

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ADAM STILES, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

MOBILE FIDELITY SOUND LAB, INC.,

Defendant.

Case No. 1:22-cv-04405

Hon. Manish S. Shah

**DEFENDANT MOBILE FIDELITY SOUND LAB, INC.’S
MOTION TO STAY ACTION IN FAVOR OF FIRST-FILED CASE**

Defendant, Mobile Fidelity Sound Lab, Inc., respectfully moves this Court for an order staying this case pending judicial approval of a nationwide class action settlement reached in a substantially-identical and first-filed class action in the District Court for the Western District of Washington entitled: *Tuttle, et al. v. Audiophile Music Direct, Inc., et al.*, Case No. 2:22-cv-01081-JLR (“*Tuttle*”). Plaintiffs oppose this motion.

1. As discussed in detail in Defendant’s Memorandum of Law in Support (filed simultaneously with this Motion and incorporated herein by reference), a stay of this case is warranted under the well-established first-to-file rule because it is duplicative of *Tuttle*, which involves substantially similar parties, allegations, and requests for relief, and because the proposed nationwide settlement submitted for judicial approval in *Tuttle* will resolve the class claims before this Court.

2. Alternatively, a stay is warranted under this Court’s inherent power because it will not prejudice any party but, rather, will streamline the issues before this Court and prevent duplicative litigation.

WHEREFORE, for the reasons set forth in Defendant's Memorandum of Law in Support of this Motion, filed contemporaneously herewith, Defendant respectfully requests that the Court enter an order staying this litigation until the *Tuttle* court makes a final determination on the approval of the proposed nationwide settlement.

Date: February 7, 2023

JOSEPH J. MADONIA & ASSOCIATES

By: /s/ Joseph J. Madonia
Joseph J. Madonia

Joseph J. Madonia
JOSEPH J. MADONIA & ASSOCIATES
5757 North Sheridan, Suite 10A
Chicago, Illinois 60660
Telephone: (312) 953-9000
Facsimile: (773) 654-5066
Email: josephmadonia@gmail.com

BARNES & THORNBURG LLP

By: /s/ Christine E. Skoczylas
Christine E. Skoczylas

Joseph F. Madonia
Mark L. Durbin
Christine E. Skoczylas
BARNES & THORNBURG LLP
One North Wacker Drive, Suite 4400
Chicago, Illinois 60606
Tel: (312) 214-5611
Email: joseph.madonia@btlaw.com
mark.durbin@btlaw.com
christine.skoczylas@btlaw.com

*Attorneys for Defendant Mobile Fidelity
Sound Lab, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2023, a copy of the foregoing was filed electronically. Service of this filing will be made on all registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Christine E. Skoczylas