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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Larry Whiting and Leroy Whiting,

No. CV-12-8039-PCT-GMS

10 Plaintiffs,

ORDER

11 vs.

12 Dana A. Hogan; Mayflower Transit, LLC;
13 and Clark Moving and Storage, Inc.,

14 Defendants.

15 Pending before the Court is Defendants' Motion for Partial Summary Judgment.
16 (Doc. 155.) For the reasons discussed below, the Motion is granted in part and denied in
17 part.¹

18 **DISCUSSION**

19 Defendants Clark Moving and Storage Inc. and Mayflower Transit LLC move for
20 partial summary judgment on Plaintiffs claims of (1) negligent hiring; (2) negligent
21 supervision; and (3) negligent entrustment. (See Doc. 1-1, Compl. at 8-13; Doc. 21,
22 Amend. Compl.) Defendants contend that these claims are duplicative of Plaintiffs'
23 vicarious liability claims and would allow for a double recovery. Defendants do not
24 dispute that vicarious liability applies to them for Defendant Hogan's actions while
25 driving at the time of the subject accident. (Doc. 156, DSOF ¶ 5.) In their Response,

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27 ¹ The Parties' requests for oral argument are denied because they have had an
28 adequate opportunity to discuss the law and evidence, and oral argument will not aid the
Court's decision. See *Lake at Las Vegas Investors Group v. Pac. Malibu Dev.*, 933 F.2d
724, 729 (9th Cir. 1991).

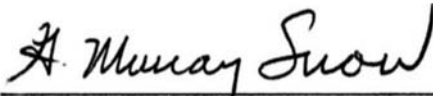
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Plaintiffs stipulate to dismissal of these claims. (Doc. 157 at 1.)

The Parties dispute whether Defendants should be awarded costs as the prevailing parties on these claims. The Court will not award costs to either Party until the underlying claims are adjudicated and liability is determined.

IT IS THEREFORE ORDERED that Defendant’s Motion for Partial Summary Judgment is granted in part and denied in part. Plaintiffs’ claims of (1) negligent hiring; (2) negligent supervision; and (3) negligent entrustment are dismissed from Counts Two and Three of this action, (Doc. 1-1, Compl. at 8–13; Doc. 21, Amend. Compl.).

Dated this 28th day of August, 2013.



G. Murray Snow
United States District Judge