

EXHIBIT D

From: [Leong, Amber](#)
To: [Swathi Bojedla](#); [Yin, Clifford](#)
Cc: [Hill Brakefield](#)
Subject: RE: TMO - Dish Subpoena M&C
Date: Monday, May 20, 2024 12:59:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[external.png](#)



Hi Swathi – thanks for following up. Given the 7th Circuit denial, we are ready to proceed. As stated before, Cliff is in a multi-week trial. Per our last discussions, I know there were areas on certain topics and areas we asked for more clarity on what the plaintiffs are actually seeking, along with the areas where you're willing to compromise as you had stated below. We are also in discussion with the client to move things along.

We'll circle back with availabilities to lock down a date to confer but given Cliff's schedule it may be after his trial. We'll look out for your correspondence this week.

Thanks,
Amber

Amber Leong | Associate
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415-268-0535 | Office 415-391-4800

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From: Swathi Bojedla <sbojedla@hausfeld.com>
Sent: Monday, May 20, 2024 9:51 AM
To: Yin, Clifford <cyin@coblentzlaw.com>
Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield <hbrakefield@hausfeld.com>
Subject: [EXTERNAL] Re: TMO - Dish Subpoena M&C

Cliff, please provide a date this week to resume our meet and confers. As the Seventh Circuit has denied the request for interlocutory appeal, there can be no further excuse to avoid meeting and conferring. We will also have correspondence to you in the next day regarding areas where we are willing to compromise to move these discussions forward.

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On May 9, 2024, at 10:50 AM, Swathi Bojedla <sbojedla@hausfeld.com> wrote:

Cliff, we still haven't heard from the 7th Circuit and we do not want to delay these discussions any further, given the lack of any discovery stay. We'll request again a follow-up meet and confer, including to understand what (if any) documents and data remain from the pre-merger litigation or whether we need to negotiate production anew for those materials.

If we cannot get a meet and confer on the calendar, we may be forced to move to compel. Please let me know.

—
SWATHI BOJEDLA

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From: Yin, Clifford <cyin@coblentzlaw.com>

Sent: Thursday, April 25, 2024 11:40 PM

To: Swathi Bojedla <sbojedla@hausfeld.com>

Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield

<hbrakefield@hausfeld.com>

Subject: RE: TMO - Dish Subpoena M&C

Swathi:

Thanks for your email.

Unfortunately, I am tied up all next week and for three weeks thereafter. I have a three-week jury trial starting on May 6 and in witness prep sessions all next week.

Furthermore, we respectfully disagree with your view. Our client does not want us to expend attorney fees meeting and conferring when one of the primary objectives of the interlocutory appeal is to reduce discovery costs to third parties. It is quite possible that there will be a ruling on it by the time my trial is finished.

Thanks, Cliff

Clifford Yin | Partner

Coblentz Patch Duffy & Bass LLP

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From: Swathi Bojedla <sbojedla@hausfeld.com>

Sent: Wednesday, April 24, 2024 1:52 PM

To: Yin, Clifford <cyin@coblentzlaw.com>

Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield
<hbrakefield@hausfeld.com>

Subject: [EXTERNAL] RE: TMO - Dish Subpoena M&C

Cliff-

We think it still makes sense to continue conferring while we await the 7th Circuit decision. We can certainly agree to hold off on any document productions, but there isn't currently a discovery stay, and all of the deadlines remain in effect. We would like to continue meeting and conferring to see if we can resolve or tee up any issues so that, if the 7th Circuit denies the appeal, we have not lost months of time in the discovery schedule.

To that end, can you please let us know your availability to pick up our meet and confer efforts next week?

<image005.png>

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<image006.png>

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From: Yin, Clifford <cyin@coblentzlaw.com>

Sent: Wednesday, March 27, 2024 10:38 PM

To: Swathi Bojedla <sbojedla@hausfeld.com>

Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield
<hbrakefield@hausfeld.com>

Subject: RE: TMO - Dish Subpoena M&C

Swathi and Hill:

As you know, today, the Court granted T-Mobile's request to certify its order for an interlocutory appeal (with the Order referring to "burdensome discovery" and the "discovery expense to non-parties), and I understand T-Mobile will be filing an interlocutory appeal.

As you may recall, DISH's first objection to the subpoena in this case was: "DISH objects to the Subpoena on the grounds that it is premature at this stage of the litigation. Defendant T-Mobile's motion [ECF No. 120] to certify the Court's Order [ECF No. 114] for interlocutory appeal remains pending, and that motion, if granted, and any appeal stemming therefrom, may obviate the need for the burdensome third-party discovery caused by this Subpoena. DISH will not produce documents in response to this Subpoena unless or until the Court determines that Defendant's motion should not be granted and/or the Court of Appeals makes a determination that the case should move forward past the pleading stage."

Given the Court's Order, until the interlocutory appeal is resolved, we will not be producing any documents or otherwise expending any additional resources in responding to the subpoena. We will not be appearing at any April 1 meet and confer.

Thanks, Cliff

Clifford Yin | Partner
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From: Swathi Bojedla <sbojedla@hausfeld.com>
Sent: Friday, March 22, 2024 11:43 AM
To: Yin, Clifford <cyin@coblentzlaw.com>
Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield <hbrakefield@hausfeld.com>
Subject: [EXTERNAL] RE: TMO - Dish Subpoena M&C

That works for me. Hill, can you circulate a calendar invite?

<image005.png>

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<image006.png>

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From: Yin, Clifford <cyin@coblentzlaw.com>
Sent: Friday, March 22, 2024 12:46 PM
To: Swathi Bojedla <sbojedla@hausfeld.com>
Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield <hbrakefield@hausfeld.com>
Subject: RE: TMO - Dish Subpoena M&C

Swathi, thanks for your email. How about 1 pm PT, 4 pm ET on April 1? Does that work for you? Thanks, Cliff

Clifford Yin | Partner
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From: Swathi Bojedla <sbojedla@hausfeld.com>
Sent: Friday, March 22, 2024 8:02 AM
To: Yin, Clifford <cyin@coblentzlaw.com>
Cc: Leong, Amber <aleong@coblentzlaw.com>; Hill Brakefield <hbrakefield@hausfeld.com>
Subject: [EXTERNAL] Re: TMO - Dish Subpoena M&C

Let's try for April 1. I'm pretty open, any times work best for you all?

<image005.png>

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<image006.png>

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On Mar 21, 2024, at 2:38 PM, Yin, Clifford <cyin@coblentzlaw.com> wrote:

Hill:

Thanks for your email.

I am out of town on Friday, March 29 and in a deposition on Thursday, March 28. I could do Wednesday, March 27, Monday, April 1, or

Friday, April 5.

Thanks, Cliff

Clifford Yin | Partner
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-----Original Appointment-----

From: Hill Brakefield <hbrakefield@hausfeld.com> **On Behalf Of** Swathi Bojedla
Sent: Wednesday, March 20, 2024 1:53 PM
To: Yin, Clifford; Leong, Amber; Hill Brakefield
Subject: [EXTERNAL] FW: TMO - Dish Subpoena M&C
When: Friday, March 22, 2024 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Clifford and Amber,

We have a conflict on Friday. Can we push this meeting to the same time next week?

Regards,
Hill

-----Original Appointment-----

From: Swathi Bojedla <sbojedla@hausfeld.com>
Sent: Thursday, March 14, 2024 3:16 PM
To: Swathi Bojedla; Swathi Bojedla; Hill Brakefield; Yin, Clifford; Leong, Amber
Subject: TMO - Dish Subpoena M&C
When: Friday, March 22, 2024 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams meeting

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Passcode: VyoZUK
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