

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:

Aleman/SDTX No. 10-11 EDLA No. 10-502
Baxter/EDMI No. 09-13938 EDLA No. 10-0019
Casey/EDLA No. 09-5470
Franklin/SDAL No. 09-704 EDLA No. 10-0018
Friloux/EDTX No. 09-618 EDLA No. 10-501
Davis-Raulston/MDAL No. 09-1133; EDLA No. 10-497
Storner/Lierman/EDMO No. 09-1480; EDLA No. 09-7609
Irving/D-MN No. 09-2613 EDLA No. 09-7608
Jackson/SDMS No. 10-003 EDLA No. 10-500
Meeker/SDIL No. 09-607 EDLA No. 09-7607
Mejia/MDFL No. 09-2582 EDLA No. 10-499
Monticello/SDNY No. 09-9505 EDLA No. 10-0020
Novick/MDFL No. 10-002 EDLA No. 10-498
Padden/EDNY No. 10-128 EDLA No. 10-821
Sullivan/NDOH No. 09-1993 EDLA No. 09-7611
Sterker, et al/NDCA No. 09-4242 EDLA No. 09-7604
West/D-NJ No. 10-1370 EDLA No. 10-1739

JUDGE BARBIER
MAG. JUDGE WILKINSON

**MOTION AND INCORPORATED MEMORANDUM
FOR EXTENSION OF TIME TO FILE OPPOSITION TO
DEFENDANTS', APPLE, INC. AND AT&T MOBILITY LLC,
PRELIMINARY MOTIONS**

NOW INTO COURT, through undersigned counsel, come plaintiffs, who have a deadline of September 10, 2010 to file their Opposition to Defendants', Apple, Inc. and AT&T Mobility LLC, Preliminary Motions. Pursuant to discussions had with the Court at the August 31, 2010 status conference, Plaintiffs are requesting an extension until October 1, 2010.

Counsel for plaintiffs has attempted to reach an understanding with counsel for Apple, Inc. and AT&T Mobility LLC, however, those counsel have wanted to instead revamp the entire scheduling order. In response to our request for the continuance, counsel for Apple and AT&TM responded:

You should not represent to the Court that Apple will not agree to an extension. Both defendants have been willing to work with you to agree to the Oct. 1 extension plaintiffs seek. We agreed to this date in the context of a comprehensive schedule that addresses all motions and all briefs, not just plaintiffs' opposition. It would be a misrepresentation to the Court if you leave it with the impression that we are simply unwilling to agree to any extension as that is not true.

Given the request for a 20 day extension, this may necessitate the rescheduling of certain deadlines and it is plaintiffs' position that once ATT&M files its discovery responses in this matter that it would then be a more appropriate time to address those matters.

Given ATT&T and Apple's response, we are compelled to treat this as an opposed continuance but have no opposition to holding any deadlines for responses in abeyance until ATTM has filed its discovery. We further will be prepared to file our opposition to Apples motions on October, 1, 2010.

WHEREFORE, plaintiffs respectfully request that this Honorable Court grant Plaintiffs' Motion for Extension to file Opposition to Defendants' Motion to Dismiss First Supplemental and Amended Complaint from September 10, 2010 until October 1, 2010.

Respectfully submitted,

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Plaintiffs Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2010, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing.

/s/Scott R. Bickford
SCOTT R. BICKFORD