

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: APPLE IPHONE 3G AND 3G-S “MMS”
MARKETING AND SALES PRACTICES
LITIGATION

MDL DOCKET NO. 2116

SECTION: J

THIS DOCUMENT RELATES TO ALL CASES

JUDGE BARBIER
MAG. JUDGE WILKINSON

MOTION FOR STATUS CONFERENCE TO DISCUSS DISCOVERY TO ATTM

NOW INTO COURT, by and through Plaintiffs’ Liaison Counsel, comes Putative Class Plaintiffs (“Plaintiffs”), who respectfully moves this Honorable Court for an order setting a Status Conference to discuss the discovery propounded to AT&T Mobility LLC (“ATTM”).

Per earlier directives from the Court, ATTM was to file its Motion to Compel Arbitration, Plaintiffs were to propound discovery focusing solely on the arbitration issues, the parties were to meet and confer and if consensus could not be reached regarding discovery, the Court would entertain a status conference. Previously the parties had reserved August 25, 2010 as a date for a status conference with the Court regarding discovery needed to oppose Defendants’ motions.

On August 10, 2010, ATTM filed its Motion to Compel Arbitration. On August 19, 2010, Putative Class Plaintiffs propounded discovery to ATTM focusing solely on the arbitration issues.

(See Exhibits “A”, “B”, and “C”.) The discovery served on ATTM is similar to other discovery which has been presented to and answered by ATTM in other litigation raising arbitration issues.

ATTM has agreed to respond to discovery within the 30 days allowed under the Rules of Civil Procedure. ATTM, however, has not agreed to actually answer the discovery. Plaintiffs have asked ATTM whether it plans to file written objections in 30 days without substantive responses to the pending discovery or whether ATTM plans to substantively respond to the pending discovery. ATTM has not responded to the Plaintiffs’ objections versus substantive responses inquiry. Thus, a status conference is needed.

The pending discovery to ATTM affects the timing of Plaintiffs’ responses to all pending motions. Currently, the Plaintiffs’ responses are due on September 10, 2010.

WHEREFORE, Putative Class Plaintiffs respectfully move that this motion be granted and that the Court set a status conference by telephone for all liaison counsel at the Court’s earliest convenience.

RESPECTFULLY SUBMITTED:

MARTZELL & BICKFORD

/s/ Lawrence J. Centola, III
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record by via ECF this 24th day of August, 2010.

/s/ Lawrence J. Centola, III