1 2 3 4 5 6	SHEPPARD, MULLIN, RICHTER & HAMI A Limited Liability Partnership Including Professional Corporations RONALD J. HOLLAND, Cal. Bar No. 1486 rholland@sheppardmullin.com ELLEN M. BRONCHETTI, Cal. Bar No. 220 ebronchetti@sheppardmullin.com PAUL S. COWIE, Cal. Bar No. 250131 (Propcowie@sheppardmullin.com Four Embarcadero Center, 17th Floor San Francisco, California 94111-4109 Telephone: 415-434-9100	rship porations al. Bar No. 148687 (Pro Hac Vice) cal. Bar No. 226975 (Pro Hac Vice)com No. 250131 (Pro Hac Vice) n 7th Floor 4111-4109  N CO. OF ATE EQUIPMENT LLEBREW and  NITED STATES DISTRICT COURT OR THE DISTRICT OF ARIZONA  oe 1; and nd on behalf of ersons, fs, fs,  DEFENDANT SWIFT TRANSPORTATION CO. OF ARIZONA, LLC,'S NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER					
7	Facsimile: 415-434-3947						
8 9 10	Attorneys for Defendants SWIFT TRANSPORTATION CO. OF ARIZONA, LLC, INTERSTATE EQUIPMENT LEASING, LLC, CHAD KILLEBREW and IERRY MOYES						
11							
12	UNITED STATES DISTRICT COURT						
13	FOR THE DISTRICT OF ARIZONA						
14							
15 16	Virginia Van Dusen; John Doe 1; and Joseph Sheer, individually and on behalf of all other similarly situated persons,						
17	Plaintiffs,	TRANSPORTATION CO. OF					
18	v.	MOTION AND MOTION FOR					
19		ORAL ARGUMENT REQUESTED					
20	Swift Transportation Co., Inc.; Interstate Equipment Leasing, Inc.; Chad Killibrew; and Jerry Moyes,						
21	Defendants.	[Filed Concurrently with Memorandum of Points and Authorities; Declaration of Robert Mussig; and [Proposed] Order]					
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SWIFT'S NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER

SMRH:442142776.1

## NOTICE OF MOTION AND MOTION

Defendant Swift Transportation Co. of Arizona, LLC ("Swift") 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 Swift's corporate designees under Federal Rule of Civil Procedure 30(b)(6) on 168 separate topics, including subparts. There is good cause to grant Swift's motion because Plaintiffs' request to depose Swift 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 Swift 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 Swift 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).<sup>1</sup>

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

<sup>&</sup>lt;sup>1</sup> 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.

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1	file in this action, and on whatever evidence and argument may be allowed at any hearing					
		ievei evid	tence and argument may be anowed at any hearing			
2	of this Motion.					
3						
4	Dated: July 19, 2015	SI	HEPPARD, MULLIN, RICHTER & HAMPTON LLP			
5						
6		Ву	/ S / Paul S. Cowie			
7			RONALD HOLLAND ELLEN M. BRONCHETTI			
8			PAUL S. COWIE			
9			Attorneys for Defendants SWIFT TRANSPORTATION CO. OF ARIZONA,			
10			LLC; INTERSTATE EQUIPMENT LEASING,			
11			LLC; CHAD KILLEBREW and JERRY MOYES			
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Case No. CV 10-899-PHX-JWS

## **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:

Susan Joan Martin Jennifer Lynn Kroll Martin & Bonnett PLLC 1850 N. Central Ave.; Ste. 2010 Phoenix, AZ 85004

Dan Getman Edward John Tuddenham Lesley Tse Getman & Sweeney, PLLC 9 Paradies La. New Paltz, NY 12561

Attorneys for Defendants

/c/ 1	Paul	Cowie		
/S/ I	-aui	Cowie		