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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

John Doe 1, et al.,
Plaintiffs,
vs.
Swift Transportation Co., Inc., et al.,
Defendants.

2:10-cv-00899 JWS
ORDER AND OPINION
[Re: Motion at Docket 612]

At docket 566 defendants filed a motion asking the court to stay the proceedings and determine the appropriate resolution of the Federal Arbitration Act (“FAA”) exemption issue. Specifically, they asked the court to set aside the scheduling and planning order at docket 548 and set a briefing schedule where the parties can put forth their arguments as to why the plaintiffs’ contractor agreements are not contracts of employment within the meaning of Section 1 of the FAA. The motion was fully briefed, and the court issued a detailed order at docket 605 denying the motion. Subsequently, the defendants filed a motion at docket 612 asking to stay this proceeding pending their appeal of the procedures this court has set out for further proceedings. In effect the motion at docket 612 is a request for reconsideration. The court asked plaintiffs to respond, and their response is at docket at docket 621.

1 "Reconsideration is appropriate if the district court (1) is presented with newly
 2 discovered evidence, (2) committed clear error or the initial decision was manifestly
 3 unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J*
 4 *Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).
 5 Considered as a motion for reconsideration, the motion at docket 612 lacks merit, for
 6 none of the requirements for reconsideration are met. To the extent any comment on
 7 the merits of the motion at docket 612 might be appropriate, the court finds that the
 8 plaintiffs' response at docket 621 is largely a correct assessment of the flaws in the
 9 motion at docket 612. However, the court does not agree that the motion is frivolous,
 10 and does not agree that sanctions are warranted. Moreover, this court declines to
 11 comment further on any issue regarding the appealability of the court's order at
 12 docket 605; that will be left for resolution by the Court of Appeals.

13 DATED this 17th day of February 2015.

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/s/ JOHN W. SEDWICK
 SENIOR UNITED STATES DISTRICT JUDGE