

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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ORDER

May 16, 2024

Before

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

| | |
|--|---|
| No. 24-8013 | IN RE: T-MOBILE USA, INC., Petitioner |
| Originating Case Information: | |
| District Court No: 1:22-cv-03189 Northern District of Illinois, Eastern Division District Judge Thomas M. Durkin | |

The following are before the court:

1. **PETITION FOR PERMISSION TO APPEAL UNDER 28 U.S.C. §1292(B)**, filed on April 8, 2024, by counsel for the petitioner.
2. **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**, filed on April 10, 2024, by counsel for Amicus Curiae.
3. **BRIEF OF AMICUS CURIAE COMPETITIVE ENTERPRISE INSTITUTE IN SUPPORT OF PETITIONER**, filed on April 15, 2024, by counsel for Amicus Curiae.
4. **MOTION FOR LEAVE OF AMICUS CURIAE CTIA – THE WIRELESS ASSOCIATION TO FILE BRIEF IN SUPPORT OF T-MOBILE’S PETITION FOR PERMISSION TO APPEAL UNDER 28, U.S.C. §1292(B)**, filed on April 15, 2024, by counsel for Amicus Curiae.
5. **PLAINTIFFS ANSWER IN OPPOSITION TO T-MOBILE’S PETITION FOR PERMISSION TO APPEAL UNDER 28 U.S.C. §1292(B)**, by counsel.

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6. MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE THE COMMITTEE TO SUPPORT THE ANTITRUST LAWS IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITION FOR PERMISSION TO APPEAL UNDER 28 U.S.C. § 1292(B), filed on April 25, 2024, by counsel for Amicus Curiae.

IT IS ORDERED that the petition for leave to file an interlocutory appeal under 28 U.S.C. §1292(b) is **DENIED**. We appreciate our district court colleague's perspective on a legal issue that is subject to substantial disagreement, as reflected in the certification of the issue for interlocutory appeal. We believe, however, that further debate of the legal issue is likely to contribute more to the development of the applicable law if both the district court and (perhaps eventually) we have actual evidence before us, rather than continuing to debate at this stage of the case the abstract sufficiency of pleadings.

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Teste:



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