

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CULLAN AND CULLAN LLC, individually
and on behalf of all others similarly
situated;

Plaintiff,

vs.

M-QUBE, Inc. a Delaware corporation;
MOBILE MESSENGER AMERICAS, Inc.,
a Delaware Corporation; CF
ENTERPRISES PTY., Ltd., an Australian
Company; and JOHN DOES 1-200,

Defendants.

8:13CV172

ORDER

This matter is before the court a motion to reschedule the final fairness hearing filed by defendants PostSMS Qube Co, Inc. (formerly M-Qube, Inc.) and PostSMS Americas Co, Inc. (formerly Mobile Messenger Americas, Inc.) (hereinafter, collectively, "the M-Qube defendants"). The M-Qube defendants contend that they need time to obtain data that is presently in the custody of the Department of Justice in order to compare their actual transaction data against the information submitted in claims submitted by purported class members. The plaintiff objects to a continuance, contending that the M-Qube defendants' asserted lack of access to their records is a problem of their own making. They argue that the negotiated dispute resolution procedures set out in the Settlement are adequate and should be followed. Defendant CF Enterprises also objects to any continuance of the hearing, asserting that it would delay final relief for CF Enterprises, who has entered into a separate settlement.

The court has reviewed the parties' submissions and finds the motion should be denied. Accordingly,

IT IS ORDERED:

1. Defendants PostSMS Qube Co, Inc.'s (formerly M-Qube, Inc.) and PostSMS Americas Co, Inc.'s (formerly Mobile Messenger Americas, Inc.) motion to reschedule the final fairness hearing ([Filing No. 203](#)) is denied.

Dated this 3rd day of March, 2017.

BY THE COURT:

s/ Joseph F. Bataillon

Senior United States District Judge