

A CERTIFIED TRUE COPY
ATTEST
By Darion Payne on Mar 08, 2010
FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED MAR - 8 2010
UNITED STATES JUDICIAL PANEL
LORETTA G. WHYTE
MULTIDISTRICT LITIGATION
CLERK

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Feb 19, 2010

FILED
CLERK'S OFFICE

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

Rick Pineda, et al. v. Apple, Inc., et al.,)
E.D. New York, C.A. No. 1:10-128)

10-821

MDL No. 2116

SECT. J MAG. 2

CONDITIONAL TRANSFER ORDER (CTO-3)

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 657 F.Supp.2d 1378 (J.P.M.L. 2009). Since that time, nine 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.

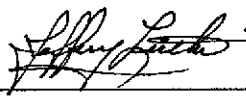
It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Barbier.

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), this action is 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.
Mar 08, 2010
CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel

___ Fee ___
___ Process ___
 Dktd ___
___ Cr/RmDep ___
___ Doc. No. ___

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MEMBERS:
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District of Kansas

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Eighth Circuit

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DIRECT REPLY TO:

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March 8, 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-3)

Dear Ms. Whyte:

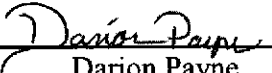
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on February 19, 2010. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of 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 is 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

JPML Form 36A

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

MDL No. 2116

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