

**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 et al.,

Defendants.

Case No. 22-cv-3189

Judge Thomas M. Durkin

Magistrate Judge Jeffrey Cole

**DEFENDANT T-MOBILE US, INC.’S MOTION TO COMPEL DISH NETWORK
CORP. TO PRODUCE DISCOVERY RESPONSIVE TO T-MOBILE’S SUBPOENA**

PLEASE TAKE NOTICE that, pursuant to Rules 37 and 45 of the Federal Rules of Civil Procedure, Defendant T-Mobile US, Inc. (“T-Mobile”), by and through its undersigned counsel, hereby respectfully moves the Court, the Honorable Jeffrey Cole, United States Magistrate Judge for the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago, Illinois, for an order compelling DISH Network Corporation (“DISH”) to produce documents—including communications, structured data and other ESI—responsive to T-Mobile’s subpoena to DISH.

The grounds for T-Mobile’s Motion are set forth in the accompanying Memorandum of Law in Support of T-Mobile’s Motion to Compel, which is filed concurrently herewith. Pursuant to Local Rule 37.2, this Motion is made following the conference of counsel. On January 31, 2025, February 19, 2025, and March 14, 2025, counsel for T-Mobile and DISH conferred

telephonically and made good faith attempts to resolve differences but were unable to reach an agreement, thus necessitating this Motion.

On March 14, 2025, Plaintiffs, T-Mobile and DISH conferred on a briefing schedule and page limits for T-Mobile's Motion and Plaintiffs' Motion to Compel DISH, which are anticipated to be filed concurrently and cover some common issues and some distinct issues. On March 18, 2025, the Court held a status conference and set the schedule and page limits for T-Mobile's and Plaintiffs' Motions, DISH's Opposition thereto, and T-Mobile's and Plaintiffs' Replies.

T-Mobile's Motion is based on this Motion; T-Mobile's Memorandum of Law; the Declaration of Minae Yu and exhibits thereto; all pleadings and documents on record; and all other matters that the Court may consider. T-Mobile respectfully requests that the Court grant this Motion and compel DISH to produce the requested discovery responsive to T-Mobile's subpoena.

DATED: March 21, 2025

Respectfully submitted,

/s/ Rachel S. Brass

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

Minae Yu (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Phone: 213-229-7000
Myu@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 Defendant T-Mobile US, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, I electronically filed a copy of the foregoing through the Court's CM/ECF system, which will send notifications of the filing to all counsel of record.

/s/ Rachel S. Brass

Rachel S. Brass