

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,

v.

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,

RICHARD GEIER,

Intervenor.

8:13CV172

ORDER

This matter is before the court on its own motion. There is presently pending a motion for preliminary approval of a purported class-action settlement ([Filing No. 83](#)). Consideration of the defendants' motions to dismiss and/or to compel arbitration have been held in abeyance pending resolution of the class-action settlement issue. See [Filing No. 79](#). For docket control purposes, the motions to dismiss and/or compel arbitration, [Filing Nos. 17](#) and [20](#), will be dismissed without prejudice to reassertion after resolution of the motion to approve the amended settlement agreement ([Filing No. 83](#)).¹ Accordingly,

IT IS ORDERED that defendants' motions to dismiss and/or to compel arbitration ([Filing Nos. 17](#) and [20](#)) are hereby denied without prejudice to reassertion.

DATED this 28th day of March, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

¹ Should the parties seek to reassert the motions at a later date, they need not refile any supporting materials on which they intend to rely, but may incorporate them by reference to the documents' filing numbers.