

**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 OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL**

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I. INTRODUCTION

AT&T is not a party to this case. It has been accused of no wrongdoing or unlawful act. Nonetheless, Plaintiffs treat AT&T as such, burdening AT&T with onerous document and data requests, meet-and-confer demands with arbitrary response deadlines, and now, the present motion (ECF No. 257).

Plaintiffs' *36 requests for production* with more than *80 subparts* covering *13 years* are mostly overbroad, irrelevant, or both. *See* Pls.' Amend. Subpoena, ECF No. 257-2. Nonetheless, AT&T has compromised and offered to produce documents and structured data responsive to most of Plaintiffs' requests. AT&T intends to begin its productions once the Amended Confidentiality Order is entered to ensure the protection of its confidential information from disclosure to its competitors. *See* Order, ECF No. 252.

But that's not enough for Plaintiffs. They also want expansive document searches of AT&T's CEO, CFO, COO, and other senior executives—*15 custodians* in total. Worse still, Plaintiffs have pre-judged what AT&T has agreed to produce and insist on bothering the Court now with their predictions about the production's insufficiency. That approach to third-party discovery is backwards. The proper approach—and the approach consistent with Rule 45's mandate to minimize burdens on non-parties—is for Plaintiffs to review AT&T's production and then subsequently to identify any alleged gaps they believe need to be filled. Given the vast breadth of topics, Plaintiffs seek—topics that cover multiple facets of AT&T's day-to-day business—these documents are unlikely to be found via burdensome and

expansive searches of C-Suite custodians, as Plaintiffs demand, rather than by targeted collection, as AT&T proposes.

Further, Plaintiffs seek materials far before the relevant timeframe that have no connection to this matter and nothing to do with AT&T's decision-making related to the challenged Merger or its pricing impact. Plaintiffs' boil-the-ocean discovery approach cannot be squared with the letter or spirit of Rule 45 or prior rulings of this Court (ECF Nos. 206, 231, 277). If this—or any—information they sought from AT&T was so essential, as they now protest, they would not have waited ***more than 13 months*** after AT&T served its responses and objections to seek it. The Motion to Compel must be denied.

II. BACKGROUND

AT&T is not a party to this case, was not a party to the 2020 Merger between T-Mobile and Sprint (the “Merger”), and was not a party to the 2019 Merger challenge, *State of New York, et al. v. Deutsche Telekom AG*, No. 19-5434 (S.D.N.Y.). Indeed, Plaintiffs expressly acknowledge that AT&T has “no liability for the Merger and its effects [.]” Pls.’ Mot., ECF No. 257 at 1.

Nevertheless, Plaintiffs issued an incredibly broad subpoena with ***36 requests for production*** of documents covering a ***13-year period*** and data specifications ***with more than 80 sub-parts***. AT&T timely served its responses and objections to the Amended Subpoena on January 31, 2024 and began conferring over these objections on March 12, 2024. As Plaintiffs acknowledge, AT&T participated in five meet-and-confers and exchanged over a dozen substantive letters and emails to negotiate a compromise. Pls.’ Mot., ECF No. 257 at 5; *see* Min. Entry, ECF No. 277 (“a

negotiated outcome is more likely to give both sides at least a somewhat satisfactory resolution.”).

Despite AT&T’s effort to compromise, Plaintiffs have repeatedly delayed. During the March 12, 2024 meet-and-confer, Plaintiffs committed to send a letter narrowing many of their requests, which they did not send for two months. Pls.’ May 21, 2024 Ltr., ECF No. 257-6. Again, after a meet-and-confer on September 6, AT&T wrote Plaintiffs two weeks later outlining its compromises. Plaintiffs took nearly seven weeks to respond, and rather than compromise, they reversed several positions and issued ultimatums, demanding AT&T respond within one week. Pls.’ Nov. 7, 2024 Ltr., ECF No. 257-9.

Over those ten months, AT&T and Plaintiffs had multiple conversations and written communications about the breadth and sources of AT&T’s production. AT&T conducted 19 interviews with key employees responsible for the myriad topics covered by the wide-ranging subpoena, including but not limited to pricing, marketing, customer satisfaction, analytics/mobility, network, technology, construction and engineering, and corporate strategy, to identify the relevant repositories of responsive information, and collected tens of thousands of documents. Phillips Declar., ECF No. 282-1 at ¶ 3. Additionally, AT&T located and offered roughly 1,900 documents from the prior Merger-related productions. *Id.* at ¶4; AT&T’s Sep. 20, 2024 Ltr., ECF No 257-8 at 4. AT&T offered to produce post-2018 structured data maintained in the ordinary course of business and certain documents. AT&T also engaged in-house and external experts to assist with

providing data samples to Plaintiffs (AT&T's Sep. 20, 2024 Ltr., ECF No 257-8), producing a preliminary data sample (AT&T's Nov. 19, 2024 Email, ECF No. 282-2), a secondary data sample (AT&T's Mar. 11, 2025 Email, ECF No. 282-3), and answering extensive follow-up questions about those samples (AT&T's Mar. 11, 2025 Ltr., ECF No. 282-4). *See also* Phillips Declar., ECF No. 282-1 at 5.

AT&T repeatedly explained to Plaintiffs, however, that any production would be made after the parties sought amendments to the Protective Order to prevent disclosure of AT&T's most sensitive business information to its direct competitors. *See* AT&T's Sep. 20, 2024 Ltr., ECF No. 257-8 at 2 (“the amendment of the Confidentiality Order is a key threshold issue we hope can be resolved quickly.”).

Plaintiffs' tone abruptly shifted when the Court denied the Parties' Stipulated Motion Regarding Deadlines for Non-Party Discovery and to Amend the Scheduling Order on February 12, 2025. *See* Min. Entry, ECF No. 231. Plaintiffs suddenly insisted on urgent responses to questions and threatened to seek court intervention. Pls.' Feb. 14, 2025 Email, ECF No. 282-5 at 1. On February 14, 2025, Plaintiffs demanded that AT&T “answer all the outstanding questions in [their] January 31, 2025 letter by... February 21,” (*id.*), giving AT&T three weeks to answer pages of questions regarding AT&T's databases—an area that has presented enormous technical difficulties to AT&T given the volume of data sought.

III. LEGAL STANDARD

AT&T's obligation to produce documents in this case is governed by Federal Rule of Civil Procedure 45, which makes clear a party issuing a subpoena “*must* take reasonable steps to avoid imposing undue burden or expense” on the non-

party. Fed. R. Civ. P. 45(d)(1) (emphasis added). Courts consider the relevance of the requested information, the subpoenaing party's need for the documents, the breadth and particularity of the request, whether the time period the request covers is reasonable, and whether compliance with the request would, in fact, impose an undue burden. *Craigville Tel. Co. v. T-Mobile USA, Inc.*, 2022 WL 17740419, at *1 (N.D. Ill. Dec. 16, 2022). Courts routinely enforce the protections afforded to non-parties under this Rule by quashing or limiting overbroad, burdensome, and unreasonable requests. *Id.*

IV. ARGUMENT

A. Requiring Custodial Searches Disregards AT&T's Non-Party Status.

Rule 45 instructs courts that they “must protect” non-parties “from significant expense resulting from compliance” with a subpoena. Fed. R. Civ. P. 45(d)(2)(B)(i),(ii); *Rossman v. EN Eng'g, LLC*, 467 F. Supp. 3d 586, 590 (N.D. Ill. 2020) (Cole, M.J.). By demanding that AT&T collect, search, and review the emails of **15** of its most senior executives for responsive documents, before having seen even a single document AT&T has produced,¹ Plaintiffs disregard the requirements of Rule 45.

¹ Plaintiffs' reference to AT&T's motion to compel Sprint in an unrelated 2011 case only underscores their unreasonableness here. Pls.' Mot., ECF No. 257 at 13 n.39 (citing *United States v. AT&T*, No. 11-1560 (D.D.C.)). There, AT&T reviewed Sprint's initial productions and then significantly narrowed the number and scope of its requests. *United States v. AT&T*, AT&T's Revised Requests, ECF No. 282-6. The relevance of custodial documents was not in dispute. Ultimately, the Special Master granted AT&T's motion to compel, because AT&T had “significant[ly]” narrowed its subpoena and these efforts satisfied its Rule 45 obligation to “take reasonable steps’ to reduce Sprint's burden of production.” *United States v. AT&T*, Special Master Order No. 2, ECF No. 257-16 at 7. Plaintiffs have done no such thing here.

Plaintiffs incorrectly downplay AT&T's non-party status, citing AT&T's size and that its pricing conduct is implicated by Plaintiffs' theory of the case. Pls.' Mot., ECF No. 257 at 7-8.² That position is inconsistent with the law of this district and the text of Rule 45. "[A]lthough discovery is by definition invasive, parties must accept its travails as a natural concomitant of modern civil litigation. Non-parties have a different set of expectations. Accordingly, concern for the unwanted burden thrust upon non-parties is a factor entitled to special weight in evaluating the balance of competing needs." *Papst Licensing GmbH & Co. KG v. Apple, Inc.*, 2017 WL 1233047, at *3 (N.D. Ill. Apr. 4, 2017). Indeed, "courts have consistently held that "non-party status' is a significant factor in determining whether the burden imposed by a subpoena is undue." *See, e.g., Rossman*, 467 F. Supp. 3d at 590 (citations omitted).

Discovery requests should be evaluated "with an eye toward 'proportionality,' which takes into consideration 'the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.'" Order, ECF No. 206 at 3-4 (citations omitted). Here, "the focus remains on

² Plaintiffs repeatedly relied on caselaw compelling *parties* to provide discovery. *See* Pls.' Mot., ECF No. 257 at 9 n.33 (citing *In re Outpatient Med. Ctr. Emp. Antitrust Litig.*, 2023 WL 4181198 (N.D. Ill. June 26, 2023) (compelling a defendant)), 12 n.37 (citing *DPWN Holdings (USA), Inc. v. United Air Lines, Inc.*, 2019 WL 1515231 (E.D.N.Y. Feb. 21, 2019) (same)); 13 n.42 (citing *Burkybile v. Mitsubishi Motors Corp.*, 2006 WL 2325506 (N.D. Ill. Aug. 2, 2006) (Cole, M.J.) (same)).

Plaintiffs' harm, the alleged wrongdoing by the Merging Entities, and the relationship between them." Mem. Op. and Order, ECF No. 114 at 25. Discovery, accordingly, must be proportionally limited to evidence concerning these core subjects.

This evidence, particularly that concerning AT&T's mobile wireless network (Pls.' Mot., ECF No. 257 at 11-12), can be obtained via targeted collections by AT&T's in-house team. In fact, AT&T has described to Plaintiffs the robust process it undertook conducting interviews with key employees to identify the relevant repositories of responsive information.³ These materials, created in the ordinary course of business, are most probative of AT&T's pricing and competitive market analyses. Pls.' Amend. Subpoena, ECF No. 257-2, Request Nos. 13, 15, and 17. According to *The Sedona Principles*, "[r]esponding parties are best situated to evaluate the procedures, methodologies, and technologies appropriate for preserving and producing their own electronically stored information." *The Sedona Principles*,

³ Specifically, this process has identified documents potentially related to AT&T's analysis of the impact of T-Mobile's spectrum acquisitions on AT&T's sales and pricing (Request No. 9); AT&T's analysis of its investment in 5G's impact on AT&T's sales and pricing (Request Nos. 10 and 11); AT&T's costs of providing relevant services at a high-level (Request No. 12); AT&T's analysis of the competitive impact of the Merger and shutdown of Sprint's networks (Request Nos. 6, 13 and 14); AT&T's Post-Merger analysis of its sales and pricing (Request No. 15); AT&T's analysis of product bundling's impact on AT&T's sales and pricing (Request No. 20); and AT&T's analysis of speed tests since the Merger (Request No. 23).

Third Edition, 19 Sedona Conf. J. 1, 52 (2018).⁴ That is precisely what AT&T proposes here.⁵ Defendant T-Mobile agrees with AT&T's approach.⁶

But that's not enough for Plaintiffs, who insist on broad custodial searches of AT&T's CEO, CFO, COO, and other senior executives. Plaintiffs offer no justification for these expansive searches other than their hope that some additional responsive materials may be found.

But as this Court recognized in its Order denying Plaintiffs' Motion to Compel T-Mobile, "[t]he discovery rules are not a ticket to an unlimited, never-ending exploration of every conceivable matter that captures an attorney's interest. Parties are entitled to a reasonable opportunity to investigate the facts—and no more." Order, ECF No. 206 at 1. What AT&T proposes is just that: a *reasonable* opportunity to explore the facts.

As the Court further noted in its Opinion, Local Rule 37.2 "is about compromise, and, it is 'the nature of a compromise [that] [n]either side gets

⁴ See also *The Sedona Principles, Third Edition*, 19 Sedona Conf. J. 1, 119–20 (2018) ("The lack of uniformity and varying degrees of complexity in organizations and their information systems often require a very specific, in-depth understanding of how that party handles its own information. Additionally, determining what is relevant and proportional under the circumstances for each matter often requires a highly fact-specific inquiry. Thus, the responding party—not the court or requesting party—is both tasked with making those determinations and generally in a better position to make those decisions."); *Hastings v. Ford Motor Co.*, 2021 WL 1238870, at *3 (S.D. Cal. Apr. 2, 2021) ("the burden is on the producing party to locate and produce" discovery).

⁵ Plaintiffs' caselaw does not salvage their arguments. In *Papst Licensing GMBH & Co.*, the non-party subpoena recipient, unlike AT&T, failed to articulate an undue burden and propose a reasonable alternative. 2017 WL 1233047, at *3.

⁶ T-Mobile's Statement of Interest re Pls.' Mot. to Compel AT&T, ECF No. 275 at 2.

everything it wants.” *Id.* at 5. What Plaintiffs want is a boundless fishing expedition. For example, they propose AT&T’s CEO as a custodian on the flimsy basis that he “will have a holistic view of AT&T.” Pls.’ Mot., ECF No. 257 at 12. This is far from a reasonable justification. Plaintiffs’ proposed search terms likewise telegraph their look-everywhere motivation because terms like, (“mobile wireless” ... OR telecomm ...) AND (antitrust ... OR illegal* ... OR “keep secret” OR “Horizontal Merger Guidelines”) (Pls.’ Proposal, ECF Nos. 257-12, 257-13), are untethered to the allegations in the Complaint and unlikely to cull down the document set in any meaningful way (Phillips Declar., ECF No. 282-1 at ¶7).

An inquiry by AT&T’s in-house e-discovery team indicates that Plaintiffs’ proposed custodians involves 8 terabytes of compressed data. *Id.* at ¶6. Combined with the breadth of Plaintiffs’ proposed search terms, it is not feasible to collect, host, and review such an enormous amount of data. Moreover, requiring AT&T to collect custodial emails and materials would be unduly expensive and burdensome, especially since it would almost certainly yield little incremental relevant information for Plaintiffs. Order, ECF No. 206 at 4 (“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.”).

The best Plaintiffs can offer for why they need vast custodial searches in the first instance is that “AT&T’s offer to produce only the documents it chooses, a self-serving collection of documents, likely engineered to paint a picture of AT&T as a tough competitor, will not provide Plaintiffs or the jury a fair answer to the question

of whether AT&T exploited a less competitive post-Merger market.” Pls.’ Mot. ECF No. 257 at 9. But this accusation is rank speculation unsupported by any facts whatsoever (not to mention contradicted by Plaintiffs’ admission elsewhere that AT&T is not accused of wrongdoing). It is also inconsistent with Sedona, which recognizes that the responding entity is best situated to assess the likely sources of responsive information. Besides, Plaintiffs’ feelings about what they believe AT&T is “likely” to do, is not a legal basis for requiring a non-party to conduct onerous custodial searches of its most senior executives.

The Court should also deny Plaintiffs’ Motion as premature because AT&T intends to produce documents sufficient to meet many of the categories of information Plaintiffs seek once the parties agree to amend the Agreed Confidentiality Order. It would be unreasonable and unnecessary for AT&T to conduct custodial search term collections across 8 terabytes of data from fifteen custodians, especially given that Plaintiffs have not demonstrated any inadequacies in AT&T’s proposed process or results. It is thus premature for Plaintiffs to criticize AT&T’s process before reviewing its results.⁷

B. AT&T Has Offered to Produce Materials from Prior Litigation

Plaintiffs demand that AT&T conduct searches for documents related to conduct that occurred *before* the Merger is unreasonable. *See* Pls.’ Mot., ECF

⁷ *See, e.g., ViaSat, Inc. v. Space Systems/Loral, Inc.*, No. 12-0260, 2013 WL 3467413, at *7 (S.D. Cal. Jul. 10, 2013) (“[t]he Court declines to issue a decision on the sufficiency of production before the documents are produced.”); *cf., SPS Techs., LLC v. Boeing Co.*, 2019 WL 2409601, at *4 (N.D. Ill. June 7, 2019) (ordering custodian searches only after fulsome negotiations) (cited in Pls.’ Mot., ECF No. 257 at 8 n.31).

No. 257 at 12-13. As the Court has taught, a non-party should not be required to provide information that predates the relevant time frame of a case. *See Uppal v. Rosalind Franklin Univ. of Med. & Sci.*, 124 F. Supp. 3d 811, 815 (N.D. Ill. 2015) (Cole, M.J.) (granting motion to quash subpoena against non-party where the information that non-party may possess was from three years before the alleged wrongdoing); *accord, e.g., Apex Mortg. Corp. v. Great N. Ins. Co.*, 2018 WL 341661, at *7 (N.D. Ill. Jan. 9, 2018) (denying in part motion to compel because “requiring [the defendant] to locate the requested documents for the requested ten-year time span would be unduly burdensome and not proportional to the needs of this case”); *see also Lynch v. Air Transp.*, 2011 WL 1103837, at *2 (E.D. Wis. Mar. 23, 2011) (denying motion to compel due to an overbroad time period). And, as this Court has stated and Plaintiffs themselves have previously argued, this case is not about what occurred before the merger, but after it. Mem. Op. and Order, ECF No. 114 at 5 (“[T]his case does not focus on the wisdom of the merger, but rather its consequences.”); Pls.’ Opp. to T-Mobile’s Mot. to Transfer Venue, ECF No. 59 at 1 (“This case is about the nationwide anticompetitive *effects* of the merger, not breach of the merger agreement.”).

Despite the irrelevance of these documents, AT&T has offered to produce structured data from before the Merger that the company maintains in the ordinary course of business. This data should allow Plaintiffs to model the pre-merger trends they purportedly need to prove a post-merger impact. *See* Pls.’ Mot., ECF No. 257 at 15 n.45. Additionally, AT&T has agreed to provide what remains from its previous

productions in government investigations and litigation leading up to the Merger to satisfy Plaintiffs’ requests for pre-merger documents. AT&T’s Sep. 20, 2024 Ltr., ECF No 257-8 at 4. As AT&T has informed Plaintiffs, these 1,900 documents from “prior productions contain materials in various categories Plaintiffs have requested from AT&T, including 5G rollout and associated costs; spectrum purchases and consolidation; competitive analysis; anticipated potential impacts of the merger; and AT&T’s pricing and plans.” AT&T Jun. 12, 2024 Email, ECF No. 257-7 at 2. This is more than sufficient to satisfy AT&T’s production obligations for these pre-Merger documents, and it is premature for Plaintiffs to challenge the adequacy of a production they have not even received.

Plaintiffs contend AT&T should simply make “an electronic copy of the entire set” of the previously produced materials. Pls.’ Mot., ECF No. 257 at 13. But, as Plaintiffs know, AT&T did not maintain copies of all prior productions in the ordinary course of business, nor was it under any obligation to do so. Phillips Declar., ECF No. 282-1 at ¶4. AT&T should not be forced to undertake the onerous burden of re-collecting and re-producing aged material related to a prior litigation resolved long ago—especially when this litigation has nothing to do with pre-merger conduct. *Id.* Additionally, Plaintiffs contend that “AT&T’s previous merger attempts”—including mergers from as far back as 2011—“will shed light on whether it intended to behave competitively following T-Mobile’s Merger with Sprint.” Pls.’ Mot., ECF No. 257 at 13. Once again, this rank speculation has nothing to do with this case and contradicts Plaintiffs’ acknowledgement that AT&T is accused of no

wrongdoing. Regardless, these arguments are emblematic of Plaintiffs' continued belief that they are entitled to everything that piques their interest. But that is not the standard to be applied here. *See* Order, ECF No. 206 at 4 ("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").

C. Plaintiffs' Requests for External Communications Are Irrelevant.

Plaintiffs' request for communications about the Merger between AT&T on the one hand, and Verizon and DISH on the other, is also a baseless fishing expedition. *See* Pls.' Mot., ECF No. 257 at 13-14. In discovery, the relevance requirement "should be firmly applied, and the district courts should not neglect their power to restrict discovery where 'justice requires [protection for] a party or person from annoyance, embarrassment, oppression, or undue burden or expense.'" *See Uppal*, at 814 (N.D. Ill. 2015) (citation omitted).

Plaintiffs do not allege any link between the alleged post-Merger price increases and communications between AT&T and its competitors or business partners. Plaintiffs concede AT&T is not liable for any wrongful conduct here. Pls.' Mot., ECF No. 257 at 1.⁸ Instead, this case is about the 2020 Merger of T-Mobile and Sprint, and whether it "reduced competition," and the "incentive to compete."

⁸ Plaintiffs concede this point despite taking some of AT&T's public statements out of context to suggest that AT&T somehow represented the Merger reduced price competition. Pls.' Mot., ECF 257 at 3. To the contrary, the wireless market remains highly competitive and AT&T's pricing strategies and decision-making does not support claims that (a) this industry has sustained price increases, and (b) those pricing increases occurred from a lack of viable competition.

Compl., ECF No. 1 at ¶¶ 1, 5. Thus, at best, their Complaint raises questions about AT&T's *internal* decision-making. Nevertheless, Plaintiffs seek *external* communications between AT&T, DISH, and Verizon about the Merger. Plaintiffs have not articulated a basis to believe these documents exist, much less that they are relevant. Indeed, it is pure speculation that AT&T communicated with *anyone*, let alone DISH and Verizon, about "AT&T's knowledge that DISH would fail to pose a competitive threat in the retail wireless market." Pls.' Mot., ECF No. 257 at 14. It would be inconsistent with Rule 45 to require AT&T to confirm the non-existence of these communications.

Similarly, Plaintiffs seek irrelevant external communications and agreements between AT&T and its mobile virtual network operators ("MVNOs"). Pls.' Mot., ECF No. 257 at 11-12. MVNOs are wholesalers of wireless network capacity that use networks of carriers, like AT&T, to provide services to their own retail customers. While Plaintiffs make a fleeting allegation that MVNOs are part of the relevant market (Compl., ECF No. 1 at ¶ 31), they now contradict that statement and seek MVNO information to purportedly "show that MVNOs who 'rent network access do not constrain the prices of T-Mobile, AT&T, and Verizon.'" Pls.' Mot., ECF No. 257 at 11. Not only are MVNOs outside the scope of the alleged relevant market in this case by Plaintiffs' own admission, but, even if they were part of the relevant market, the pricing AT&T offers to MVNOs is not at issue in this case. This case is about what happened to rates for retail mobile wireless services post-Merger and AT&T has no involvement in, control over, or visibility

into the prices MVNOs set for their own retail customers. To the extent Plaintiffs believe information about MVNOs' pricing is relevant, they should seek it from the MVNOs, not AT&T because AT&T does not possess *any* relevant pricing information.

D. AT&T Has Produced Structured Data Samples and Is Engaged in Discussions with the Parties regarding Full Data Productions

At the end of their motion, Plaintiffs also include a surprising request to compel AT&T to produce structured data. Pls.' Mot., ECF No. 257 at 14-15. AT&T has been conferring and continues to confer with Plaintiffs regarding their structured data requests, and to align with requests made by Defendant T-Mobile to avoid the expense of conflicting data pulls. AT&T's Jun. 6, 2024 Email, ECF No. 257-7 at 2. AT&T has provided Plaintiffs with two data samples of its reasonably accessible structured data that the company maintains in the ordinary course of business and has answered follow-up questions about those samples. *See, e.g.*, AT&T's Mar. 11, 2025 Ltr., ECF No. 282-4. AT&T does not, however, maintain each requested field in the ordinary course of business. Phillips Declar., ECF No. 282-1 at ¶5. Further, no data before 2018 is available in the records the company maintains in the ordinary course. *Id.* Plaintiffs' Motion ignores that there is only an incremental difference in data in what they are seeking and what AT&T has agreed to produce, and AT&T is optimistic a resolution can be reached. Thus, this request is premature and unwarranted.

V. CONCLUSION

AT&T respectfully requests that the Court deny Plaintiffs' Motion to Compel.

Dated: April 11, 2025

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