

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

**DECLARATION OF SWATHI BOJEDLA IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL AT&T TO PRODUCE DOCUMENTS RESPONSIVE TO PLAINTIFFS'
SUBPOENA**

I, Swathi Bojedla, declare as follows:

1. I am admitted to the State Bars of New York and the District of Columbia and am admitted *pro hac vice* in this case. I am a partner at the law firm of Hausfeld LLP, and Counsel for Plaintiffs in the above-captioned manner. I make this declaration in support of Plaintiffs' Motion to Compel AT&T Inc. ("AT&T") to Produce Documents Responsive to Plaintiffs' Subpoena. I have personal knowledge of the facts set forth herein, and, if called as a witness, I could and would competently testify thereto.

2. On October 19, 2022, Plaintiffs subpoenaed AT&T with 36 Requests for Production. Attached as **Exhibit A** is a true and correct copy of Plaintiffs' Subpoena to AT&T, re-served as amended on November 6, 2024. At this time Plaintiffs also informed AT&T in writing

that AT&T was not obligated to object or produce discovery until after Plaintiffs' Rule 26(f) discovery conference with T-Mobile US, Inc. ("T-Mobile").

3. On January 31, 2024, AT&T provided Plaintiffs with its Responses and Objections to Plaintiffs' Requests. Attached as **Exhibit B** is a true and correct copy of AT&T's Responses and Objections.

4. On March 12, 2024, Plaintiffs and AT&T had their first telephonic meet and confer to discuss Plaintiffs' Subpoena and AT&T's Responses and Objections. During the meet and confer, Plaintiffs discussed the relevance of their Requests and AT&T discussed their objections. The meet and confer was attended by Swathi Bojedla and Hill Brakefield for Plaintiffs and by Theresa Horan, Martin Roth, and Jordan Ludwig for AT&T.

5. On March 27, 2024, the Court granted T-Mobile permission to seek interlocutory appeal under 28 U.S.C. § 1292(b) of the Court's November 2, 2023 order denying T-Mobile's motion to dismiss. ECF No. 176.

6. On April 29, 2024, AT&T notified Plaintiffs of its refusal to participate in the non-party discovery process until the resolution of T-Mobile's interlocutory appeal to the Seventh Circuit regarding T-Mobile's Motion to Dismiss. Attached as **Exhibit C** is a true and correct copy of AT&T's April 29, 2024 email to Plaintiffs.

7. On May 16, 2024, the Seventh Circuit denied T-Mobile's interlocutory appeal. Attached as **Exhibit D** true and correct copy of the Seventh Circuit's May 16, 2024 Order.

8. On May 21, 2024, Plaintiffs provided AT&T with a narrowed set of requests in the interest of compromise and avoiding judicial intervention. Plaintiffs' compromise proposal would accept a reproduction of AT&T's prior productions made in relation to previous regulatory investigations of the Merger (including the Department of Justice's review, the FCC's investigation, the California Public Utilities Commission's investigation, and the States' Pre-Merger Case) as satisfaction for Plaintiffs' Request Nos. 1–3. As a compromise offer, Plaintiffs were also willing to forego custodial searches and accept go-get productions of documents responsive to Request Nos 12, 16, and 24. The proposal also narrowed the scope of Request Nos

6, 8, 9, 10, 11, and 15 to minimize AT&T's burden. Finally, Plaintiffs' proposal agreed to table Request Nos. 4, 18, and 26–34 until Plaintiffs reviewed AT&T's reproduction. Attached as **Exhibit E** is a true and correct copy of Plaintiffs May 21, 2024 letter.

9. On June 3, 2024, Plaintiffs and AT&T met and conferred to discuss Plaintiffs' Subpoena and AT&T's Responses and Objections. During the meeting, Plaintiffs and AT&T discussed AT&T's structured data production and AT&T's substantive objections to Plaintiffs' Requests. The meet and confer was attended by Swathi Bojedla and Hill Brakefield for Plaintiffs and by Jordan Ludwig and Theresa Horan for AT&T.

10. On June 12, 2024, AT&T wrote Plaintiffs in a follow-up email to the June 3, 2024 meet and confer where AT&T represented that it had made prior productions to the DOJ, New York Attorney General, T-Mobile and Sprint during "the previous merger litigation." AT&T offered to reproduce these productions if Plaintiffs would agree to drop their requests for pre-Merger unstructured data. In addition, AT&T indicated it would not provide Plaintiffs a data sample (and therefore allow negotiations of AT&T's production of structured data to proceed) until the litigating parties agreed to the parameters of T-Mobile's structured data production. Attached as **Exhibit F** is a true and correct copy of AT&T's June 12, 2024 email.

11. On June 28, 2024, AT&T wrote Plaintiffs it located 1,900 documents produced in previous litigation and regulatory reviews of the T-Mobile/Sprint merger that AT&T would provide Plaintiffs if Plaintiffs agreed to drop requests for AT&T's pre-Merger structured data. AT&T also reiterated its position that AT&T would not produce a data sample and proceed with its structured data production until the litigating parties first determine the parameters for T-Mobile's structured data production.¹

12. Plaintiffs reached an agreement with T-Mobile to share a data file with AT&T

¹ AT&T's June 28, 2024 email discusses AT&T's data sample, which AT&T requested Plaintiffs treat as highly confidential – outside counsel only. Although Plaintiffs do not believe the correspondence itself has been marked confidential or highly confidential, they are not attaching it as an exhibit out of an abundance of caution. Of course, the Plaintiffs are happy to provide sealed copies of the correspondence at the Court's request.

containing the fields of structured data T-Mobile agreed to produce to Plaintiffs. On July 24, 2024, Plaintiffs shared T-Mobile's data file with AT&T in the hopes AT&T would then produce a data sample. However, upon inspection AT&T claimed many of T-Mobile's data fields were not relevant to the litigation and beyond the scope of Plaintiffs' Requests. Furthermore, AT&T clarified it would not make any productions until modifications were made to the protective order in this case.²

13. On August 8, 2024, Plaintiffs and AT&T had their fourth meet and confer to discuss Plaintiffs' Subpoena and AT&T's Responses and Objections.

14. On September 6, 2024, Plaintiffs and AT&T met and conferred to discuss Plaintiffs' Subpoena and AT&T's Responses and Objections. During the meet and confer, the parties discussed AT&T's claims of undue burden and whether AT&T would be willing to provide Plaintiffs organizational charts and a custodial proposal. Plaintiffs expressed willingness to accept AT&T's production of 1,900 pre-merger documents if AT&T would be willing to produce documents from the timeframe unaccounted for in AT&T's proposed production (August 2019 – April 2020). The meet and confer was attended by Swathi Bojedla, Hill Brakefield, and Hayden Dwyer for Plaintiffs and by Theresa Horan, Martin Roth, Mark Filip, Erin Nealy Cox, Christa Cottrell, Jordan Ludwig, and Amie Marie Bauer for AT&T.

15. On September 20, 2024, AT&T provided a response to Plaintiffs' May 21, 2024 letter, AT&T's proposed parameters for structured data, and AT&T's proposed modifications to the protective order. AT&T's correspondence reiterated AT&T's offer to provide Plaintiffs with 1,900 documents AT&T produced in prior proceedings related to the T-Mobile/Sprint Merger in exchange for Plaintiffs' agreement to drop Plaintiffs' Requests related to AT&T's pre-merger

² Plaintiffs' July 24, 2024, email and AT&T's August 14, 2024 email discuss AT&T's data sample, which AT&T requested Plaintiffs treat as highly confidential – outside counsel only. Although Plaintiffs do not believe the correspondence itself has been marked confidential or highly confidential, they are not attaching it as an exhibit out of an abundance of caution. Of course, the Plaintiffs are happy to provide sealed copies of the correspondence at the Court's request.

documents. AT&T also committed to produce documents responsive to Plaintiffs Requests Nos: 6, 9-15, 20, 23, and 24 while objecting to Plaintiffs' request that AT&T perform custodial searches in their production. Finally, AT&T's letter requested Plaintiffs narrow Requests Nos. 7 and 17 and objected to Plaintiffs remaining Requests (Request Nos. 8, 10, 14, 16, and 19). Attached as **Exhibit G** is a true and correct copy of AT&T's September 20, 2024 letter.

16. On November 7, 2024, Plaintiffs responded to AT&T's September 20, 2024 email. Plaintiffs reiterated they would accept AT&T's production of 1,900 documents as satisfying Plaintiffs' requests for pre-Merger documents on condition that AT&T agree to produce documents from the relevant pre-Merger timeframe that would not be covered by AT&T's proposed production (August 2019 – April 2020). Plaintiffs declared impasse on Request Nos. 6, 9-15, 20, 23, and 24 and provided AT&T further explanation and qualification related to Request Nos. 7, 8, 10, 14, 16, 17, and 19 in the interest of expediting AT&T's production and minimizing burden. However, Plaintiffs also pointed out AT&T has not provided any evidence to substantiate AT&T's claim that Request Nos. 8, 10, 14, 16, and 19 pose an undue burden. Attached as **Exhibit H** is a true and correct copy of Plaintiffs' November 7, 2024 letter.

17. On November 15, 2024, AT&T provided Plaintiffs with correspondence that reiterated AT&T's positions provided in AT&T's September 20, 2024 response to Plaintiffs' May 21, 2024 letter. Attached as **Exhibit I** is a true and correct copy of AT&T's November 15, 2024 letter.

18. On January 31, 2025, Plaintiffs sent AT&T a letter seeking further information about AT&T's data sample. Plaintiffs explained that AT&T's data sample was lacking in certain respects. For example, with respect to the data sought by Request No. 25, AT&T's data sample did not have key information (original contract terms, features, and prices for subscribers who were already AT&T customers at the start of the data period). And with respect to Request No. 21, for example, several key pieces of data were missing.³

³ Plaintiffs' January 31, 2025 letter to AT&T discusses AT&T's data sample, which AT&T

19. On February 14, 2025, Plaintiffs emailed AT&T to follow up on their January 31, 2025 letter. In the email, Plaintiffs explained key structured topics that Plaintiffs sought. Plaintiffs asked AT&T to commit to producing data fields embodying those topics and told AT&T that Plaintiffs would have no choice but to move to compel with respect to structured data. Plaintiffs asked for a response by February 21, 2025.⁴

20. Also on February 14, 2025, Plaintiffs informed AT&T that AT&T's November 15, 2024 letter confirmed Plaintiffs and AT&T are at impasse. Plaintiffs offered to abstain from moving on its Requests if AT&T would agree to identify a list of custodians with responsive documents, organizational charts sufficient for Plaintiffs to review AT&T's proposed custodians, and proposed search terms. Attached as **Exhibit J** is a true and correct copy of Plaintiffs' February 14, 2025 letter.

21. On February 21, 2025, AT&T responded to Plaintiffs' February 14 email regarding structured data, saying it would not be providing answers or committing to produce data on the topics Plaintiffs' requested, but would provide further information soon.⁵

22. On February 24, 2025, having not received a list of proposed custodians from AT&T, Plaintiffs provided AT&T a list of 15 proposed custodians as well as a list of search terms in a final attempt to push negotiations forward. Attached as **Exhibit K1** is a true and correct copy

requested Plaintiffs treat as highly confidential – outside counsel only. Although Plaintiffs do not believe the correspondence itself has been marked confidential or highly confidential, they are not attaching it as an exhibit out of an abundance of caution. Of course, the Plaintiffs are happy to provide sealed copies of the correspondence at the Court's request.

⁴ Plaintiffs' February 14, 2025 email to AT&T discusses AT&T's data sample, which AT&T requested Plaintiffs treat as highly confidential – outside counsel only. Although Plaintiffs do not believe the correspondence itself has been marked confidential or highly confidential, they are not attaching it as an exhibit out of an abundance of caution. Of course, the Plaintiffs are happy to provide sealed copies of the correspondence at the Court's request.

⁵ AT&T's February 21, 2025 letter discuss AT&T's data sample, which AT&T requested Plaintiffs treat as highly confidential – outside counsel only. Although Plaintiffs do not believe the correspondence itself has been marked confidential or highly confidential, they are not attaching it as an exhibit out of an abundance of caution. Of course, the Plaintiffs are happy to provide sealed copies of the correspondence at the Court's request.

of Plaintiffs' February 24, 2025 email. Attached to Plaintiffs' email (and attached hereto as **Exhibit K2**) was a list of the following custodians Plaintiffs proposed:

23. **John Stankey**, AT&T's CEO who led AT&T in the post-Merger market and announced price hikes following AT&T post-Merger advantage over DISH, which contributed to AT&T stock hitting a "five-year high" post-Merger.⁶

24. **Chris Sambar**, former President (April 2022 – October 2024) and Executive Vice President (September 2019 – April 2022) at AT&T Network who "played a crucial role" for AT&T's wireless business, where his work was "instrumental to advancing 5G."⁷

25. **Jeff McElfresh**, AT&T's Chief Operating Officer (April 2022 – present) and previously CEO of AT&T Communications (October 2019 – May 2022) and President of AT&T's Technology & Operations Group, where he was "[r]esponsible for the AT&T's transition to a software-defined and future 5G network."⁸

26. **F. Thaddeus Arroyo**, currently AT&T's Chief Strategy and Development Officer (May 2022 – present) where he "oversees corporate strategy" and was formerly CEO of AT&T Consumer and AT&T Communications, LLC (September 2019 – May 2022), where he oversaw "both of AT&T's prepaid wireless brands – AT&T PREPAID and Cricket Wireless – with a combined base of more than 16.5 million customers."⁹

⁶ Andy Serwer, *AT&T Is Red-Hot Again. CEO John Stankey Says It's Just the Beginning*, MSN.Com (Feb. 27, 2025), <https://www.msn.com/en-us/money/general/at-t-is-red-hot-again-ceo-john-stankey-says-it-s-just-the-beginning/ar-AA1zTxqf?ocid=BingNewsSerp>; AT&T, *John Stankey Bio*, <https://investors.att.com/corporate-governance/leadership/john-stankey-bio> (last visited Mar. 2, 2025).

⁷ Monica Allevan, Chris Sambar to Depart AT&T After 22 Years, Fierce Network (Oct. 4, 2024), <https://www.fierce-network.com/wireless/chris-sambar-depart-att-after-22-years>; Chris Sambar, LinkedIn, <https://www.linkedin.com/in/chrissambar/> (last visited Mar. 2, 2025).

⁸ AT&T, *Leadership*, <https://investors.att.com/corporate-governance/leadership> (last visited Mar. 2, 2025); Jeff McElfresh, LinkedIn, <https://www.linkedin.com/in/jeff-mcelfresh/> (last visited Mar. 2, 2025).

⁹ AT&T, *Leadership*, <https://investors.att.com/corporate-governance/leadership> (last visited Mar. 2, 2025); F. Thaddeus Arroyo, LinkedIn, <https://www.linkedin.com/in/thaddeusarroyo/> (last visited Mar. 2, 2025).

27. **Jenifer Robertson**, currently AT&T’s Executive Vice President & General Manager for AT&T Mass Markets (July 2021 – Present) and formerly Executive Vice President and Chief Customer Officer, AT&T Consumer (July 2020 – July 2021) and President of Field Operations, AT&T Inc. (August 2018 – July 2020), who has “profit & loss responsibility for AT&T’s wireless and consumer wireline businesses, delivering more than \$90B in annual revenue – AT&T’s largest revenue stream” and whose roles also include “technology planning and corporate strategy.”¹⁰

28. **Yigal Elbaz**, AT&T’s Senior Vice President and Network Chief Technology Officer, (July 2022 – Present) and formerly AT&T’s Senior Vice President of Engineering and Operations, AT&T Inc. (Apr. 2021 – July 2022) and Senior Vice President of Wireless Technology (January 2018 – April 2021), positions in which he “oversees the global mobile and fixed network technology direction for AT&T, which includes the design of the company’s 5G infrastructure.”¹¹

29. **Mo Katibeh**, former Head of AT&T Network Infrastructure & Build (May 2021 – Jan. 2022), “where he oversaw the company’s aggressive expansion of its fiber network and its nationwide 5G deployment”¹²

30. **Pascal Desroches**, AT&T’s Senior Vice President and Chief Financial Officer (Apr. 2021 – present) “oversee[s] the financial strategy for AT&T’s \$122 billion connectivity business” and “has spearheaded the company’s significant cost transformation efforts … and

¹⁰ Jenifer Robertson, LinkedIn, <https://www.linkedin.com/in/jeniferlrobertson/> (last visited Mar. 2, 2025).

¹¹ Yigal Elbaz, 5G Americas, <https://www.5gamericas.org/bio/igal-elbaz/> (last visited Mar. 2, 2025).

¹² Sue Marek, *Katibeh to Flex Enterprise Muscle as T-Mobile Biz CMO*, Fierce Network (Apr. 16, 2024), <https://www.fierce-network.com/wireless/katibeh-flex-enterprise-muscle-t-mobile-biz-cmo>; Mo Katibeh, LinkedIn, <https://www.linkedin.com/in/mokatibeh/> (last visited Mar. 2, 2025). Katibeh was previously Chief Product & Platform Officer (July 2020 – May 2021) and Chief Marketing Officer (August 2017 – July 2020) with AT&T Business. He currently serves as Chief Marketing Officer for T-Mobile Business.

overseen historic levels of 5G and fiber investment.”¹³

31. **Kellyn Smith Kenny**, AT&T’s Chief Marketing & Growth Officer (2020 – present) boasts of a “razor-sharp customer insight” and is “responsible for accelerating customer acquisition, increasing customer lifetime value, and strengthening AT&T’s premium position.”¹⁴

32. **Melissa Arnoldi**, AT&T’s Executive Vice President for Consumer Operations (2021 – 2024), who “oversaw 185M customer touchpoints annually, spanning contact centers, field operations, and billing operations” and boasts that under her leadership AT&T “achieved industry-leading churn.”¹⁵

33. **Valerie Vargas**, AT&T’s Senior Vice President, Content Creation & Advertising, AT&T Inc. (July 2021 – present), where she is tasked with “improv[ing] customer retention” and “[o]verse[ing] all AT&T Retail Merchandising” at “5400 retail stores.”¹⁶

34. **David Christopher**, former AT&T Executive Vice President & General Manager (Feb. 2004 – Apr. 2023) who “led industry leading growth and lowest churn” at AT&T.¹⁷

35. **Kelly King**, former AT&T Executive Vice President for Sales & Distribution (October 2019 – June 2024) (and previously Executive Vice President of Postpaid Wireless Products (March 2019 – October 2019) and Senior Vice President and Chief Data Officer, AT&T Communications (November 2018 – March 2019)), who “head[ed] up AT&T’s 5G go-to-market strategy” and “ha[d] profit and loss responsibility for all [AT&T’s] postpaid wireless products,

¹³ AT&T, *Leadership*, <https://investors.att.com/corporate-governance/leadership> (last visited Mar. 2, 2025).

¹⁴ *Id.*

¹⁵ Melissa Arnoldi, LinkedIn, <https://www.linkedin.com/in/melissaarnoldiinnovator/> (last visited Mar. 2, 2025). Currently, Arnoldi is AT&T’s Executive Vice President & General Manager, AT&T Enterprise Markets.

¹⁶ Valerie Vargas, LinkedIn, <https://www.linkedin.com/in/valeriemillervargas/> (last visited Mar. 2, 2025). Formerly, Vargas was AT&T’s Senior Vice President, Advertising, Creative Services & HelloLab (February 2019 – July 2021).

¹⁷ David Christopher, LinkedIn, <https://www.linkedin.com/in/dachristopher/> (last visited Mar. 2, 2025).

including product marketing, pricing, promotions, retention, and forecasting as well as device strategy.”¹⁸

36. **Ali Kilani**, AT&T’s Director of Marketing (May 2019 – present) and Leader Marketing Manager (September 2017 – May 2019) designs and implements “multi-billion-dollar budget marketing strategies aimed at increasing subscribers and revenue.”¹⁹

37. **Dan Colquitt**, AT&T’s Lead Strategic Pricing Manager, who manages “consumer pricing with responsibility of creating pricing proposals intended to increase revenue, improve profitability, and stimulate subscriber growth” and “[a]ssess[es] impact of new pricing proposals.”²⁰

38. On February 24, 2025, AT&T wrote Plaintiffs to reiterate AT&T’s view Plaintiffs’ Requests “seek nonrelevant documents through a burdensome, expensive, and disproportionate method that completely ignores the mandate of Rule 45 to avoid imposing undue burden and expense on non-parties.” Attached as **Exhibit L** is a true and correct copy of AT&T’s February 24, 2025 letter to Plaintiffs.

39. The parties held a final meet and confer on March 3, 2025 from 2:30pm – 2:53pm ET. During the meet and confer AT&T reiterated its position it would not agree to custodial searches and would not respond to Plaintiffs’ proposed custodians or search terms. The meet and confer was attended by Swathi Bojedla, Gary Smith, Shana Herman, Jose Roman Lavergne, and Hayden Dwyer for Plaintiffs and by Jordan Ludwig, Martin Roth, Amie Marie Bauer, Ahmad Al Dajani, Molly Kelley, and Aidan Martin for AT&T.

40. On March 11, 2025, AT&T produced a new data sample from a different data set.

¹⁸ Linda Hardesty, *AT&T’s New Leader of 5G Marketing Talks Humbly About ‘Hillbilly’ Roots*, Fierce Network (May 28, 2019), <https://www.fierce-network.com/wireless/at-t-s-new-leader-5g-marketing-talks-humbly-about-hillbilly-roots>; Kelly King, LinkedIn, <https://www.linkedin.com/in/kelly-king-53a77231/> (last visited Mar. 2, 2025).

¹⁹ Ali Kilani, LinkedIn, <https://www.linkedin.com/in/alikilani24/> (last visited Mar. 2, 2025).

²⁰ Dan Colquitt, LinkedIn, <https://www.linkedin.com/in/dan-colquitt-aa59195/> (last visited Mar. 2, 2025).

Plaintiffs' and their experts are evaluating whether it contains sufficient data fields, but AT&T has not indicated it contains all data fields Plaintiffs requested and has not committed to providing Plaintiffs all data fields and topics they have requested.

41. Attached as **Exhibit M** is a true and correct copy of AT&T's Subpoena to Sprint in *U.S. v. AT&T Inc. et al.*, No. 1:11-cv-01560 (ESH).

42. Attached as **Exhibit N** is a true and correct copy of Order Granting Mot. to Compel, *U.S. v. AT&T Inc. et al.*, No. 1:11-cv-01560 (ESH), ECF No. 75).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 21, 2025

Respectfully submitted,

/s/ Swathi Bojedla
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