

EXHIBIT E

GIBSON DUNN

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June 21, 2024

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Hausfeld LLP
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Re: *Dale v. Deutsche Telekom AG*, Case No. 1:22-cv-03189 (N.D. Ill.)

Dear Hill:

We write in response to your May 2 correspondence and the parties' June 10 conversation regarding the 31 individuals that Plaintiffs proposed as T-Mobile custodians in addition to the 29 T-Mobile previously identified for the period following the close of the T-Mobile / Sprint merger. This is in addition to the documents T-Mobile provided to the DOJ and other enforcers in connection with antitrust and other pre-merger reviews, and the documents and data T-Mobile has identified as non-custodial go-gets. T-Mobile has diligently investigated Plaintiffs' proposal. Based on its investigation, T-Mobile has categorized the proposed additional custodians into two buckets: (1) individuals that T-Mobile agrees to add as custodians, and (2) individuals that T-Mobile does not agree to add as custodians at this time. The individuals in each category are listed in the tables below.

In sum, T-Mobile has agreed to add eleven (11) additional custodians, resulting in forty (40) T-Mobile custodians.¹ T-Mobile believes that any additional custodians would be disproportional to the needs of this case, as the documents of the remaining custodians Plaintiffs proposed would be duplicative, cumulative, unduly burdensome and/or irrelevant, as detailed below.

(1) Individuals that T-Mobile Agrees to Add as Custodians

1. John Kain (Senior Finance Manager)
2. Nestor Cano (Executive Vice President, Transformation & Chief Digital Officer)
3. Peter DeLuca (Chief Creative Officer)
4. Mollie McDirmid (Senior Director, Brand & Market Insights)

¹ By agreeing to include an individual as a custodian, T-Mobile does not represent that any person in fact has responsive, non-privileged documents or that any documents produced from his or her files are admissible in any subsequent proceeding in, or trial of, this or any other action.

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5. Kevin McLaughlin (former Chief Marketing Officer) (departed Sept 2023)
6. Matt Staneff (former Chief Marketing Officer) (departed June 2021)
7. Jay Bluhm (former Vice President – Radio Network engineering and Spectrum Planning and Management) (departed Apr. 2022/formerly with Sprint)
8. Janice Kapner (Executive Vice President & Chief Communications & Corporate Responsibility Officer)
9. Gavin Olmstead (Senior Director, Performance Analytics)
10. Jay Miglionico (former Sprint Director and General Manager, Boost Mobile)
11. John Stevens (Vice President Small Market and Rural Areas)

(2) Individuals that T-Mobile Does Not Agree to Add as Custodians

Plaintiffs' Proposed Custodian	T-Mobile's Response
Dave Miller (former EVP & GC)	Mr. Miller has worked at T-Mobile in an exclusively legal capacity; as a result, his documents are presumptively privileged. Moreover, he is not likely to be a unique source of responsive documents, because any non-privileged business documents will involve other relevant custodians.
Vivian Zhou (Senior Manager, Business Strategy and Planning)	Ms. Zhou is not likely to be a unique source of responsive documents as she has primarily worked on services related to non-phone devices, such as tablets. Further, she reported to Mr. John Kain, a proposed custodian T-Mobile has agreed to add. As such, any relevant documents she may have are likely duplicative and/or cumulative of Mr. Kain's files.
Timotheus Hottges (Member of T-Mobile's Board of Directors)	Mr. Hottges is not an employee of T-Mobile. As such, his custodial files are not in T-Mobile's possession, custody or control. Further, we understand that Deutsche Telekom has agreed to include him as a custodian for Plaintiffs' non-party discovery requests to Deutsche Telekom, making it unnecessary, duplicative, and cumulative to designate him as a T-Mobile custodian.

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Plaintiffs' Proposed Custodian	T-Mobile's Response
Thorsten Langheim (Chairman of T-Mobile's Board)	Mr. Langheim is not an employee of T-Mobile. As such, his custodial files are not in T-Mobile's possession, custody or control. Further, we understand that Deutsche Telekom has agreed to include him as a custodian for Plaintiffs' non-party discovery requests to Deutsche Telekom, making it unnecessary, duplicative, and cumulative to designate him as a T-Mobile custodian.
Roger Sole Rafols (former Sprint Chief Marketing Officer)	Mr. Rafols is not likely to be a unique source of responsive documents as he is a former Sprint employee who left T-Mobile in April 2020, very shortly after the close of the merger.
Andrew Sherrard (former Chief Commercial Officer)	Mr. Sherrard is not likely to be a unique source of responsive documents as he is a former T-Mobile employee who left T-Mobile in April 2017 before the merger.
Michel Combes (former Sprint CEO)	Mr. Combes is not likely to be a unique source of responsive documents as he is a former Sprint employee who left the company when the merger closed in April 2020.
Dara Sadri (SVP, Postpaid Base)	Mr. Sadri is not likely to be a unique source of responsive documents. Until approximately February 2024, he oversaw the operations of T-Mobile's retail stores and had no involvement in setting T-Mobile's prices or competitive business strategy. Moreover, Mr. Sadri has reported to Mr. Jon Freier, who is already an agreed-upon custodian. As such, any responsive documents from Mr. Sadri's custodial file are likely duplicative and cumulative of documents in Mr. Freier's custodial files.

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Plaintiffs' Proposed Custodian	T-Mobile's Response
Kevin Crull (former Sprint Chief Strategy and Business Development Officer)	Mr. Crull is not likely to be a unique source of responsive documents as he is a former Sprint employee who left the company in 2019 before the close of the merger.
Mark Nelson (Executive Vice President and General Counsel)	Mr. Nelson has worked at T-Mobile in an exclusively legal capacity; as a result, his documents are presumptively privileged. Moreover, he is not likely to be a unique source of responsive documents, because any non-privileged business documents will involve other relevant custodians.
Laura Buckland (Senior Vice President, Chief Cyber Transformation Officer)	Ms. Buckland's work at T-Mobile has largely been in a legal capacity. She served as head of litigation until 2022; her documents during her tenure in that role are presumptively privileged. Her post-2022 role has been focused on cyber security and is not relevant to this matter. Moreover, she is not likely to be a unique source of responsive documents, because any non-privileged business documents will involve other relevant custodians.
Kathleen Ham (former Senior Vice President, Government Affairs)	Ms. Ham is a lawyer, her work involves a significant legal component, and her documents thus likely involve a significant volume of privileged communications. In addition, she is not likely to be a unique source of responsive documents as her work regarding governmental affairs is not relevant to the allegations at issue in this matter. She has not served as T-Mobile's primary point of contact with the DOJ, the monitor, the FCC, the CPUC, the State AGs, or anyone else involved in approving the merger, or overseeing any remedies post-merger.

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Plaintiffs' Proposed Custodian	T-Mobile's Response
Angela Rittgers (former Sprint President of Prepaid Business)	Ms. Rittgers is not likely to be a unique source of responsive documents as she is a former Sprint employee who left the company in 2020 shortly after the close of the merger. Moreover, her role was focused on T-Mobile for Business (enterprise) customers and not consumer retail.
Juvy Bray (Pricing Manager)	Ms. Bray is not likely to be a unique source of responsive documents as she has worked only in T-Mobile for Business (enterprise customers) and not in consumer retail.
Quint Davies (Senior Pricing Manager)	Mr. Davies is not likely to be a unique source of responsive documents. Mr. Davies has not served in any decision-making role and any responsive documents in his file would be duplicative and cumulative of documents in the files of other custodians involved in pricing that T-Mobile has agreed to add.
Brandon Arena (Senior Manager, Pricing Strategy)	Mr. Arena is not likely to be a unique source of responsive documents as he has only worked with T-Mobile for Business (enterprise) and government customers, and not in consumer retail.
Kirk Mullendore (Senior Product/Pricing Manager)	Mr. Mullendore is not likely to be a unique source of responsive documents because, since 2008, he has worked only with T-Mobile for Business (enterprise) customers or international wireless.
Jason Richards (Senior Manager, Strategy & Planning)	Mr. Richards is not likely to be a unique source of responsive documents as he has worked primarily in a support role for T-Mobile's internal communications platforms.
Mike Enberg (former Director, Consumer Marketing Strategy)	Mr. Enberg is not likely to be a unique source of documents as his files are likely to be duplicative of the existing marketing custodians.

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Plaintiffs' Proposed Custodian	T-Mobile's Response
Will Butler (Senior Business Analysis Manager)	Mr. Butler is not likely to be a unique source of responsive documents. He has primarily been involved in data processing and is not a decisionmaker. Any responsive documents in his files are likely duplicative of his supervisor Mr. Gavin Olmstead's files (a proposed custodian T-Mobile has agreed to add) or reflected in structured data.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP
/s/ Scott Hvidt

Scott Hvidt