

**IN THE 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 similarly situated,

Plaintiffs,

v.

DEUTSCHE TELEKOM AG, and
T-MOBILE US, INC.,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Jeffrey Cole

**DECLARATION OF LIN Y. CHAN IN SUPPORT OF PLAINTIFFS’
UNOPPOSED MOTION TO COMPEL DISCOVERY OF PRE-MERGER
TRIAL EXHIBITS AND DEPOSITION TRANSCRIPTS FROM T-MOBILE**

I, Lin Y. Chan, declare as follows:

1. I am admitted to the State Bar of California and am admitted *pro hac vice* in this case. I am a partner at the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP, and Counsel for Plaintiffs in the above-captioned manner. I make this declaration in support of Plaintiffs’ Unopposed Motion to Compel Discovery of Pre-Merger Trial Exhibits and Deposition Transcripts From T-Mobile US, Inc. (“T-Mobile”). I have personal knowledge of the facts set forth herein, and, if called as a witness, I could and would competently testify thereto.

2. On October 20, 2022, the parties reached an agreement to conduct limited discovery while T-Mobile’s motion to dismiss was pending. Therein, the parties agreed to: (1) produce trial exhibits by February 28, 2022, except those with confidential third party information that were not shown to the public; and (2) meet and confer on the production of 15 depositions and exhibits from the merger.

3. Plaintiffs met and conferred with counsel for T-Mobile regarding the documents at issue in this motion on six occasions via videoconference, including on: March 15, 2023; August 25, 2023; September 7, 2023 at 1 p.m.; October 13, 2023 at 3 p.m.; November 21, 2023 at 2:30 p.m.; and January 12, 2024 at 11:30 a.m. Plaintiffs also exchanged correspondence with T-Mobile regarding these documents at least ten times.

4. At the meet and confer held on October 13, 2023 at 3 p.m., counsel for T-Mobile told Plaintiffs that it could not produce the documents at issue under the protective order entered in the *New York v. Deutsche Telekom AG*, No. 1:19-5434 (S.D.N.Y.) (“States’ Pre-Merger Case”), unless and until this Court ordered it to do so.

5. At the meet and confer held on November 21, 2023 at 2:30 p.m., T-Mobile reiterated that it would not produce the documents at issue in this motion absent a court order compelling it to do so. The parties also discussed and agreed that filing this unopposed motion to compel was the best course of action. At the meet and confer held on January 12, 2024, T-Mobile again confirmed that it would not oppose this motion and agreed to the following briefing schedule for this motion: Motion: January 17, 2024; Opposition: February 7, 2024; Reply: February 21, 2024. T-Mobile also stated that it did not oppose any page limit proposal, so Plaintiffs proposed that the motion be limited to ten pages and the opposition and reply be limited to 15 pages.

6. Plaintiffs have heard from three affected non-parties, Altice USA, Inc., Comcast, and DISH Network Corporation. DISH Network Corporation and Altice USA, Inc. have permitted disclosure of the deposition transcripts and exhibits of its witnesses, and Plaintiffs continue to negotiate with Comcast to obtain consent to the requested production. Plaintiffs met and conferred via videoconference with counsel for Comcast Corp. on January 12, 2024 at 2:45 p.m. After an exchange of correspondence, DISH Network Corp. provided its consent to produce the deposition transcripts and exhibits of three of its witnesses who were deposed in the States’ Pre-Merger Case.

7. Attached as Exhibit A is a true and correct copy of a letter from Minae Yu, Counsel for T-Mobile, to Counsel for Plaintiffs entitled “List of depositions previously taken,” dated March 20, 2023.

8. Attached as Exhibit B is a true and correct copy of Plaintiffs’ First Set of Requests For Production to T-Mobile, dated November 13, 2023.

9. Attached as Exhibit C is a true and correct copy of a letter from Rachel S. Brass, Counsel for T-Mobile, to respective Counsel for Altice USA, Inc.; AT&T Inc.; Comcast Corp.; Deutsche Telekom AG; DISH Network Corp.; Google, LLC; Softbank Group Corp.; Verizon Communications Inc.; the Commonwealth of Massachusetts; the Commonwealth of Pennsylvania; the Commonwealth of Virginia; the District of Columbia; the State of California; the State of Connecticut; the State of Hawaii; the State of Illinois; the State of Maryland; the State of Michigan; the State of Minnesota; the State of Nevada; the State of New York; the State of Oregon; the State of Texas; and the State of Wisconsin, entitled “*Dale v. Deutsche Telekom AG*, Case No. 1:22-cv-03189 (N.D. Ill.)” and dated December 21, 2023.

10. Attached as Exhibit D is a true and correct copy of the Amended Interim Protective Order entered in *New York v. Deutsche Telekom AG*, No. 1:19-5434 (S.D.N.Y.) on August 14, 2019.

11. Attached as Exhibit E is a true and correct copy of a Letter from Brandon Kressin, Counsel for Altice, to Rachel S. Brass, Counsel for T-Mobile, dated January 17, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 17, 2024

Respectfully submitted,

/s/ Lin Y. Chan

Lin Y. Chan (*pro hac vice*)
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*Interim Co-Lead Class Counsel for All Plaintiffs and
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CERTIFICATE OF SERVICE

I, Lin Y. Chan, an attorney, hereby certify that this **Declaration of Lin Y. Chan** was electronically filed on January 17, 2024, and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

Respectfully submitted,

/s/ Lin Y. Chan

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