

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY DALE, BRETT JACKSON,
JOHNNA FOX, BENJAMIN
BORROWMAN, ANN LAMBERT,
ROBERT ANDERSON, and CHAD
HOHENBERY on behalf of themselves
and all others similar situated,

Case No. 22-cv-3189

Plaintiffs,

Judge Thomas M. Durkin

v.

Magistrate Judge Jeffrey Cole

DEUTSCHE TELEKOM AG et al.,

Defendants.

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Jennifer B. Dickey
Jordan L. Von Bokern
U.S. CHAMBER LITIGATION CENTER
1615 H St., NW
Washington, DC 20062

Taylor A.R. Meehan
Gilbert Dickey*
Kathleen L. Smithgall*
CONSOVOY McCARTHY PLLC
1600 Wilson Blvd., Suite 700
Arlington, VA 22201
(703) 243-9423
taylor@consovoymccarthy.com
gilbert@consovoymccarthy.com
katie@consovoymccarthy.com

*Counsel for Amicus Curiae the Chamber of
Commerce of the United States of America*

*pro hac vice application pending

The Chamber of Commerce of the United States respectfully requests leave to file the *amicus curiae* brief that accompanies this motion in support of Defendant T-Mobile US Inc.’s motion to certify an interlocutory appeal under 28 U.S.C. § 1292(b).

The Chamber of Commerce of the United States of America (the “Chamber”) is the world’s largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than three million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus* briefs in cases that raise issues of vital concern to the Nation’s business community. In particular, the Chamber has participated as an *amicus* in numerous cases regarding pleading standards.

The Chamber and its members have a strong interest in this case. The Chamber’s members are frequently named as defendants in civil suits, including antitrust suits. Its members accordingly have an interest in ensuring that federal courts adhere to the plausibility standard set forth in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). *Twombly* protects businesses by ensuring that they will not face costly discovery unless plaintiffs can plead facts plausibly demonstrating their entitlement to relief and by discouraging forum shopping. The plausibility standard also protects our court system by preventing its resources from being overwhelmed by frivolous litigation. Adherence to *Twombly* is particularly important in antitrust

cases like this one, in which denial of a motion to dismiss based on threadbare allegations could open the door to extraordinarily broad discovery of parties and third-parties alike.

The Chamber’s proposed brief will “contribute in clear and distinct ways” to this Court’s consideration of Defendant’s motion. *Prairie Rivers Network v. Dynegy Midwest Generation, LLC*, 976 F.3d 761, 763 (7th Cir. 2020). The Chamber seeks to provide this Court with a broader perspective on the effects of antitrust pleadings requirements and the importance of rigorous enforcement of *Twombly* in antitrust cases. *Id.* (An *amicus* brief can help by “[e]xplaining the broader regulatory or commercial context” in which this case arises and by “[p]roviding practical perspectives on the consequences of potential outcomes.”). The Chamber’s unique perspective would aid this Court in its consideration of Defendant’s motion. *See Leigh v. Engle*, 535 F. Supp. 418, 420 (N.D. Ill. 1982) (“The privilege of being heard *amicus* rests in the discretion of the court”); *see also Adams v. City of Chicago*, 1995 WL 491496, at *1 (N.D. Ill. Aug. 11, 1995).

Counsel for the Chamber has conferred with counsel for all parties in advance of filing this motion. T-Mobile consents to this motion. Plaintiffs take no position on the motion.

Respectfully submitted,

Jennifer B. Dickey
Jordan L. Von Bokern
U.S. CHAMBER LITIGATION CENTER
1615 H St., NW
Washington, DC 20062

By: *s/ Taylor A.R. Meehan*
Taylor A.R. Meehan
Gilbert Dickey*
Kathleen L. Smithgall*
CONSOVOY McCARTHY PLLC
1600 Wilson Blvd., Suite 700
Arlington, VA 22201
(703) 243-9423
taylor@consovoymccarthy.com
gilbert@consovoymccarthy.com
katie@consovoymccarthy.com

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*Counsel for Amicus Curiae the Chamber of
Commerce of the United States of America*

*pro hac vice application pending