

From: [Joseph Abraham](#)
To: [William F Bullard](#); [Eric Findlay](#); [Claire Henry](#)
Cc: [Brian Craft](#); [Gibson, John R.](#); [Barton, Ross](#); [Dali-VZ-WDTX](#); [Phil Caspers](#); [Sam A Hamer](#); [Sarah Hene](#); [Andrea Fair](#); [Tara C. Norgard](#); [Powers, Joseph A.](#); [Yungwirth, Matthew S.](#); [Deron Dacus](#)
Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order
Date: Thursday, January 19, 2023 11:23:50 AM

William:

Thank you for the proposal. Upon seeing it in written form, it confirms the reservations I expressed on Dali's behalf during last week's meet-and-confer discussions.

First, it delays resolution of the AT&T case by five months at a minimum (and possibly more, depending on the current state of the Court's trial calendar for April 2024). At no point when the parties discussed an agreed transfer of the Verizon/CommScope case from WDTX to EDTX did CommScope raise the possibility of delaying resolution of Dali's pending AT&T litigation as a related consequence.

Second, the early-October 2023 close of fact discovery—less than nine months from now—that Defendants propose for the newly filed T-Mobile litigation would dramatically circumscribe Dali's ability to take discovery from T-Mobile, which has not even answered Dali's complaint yet, and will not do so for another 3.5 weeks. Although Mr. Gibson floated the idea of doing away with certain preliminaries in the T-Mobile litigation, your proposal does not reflect that, and Dali cannot take the risk of being inappropriately "squeezed."

With that said, Dali remains open to pursuing reasonable efficiencies. To us the most seemingly obvious solution is what we previously proposed: i.e., The AT&T litigation will proceed as currently scheduled, and Dali will agree that the transferred Verizon/CommScope litigation can proceed on the to-be-entered schedule in the T-Mobile case, per Judge Schroeder's standard practices. This remains our offer; please let us know Defendants' position so that we can correspondingly inform the Court in the upcoming joint notice.

If you wish to convene for another meet-and-confer, tomorrow (Friday) afternoon after 2PM Central is the best window for us.

Best,
Joe

From: William F Bullard <WBullard@carlsoncaspers.com>
Sent: Wednesday, January 18, 2023 4:56 PM
To: Joseph Abraham <Joseph.abraham@foliolaw.com>; Eric Findlay <efindlay@findlaycraft.com>; Claire Henry <Claire@wsfirm.com>
Cc: Brian Craft <bcraft@findlaycraft.com>; Gibson, John R. <JRGibson@duanemorris.com>; Barton, Ross <ross.barton@alston.com>; Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; Sarah Hene <shene@findlaycraft.com>; Andrea Fair <Andrea@wsfirm.com>; Tara C. Norgard

<TNorgard@carlsoncaspers.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Yungwirth, Matthew S. <MSYungwirth@duanemorris.com>; Deron Dacus <ddacus@dacusfirm.com>; William F Bullard <WBullard@carlsoncaspers.com>

Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

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Hi Joe,

Attached is a potential schedule to align all three E.D. Texas cases for pre-trial purposes – please see the amended date column. I believe all defendants could agree to this. Please let me know if this is generally agreeable. This schedule somewhat avoids Christmas and other holidays.

William

From: Joseph Abraham <Joseph.abraham@foliolaw.com>

Sent: Tuesday, January 17, 2023 10:08 AM

To: Eric Findlay <efindlay@findlaycraft.com>; Claire Henry <Claire@wsfirm.com>

Cc: Brian Craft <bcraft@findlaycraft.com>; Gibson, John R. <JRGibson@duanemorris.com>; William F Bullard <WBullard@carlsoncaspers.com>; Barton, Ross <ross.barton@alston.com>; Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; Sarah Hene <shene@findlaycraft.com>; Andrea Fair <Andrea@wsfirm.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Yungwirth, Matthew S. <MSYungwirth@duanemorris.com>; Deron Dacus <ddacus@dacusfirm.com>

Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

OK—thanks, all. We will get on file as edited/suggested.

From: Eric Findlay <efindlay@findlaycraft.com>

Sent: Tuesday, January 17, 2023 9:57 AM

To: Claire Henry <Claire@wsfirm.com>

Cc: Brian Craft <bcraft@findlaycraft.com>; Gibson, John R. <JRGibson@duanemorris.com>; Joseph Abraham <Joseph.abraham@foliolaw.com>; William F Bullard <WBullard@carlsoncaspers.com>; Barton, Ross <ross.barton@alston.com>; Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; Sarah Hene <shene@findlaycraft.com>; Andrea Fair <Andrea@wsfirm.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Yungwirth, Matthew S. <MSYungwirth@duanemorris.com>; Deron Dacus <ddacus@dacusfirm.com>

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Agreed. Good suggestion.

Eric

On Jan 17, 2023, at 9:30 AM, Claire Henry <claire@wsfirm.com> wrote:

I would suggest titling the motion "Motion to Extend Deadline" instead of motion to adjourn deadline. That is the more typical verbiage in EDTex used for these types of motions and I don't want the court to think from the title that the parties are seeking to avoid the deadline entirely.

Claire Abernathy Henry
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From: Brian Craft <bcraft@findlaycraft.com>
Sent: Tuesday, January 17, 2023 9:24 AM
To: Gibson, John R. <JRGibson@duanemorris.com>; Joseph Abraham <Joseph.abraham@foliolaw.com>; William F Bullard <WBullard@carlsoncaspers.com>; Barton, Ross <ross.barton@alston.com>
Cc: Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; Eric Findlay <efindlay@findlaycraft.com>; Sarah Hene <shene@findlaycraft.com>; Claire Henry <claire@wsfirm.com>; Andrea Fair <andrea@wsfirm.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Yungwirth, Matthew S. <MSYungwirth@duanemorris.com>; Deron Dacus <ddacus@dacusfirm.com>; Brian Craft <bcraft@findlaycraft.com>
Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

Joe – One edit to our signature block shown in the attached. Thanks.

Brian Craft
Findlay Craft, P.C.
7270 Crosswater Avenue, Suite B
Tyler, Texas 75703
(903) 534-1100 M: (903) 571-5723
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National Experience. Local Expertise.

We have moved to a new location! Please make a note of our new address:

Findlay Craft, P.C.
7270 Crosswater Avenue, Suite B
Tyler, TX 75703

From: Gibson, John R. [<mailto:JRGibson@duanemorris.com>]
Sent: Tuesday, January 17, 2023 7:59 AM
To: Joseph Abraham; William F Bullard; Barton, Ross
Cc: Dali-VZ-WDTX; Phil Caspers; Sam A Hamer; Eric Findlay; Sarah Hene; Brian Craft; Claire Henry; Andrea Fair; Tara C. Norgard; Powers, Joseph A.; Yungwirth, Matthew S.; Deron Dacus
Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

Thanks, Joe.

Minor edits to the attached. With these, you have our permission to file.

John R. Gibson
Duane Morris LLP
Office: 404-253-6934

From: Joseph Abraham <Joseph.abraham@foliolaw.com>
Sent: Monday, January 16, 2023 8:22 PM
To: William F Bullard <WBullard@carlsoncaspers.com>; Gibson, John R. <JRGibson@duanemorris.com>; Barton, Ross <ross.barton@alston.com>
Cc: Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; efindlay@findlaycraft.com; shene@findlaycraft.com; bcraft@findlaycraft.com; Claire Henry <Claire@wsfirm.com>; Andrea Fair <Andrea@wsfirm.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>; Powers, Joseph A. <JAPowers@duanemorris.com>; Yungwirth, Matthew S. <MSYungwirth@duanemorris.com>; Deron Dacus <ddacus@dacusfirm.com>
Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

William, John, Ross, et al.:

A draft motion to adjourn tomorrow's filing deadline is attached. Please confirm if OK to file tomorrow with indicated signatures, or otherwise let us know if you have any edits.

Thanks,
Joe

From: Joseph Abraham
Sent: Wednesday, January 11, 2023 11:42 AM
To: William F Bullard <WBullard@carlsoncaspers.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>
Cc: Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; efindlay@findlaycraft.com; shene@findlaycraft.com; bcraft@findlaycraft.com; Barton, Ross <ross.barton@alston.com>; Claire Henry <Claire@wsfirm.com>; Andrea Fair <Andrea@wsfirm.com>
Subject: RE: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

Thank you, William. You can use this Zoom link (audio-only):

<https://foliolaw.zoom.us/j/83495677859?pwd=MFcwc1cwYlZhcY9yWEV1SGxHVlcrUT09>

I will also circulate a calendar invite to you, which you can forward on as needed.

To be clear, this email currently includes counsel for only Dali, CommScope, and Verizon, but other affected parties will ultimately need to be involved in discussions. So we would appreciate receipt of your initial position ASAP so that we can consider and loop in any necessary other parties sufficiently before Tuesday's filing deadline (especially in light of the Monday holiday).

Joe

From: William F Bullard <WBullard@carlsoncaspers.com>
Sent: Wednesday, January 11, 2023 6:08 AM
To: Joseph Abraham <Joseph.abraham@foliolaw.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>
Cc: Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; efindlay@findlaycraft.com; shene@findlaycraft.com; bcraft@findlaycraft.com; Barton, Ross <ross.barton@alston.com>
Subject: Re: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco

Partnership, et al Order

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I can meet and confer at 2:45 central on Thursday. I will talk with my team about our position.

William

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From: Joseph Abraham <Joseph.abraham@foliolaw.com>
Sent: Tuesday, January 10, 2023 11:15:45 PM
To: William F Bullard <WBullard@carlsoncaspers.com>; Tara C. Norgard <TNorgard@carlsoncaspers.com>
Cc: Dali-VZ-WDTX <dali-vz-wdtx@foliolaw.com>; Phil Caspers <PCaspers@carlsoncaspers.com>; Sam A Hamer <SHamer@carlsoncaspers.com>; efindlay@findlaycraft.com <efindlay@findlaycraft.com>; shene@findlaycraft.com <shene@findlaycraft.com>; bcraft@findlaycraft.com <bcraft@findlaycraft.com>; Barton, Ross <ross.barton@alston.com>
Subject: FW: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

Counsel:

We are available to meet and confer regarding the Court's order below this Thursday between 1PM and 3PM Central.

As CommScope initiated the transfer from WDTX to EDTX, does CommScope have a position concerning go-forward consolidation of this case?

Please advise.

Thanks,
Joe

From: txedCM@txed.uscourts.gov <txedCM@txed.uscourts.gov>
Sent: Friday, January 6, 2023 1:29 PM
To: txedcmcc@txed.uscourts.gov
Subject: Activity in Case 2:23-cv-00002-RWS-RSP Dali Wireless, Inc. v. Cellco Partnership, et al Order

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**U.S. District Court
Eastern District of TEXAS [LIVE]**

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Case Name: Dali Wireless, Inc. v. Cellco Partnership, et al

Case Number: [2:23-cv-00002-RWS-RSP](#)

Filer:

Document Number: [97](#)

Docket Text:

ORDER to meet and confer and file a joint notice no later than January 17, 2023 indicating whether the cases should be consolidated for pretrial purposes. Signed by Magistrate Judge Roy S. Payne on 1/6/2023. (nkl,)

2:23-cv-00002-RWS-RSP Notice has been electronically mailed to:

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2:23-cv-00002-RWS-RSP Notice will not be electronically mailed to:

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