

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUDITH DAHN, individually and on behalf of a
class of similarly situated individuals,

Case No. 09-14977

Plaintiff,

HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

v.

SPRINT-NEXTEL CORPORATION,

R. STEVEN WHALEN
MAGISTRATE JUDGE

Defendant.

ORDER HOLDING IN ABEYANCE
DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM [4] and
DEFENDANT'S MOTION TO DENY CLASS CERTIFICATION [5],
and
ADMINISTRATIVELY CLOSING THE CASE

Before the Court are Defendant's Motion to Dismiss for Failure to State a Claim [4] and Defendant's Motion to Deny Class Certification [5], both filed January 27, 2010. The Court held a hearing on the Motions that began on June 30, 2010, and concluded on July 16, 2010.

On May 24, 2010, the Supreme Court of the United States granted the petition for a writ of certiorari filed in *Laster v. AT&T Mobility LLC*. See 584 F.3d 849 (9th Cir. 2009) (holding unconscionable a cell phone contract's arbitration agreement containing a class action waiver provision, and affirming the district court's denial of the service provider's motion to compel arbitration), *cert. granted*, 2010 WL 303962 (U.S. May 24, 2010).

Because the Supreme Court's eventual determination will inform or control the analysis of the issues now before this Court,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim [4] and Defendant's Motion to Deny Class Certification [5] are **HELD IN ABEYANCE** pending the Supreme Court's ruling in *Laster*.

IT IS FURTHER ORDERED that this case shall be **ADMINISTRATIVELY CLOSED** without prejudice. The parties may later reopen this matter by filing written notice with the Court.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
Senior United States District Judge

Dated: July 19, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 19, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE
Case Manager