

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

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

MDL NO. 2116

2:09-md-2116

THIS DOCUMENT RELATES TO:

SECTION: J

Irving v. Apple Inc., No. 09-cv-07608
(No. 09-cv-02613 (D. Minn.))

JUDGE BARBIER

MAGISTRATE JUDGE WILKINSON

**MOTION TO COMPEL ARBITRATION AND DISMISS CLAIMS
PURSUANT TO THE FEDERAL ARBITRATION ACT**

Please take notice that on October 14, 2010, at 9:30 a.m., pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 1-16, Defendant AT&T Mobility LLC (“ATTM”) will move and hereby does move this Court for an order compelling Plaintiff Kyle Irving to arbitrate his claims or pursue them in small claims court and dismissing his claims against ATTM. ATTM brings this motion on the ground that the Federal Arbitration Act requires Irving to pursue his claims in accordance with his arbitration agreement.

This motion is supported by the accompanying Memorandum of Points and Authorities (applicable to all motions to compel arbitration); the Declarations of Harry Bennett, Caroline Mahone-Gonzalez, Ramon L. Menendez, Darcy Pantano, Richard Pianka, Richard J. Rives,

Larry B. White, and Scott Williamson and all exhibits thereto; the accompanying proposed Order; any reply memorandum ATTM may file; and any oral argument ATTM may present.

Respectfully submitted,

MAYER BROWN LLP

August 10, 2010

BY: /s/ Archis A. Parasharami

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2010, I served the foregoing by causing it to be filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to case participants.

/s/ Archis A. Parasharami
Archis A. Parasharami