

EXHIBIT O

From: Renner Walker
To: Yin, Clifford; Leong, Amber
Cc: TMobile Merger AT
Subject: Dale v. Deutsche Telekom AG - Subpoena to DISH
Date: Monday, February 10, 2025 11:03:37 PM
Attachments: [image851701.png](#)
[image612686.png](#)
[Second corrected] Amended Subpoena to DISH 2025.02.10.pdf

Cliff and Amber,

Thank you for speaking with us on Friday. This email memorializes our call and flags outstanding topics that we did not discuss.

Briefing Schedule: Plaintiffs will follow-up with DISH about DISH's proposal for three weeks to respond to the forthcoming motion to compel.

Structured Data: DISH's position is that T-Mobile has all structured data regarding Boost Mobile from after the merger until June 2023. DISH will produce structured data from June 2023 to June 2024. DISH acknowledged the parties are at impasse regarding the production of structured data from MVNOs that are owned by DISH but not affiliated with the Boost brand, which includes Ting, Gen, and Republic (prior to Republic's merger with Boost). DISH will confirm that no other MVNOs exist.

Upcoming Amended Subpoena: DISH's counsel agreed to accept service. I have attached it to this email.

Pre-Merger Productions: DISH will confirm whether they still have pre-merger productions and whether DISH is opposed to Plaintiffs receiving productions from parties to whom DISH provided these productions in other litigations. Plaintiffs reserve their rights on DISH performing due diligence to contact parties that received pre-merger productions.

Custodial Searches: During our meet and confer on Monday, February 3, DISH promised to confirm whether DISH would produce organizational charts. We didn't receive a position during the call and, based on the fact that we are still working through discussions on custodians and search terms, Plaintiffs believe DISH's position would greatly help future discussions.

On search terms for Request Nos. 9 and 19, please see the following search terms. Plaintiffs provide these draft search terms in good faith, in hopes that DISH will provide an answer to whether it will conduct custodial searches for the eight custodians Plaintiffs have requested. DISH should not share the proposed search terms with T-Mobile or any other non-parties at this time.

- Request No. 7: (DISH OR Boost OR Genesis OR "Gen Mobile" OR "Ting Mobile" OR Republic OR [any codename DISH uses for itself or its MVNOs] AND ((Transaction OR merger OR acquisition OR "DOJ Consent Decree" OR "Department of Justice" OR "antitrust" OR "anti-trust" OR "S.D.N.Y." OR "SDNY" OR "Southern District of New York" OR Marrero OR settle* OR "attorney* general" OR trial OR HSR OR "Hart-Scott-Rodino" OR lawsuit OR challenge) OR (("T-Mobile" OR TMobile OR [any codename DISH uses for T-Mobile]) AND ((network OR RAN OR system OR cell* OR wireless) OR (pric* OR usage OR use OR utiliz* OR access OR pric* OR speed OR coverage OR bandwidth OR throttle OR shutdown OR "3G" OR "UMTS" OR "4G" OR "LTE" OR "5G" OR limit OR restrict* OR meter OR prefer* OR scope OR upload OR download OR roam*) OR ("MNSA" OR "Master Network Services Agreement" OR Amend* OR (serv* /5 agreement) OR term*))))
- Request No. 9: (spectrum OR band* OR "GHz") /100 (auction* OR acqui* OR need OR purchas* OR leas* OR licens* OR buy OR bid* OR compet* OR impact OR "plan cost" or "plan pric*"))

- Request No. 11: 5G /100 (assess* or analys* OR evaluat* OR apprais* OR debrief OR "post-mortem" OR invest* OR fund* OR financ* OR budget* OR cost* OR expenditure* OR spend* OR develop* OR purchas* OR "capital allocation" OR ROI OR "return on investment" OR rollout OR deploy* OR implement* OR launch* OR introduc* OR expansion OR coverage OR build* OR infrastructur* OR maint* OR upkeep OR operat* OR manag* OR support OR upgrad* OR optimi* OR improv* OR perform* OR speed* OR latency OR bandwidth OR throughput OR frequency OR roam* OR capacity OR coverage OR access OR efficien* OR reliability OR "quality of service" OR QoS OR consum* OR customer* OR user* OR subscriber* OR "end user*" OR adoption OR uptake OR "user experience" OR UX OR enterprise* OR business* OR corporat* OR company OR companies OR organization* OR institution* OR promot* OR market* OR advertis* OR campaign* OR "public relations" OR PR OR awareness OR educat* OR compet* OR rival* OR "market share" OR "market position" OR benchmark* OR compar* OR advantage* OR disadvantage*)
- Request No. 15: (DISH OR Company* OR "our" OR [any codename used for DISH or its MVNOs]) AND (pric* OR rate* OR fee* OR cost* OR charg* OR bill* OR invoic* OR subscript* OR plan* OR package* OR bundle* OR tariff* OR "rate plan*" OR "service plan*")
- Request No. 19: (customer* OR consumer* OR user* OR subscriber* OR client*) AND (feedback OR complain* OR satisf* OR happy OR upset OR frustrat* OR pleased OR grievance* OR dissatisfact* OR issue* OR problem* OR concern* OR negative OR critic* OR disput* OR pain* OR review*)

Go-get searches: Finally, we did not address go-get searches on Friday (at least not fully), but I believe we are at impasse based on our previous conversations. Apart from DISH's standing on its objections with respect to pre-merger documents, Plaintiffs understand DISH's position to be that its provision of one type of document (quarterly reports to the Monitoring Trustee) is sufficient. Plaintiffs do not agree and continue to believe that quarterly monitoring reports are not sufficient. The go-get searches were an attempt at compromise; we see the appropriate alternative to be custodial searches.

Because we think that search terms could be helpful in crystalizing any disputes, please see the following proposed search terms for the requests that were the subject of the go-gets:

- Request No. 5: "status update regarding wireless network development" OR [any codename DISH uses for the reports it submits to the Monitoring Trustee] OR ("monitoring trustee" OR (trustee OR monitor /10 "DOJ Consent Decree") OR [any codename DISH uses to refer to the Monitoring Trustee])
- Request No. 6: (DISH OR [any codename DISH uses for itself or its MVNOs] OR Sprint) AND (network OR 3G OR LTE OR 4G OR CDMA* OR "RAN" OR mobile) AND (shut* OR ceas* OR cess* OR terminat* OR halt* OR end* OR suspen* OR expir* OR discontinu* OR decomission OR "phase out" OR retir* OR sunset)
- Request No. 12: (ACPU or ARPU or CoS or "Cost of Service" OR cost* OR expense* OR expenditure* OR budget* OR financ* OR econom* OR "capital expenditure" OR CAPEX OR OPEX OR "operating expense*" OR pricing OR "profit margin*" OR ROI OR "return on investment" OR TCO OR "total cost of ownership" OR cash OR money) AND (wireless OR mobile OR 5G OR

service)

- Request No. 13: (wireless OR cellular OR mobile OR phone OR carrier* OR telecom* OR network* OR MNO OR MVNO OR AT&T OR ATT OR VZ OR Verizon OR DISH OR Comcast OR Charter OR Altice OR cable OR Xfinity OR Spectrum OR Optimum OR Cox OR "Google Fi" OR "Consumer Cellular" OR C-Spire OR Cellcom OR "Cellular One" OR Commnet OR [any codename for the listed companies]) AND (compet* OR rival* OR "market dynamic*" OR landscape OR "market force*" OR *field* OR fight* OR share OR counter* OR claw* OR dislodge* OR lower* OR match* OR follow* OR push* OR rais* OR lower* OR churn* OR lo* OR advantage OR weak* OR strength* OR edge* OR attrition OR turnover OR defect* OR addition* OR promo* OR grossadd* OR introduc* OR discount* OR sale* OR invest* OR purchas* OR SWOT OR strateg* OR counter OR exceed OR offset OR respon*)
- Request No. 20: bundl* OR converg* OR promo* OR "trade-in" OR packag* OR pair* OR tie* OR "lock-in" OR subsid* OR "offer with" OR includ*
- Request No. 23: (test* OR trial* OR diagnostic* OR assessment* OR results OR data OR outcome OR metric* OR reading* OR finding* OR input* OR output* OR measur* OR statistic* OR stats* OR perform* OR KPI) AND (speed OR throughput OR bandwidth OR upload* OR download* OR uplink OR downlink OR UL OR DL OR "megabits per second" OR "Mbps" OR "bits per second")

We are available this week for a follow-up meet and confer on the following dates and times:

- Wednesday 2/13, 3-5pm ET
- Thursday 2/13, 1-4pm ET

Best,

Renner


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