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 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
 14

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.
 22

Case No. CV 10-899-PHX-JWS

**INTERSTATE EQUIPMENT
 LEASING, LLC'S NOTICE OF
 MOTION AND MOTION FOR
 PROTECTIVE ORDER**

ORAL ARGUMENT REQUESTED

[Filed Concurrently with Memorandum of
 Points and Authorities; Declaration of
 Robert Mussig; and [Proposed] Order]

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NOTICE OF MOTION AND MOTION

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Defendant Interstate Equipment Leasing, LLC (“IEL”) hereby moves for a Protective Order pursuant to Federal Rule of Civil Procedure 26(c) to preclude Plaintiffs Virginia Van Dusen, Joseph Sheer, Vickii Schwalm, Jose Motolinia, and Peter Wood (collectively, “Plaintiffs”) from deposing IEL’s corporate designees under Federal Rule of Civil Procedure 30(b)(6) on **65 separate topics, including subparts**. There is good cause to grant IEL’s motion because Plaintiffs’ request to depose IEL on these overly broad and sweeping topics (1) violates the Ninth Circuit’s ruling and this Court’s discovery order in that the deposition notice improperly seeks deposition testimony outside the scope of those legal issues before the Court at this stage in the proceedings; and (2) Plaintiffs’ deposition notice to IEL is unduly burdensome, seeks privileged information, seeks private information pertaining to drivers other than themselves, seeks confidential and proprietary information, and otherwise exceeds the scope of permissible discovery under Rule 26.

In accordance with Local Rule 7.2(j), counsel for IEL met and conferred with Plaintiffs’ counsel regarding the impropriety of the 30(b)(6) deposition notices to both corporate Defendants. Plaintiffs refused to withdraw their deposition notices, and instead filed a motion to compel compliance with their deposition notices five minutes after the end of the parties’ meet and confer teleconference (making obvious they had already prepared their motion and all supporting papers and had no intention of meeting and conferring in good faith).¹

This Motion is based on this Notice and the attached Memorandum of Points and Authorities and Declaration of Robert Mussig, all of the pleadings and papers already on

¹ Indeed, Plaintiffs refused to meet and confer for two weeks because they claimed they were “slammed with several simultaneous filings.” It is now clear that Plaintiffs were deliberately attempting to gain an improper advantage by preventing Defendant from filing its motions while preparing their own without due regard to the meet and confer process.

1 file in this action, and on whatever evidence and argument may be allowed at any hearing
2 of this Motion.

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Dated: July 19, 2015

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

/ S / Paul S. Cowie

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ELLEN M. BRONCHETTI

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 20, 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 _____