

Exhibit B, Case No. 1:11-cv-01560

**From:** [Lahlou, Shari](#)  
**To:** [Reinhart, Tara L](#)  
**Cc:** [Benz, Steven F.](#)  
**Subject:** RE: AT&T Subpoena  
**Date:** Wednesday, October 19, 2011 8:50:39 PM

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Tara - As an example, see *Heat and Control, Inc. v. Hester Indus., Inc.*, 785 F.2d 1017, 1025 (Fed. Cir. 1986). You might also consider *Rendon Group, Inc. v. Riggsby*, 268 F.R.D. 124, 127-28 (D.D.C. 2010) (“TRG claims that the subpoena is overly burdensome. Like every other judge who has been confronted by such a claim, I refuse to consider it without a detailed showing by affidavit specifying the actual burdens that it will incur if it has to comply.”)

To briefly summarize our discussion this afternoon, we understand that Sprint is not raising a relevance objection to the subpoena generally, or to any particular request. Instead, it is Sprint’s position that the subpoena is duplicative in light of Sprint’s production to the DOJ, which AT&T now has. In Sprint’s view, it is AT&T’s burden to identify what is missing from the DOJ production that is responsive to its subpoena. Until AT&T undertakes that effort, Sprint will not endeavor to collect or produce any further responsive documents.

As we did in our prior calls including the one we had on Friday afternoon, we explained why we disagree with Sprint’s view. We believe that we have served a valid Rule 45 non-party subpoena that calls for information relevant to the claims and defenses in the government’s suit against AT&T and T-Mobile. While we are willing to address any specific objections or burden arguments that Sprint might have (which you have yet to raise), we do not agree that Sprint’s generalized “duplicative” objection relieves it of its burden to comply.

In light of these disparate positions and our meet and confers on them, we indicated that we believe the parties are at an impasse and that it would be best to have SM Judge Levie resolve the dispute. You indicated that you did not have the authorization to agree that the parties are at an impasse. You agreed to attempt to seek that authorization by tomorrow mid-day.

We continue to be concerned about the amount of time that is passing with Sprint taking no action in response to our subpoena. Please advise us of Sprint’s position as soon as possible. If we cannot get a firm commitment from Sprint to comply in good faith by producing documents in the near term, we will be forced to file the motion as we indicated on our call.

Thanks and regards,

Shari

Shari Ross Lahlou  
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**From:** Reinhart, Tara L [<mailto:Tara.Reinhart@skadden.com>]  
**Sent:** Wednesday, October 19, 2011 6:19 PM  
**To:** Lahlou, Shari  
**Cc:** Benz, Steven F.  
**Subject:** AT&T Subpoena

Shari:

You said that you have authority for the proposition that it is not AT&T's burden to determine whether it already has Sprint documents that satisfy AT&T's requests. It would be helpful for us to see that. Please pass it along.

Regards,

**Tara L. Reinhart**  
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