

EXHIBIT I

From: [Hill Brakefield](#)
To: [Hvidt, Scott K.](#); [Kushner, Sarah M.](#); [Brass, Rachel S.](#); [Stone, Rod](#); [Yu, Minae](#); [Tyson, Thomas](#); [Histed, Clifford](#); brian.j.smith@klgates.com; [Halter, Julie Anne](#); [Hawley, Alicia M.](#); [Li, Viola](#)
Cc: [TMobile Merger AT](#); [Joel Flaxman](#); knf@kenlaw.com
Subject: RE: Dale v. Deutsche Telekom - Briefing Schedule for Motions to Compel
Date: Friday, August 23, 2024 3:01:44 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you, Scott. Our motion is asking the Court to enter Plaintiffs' 50-person custodian list instead of T-Mobile's 50-person custodian list. Those lists are identical for all but 3 custodians. Thus, the "dispute" the Court will resolve is with respect to 3 custodians. We agree that the deadline for the parties to fulfill obligations under Paragraph 17 of the ESI Protocol would be "2 weeks after the Court resolves [that] dispute." Dkt. No. 189. Choosing not to engage in that process now for the other 47 custodians not in dispute introduces unnecessary delay.

Regards,

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Sent: Friday, August 23, 2024 12:26 PM
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Subject: RE: Dale v. Deutsche Telekom - Briefing Schedule for Motions to Compel

Hill,

T-Mobile agrees to the briefing schedule you propose for Plaintiffs' motion to compel T-Mobile to use the 50-custodian list Plaintiffs propose.

You suggest that the schedule would permit the dispute to be resolved at the September 19 joint status conference. T-Mobile does not take a position as to whether Judge Durkin or Judge Cole would decide the motion, and thus does not take a position as to whether it would be considered by Judge Durkin at the September 19 joint status conference.

On June 28, the Parties agreed that “[i]n the event one of the parties seeks Court intervention regarding custodians” the deadline for the parties to fulfill obligations under Paragraph 17 of the ESI Protocol would be “2 weeks after the Court resolves any such dispute.” Dkt. No. 189. Plaintiffs have chosen to reject T-Mobile’s reasonable 50-custodian proposal and seek court intervention. Thus, the trigger for setting the two-week deadline has not occurred. If Plaintiffs disagree with that interpretation, please let us know and explain your interpretation. Nonetheless, T-Mobile will be engaging with Plaintiffs regarding search parameters soon and will not let Plaintiffs’ decision to reject T-Mobile’s reasonable custodian proposal delay T-Mobile’s efforts to complete its productions.

Regards,

Scott K. Hvidt
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Sent: Thursday, August 22, 2024 6:28 PM

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Hill,

In order to avoid unnecessary motion practice, we can agree to a Monday, December 16, 2024 substantial completion deadline for our structured data productions. As we explained on our August 8 and August 15 meet and confers, it took roughly 4-5 months to collect and produce data in connection with the pre-merger investigations due to the breadth of the requests (which span dozens of databases and encompass thousands of distinct data fields), the PII/CPNI therein, and the time it takes to verify terabytes of data for completeness and accuracy before producing. Our structured data productions in this case will proceed along a similar timeline given that Plaintiffs have asked that we produce the same databases and data fields as are reflected in the legacy productions.

Please let us know by Monday if we have resolved our disagreement over this deadline.

Thank you,

Sarah

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[WARNING: External Email]

Counsel,

I write regarding the parties' recent meet and confers on custodians and structured data productions. During our August 6, 2024 meeting, we confirmed that the parties are at an impasse on custodians. Plaintiffs intend to file a motion to compel T-Mobile to use the 50-custodian list Plaintiffs proposed in their July 24, 2024 email instead of the 50-custodian list T-Mobile proposed in its July 22, 2024 letter. Because the parties' competing custodian lists are identical for all but 3 custodians, Plaintiffs expect that T-Mobile will now engage in the discussions required by Paragraph 17 of the ESI Protocol with respect to those 47 custodians.

As for our August 17, 2024 meeting regarding structured data productions, we appreciate T-Mobile offering a counter proposal. However, as previewed during that meeting, January 15, 2025, is still too late. We are therefore at an impasse and plan to file a separate motion asking the Court to set a deadline for data productions.

We need to include an agreed briefing schedule with our motions. We do not anticipate either issue needing voluminous briefing. Accordingly, we propose the following schedule:

- August 28: Plaintiffs file Motions to Compel
- September 11: T-Mobile's Responses due
- September 16: Plaintiffs' Replies due

This schedule should permit the Court to resolve our disputes at the upcoming status conference scheduled for September 19.

Regards,

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