EXHIBIT L

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February 24, 2025

Via E-Mail

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Re: ***Anthony Dale, et al. v. Deutsche Telekom AG and T-Mobile US, Inc.***
(N.D. Ill. 22-cv-3189)
Subpoena to Non-Party AT&T

Dear Jose:

AT&T writes in response to your February 14, 2025, letter regarding enforcement of Plaintiffs' Subpoena to non-party AT&T (the "Subpoena").

Your letter, demanding a response within one week, comes three months after AT&T's last correspondence on these issues (November 15, 2024), continuing a pattern of unreasonableness and delay by Plaintiffs.[1] In its November 15 letter, AT&T strongly encouraged Plaintiffs to reconsider their unreasonable positions through the lens of AT&T's non-party status, the text of Rule 45(d)(1), and the Court's prior guidance. To facilitate discussion, AT&T provided constructive and fair proposals. Unfortunately, your February 14 letter demonstrates both Plaintiffs' failure to consider these crucial factors and an unwillingness to meaningfully engage in narrowing the burden on non-party AT&T. Instead, Plaintiffs continue to 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. AT&T's positions on the issues outlined in your letter are set forth below.

[1] *See, e.g.*, Plaintiffs' November 7, 2024 Letter (responding to AT&T's letter sent seven weeks prior (September 20, 2024) and demanding a response within a week, a deadline with which AT&T complied); Plaintiffs' January 31, 2025 Letter (responding to AT&T's data sample sent more than ten weeks prior (November 19, 2024)).

I. Pre-Merger Documents (Request Nos. 1-3 and Instruction No. 13).

Pre-Merger documents are not relevant.[2] In the spirit of compromise, and because AT&T sincerely desired to resolve the conflict without court intervention, AT&T has repeatedly offered to produce its prior productions in government investigations and litigation leading up to the merger that are still available to AT&T, which would amount to approximately 1,900 documents. Plaintiffs have refused this offer and continue to demand more. Accordingly, AT&T stands on its objections to Request Nos. 1-3 and Instruction No. 13 and will produce documents only from after the merger.

II. Documents Sufficient to Show Certain Information Requested (Nos. 6, 9-15, 20, 23, 24).

While Plaintiffs are no longer threatening to compel the identification of ***twenty*** custodians unless AT&T identifies custodians so that Plaintiffs can hand-select a subset and then negotiate search terms, Plaintiffs' insistence on custodial searching ignores the discovery principles the Court outlined in its October 4, 2024 Order.[3] For AT&T to conduct full collections of numerous custodians' documents across several departments and engage in a broad search-term-based review is unduly burdensome, expensive, disproportionate, and exceeds the standards of Rule 45. AT&T proposed a reasonable, proportional solution to avoid such undue burden and expense by offering to provide Plaintiffs with documents sufficient to show many categories of the information requested.[4] Plaintiffs have refused.

Worse yet, Plaintiffs' demand for full custodial searches is premature and unreasonable given AT&T's non-party status. Plaintiffs seem to simply assume that AT&T's production will be inadequate without even having seen the volume or scope of any productions AT&T might

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[2] AT&T's Responses and Objections; AT&T's Sep. 20, 2024 Letter; AT&T's Nov. 15, 2024 Letter.

[3] Order Denying Plaintiffs' Motion to Compel, *Anthony Dale, et al. v. Deutsche Telekom AG and T-Mobile US, Inc.* N.D. Ill. 22-cv-3189, ECF No. 206.

[4] AT&T's Sep. 20, 2024 Letter at 4-5 (AT&T offered its analysis of how spectrum acquisitions by T-Mobile impacted AT&T's sales and pricing, AT&T's analysis of its investment in 5G's impact on AT&T's sales and pricing, AT&T's costs of providing relevant services at a high-level, AT&T's analysis of the competitive impact of the Merger and shutdown of Sprint's networks, AT&T's Post-Merger analysis of its sales and pricing, AT&T's analysis of product bundling's impact on AT&T's sales and pricing, and AT&T's analysis of speed tests since the Merger. Again, AT&T employed reasonable steps to get Plaintiffs responsive documents, while minimizing burden or expense).

make.[5] This approach is emblematic of the leave-no-stone-unturned philosophy that the Court previously cautioned Plaintiffs against.[6]

Accordingly, AT&T stands on its objections to Request Nos. 6, 9-15, 20, 23, 24 and will produce "go-get" documents sufficient to show certain information requested as outlined in its September 20 letter. Should Plaintiffs perceive any shortcomings in those productions, AT&T would be happy to discuss those with Plaintiffs at the appropriate time.

III. Requests To Be Narrowed (Nos. 7, 17).

Plaintiffs have still refused to narrow these requests, choosing instead to *expand* one of them. Accordingly, AT&T stands on its objections to Request Nos. 7 and 17 as overly broad, unduly burdensome, unreasonably cumulative and duplicative of other requests, not proportional to the needs of the case, and seeking information that would be in a Party's possession.

IV. Requests Concerning MVNO, Competitor Communications, and Customer Feedback (Nos. 8, 10, 14, 16, 19).

Plaintiffs' February 14 Letter continues to claim the relationship between AT&T and MVNOs is "relevant in analyzing the effects of the merger" without any explanation as to *why* or *how*. And worse, Plaintiffs appear to *agree with AT&T* that these documents are not relevant—writing recently that "Plaintiffs agree conceptually" with the argument that "wholly-MVNO brands are not relevant."[7] Plaintiffs' demand appears to be based on its expectations about T-Mobile's arguments. But in the same breath, Plaintiffs note that "T-Mobile has issued multiple subpoenas to MVNOs."[8] Thus, to the extent that information is needed in this case about MVNOs, Plaintiffs should receive it from those MVNOs.

Plaintiffs have failed to justify their request for AT&T's most competitively sensitive information concerning its MVNO business. There is no substantial need—or any need—for AT&T to provide this information. Accordingly, AT&T stands on its objections to Request Nos.

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5 Plaintiffs' February 14, 2025 Letter (making the conclusory assertion that "go-get documents alone will not suffice to capture relevant, responsive documents for this request").

6 ECF No. 206 at 4 ("But, just because counsel in this case insist that there are 50 or 60 stones to be looked under, does not mean they get to look under every one of them."); *see also* ECF No. 231 ("[Discovery] has become 'a monster on the loose.'" (citation omitted)).

7 ECF No. 233 at 15.

8 *Id.*

8, 10, 14, 16, 19 regarding MVNOs as irrelevant, vague and ambiguous, overly broad, unduly burdensome, and not proportional to the needs of the case.

Sincerely,

Martin L. Roth P.C.