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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.

