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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

20/20	COMMUNICAT	IONS,	INC.	§ §			
VS.				S	Civil	No.	4:16-CV-810-Y
				S			
RANDAI	LL BLEVINS,	ET Al	_ 	§			

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

This case arises from pending arbitration proceedings brought by defendants Randall Blevins, Deborah Buffamanti, Kyil Watis, and Lennox Crawford ("Defendants") to adjudicate their FLSA claims against Plaintiff. Defendants have filed motions in their respective arbitrations asking that their arbitrators determine whether they may proceed as a class under the Mutual Arbitration Agreement ("the MMA"), which Defendants entered into as part of their employment contract with Plaintiff. The arbitrators presiding over the Waits and Crawford arbitrations have set November and December briefing and hearing deadlines to address the motions.

In response, Plaintiff initiated the instant action to compel Defendants to comply with certain terms of the MMA.¹ Plaintiff claims that the MMA specifically prohibits Defendants from pursing their FLSA claims as a class.

Before the Court is Plaintiff's motion under Federal Rule of Civil Procedure 65(b) for the Court to enter a temporary restraining order against Defendants (docs. 27, 28). Plaintiff asks the Court to enjoin Defendants from submitting the issue of whether

¹ Plaintiff's original complaint seeks a declaratory judgment under 28 U.S.C. § 2201 that the Court must decide the class arbitrability question and that Defendants are precluded from pursing arbitration claims as a class. Plaintiff also brings an action for the Court to enforce a specific provision of the MMA under the Federal Arbitration Act (doc. 1).

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a class action is available under the MMA to any arbitrator and from otherwise pursuing arbitral resolution as a class. Plaintiff also asks the Court to enjoin all pending arbitrations involving the TRO Defendants until the Court rules on Plaintiff's pending motion for preliminary injunction.

A court may grant a TRO only when the movant establishes that (1) there is a substantial likelihood that the movant will prevail on the merits; (2) there is a substantial threat that irreparable harm will result if the TRO is not granted; (3) the threatened injury to the movant outweighs the threatened harm to the defendant; and (4) the granting of the TRO will not disserve the public interest. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987)(citing *Canal Authority of the State of Florida v. Callaway*, 489 F.2d 567 (5th Cir. 1974)).

After review of the pleadings and relevant case law, the Court concludes that Plaintiff has failed to satisfy all of the requirements for a TRO. Specifically, the Court concludes that Plaintiff has not established that it will suffer irreparable harm if the TRO is denied.

Plaintiff argues that, **if** Defendants' arbitrators conclude that class arbitrations are permissible under the MMA, it will have to "defend against class arbitration claims in several proceedings, exposing it to the potential of multiple, inconsistent rulings." Even so, under the case law of this circuit, an injury is irreparable only if it cannot be undone through monetary remedies. *See City of Meridian v. Algernon Blair, Inc.*, 721 F.2d 525, 527 (5th Cir. 1983). By allowing the arbitrations to proceed, Plaintiff, at most, may suffer unfavorable decisions, which may later be challenged through appropriate legal channels. Moreover, Plaintiff has not come forward with evidence to show that any loss it may incur cannot be measured by money damages.

Because Plaintiff has failed to establish all of the legal requirements for issuing a TRO, Plaintiff's motion for TRO is DENIED.

SIGNED November 15, 2016.

lans TERRY R. MEANS

UNITED STATES DISTRICT JUDGE