

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CORA E. BENNETT, individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

SPRINT NEXTL CORPORATION, GARY
D. FORSEE, PAUL N. SALEH, and
WILLIAM G. ARENDT,

Defendants.

CASE NO. 09-2122-EFM

MEMORANDUM AND ORDER

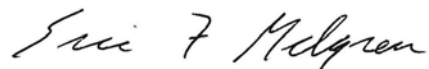
This is a class action suit brought on behalf of all persons who purchased or acquired Sprint Nextel Corp. (“Sprint Nextel”) securities between October 26, 2006, and February 27, 2008. Plaintiff alleges that during the stated time, Defendants, Sprint Nextel, Gary Forsee, Sprint Nextel’s former CEO and Chairman, Paul Saleh, Sprint Nextel’s former CFO, and Qilliam Arendt, Sprint Nextel’s former Senior Vice President and Controller, made a litany of false and misleading statements in violation of the federal securities laws, namely section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), the SEC’s Rule 10b-5, 17 C.F.R. § 240.10b-5, and section 20(a) of the Exchange Act, 15 U.S.C. § 78t(a). This matter is now before the Court on Defendants’ Motion to Certify for Interlocutory Appeal the Court’s January 6, 2011, Order and to Stay the Proceeding Pending Determination of the Motion (Doc. 65).

“Under [28 U.S.C.] § 1292(b), an order not otherwise appealable may be immediately appealed if the district court judge ‘shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation.’”¹ After reviewing the parties’ briefing, the Court concludes that an immediate appeal of the Court’s January 6 Order is not appropriate. The issue which Defendants seek to certify were not material to the Court’s Order. As a result, the Court denies Defendants’ motion in its entirety.

IT IS THEREFORE ORDERED that Defendants’ Motion to Certify for Interlocutory Appeal the Court’s January 6, 2011, Order and to Stay the Proceeding Pending Determination of the Motion (Doc. 65) is hereby DENIED.

IT IS SO ORDERED

Dated this 23rd day of February, 2011.



ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE

¹*Duke v. Grady Mun. Sch.*, 127 F.3d 972, 973 n.1 (10th Cir. 1997) (quoting 28 U.S.C. § 1292(b)).