

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
THIS DOCUMENT RELATES TO ALL CASES	:	MAG. JUDGE WILKINSON
.....	:

ORDER


Before the Court are Defendant Apple Inc.'s ("Apple") **Motion to Stay Plaintiffs' Claims Against Defendant Apple, Inc. (Rec. Doc. 194)**, Plaintiffs' **Opposition (Rec. Doc. 199)**, and Apple's **Reply in Support (Rec. Doc. 203)**. During the Court's recent status conference on November 3rd, 2010, Plaintiffs and Defendant AT&T Mobility, LLC ("ATTM") agreed to stay the portion of the case as it related to Plaintiffs' claims against ATTM (Rec. Doc. 193) in light of the case pending before the United States Supreme Court, AT&T Mobility LLC v. Concepcion, which presents the question of whether the Federal Arbitration Act preempts states from conditioning the enforcement of an arbitration agreement on the availability of certain procedures—including class-wide arbitration.

In its motion and reply, Defendant Apple moves the Court to stay the portion of the case as it relates to Plaintiffs' claims against Defendant Apple—so that the Plaintiffs' claims against

both Defendants proceed on the same schedule. Because of the potentially dispositive federal preemption issue, the Court hereby **GRANTS** Defendant Apple's **Motion to Stay Plaintiffs' Claims Against Defendant Apple, Inc. (Rec. Doc. 194)**. Accordingly, all of Plaintiffs' claims as to both Defendants are stayed until the United States Supreme Court issues its opinion in AT&T Mobility LLC v. Concepcion.

Plaintiffs and Defendant ATTM have submitted a proposed revising scheduling order to the Court (Rec. Doc. 196). The Court will not issue a revised scheduling order at this time. Rather, after the Supreme Court issues its Concepcion opinion, the Court will set a status conference with liaison counsel for Plaintiffs and Defendants Apple and ATTM to determine the litigation schedule.

New Orleans, Louisiana, this 17th day of November, 2010.


CARL J. BARBIER
UNITED STATES DISTRICT JUDGE