

**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. Albert Berry, III

JOINT MOTION TO AMEND CASE SCHEDULE

Plaintiffs and Defendant T-Mobile US, Inc. (“T-Mobile” and together the “parties”) by and through their respective counsel jointly move this Court for an order to extend the case schedule. The parties submit that good cause exists to modify the current schedule for the reasons set forth below. After conferring in good faith, the parties have agreed that the proposed amended schedule is necessary to complete the remaining discovery contemplated in this case.

1. On November 29, 2023, the Court entered a scheduling order setting November 13, 2025 for the close of fact discovery; that deadline has never been extended. ECF No. 123.
2. Subsequently, the Court entered scheduling orders for the service of expert reports and completion of expert discovery. Under the current schedule, opening expert reports are due on March 16, 2026; opposing expert reports are due on May 26, 2026; rebuttal expert reports are due on August 4, 2026; and expert discovery closes on September 17, 2026. ECF No. 201.

3. The parties have already processed and produced in discovery over 5 million documents consisting of more than 36 million pages, as well as extensive structured data on tens of millions of consumer transactions. The parties have largely resolved any discovery disputes through meet and confers without the Court’s intervention. But despite these strides and the parties’ diligence, obstacles to completing fact and expert discovery within the existing schedule have arisen that were either unavoidable, unforeseen, or both.

4. One set of illustrative (but not exhaustive) obstacles to completing fact and expert discovery within those periods are the belated refusals by critical non-parties (including AT&T, DISH, and Verizon) to make productions under the current Confidentiality Order, which was entered on March 23, 2023. ECF No. 98. While meet and confers with AT&T, DISH, and Verizon over their document productions began shortly after Judge Durkin denied T-Mobile’s motion to dismiss on November 2, 2023, these non-parties did not lodge objections to producing documents under the Confidentiality Order **until late 2024**.¹ Other non-parties have likewise refused to produce documents, including documents they agreed to produce, until disputes regarding amendments to the Confidentiality Order are resolved.

5. The parties promptly raised the non-parties’ objections with the Court on January 17, 2025. ECF No. 226. On March 21, 2025, Magistrate Judge Cole directed the parties and certain non-parties seeking to amend the Confidentiality Order (the “Moving Non-parties”) to make a joint submission outlining their respective positions by April 17, 2025, ECF No. 251, which was timely filed, ECF No. 293. On April 24, 2025, Judge Cole provisionally denied the Moving

¹ Ex. 1 (**Aug. 14, 2024**): “AT&T will need to request a few modifications to the case confidentiality order for additional protection of sensitive commercial and personal data”); Ex. 2 (**Dec. 13, 2024**): “further production of data or documents will require implementation of a protective order that fully protects Verizon”); Ex. 3 (**Dec. 30, 2024**): “DISH will produce these documents only when certain firewall practices are in place, including that any protective order in this case allows DISH to produce documents subject to an outside counsel only (or AEO) designation”).

Non-parties' request to amend the Confidentiality order, with the direction to further meet and confer on the remaining disputes and report back in 30 days. ECF No. 303. T-Mobile and the Moving Non-parties engaged in additional meet and confers but have been unable to resolve the remaining disputes, as reported in their joint status report filed on May 27, 2025. ECF No. 311. Accordingly, the proposed amendments to the Confidentiality Order remain unresolved.

6. A number of key issues relevant to the parties' claims and defenses—including questions of antitrust injury, antitrust impact, causation, and damages—turn in large part upon AT&T's, DISH's, and Verizon's competitive decisions and their effects and, therefore, both parties require these non-party documents in order to litigate this action.

7. As a result of the Confidentiality Order dispute, AT&T, DISH, and Verizon (as well as other non-parties) have not produced even agreed upon documents and structured data sought by the parties' subpoenas. These productions have now been withheld for approximately six months.

8. Once those productions are made, the parties agree that they will each require ten months to review the documents produced by the non-parties (including AT&T, Verizon, DISH, various cable companies, and MVNOs) and to complete the depositions of those non-parties' witnesses. And the parties will require twelve months to perform econometric modeling using the non-parties' datasets, including those for the AT&T and Verizon customers whose services are at issue in this case. That data covers hundreds of millions of consumers.

Accordingly, the parties jointly move the Court to enter the following amended case schedule:

1. The close of fact discovery in this action shall be 10 months after the Court rules on the pending Confidentiality Order dispute. ECF Nos. 293, 311.

2. Opening Expert Reports (on class and merits issues on which a party bears the burden of proof) shall be due 105 days after the close of fact discovery in this action.
3. Opposing Expert Reports shall be due 70 days after Opening Expert Reports are served.
4. Rebuttal Expert Reports shall be due 70 days after Opposing Expert Reports are served.
5. Expert Depositions shall be completed 40 days after Rebuttal Expert Reports are served.
6. After the Court rules on the pending Confidentiality Order dispute, the Parties will submit a Joint Scheduling Order that includes specific dates for the deadlines contemplated herein. To the extent any deadlines fall on holidays or weekends, the parties agree to work in good faith to make adjustments as needed.
7. The chart below provides an illustrative set of deadlines using July 31, 2025 as a hypothetical date by which the Court resolves the Confidentiality Order dispute. This illustrative set of deadlines results in an extension of the overall case schedule by six months.

Case Event	Existing Deadline	Illustrative Deadline
Close of Fact Discovery	Nov. 13, 2025	June 1, 2026
Opening Expert Reports (on class and merits issues on which a party bears the burden of proof)	Mar. 16, 2026	September 14, 2026
Opposing Expert Reports	May 26, 2026	November 23, 2026
Rebuttal Expert Reports	Aug. 4, 2026	February 1, 2027
Expert Depositions Completed	Sept. 17, 2026	March 15, 2027

8. The extension is supported by good cause. *Towns v. Ramos*, No. 3:05-cv-375, 2008 WL 2095491, at *1 (S.D. Ill. May 16, 2008) (good cause for “additional time for discovery” where party “describe[d] a number of obstacles” to completing discovery within the existing schedule).

9. The resulting extension of the overall case schedule is also consistent with extensions in other large antitrust litigations within this District² and outside of it,³ including in *In re Broiler Chicken Antitrust Litigation*, No. 16-cv-8637 (N.D. Ill.) (Durkin, J.), ECF Nos. 1230 (four-month extension), 2322 (another five-month extension), & 3420 (another nine-month extension).⁴

THEREFORE, THE PARTIES JOINTLY MOVE for an Order extending the existing case schedule as set forth and stipulated to above.

Dated: July 10, 2025

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² See also, e.g., *In re Local TV Advertising Antitrust Litig.*, No. 19-md-2867 (N.D. Ill.) (Kendall, J.), ECF Nos. 510 (six-month extension) & 995 (another twelve-month extension). Notably, like the extension request here, the second *TV Ads* extension was contingent upon the court's disposition of pending motions. *TV Ads*, ECF No. 995 (extending the schedule by twelve months or until 90 days after the court's disposition of pending attorney-client privilege challenges, whichever is later).

³ See, e.g., *In re Air Cargo Shipping Servs. Antitrust Litig.*, No. 06-md-1775, ECF Nos. 1030, 1335, 1513 & 1729 (E.D.N.Y.) (total fact discovery period of over four years after three interim schedule extensions); *In re Polyurethane Foam Antitrust Litig.*, No. 10-md-02196, ECF Nos. 112, 354, 417, 814 & 1033 (N.D. Ohio) (total fact discovery period of just under three years after four interim schedule extensions); *In re Blue Cross Blue Shield Antitrust Litig.*, No. 13-cv-20000, ECF Nos. 229, 575, 989 & 1567 (N.D. Ala.) (total fact discovery period of over three years after three interim schedule extensions); *In re Thalomid and Revlimid Antitrust Litig.*, No. 14-cv-6997, ECF Nos. 49, 118, 137 & 173 (D.N.J.) (total fact discovery period of just under three years with three interim schedule extensions).

⁴ Importantly, these three extensions in *Broiler Chicken* were ordered in the ordinary course before unforeseen intervening events including the unveiling of the DOJ's parallel criminal investigation and the onset of the Covid-19 pandemic necessitated even further extensions of the case schedule.

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CERTIFICATE OF SERVICE

I certify that on July 10, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will then send electronic copies to the registered participants as identified on the Notice of Electronic Filing (NEF).

Respectfully submitted,

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