

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/25/2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
IN RE: ELECTRONIC BOOKS ANTITRUST :
LITIGATION :
:
-----X

11 MD 2293 (DLC)

ORDER

(all actions)

DENISE COTE, District Judge:

On March 2, 2012, Penguin Group (USA) Inc. filed a motion to stay proceedings and compel arbitration. At a conference on April 18, the Court inquired whether Penguin still wished to arbitrate the claims subject to the motion given that Penguin is also a defendant in other related litigation that will be proceeding before this Court. On April 23, Penguin requested that the Court "withhold decision" on its motion "at this time." It is the Court's practice to address all pending motions. Accordingly, it is hereby

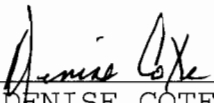
ORDERED that, unless Penguin advises the Court by **April 30, 2012** that it wishes its March 2 motion to stay proceedings and compel arbitration to be addressed, the motion will be deemed withdrawn.

IT IS FURTHER ORDERED that in the event Penguin files a renewed motion to arbitrate, any party opposing the motion may

present any arguments that are appropriate, including that Penguin has waived its right to arbitrate.

SO ORDERED:

Dated: New York, New York
April 25, 2012



DENISE COTE
United States District Judge