

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

PLAINTIFFS' NOTICE OF RECENT DECISION

Plaintiffs respectfully submit this notice of recent decision to inform the Court of the decision in *In re: American Express Merchants' Litigation*, No. 06-1871-cv (2nd Circuit. Feb. 1, 2012), finding that the Second Circuit's earlier holding, which held the arbitration provision unenforceable due to fiscal impracticality, survives the Supreme Court's decision in *AT&T Mobility LLC v. Concepcion*, 131 S. Ct. 1740 (2011). A copy of the decision, which was issued yesterday, is attached as Exhibit A.

Respectfully submitted,

/s/ SCOTT R. BICKFORD

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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 via ECF this 2nd day of February, 2012.

/s/Scott R. Bickford

SCOTT R. BICKFORD