

EXHIBIT N

January 17, 2025

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VIA ELECTRONIC MAIL

DISH Network Corporation
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Re: Subpoena to DISH in *Dale v. Deutsche Telekom AG*, No. 22-3189 (N.D. Ill.)

Dear Cliff:

Thank you for your December 30, 2024 letter, and I hope you and your family had restful and happy holidays. We request to meet and confer with you regarding the proposals in your letter and suggest the following dates and times: Tuesday, January 21, 2025 from 1:00-5:00pm EST; Thursday, January 23, 2025 from 4:00-5:00pm EST; and Friday, January 24, 2025 from 2:00-5:00pm EST. We hope that this meet and confer will be productive and that Plaintiffs and DISH will be able to arrive at a resolution of Plaintiffs' subpoena that avoids burdening the Court.

That said, Plaintiffs are disappointed that your offer to produce documents that you believe would satisfy Plaintiffs' subpoena came only at the eleventh hour in response to Plaintiffs' observation that previous meet and confers have not been productive and that we are at impasse.

Moreover, your December 30 letter waters down further the already extraordinary accommodations Plaintiffs have made, including unilaterally narrowing both the number and scope of requests Plaintiffs sought from DISH. Plaintiffs previously winnowed the Requests from thirty-six (36) to just twelve (12), as our December 16, 2024 letter confirms. And, for seven of the Requests (Request Nos. 5, 6, 10, 12, 13, 20, and 23), Plaintiffs offered to accept targeted "go-get" productions of full copies of each version of certain documents described in the December 16 letter for a period from June 2018 through June 2024 (i.e., Q2 2018 – Q2 2024). Plaintiffs' offer to accept "go-get" documents as stated in our December 16 letter stands. Likewise, Plaintiffs' offer to narrow five other requests (Request Nos. 7, 9, 11, 15, and 19) and negotiate search terms regarding those requests for just eight custodians stands.¹

Please explain at our next meet-and-confer the basis for your contentions in your December 30 letter, in particular the basis for your contention that quarterly reports submitted to the monitoring

¹ In response, DISH argued that one type of document—quarterly reports submitted to the monitoring trustee between May 2021 and June 2024—would satisfy the go-get document requests in Plaintiffs' letter. You also suggested that you are willing to meet and confer "about potentially performing custodial searches on a limited number of custodians for documents responsive to Request Nos. 7, 11, and 15 from April 2020 to June 2024 for a smaller subset of custodians (e.g., three custodians)."

trustee will satisfy either Request Nos. 5, 6, 10, 12, 13, 20, and 23, or the document go-gets Plaintiffs requested in satisfaction of those Requests in my December 16 letter.

Regarding custodial searches, we do not believe that limiting custodial searches to three (3) custodians is appropriate or proportional given the pivotal role DISH plays in the case; T-Mobile promised to courts and regulators while seeking merger approval that DISH would become a viable fourth mobile network operator in the United States. Please come with authority to agree to custodial searches to a reasonable number of custodians and to discuss which of the custodians Plaintiffs identified in my December 16 letter most likely have pertinent information.

Additionally, I observe that your arguments with respect to Request Nos. 9 and 19 mischaracterize those Requests and suggest impasse with respect to them. Request No. 9, for example, seeks documents information related to spectrum, including but not limited to “the need or desire to acquire spectrum,” in order to “compete with other mobile network operators” as well as “analysis or projections of how spectrum acquisitions by T-Mobile or other mobile network operators would affect plan costs for other mobile network operators, or plan pricing set by other mobile network operators.” Your objections that “DISH has already produced documents . . . relating to the 800 MHz auction” and that “[t]here are publicly available documents reflecting DISH’s decisions to bid or obtain certain spectrums” do not comply with this request. Documents relating to “the need or desire to acquire spectrum” as well as “analysis” of spectrum acquisitions reflect DISH’s judgment and assessment of its ability to compete in the retail mobile wireless service market.

With respect to Request No. 19, Plaintiffs asked for documents, ESI, or communications “related to customer complaints or satisfaction” with respect to several important metrics associated with DISH’s ability to successfully compete in the retail mobile wireless service market. However, DISH argued that “the custodians [Plaintiffs] identified would [not] have responsive documents, as handling individual consumer complaints—or even general customer complaints—is not within the purview of their job descriptions.” Your response misses the point: Plaintiffs seek documents “related” to customer complaints because they are likely to be probative of DISH’s ability (or inability) to compete with the other mobile network operators, as well as DISH’s assessments of how it may become more competitive in the future.²

Finally, regarding structured data, we are willing to meet and confer. We understand your argument regarding the Subpoena’s definition of “Affiliate MVNOs.” For clarity, we reiterate that Plaintiffs’ requests, including with respect to structured data, extend to the entirety of DISH’s retail wireless business. We therefore seek structured data from DISH’s Affiliate MVNOs—including Republic Wireless, Gen Mobile, and Ting Mobile, in addition to Boost Mobile. Likewise, as stated in Plaintiffs’ December 16 letter, we need structured data pertaining to Partner coverage—meaning whether DISH’s brands have contracted, or are contracting, with other MNOs to obtain coverage—as requested in Request No. 22, to prove their claims.

² Your related offer—that Plaintiffs can search for customer complaints on public websites like Yelp—similarly misses the point of Plaintiffs’ Request No. 19.

We hope that an additional meet and confer will be productive and resolve Plaintiffs' Subpoena. However, Plaintiffs are ready to promptly seek judicial enforcement of selected Requests from Plaintiffs' Subpoena as stated in my December 16, 2024 letter.³

Kind regards,

/s/ Renner K. Walker

³ Although Plaintiffs intend to request the Court to compel production only with respect to certain requests in their subpoena and as narrowed in this and other letters, Plaintiffs reserve their rights to seek enforcement with respect to other requests in the future. Plaintiffs' repeated good faith attempts to negotiate compliance with their subpoena, including through narrowing, shall not be taken as a waiver of those requests.