

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY DALE, JOHNNA FOX,
BENJAMIN BORROWMAN,
ANN LAMBERT, ROBERT ANDERSON,
and CHAD HOHENBERY on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

T-MOBILE US, INC.,

Defendant.

Case No. 1:22-cv-03189

Hon. Thomas H. Durkin

Hon. Jeffrey Cole

NON-PARTY AT&T MOBILITY LLC'S MOTION FOR LEAVE TO APPEAR

Non-party AT&T Mobility LLC (“AT&T”), pursuant to Local Rule 5.6, hereby moves for leave to appear in the above-captioned matter, by and through its counsel, Mark Filip, P.C., Martin L. Roth, P.C., and Molly Kelley, of Kirkland & Ellis LLP (“Undersigned Counsel”). In support of this motion, AT&T states as follows:

1. On November 20, 2023, Plaintiffs Anthony Dale, Johnna Fox, Benjamin Borrowman, Ann Lambert, Robert Anderson, and Chad Hohenbery’s (collectively, “Plaintiffs”) served AT&T with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (“Plaintiffs’ Subpoena”), which contained 36 requests for documents and data with more than 80 sub-parts from a timespan of more than 13 years. On January 31, 2024, AT&T served Plaintiffs with its responses and objections and have been meeting and conferring with Plaintiffs since to resolve disputes without Court intervention.

2. On February 26, 2025, Defendant T-Mobile US, Inc. (“T-Mobile”) served AT&T with a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of

Premises in a Civil Action (“T-Mobile’s Subpoena”), which contained 43 requests for documents and data with nearly 80 sub-parts from a timespan of more than seven years. AT&T intends to serve T-Mobile with its responses and objections on March 21, 2025 and has already begun to meet and confer with T-Mobile regarding its requests.

3. In the beginning of 2024, AT&T proposed an amendment to the Agreed Confidentiality Order (ECF No. 98) to provide heightened protections for its most commercially sensitive business information and data that it expects to produce to its direct competitor, T-Mobile, in connection with the above-captioned action. It has worked diligently over the last year with other subpoena recipients, Plaintiffs, and T-Mobile in an attempt to submit an agreed amendment to the Agreed Confidentiality Order to this Court for entry.

4. AT&T is not a party to this litigation. Local Rule 5.6 provides in relevant part that “[n]o pleading, motion [except for motion to intervene], or other document shall be filed in any case by any person who is not a party thereto, unless approved by the court.”

5. On March 20, 2025, Plaintiffs and T-Mobile submitted a Stipulated Schedule for a Joint Filing Regarding the Confidentiality Order. ECF No. 250. On March 21, 2025, Plaintiffs filed their Motion to Compel AT&T Mobility LLC to Produce Discovery Responsive to Plaintiffs’ Subpoena (“AT&T’s Motion to Compel”). ECF No. 157.

6. It is necessary for AT&T to appear in the above-captioned matter, through Undersigned Counsel, so that it can (1) provide its position in the joint filing to the Court regarding contested proposed amendments to the Agreed Confidentiality Order, by which its documents and data productions will be subject to protection; and (2) respond to T-Mobile’s Motion to Compel.

7. Mark Filip has been a lawyer in good standing of the Bar of the State of Illinois since February 7, 1995, and has been admitted to the Northern District of Illinois since February 10, 2000.

8. Martin L. Roth has been a lawyer in good standing of the Bar of the State of Illinois since November 6, 2008, and has been admitted to the Northern District of Illinois since August-11, 2010.

9. Molly Kelley has been a lawyer in good standing of the Bar of the State of Illinois since December 13, 2010, and has been admitted to the Northern District of Illinois since May 16, 2013.

10. Accordingly, pursuant to Local Rule 5.6, AT&T, through its Undersigned Counsel, hereby seeks leave to appear in the above-captioned matter.

Dated: March 26, 2025

By: /s/ Martin L. Roth

Mark Filip, P.C.
Martin L. Roth, P.C.
Molly Kelley

KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, Illinois 60654
Telephone: (312) 862-7170
Facsimile: (312) 862-2200
mark.filip@kirkland.com
martin.roth@kirkland.com
molly.kelley@kirkland.com

Counsel for non-party AT&T Mobility LLC