

A CERTIFIED TRUE COPY
 ATTEST
 By Darion Payne on Feb 16, 2010

FOR THE UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

U.S. DISTRICT COURT
 EASTERN DISTRICT OF LOUISIANA

FILED FEB 17 2010

UNITED STATES JUDICIAL PANEL
 on
 MULTIDISTRICT LITIGATION
 CLERK

UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

Jan 27, 2010

FILED
 CLERK'S OFFICE

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

MDL No. 2116

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-2)

On December 3, 2009, the Panel transferred 11 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.2d ___ (J.P.M.L. 2009). Since that time, three additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Carl J. Barbier.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Barbier.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of December 3, 2009, and, with the consent of that court, assigned to the Honorable Carl J. Barbier.

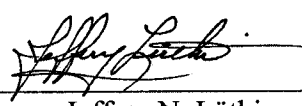
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

Feb 16, 2010

CLERK'S OFFICE
 UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
 Clerk of the Panel

___ Fee ___
 ___ Process ___
 Dktd ___
 ___ CtRmDep ___
 ___ Doc. No. ___

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

MDL No. 2116

SCHEDULE CTO-2 - TAG-ALONG ACTIONS

EDLA
SEC. J/2

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	
ALABAMA MIDDLE ALM 2 09-1133	Greg L. Davis v. Apple, Inc., et al.	10-497
FLORIDA MIDDLE FLM 2 10-2 FLM 8 09-2582	Janine R. Novick v. Apple, Inc., et al. Jonathan Mejia v. Apple, Inc., et al.	10-498 10-499
MISSISSIPPI SOUTHERN MSS 3 10-3	Janice Jackson, et al. v. Apple, Inc., et al.	10-500
TEXAS EASTERN TXE 4 09-618	Henri Friloux, et al. v. Apple, Inc., et al.	10-501
TEXAS SOUTHERN TXS 3 10-11	Joey Aleman v. Apple, Inc., et al.	10-502

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

David G. Trager
United States District Court
Eastern District of New York

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February 16, 2010

Loretta G. Whyte, Clerk
U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Re: MDL No. 2116 -- IN RE: Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation

(See Attached CTO-2)

Dear Ms. Whyte:

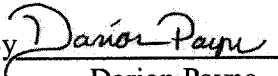
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on January 27, 2010. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel, judges and clerks are attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Darion Payne
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Carl J. Barbier

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

MDL No. 2116

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

MDL No. 2116

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515 Rusk Avenue
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Hon. Tom S. Lee
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222 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

Hon. James S. Moody, Jr.
U.S. District Judge
13A Sam M. Gibbons U.S. Courthouse
801 North Florida Avenue
Tampa, FL 33602

Hon. Michael H. Schneider
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100 William M. Steger Federal Building & U.S. Courthouse
211 West Ferguson Street
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Hon. W. Keith Watkins
U.S. District Judge
F-300 Frank M. Johnson, Jr. Federal Courthouse Annex
One Church Street
Montgomery, AL 36104

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

MDL No. 2116

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