

**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

**STIPULATED 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: March 28, 2024



Hon. Thomas M. Durkin
United States District Judge