

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

	:	MDL NO. 2116
IN RE: APPLE iPhone 3G AND 3GS "MMS"	:	
MARKETING AND SALES PRACTICES	:	SECTION: J
LITIGATION	:	
	:	JUDGE BARBIER
	:	MAG. JUDGE WILKINSON
. . . . .		

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER #3**  
**Case Management Order**

Pursuant to the initial conference and the minute entry pertaining thereto (Rec. Doc. 15), it is **ORDERED** that:

1. **INTRODUCTION**

All subsequent Orders of this Court with the designation "All Actions" entered in MDL-2116 shall likewise apply to all cases that are, or become, part of this MDL, regardless of whether that case was part of MDL-2116 when this order was entered.

The Court will hold regularly scheduled status conferences. The next status conference is to be held on **March 12, 2010 at 9:30 a.m.** in Judge Carl J. Barbier's courtroom, Room C-268, United States Courthouse, 500 Poydras Street, New Orleans, Louisiana.

To minimize costs and facilitate manageable conferences,

parties are not required to attend but shall be represented at the conferences. Parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue or service.

2. **LIAISON COUNSEL**

A. *Plaintiffs' Liaison Counsel*

Plaintiffs have conferred and presented to the Court the recommendation that Scott R. Bickford be designated as Plaintiffs' Liaison Counsel. The Court concludes that Bickford is well qualified to carry out the duties and responsibilities of the position. Accordingly, the Court accepts this recommendation and hereby appoints Scott R. Bickford, 338 Lafayette Street, New Orleans, LA 70130, as Plaintiffs' Liaison Counsel.

The responsibilities of Plaintiffs' Liaison Counsel shall be the following:

1. To serve as the recipient for all Court orders on behalf of all of the plaintiffs;
2. To coordinate service and filings for all plaintiffs whether presently included or subsequently added;
3. To maintain and distribute to co-counsel and to

Defendants' Counsel an up-to-date service list;

4. To receive and distribute pleadings, orders, and motions by overnight courier service and/or telecopier within two days after receipt, unless such service has been waived, in writing, by a receiving counsel;
5. To coordinate the establishment of a document depository, real or virtual, to be available to all participating plaintiffs counsel;
6. To maintain and make available to all participating plaintiffs counsel of record at reasonable hours a complete file of all documents served by or upon each party (except such documents as may be available at a document depository);
7. To prepare agendas for court conferences and periodically report regarding the status of the case; and
8. To carry out such other duties as the Court may order.

Liaison Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court.

*B. Defendants' Liaison Counsel*

The Defendants have conferred and presented to the Court the recommendation that no liaison counsel be designated for the defendants. This Court agrees with this recommendation and accordingly, there will be no liaison counsel for Defendants.

3. **PLEADINGS**

A. *Amendments to Pleadings*

The deadline to amend individual Complaints is **May 17, 2010**.

B. *Master Complaint*

At this time, the Court does not find it necessary for a master complaint to be filed in this matter. However, this order does not preclude the Court from later determining that a master complaint is appropriate.

C. *Responsive Pleadings*

Defendants will have until **July 19, 2010** to file appropriate Answers or motions in response to Plaintiffs' Complaints.

Defendants shall each be permitted to file a brief not exceeding 50 pages in support of any motion to dismiss filed in response to Plaintiffs' Complaints.

Plaintiffs shall be permitted to file a brief, not exceeding 50 pages in opposition to each motion filed by the Defendant, on or before **August 19, 2010**.

The dates for Defendants' reply briefs, which shall not exceed 25 pages, and any oral argument hearings will be set at a later date.

4. **SCOPE OF DISCOVERY**

All parties are to submit briefs on their proposed scope of discovery on or before **February 23, 2010**, these briefs are not to exceed 30 pages. Responses to the discovery briefs are due on or


before March 2, 2010.

5. PLAINTIFFS' EXECUTIVE AND STEERING COMMITTEES

The Plaintiffs shall, by January 25, 2010, submit the names and resumes of the attorneys who would like to be appointed to the Plaintiffs' Executive Committee.

Plaintiffs have conferred and presented to the Court the recommendation that all Plaintiffs' counsel be appointed to the Plaintiffs' Steering Committee. The Court will consider a written submission containing the names and resumes of all attorneys who wish to be appointed to the Plaintiffs' Steering Committee.

New Orleans, Louisiana, this 22nd day of January, 2010.



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CARL J. BARBER  
UNITED STATES DISTRICT JUDGE