

**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, T-MOBILE  
US, INC., *and* SOFTBANK GROUP  
CORP.,

*Defendants.*

Case No. 1:22-cv-3189

Hon. Thomas M. Durkin

Magistrate Judge Jeffrey Cole

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO  
DEFENDANT DEUTSCHE TELEKOM AG**

**IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs and Defendant Deutsche Telekom AG (“DT”) (collectively, the “Parties”), by and through their respective counsel, as follows:

**WHEREAS** the Court, on November 2, 2023, entered a Memorandum Opinion and Order, Dkt. 114 (“Dismissal Order”), granting the motion to dismiss for lack of personal jurisdiction and improper venue filed by Defendant SoftBank Group Corp. (“Softbank”), Dkt. 76 (the “SoftBank Motion”);

**WHEREAS** on February 27, 2024, DT was served with the Complaint, Dkt. 1, and summons in this action;

**WHEREAS** the Parties met and conferred regarding DT’s intent to file a motion to dismiss

the Complaint under Rule 12(b)(2) for lack of personal jurisdiction, under Rule 12(b)(3) for improper venue, under Rule 12(b)(6) for failure to state a claim;

**WHEREAS** the Parties agree that the Dismissal Order's reasoning concerning the Court's lack of personal jurisdiction and improper venue applies equally to DT as to SoftBank;

**WHEREAS** the Parties seek to avoid the expense of relitigating the personal jurisdiction and venue issues presented in the SoftBank Motion that were decided in the Dismissal Order,

**IT IS HEREBY STIPULATED, AGREED, AND ORDERED** as follows:

1. DT shall hereby be deemed to have noticed a motion to dismiss the Complaint under Rule 12(b)(2) and Rule 12(b)(3) for lack of personal jurisdiction and for improper venue for the same reasons set forth in the SoftBank Motion.

2. The Parties stipulate that the Dismissal Order's reasoning concerning the lack of personal jurisdiction and improper venue applies equally to DT as it did to SoftBank.

3. Plaintiffs' claims against DT in this action are hereby dismissed in their entirety, and with prejudice (with the respective Parties to bear their own costs and attorneys' fees), for lack of personal jurisdiction and improper venue, as explained in the Dismissal Order.

4. Plaintiffs shall not seek partial judgment under Federal Rule of Civil Procedure 54(b) but reserve their right to take an appeal from the Dismissal Order after the Court enters a final judgment in this action, and this Stipulation and Order shall not impact any such right to appeal that final judgment.

5. DT reserves all of its rights, remedies, and defenses in connection with any final appeal from the Dismissal Order, and DT shall have the right to participate in any such appeal from the Dismissal Order and raise any and all arguments it has or may acquire in connection with any such appeal or any resulting legal proceedings.

6. Should the portion of the Dismissal Order granting the SoftBank Motion be reversed and remanded to this Court for further proceedings against SoftBank, then that reversal and remand shall apply equally to DT and this dismissal with prejudice on personal jurisdiction and venue grounds shall be deemed vacated, and the parties restored to their respective positions immediately before this stipulation. In such event, DT shall have the right to file a motion to dismiss under Rule 12(b)(6).

Dated: March 27, 2024

By: /s/ Gary I. Smith Jr.

Brendan P. Glackin (*pro hac vice*)  
Lin Y. Chan (*pro hac vice*)  
Nicholas Lee (*pro hac vice*)  
Sarah Zandi (*pro hac vice*)  
Jules A. Ross (*pro hac vice*)  
**LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP**  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
bglackin@lchb.com  
lchan@lchb.com  
nlee@lchb.com  
szandi@lchb.com  
jross@lchb.com

Eric L. Cramer (*pro hac vice*)  
Najah A. Jacobs (*pro hac vice*)  
Jeremy Gradwohl (*pro hac vice*)  
**BERGER MONTAGUE PC**  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Telephone: (415) 215-0962  
ecramer@bm.net  
njacobs@bm.net  
jgradwohl@bm.net

Robert Litan (*pro hac vice*)  
**BERGER MONTAGUE PC**

Dated: March 27, 2024

By: /s/ Kenneth M. Kliebard

Kenneth M. Kliebard  
Elizabeth B. Herrington  
**MORGAN, LEWIS & BOCKIUS LLP**  
110 North Wacker Drive  
Chicago, IL 60606  
Tel: (312) 324-1774  
Fax: (312) 324-1001  
kenneth.kliebard@morganlewis.com  
beth.herrington@morganlewis.com

Zachary M. Johns  
**MORGAN, LEWIS & BOCKIUS LLP**  
2222 Market Street  
Philadelphia, PA 19103  
Telephone: (215) 963-5340  
Facsimile: (215) 963-5001  
zachary.johns@morganlewis.com

*and*

By: Hallie B. Levin

David Gringer  
Hallie B. Levin  
**WILMER CUTLER PICKERING  
HALE AND DORR LLP**  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
Tel: (212) 230-8800

2001 Pennsylvania Avenue, NW, Suite 300  
Washington, D.C. 20006  
Telephone: (202) 559-9745  
rlitan@bm.net

Fax: (212) 230-8888  
david.gringer@wilmerhale.com

*Attorneys for Deutsche Telekom AG*

Joshua P. Davis (*pro hac vice*)  
Kyla J Gibboney (*pro hac vice*)  
Julie Pollock (*pro hac vice*)  
**BERGER MONTAGUE PC**  
505 Montgomery Street, Suite 625  
San Francisco, CA 94111  
Telephone: (415) 906-1522  
jdavis@bm.net  
kgibboney@bm.net  
jpollock@bm.net

Gary I. Smith Jr. (*pro hac vice*)  
**HAUSFELD LLP**  
325 Chestnut Street, Suite 900  
Philadelphia, PA 19106  
Phone: (267) 702-2318  
gsmith@hausfeld.com

Marcus H. Brakefield (*pro hac vice*)  
Swathi Bojedla (*pro hac vice*)  
**HAUSFELD LLP**  
888 16th St NW, Suite 300  
Washington, DC 20006  
Telephone: (202) 953-8190  
hbrakefield@hausfeld.com  
sbojedla@hausfeld.com

*Counsel for Plaintiffs and the Proposed Class*

**SO ORDERED.**

DATED: \_\_\_\_\_, 2024

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Hon. Thomas M. Durkin  
United States District Judge