

**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.

T-MOBILE US, INC., *et al.*,

Defendants.

Case No. 1:22-cv-03189

Hon. Thomas M. Durkin

Hon. Albert Berry III

JOINT WRITTEN REPORT REGARDING DISCOVERY ON AT&T

Plaintiffs and non-party AT&T Mobility LLC (“AT&T”), by and through undersigned counsel, submit this joint status report as ordered by Magistrate Judge Berry and Judge Durkin. *See* Dkts. 339, 353.

I. The Parties Do Not Request a Stay of Decision on AT&T’s Pending Objection (Dkt. 353)

The Court (Durkin, J.) has ordered that the parties “file a joint written report regarding the current status of [their] discussions” regarding the possibility of their “resolving the disputes at issue in the objection [347] short of Court intervention,” and “the parties’ positions on staying the objection while their efforts to resolve the objection remain ongoing.” Dkt. 353.

Plaintiffs and AT&T attempted over several weeks to negotiate a resolution to the objection and so far have been unable to reach a resolution. While further conversations are occurring, neither party requests a stay of the objection given the current prospects for a

negotiated resolution and the amount of time that has elapsed since Magistrate Judge Berry's Order.

II. Status of Remaining Discovery as to AT&T (Dkt. 339)

The Court (Berry, M.J.) ordered Plaintiffs and AT&T to negotiate search terms, Dkt. 340 at 6, and to "file an updated joint status report on 1/6/26 on the remaining discovery in the case," Dkt. 339.

a. Structured Data

On August 4 and September 9, 2025, AT&T produced over 4 terabytes of structured data. On October 2, Plaintiffs sent certain questions to AT&T regarding its August 4 production of post-paid structured data on consumer wireless transactions. On November 5, AT&T's counsel indicated that "[s]ome of these questions have proven to have complicated answers" and offered to provide rolling responses. And again, on December 18, AT&T's counsel indicated that AT&T was continuing to "track[] down answers to [Plaintiffs'] questions and have spent many hours doing so." On December 23, Plaintiffs informed AT&T that Plaintiffs' questions in the October 2 letter regarding AT&T's production of post-paid structured data on August 4 are equally applicable to AT&T's production of pre-paid structured data on consumer wireless transactions on September 9, including whether AT&T's pre-paid data includes data allowances and throttling thresholds.

AT&T has committed to using best efforts to answer Plaintiffs' questions regarding the availability of throttling and plan allowance data for AT&T's production of structured data by January 16. AT&T has agreed to provide answers to the remaining questions in Plaintiffs' October 2 letter and December 23 email on a rolling basis thereafter. The parties do not believe that judicial intervention is required at this time.

b. Search Terms

On October 3, the Court directed the parties “to begin the iterative process of honing search terms[.]” Dkt. 340 at 6. On December 4, Plaintiffs provided updated search terms and requested that AT&T provide a deduplicated hit report for the 15 court-ordered custodians and for 9 additional custodians that AT&T had proposed as “swaps.” During a video meet and confer on December 30, AT&T committed to provide, by January 9, 2026, a search term hit report that includes statistics on hits broken out by term across all custodian files (deduplicated), as well as statistics broken out by term against only individual custodial files (to the extent practicable). The parties have agreed to work collaboratively together with the aim of reaching agreement (or impasse) on search terms no later than January 30, 2026. To accomplish that goal, AT&T has agreed to promptly provide updated hit reports as necessary, the parties have scheduled three meet and confer video conferences in the first two weeks of January, and the parties have committed to meeting additional times as necessary to reach the January 30 target date.

Dated: January 6, 2026

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