the interior or exterior of "transportation network vehicles," i.e., vehicles driven by independent contractors for companies such as Uber and Lyft. The now-superseded original complaint was filed by plaintiff Vugo, a technology company offering a tablet-based advertising platform that enables rideshare drivers to display location-sensitive advertisements inside their vehicles. Roughly three weeks later, Murray Meents, a rideshare driver seeking to represent himself and a class of similarly situated individuals, filed a motion to intervene as a matter of right under Fed. R. Civ. P. 24(a)(2), or, alternatively, permissively under Rule 24(b)(1). Mr. Meents

acknowledges that Vugo seeks the same relief he desires—an injunction and declaration that the City's ordinance violates the federal and state constitutions—but he argues that because his interests are not fully aligned with Vugo's, and because disposition of the action could impair or impede his ability to protect his own interests, intervention is necessary, or, at the very least, permissible and appropriate.

After the motion to intervene was filed, plaintiffs filed the now-operative amended complaint, which adds four additional plaintiffs, all of whom are, like Mr. Meents, rideshare drivers. In plaintiffs' view, the amendment obviates Mr. Meents's asserted basis for intervention, since his interests are perfectly aligned with the newly-added driver plaintiffs. Mr. Meents does not dispute that his interests are aligned with those of the driver plaintiffs, but in his view, the possibility that the City could settle with Vugo on terms that would not satisfy the driver plaintiffs' interests (if, for example, it agreed to amend the Ordinance by allowing internal, but not external, commercial advertising) underscores an inherent conflict of interest among the current plaintiffs and entitles him to his own, independent representation.

The parties argue over whether plaintiffs' counsel can zealously advocate on behalf of all of plaintiffs' interests, but I need not weigh in on the question, as it bears only upon

intervention as a matter of right under Rule 24(a), while Mr. Meents plainly satisfies the requirements of Rule 24(b). Permissive intervention under Rule 24(b) requires only that the intervenor have "a claim or defense that shares with the main action a common question of law or fact," and that intervention not cause undue delay or prejudice. *City of Chicago v. Federal Emergency Management Agency*, 660 F.3d 980, 986 (7th Cir. 2011). It is true, as plaintiffs observe, that the class claims Mr. Meents asserts will undoubtedly slow the course of proceedings to some degree. Nevertheless, the probable alternative—that Mr. Meents files a separate class complaint, which will likely be consolidated with this action in any event—is likely to cause even more significant delays. Accordingly, I grant his motion to intervene.

ENTER:



Judge Elaine E. Bucklo
United States District Court
Northern District of Illinois

Dated: April 25, 2017