

A CERTIFIED TRUE COPY  
 ATTEST  
 By Darion Payne on Jan 05, 2010  
 FOR THE UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

U.S. DISTRICT COURT  
 EASTERN DISTRICT OF LOUISIANA  
 FILED JAN - 5 2010  
 UNITED STATES JUDICIAL PANEL  
 LORETTA G. WHYTE  
 CLERK

UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION  
 Dec 18, 2009  
 FILED  
 CLERK'S OFFICE

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"  
 MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-1)**

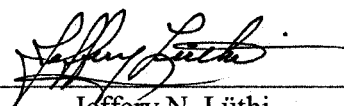
On December 3, 2009, the Panel transferred 11 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2009). With the consent of that court, all such actions have been assigned to the Honorable Carl J. Barbier.


It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Barbier.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of December 3, 2009, and, with the consent of that court, assigned to the Honorable Carl J. Barbier.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.  
**Jan 05, 2010**  
 CLERK'S OFFICE  
 UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

FOR THE PANEL:  
  
 Jeffery N. Lüthi  
 Clerk of the Panel

CLERK'S OFFICE  
 A TRUE COPY  
**Jan 07 2010**  
  
 Deputy Clerk, U.S. District Court  
 Eastern District Of Louisiana  
 New Orleans, LA

Fee \_\_\_\_\_  
 Process \_\_\_\_\_  
 X/Extd \_\_\_\_\_  
 Clk/Dep \_\_\_\_\_  
 Doc. No. \_\_\_\_\_

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"  
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	EDLA SEC J/2
ALABAMA SOUTHERN ALS 1 09-704	Clyde Bernard Franklin v. Apple, Inc., et al.	10-0018
MICHIGAN EASTERN MIE 2 09-13938	Ryan Baxter v. Apple, Inc., et al.	10-0019
NEW YORK SOUTHERN NYS 1 09-9505	Francis P. Monticelli v. Apple, Inc., et al.	10-0020

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana  
  
Kathryn H. Vratil  
United States District Court  
District of Kansas  
  
David R. Hansen  
United States Court of Appeals  
Eighth Circuit

W. Royal Furgeson, Jr.  
United States District Court  
Northern District of Texas  
  
Frank C. Damrell, Jr.  
United States District Court  
Eastern District of California  
  
David G. Trager  
United States District Court  
Eastern District of New York

**DIRECT REPLY TO:**  
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January 5, 2010

Loretta G. Whyte, Clerk  
U.S. District Court  
500 Poydras Street  
Room C-151  
New Orleans, LA 70130

Re: MDL No. 2116 -- IN RE: Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation

(See Attached CTO-1)

Dear Ms. Whyte:

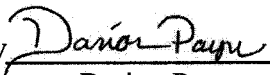
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on December 18, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By   
Darion Payne  
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Carl J. Barbier

**IN RE: APPLE IPHONE 3G AND 3GS "MMS"  
MARKETING AND SALES PRACTICES LITIGATION**

MDL No. 2116

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