

**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, and T-  
MOBILE US, INC.,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Jeffrey Cole

**JOINT STATUS REPORT**

Plaintiffs and Defendant T-Mobile US, Inc. (“T-Mobile”), together “the parties,” respectfully submit this Joint Status Report to update the Court on their discovery progress.

**I. Party Discovery**

As of the date of this status report, T-Mobile has produced over 4 million documents to Plaintiffs. T-Mobile made its first custodial production on December 31, 2024 and has produced over 85,000 custodial documents since then. It anticipates making additional custodial productions this month. T-Mobile also continues to make progress with its structured data productions. It anticipates making another such production before the end of the month.

Plaintiffs have reviewed more than 20,000 custodial documents and have produced 1,204 documents following review. Plaintiffs anticipate an additional production of documents this week.

## **II. Third-Party Discovery**

Since third parties (including SoftBank, Verizon, AT&T, and DISH) reengaged with Plaintiffs in the summer of 2024, Plaintiffs have attempted in good faith to negotiate with each. Negotiations with each third party have taken longer than anticipated, creating unforeseen delays. By way of example, some negotiating points have emerged more recently: As described below, some third parties are asserting certain data security concerns that may necessitate an amendment to the Protective Order. Plaintiffs first learned of those security concerns in November 2024.

However, Plaintiffs wish to emphasize that the respective postures of negotiations with each third party are not the same. While negotiations with Verizon and SoftBank are ongoing, Plaintiffs are hopeful that compromises will be reached and judicial involvement can be avoided. Negotiations with other third parties, in particular DISH, have been less productive. Plaintiffs are attempting to reach a compromise with DISH and AT&T, but will otherwise need to file a motion to enforce the subpoena. Plaintiffs anticipate filing one or more motions to enforce their subpoenas in January or February.

T-Mobile has served thirteen subpoenas to date and anticipates serving additional subpoenas in January. T-Mobile's discussions with third parties are ongoing. T-Mobile does not have any issues that require the Court's intervention at this time.

## **III. Confidentiality Order**

The parties wish to apprise the Court of a forthcoming amendment to the Confidentiality Order. Some third parties have raised data security concerns with respect to structured data requests and productions and requested a modification of the Confidentiality Order to address those concerns. The parties and third parties are still negotiating and anticipate filing a motion to amend the Confidentiality Order. The parties will keep the Court apprised of any progress.

Dated: January 17, 2025

/s/ Brendan P. Glackin

Brendan P. Glackin (pro hac vice)

Lin Y. Chan (pro hac vice)

Nicholas W. Lee (pro hac vice)

Sarah D. 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

Phone: (415) 956-1000

bglackin@lchb.com

lchan@lchb.com

nlee@lchb.com

szandi@lchb.com

jross@lchb.com

Swathi Bojedla (pro hac vice)

HAUSFELD LLP

888 16th Street N.W., Suite 300

Washington, D.C. 20006

Phone: (202) 540-7200

sbojedla@hausfeld.com

Gary I. Smith Jr. (pro hac vice)

HAUSFELD LLP

600 Montgomery Street, Suite 3200

San Francisco, CA 94111

Phone: (267) 702-2318

gsmith@hausfeld.com

Eric L. Cramer (pro hac vice)

Jeremy Gradwohl (pro hac vice)

BERGER MONTAGUE PC

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Phone: (415) 215-0962

Phone: (215) 715-3256

ecramer@bm.net

jgradwohl@bm.net

Robert Litan (pro hac vice)

BERGER MONTAGUE PC

1001 G St, N.W. Suite 400 East

Washington, D.C. 20001

Phone: (202) 559-9740

rlitan@bm.net

Joshua P. Davis (pro hac vice)  
Kyla Gibboney (pro hac vice)  
Julie Pollock (pro hac vice)  
BERGER MONTAGUE PC  
505 Montgomery Street, Suite 625  
San Francisco, CA 94111  
Phone: (415) 689-9292  
jdavis@bm.net  
kgibboney@bm.net  
jpollock@bm.net

*Interim Co-Lead Class Counsel for Plaintiffs and the Proposed Class*

Kenneth N. Flaxman ARDC No. 830399 Joel Flaxman  
ARDC No. 6292818  
LAW OFFICES OF KENNETH N. FLAXMAN P.C.  
200 S Michigan Ave., Suite 201 Chicago, IL 60604  
Phone: (312) 427-3200  
jaf@kenlaw.com  
knf@kenlaw.com

*Interim Liaison Counsel for Plaintiffs and the Proposed Class*

/s/ Rachel S. Brass

Rachel S. Brass (pro hac vice)  
GIBSON, DUNN & CRUTCHER LLP  
One Embarcadero Center Suite 2600  
San Francisco, CA 94111-3715  
Phone: 415-393-8200  
RBrass@gibsondunn.com

Theodore J. Boutrous, Jr. (pro hac vice)  
Daniel G. Swanson (pro hac vice)  
Rodney J. Stone (pro hac vice)  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Phone: 213-229-7000  
TBoutrous@gibsondunn.com  
DSwanson@gibsondunn.com  
RStone@gibsondunn.com

Josh Krevitt (pro hac vice)

GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue New York, NY 10166-0193 USA  
Phone: 212-351-4000  
JKrevitt@gibsondunn.com

Clifford C. Histed ARDC No. 6226815  
Michael E. Martinez ARDC No. 6275452  
K&L GATES LLP  
70 West Madison Street Suite 3300  
Chicago, IL 60602-4207  
Phone: 312-807-4448  
clifford.histed@klgates.com  
michael.martinez@klgates.com

*Counsel for T-Mobile US, Inc.*

**CERTIFICATE OF SERVICE**

I, Brendan P. Glackin, an attorney, hereby certify that this **Joint Status Report** was electronically filed on January 17, 2025, and will be served electronically via the Court's ECF Notice system upon the registered parties of record.

Respectfully submitted,

Brendan P. Glackin

Brendan P. Glackin (pro hac vice)

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

275 Battery Street, 29th Floor

San Francisco, CA 94111-3339

(415) 956-1000

bglackin@lchb.com

*Counsel for Plaintiffs and the Proposed Class*