

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

**William Gross and 247 Atlas Transportation LLC v. Schneider
Logistics, Inc., Palogix Supply Chain Services, Epes Logistics
Services, Inc., and Ford Motor Company**

No. 2:25-cv-02611-TLP-cgc (W.D. Tenn. Mar. 26, 2026) · No. No. 2:25-cv-02611-TLP-cgc · Decided March 26,
2026

SUMMARY

The United States District Court for the Western District of Tennessee grants the defendants’ motions to dismiss William Gross’s amended complaint. The court concludes that the private defendants are not state actors for purposes of the First Amendment and Equal Protection Clause claims, and that Gross has not adequately pleaded conspiracies under 42 U.S.C. § 1985(2) or § 1985(3). The opinion also addresses deficiencies in the alleged tortious-interference claims and declines to resolve the defendants’ shotgun-pleading arguments because dismissal is warranted on other grounds.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	March 26, 2026
DOCKET	No. 2:25-cv-02611-TLP-cgc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed an amended federal complaint asserting claims under 42 U.S.C. § 1985(2) and (3), the First Amendment, the Equal Protection Clause, and state-law intentional interference with business relationships. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(4), 12(b)(5), and 12(b)(6), and plaintiff sought leave to amend again and a preliminary injunction.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains enough factual content to state a facially plausible claim, disregarding legal conclusions and unreasonable inferences. Subject matter jurisdiction must be considered sua sponte, and the party invoking

diversity jurisdiction bears the burden of establishing complete diversity, including the citizenship of every member and sub-member of an LLC.

PRECEDENTIAL VALUE

unpublished district court order; persuasive value only

TOPICS

motions to dismiss

subject matter jurisdiction

section 1983

civil rights

commercial litigation

PRACTICE AREAS

civil procedure

civil rights

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QUESTIONS PRESENTED

1. Whether the amended complaint stated claims under the First Amendment and Equal Protection Clause against private business defendants that were not alleged to be state actors.
2. Whether filing a federal complaint, without attending or testifying in a federal proceeding, could support a claim under the first clause of 42 U.S.C. § 1985(2).
3. Whether the complaint plausibly alleged the class-based, invidiously discriminatory animus required for a claim under 42 U.S.C. § 1985(3).
4. Whether the court had subject matter jurisdiction over the action where plaintiff failed to establish the citizenship of all members and sub-members of an LLC defendant.
5. Whether further amendment should be permitted and whether the preliminary-injunction motion should be denied as moot.

HOLDINGS

1. The First Amendment and Equal Protection Clause claims fail because defendants are private parties and the complaint alleges no facts showing that they were state actors.
2. Filing a complaint in federal court is neither attending federal court nor testifying about a matter pending there for purposes of the first clause of § 1985(2); therefore, retaliation for filing the earlier complaint does not state a § 1985(2) claim.
3. A § 1985(3) claim requires a conspiracy motivated by racial or otherwise class-based, invidiously discriminatory animus directed at a protected class, and conclusory assertions that defendants discriminated against independent truckers or men are insufficient.
4. Plaintiff failed to establish diversity jurisdiction because he did not identify the citizenship of every member and sub-member of Palogix, an LLC, and the court therefore lacked subject matter jurisdiction over the remaining claims.
5. Further amendment was denied because the proposed Second Amended Complaint would not cure the pleading and jurisdictional defects.

KEY QUOTATIONS

“Under a plain reading of the text, filing a complaint is neither attending court nor testifying at a pending proceeding.” (PageID 204-205)

“By filing a complaint, Gross does not give evidence under oath, at trial, or to establish fact.” (PageID 205)

“Gross has not alleged enough facts to support a § 1985(3) claim at the Motion to Dismiss stage because “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice” to plausibly plead a claim.” (PageID 210-211)

FACTUAL BACKGROUND

Gross operated an independent trucking business, 247 Atlas Transportation LLC, and primarily hauled freight for Epes on a Memphis-Houston route. After Gross served defendants with pleadings in an earlier lawsuit alleging fraud and illegal double-brokering, Epes terminated his business relationship, and Gross alleged that the defendants communicated about excluding him from the trucking industry. He claimed lost income and reputational harm, asserting that defendants conspired against him because he filed the earlier suit, because he was an independent trucker, and because he was a man.

PROCEDURAL HISTORY

Gross initially sued the defendants in July 2024 and later filed this action in June 2025, amending his complaint almost two weeks later. All defendants moved to dismiss the amended complaint. The court dismissed the First Amendment, Equal Protection Clause, and § 1985(2) claims with prejudice; dismissed the § 1985(3) and intentional-interference claims without prejudice for lack of subject matter jurisdiction; denied further amendment; and denied the preliminary-injunction motion as moot.

DISPOSITION

dismissed

CASES CITED

- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Chunn v. S.E. Logistics, Inc.*, 794 F. App'x 475 (6th Cir. 2019)
- *Midkiff v. Adams County Regional Water District*, 409 F.3d 758, 767 (6th Cir. 2005)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)
- *Crawford v. Tilley*, 15 F.4th 752, 762 (6th Cir. 2021)
- *Marvaso v. Sanchez*, 971 F.3d 599, 605 (6th Cir. 2020)
- *Arsan v. Keller*, 784 F. App'x 900, 909 (6th Cir. 2019)
- *Commercial Money Center v. Illinois Union Insurance Co.*, 508 F.3d 327, 336 (6th Cir. 2007)
- *Snyder-Hill v. Ohio State University*, 48 F.4th 686, 698 (6th Cir. 2022)
- *Bray v. Bon Secours Mercy Health, Inc.*, 97 F.4th 403, 410 (6th Cir. 2024)

- Pollington v. G4S Secure Solutions (USA) Inc., 712 F. App'x 566 (6th Cir. 2018)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94-95 (1998)
- Gonzalez v. Thaler, 565 U.S. 134, 141 (2012)
- Delay v. Rosenthal Collins Group, LLC, 585 F.3d 1003, 1005 (6th Cir. 2009)
- Hertz Corp. v. Friend, 559 U.S. 77, 80, 96-97 (2010)
- Akno 1010 Market Street St. Louis Missouri LLC v. Pourtaghi, 43 F.4th 624, 627 (6th Cir. 2022)
- V&M Star, LP v. Centimark Corp., 596 F.3d 354, 357-56 (6th Cir. 2010)
- Wisconsin Department of Corrections v. Schacht, 524 U.S. 381, 389 (1998)
- Johnson v. Tyson Foods, Inc., 607 F. Supp. 3d 790, 799 (W.D. Tenn. 2022)
- Dusenbery v. United States, 534 U.S. 161, 167 (2002)
- Cochran v. Gilliam, 656 F.3d 300, 306 (6th Cir. 2011)
- Black v. Barberton Citizens Hospital, 134 F.3d 1265, 1267 (6th Cir. 1998)
- Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 172 (1972)
- Allen v. Allied Plant Maintenance Co. of Tennessee, 636 F. Supp. 1090, 1094-95 (M.D. Tenn. 1986)
- Gary v. Shelby County Government, No. 2:18-CV-02756-TLP-TMP, 2020 WL 533185, at *4 (W.D. Tenn. Feb. 3, 2020)
- Corner Post, Inc. v. Board of Governors of the Federal Reserve System, 603 U.S. 799 (2024)
- Royal Oak Entertainment, LLC v. City of Royal Oak, Michigan, 205 F. App'x 389, 399 (6th Cir. 2006)
- Volunteer Medical Clinic, Inc. v. Operation Rescue, 948 F.2d 218, 224 (6th Cir. 1991)
- United Brotherhood of Carpenters and Joiners of America, Local 610 v. Scott, 463 U.S. 825, 834-35 (1983)
- Griffin v. Breckenridge, 403 U.S. 88, 102-03 (1971)
- United States v. Virginia, 518 U.S. 515 (1996)
- Haverstick Enterprises, Inc. v. Financial Federal Credit, Inc., 32 F.3d 989, 994 (6th Cir. 1994)
- Calvin v. City of Memphis, No. 2:08-CV-02512-DKV, 2010 WL 11601729, at *2 (W.D. Tenn. June 30, 2010)
- Stewart v. Shelby County, No. 18-2522-JDT-CGC, 2019 WL 3804264 (W.D. Tenn. Aug. 13, 2019)
- Stanley v. Western Michigan University, 105 F.4th 856, 867 (6th Cir. 2024)
- Strawbridge v. Curtiss, 7 U.S. 267 (1806)

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