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 SWIFT TRANSPORTATION CO. OF  
 9 ARIZONA, LLC, INTERSTATE EQUIPMENT  
 LEASING, LLC, CHAD KILLEBREW and  
 10 JERRY MOYES

11  
 12 UNITED STATES DISTRICT COURT  
 13 FOR THE DISTRICT OF ARIZONA  
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15 Virginia Van Dusen; John Doe 1; and  
 16 Joseph Sheer, individually and on behalf of  
 all other similarly situated persons,

17 Plaintiffs,

18 v.

19 Swift Transportation Co., Inc.; Interstate  
 20 Equipment Leasing, Inc.; Chad Killibrew;  
 and Jerry Moyes,

21 Defendants.  
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Case No. CV 10-899-PHX-JWS

**DEFENDANT SWIFT  
 TRANSPORTATION’S NOTICE OF  
 MOTION AND MOTION TO  
 COMPEL DISCOVERY RESPONSES  
 AND REQUEST FOR SANCTIONS IN  
 THE AMOUNT OF \$7,500**

**ORAL ARGUMENT REQUESTED**

[Filed concurrently with Memorandum of  
 Points and Authorities; Declaration of  
 Robert Mussig; Separate Statement; and  
 [Proposed] Order]

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**NOTICE OF MOTION AND MOTION**

Defendant Swift Transportation Co. of Arizona, LLC (“Defendant”) hereby moves this Court to compel Plaintiffs Virginia Van Dusen, Joseph Sheer, Vickii Schwalm, Jose Motolinia, and Peter Wood (collectively, “Plaintiffs”) to provide responses to each of Defendant’s interrogatories and requests for production Nos. 8-11, 12-16, 20-22, 31, 37-47, 49-51, 53-55, and 57-61. This Motion is brought pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure (“FRCP”). There is good cause to grant Defendant’s motion because (1) Plaintiffs’ objections to Defendant’s discovery were over six weeks late and were therefore waived; (2) Plaintiffs only served “representative” objections to Defendant’s discovery, which fail to satisfy the requirements of the FRCP; (3) Defendant’s requests seek information and documents that are narrowly tailored and within the scope of permissible discovery and the Court’s July 15, 2015 discovery Order; and (4) Plaintiffs’ objections are baseless.

In accordance with Local Rule 7.2(j), counsel for Defendant met and conferred with Plaintiffs’ counsel regarding Plaintiffs’ failure to respond to Defendant’s discovery requests. Plaintiffs refused to provide further responses to Defendant’s discovery requests. Further, Plaintiffs failed to meet and confer in good faith, and instead, engaged in dilatory and abusive tactics. Therefore, Defendant requests sanctions in favor of Defendant and against Plaintiffs and their counsel of record, Getman & Sweeney PLLC, in the amount of \$7,500.

This Motion is based on this Notice, the concurrently filed Memorandum of Points and Authorities, the declaration of Robert Mussig, the Separate Statement, all of the pleadings and papers already on file in this action, and on whatever evidence and argument may be allowed at any hearing of this Motion.

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Dated: July 17, 2015

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

/ S / Paul S. Cowie

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PAUL S. COWIE

Attorneys for Defendants

SWIFT TRANSPORTATION CO. OF ARIZONA,  
LLC; INTERSTATE EQUIPMENT LEASING,  
LLC; CHAD KILLEBREW and JERRY MOYES

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to the following CM/ECF registrants:

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*/s/ Paul Cowie* \_\_\_\_\_