

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

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

**THIS DOCUMENT RELATES TO:  
ALL CASES**

**CIVIL ACTION**

**MDL No. 2116**

**SECTION “J”  
JUDGE BARBIER**

**MAGISTRATE JUDGE WILKINSON**

**MOTION AND INCORPORATED MEMORANDUM FOR EXPEDITED HEARING**

Defendant, Apple Inc. (“Apple”), requests an expedited hearing on its Motion to Stay Plaintiffs’ claims against Apple because this Court has ordered Plaintiffs and Defendant, AT&T Mobility LLC (“ATTM”), to submit a revised scheduling order to this Court by Friday, November 5, 2010. Significantly, this revised scheduling order expressly provides that it does not affect the current scheduling order as to Plaintiffs’ claims against Apple. Apple, however, avers that there is no rational basis to continue on the current briefing schedule as to Apple only because Apple and ATTM’s motions to dismiss are predicated on virtually identical grounds and ATTM’s argument based on preemption is potentially dispositive. Accordingly, an expedited hearing of this matter is warranted so that this Court may consider entry of a single stay order as to all defendants.

WHEREFORE, Defendant, Apple Inc., requests that this Honorable Court grant its Motion for Expedited Hearing on its Motion to Stay Plaintiffs' claims against Apple.

Respectfully submitted,

/s/ Quentin F. Urquhart

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been electronically filed on November 5, 2010, with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing.

/s/ Quentin F. Urquhart