

Sedgwick_{LLP}

FOIA 2016-00415

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January 21, 2016

Federal Trade Commission
Received

JAN 21 2016

Via E-mail and Regular MailFreedom of Information Act Request
Office of General Counsel
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580FOIA BRANCH
GENERAL COUNSEL

Re: FOIA Request

T-Mobile USA, Inc. v. Steadfast Insurance Company and Zurich American Insurance Company,
United States District Court for the Western District of Washington in Seattle, Washington
Case No. 2:15-CV-01622-RSL

Insurer: Steadfast Insurance Company

Insured: T-Mobile Inc.

Policy No.: IPR4359293 03

Claim No.: 9410464261

To Whom It May Concern:

Please accept this letter as a formal request under 5 U.S.C.A. § 552 for disclosure of Federal Trade Commission ("FTC") documents pertaining to the investigation and subsequent civil lawsuit filed against T Mobile USA, Inc. ("T Mobile"), styled *Federal Trade Commission v. T Mobile USA, Inc.*, United States District Court for the Western District of Washington, Case No. 2:14-CV-00967 ("FTC action"). Based on information and belief, T Mobile settled the FTC action for roughly \$90 million.

My client, Steadfast Insurance Company ("Steadfast") insured T Mobile Inc., which has brought suit against Steadfast, as well as another of my clients, Zurich American Insurance Company ("Zurich"), seeking to recover any settlement payments/refunds made in connection with the FTC action. The litigation is styled *T-Mobile USA, Inc. v. Steadfast Insurance Company and Zurich American Insurance Company*, United States District Court for the Western District of Washington in Seattle, Washington, Case No. 2:15-CV-01622-RSL ("Steadfast action").

This request seeks documents, including electronic documents, related to the investigation and FTC action. This request also seeks permission to use such documents in the course of litigation with T Mobile Inc.

Steadfast specifically requests the following documents:

1. Any documents evidencing the FTC's investigation leading up to the filing of the FTC Action.
2. Any communications between FTC and T Mobile related to the claims leading up to the FTC Action.
3. Documents obtained from consumers, law enforcement agencies, or in connection with other lawsuits, in the course of the investigation of T Mobile leading up to the FTC Action.
4. Overall conclusions or findings related to the investigation of T Mobile leading up to the FTC Action.
5. Supporting documents used or relied on by the FTC in preparing any conclusions or findings regarding T Mobile leading up to the FTC Action.
6. Any documents or communications between T Mobile and the FTC leading up to the settlement agreement from the FTC Action.
7. The settlement agreement from the FTC Action.

The requested documents are highly relevant to the Steadfast action. Coverage under Steadfast policy at issue depends, among other things, on (1) the nature of the FTC Action and any prior investigation by the FTC, (2) when T Mobile engaged in the conduct providing the basis for the FTC Action, and (3) when T Mobile had knowledge of any complaints or claims related to the conduct providing the basis for the FTC Action. These factors are all relevant to various terms, conditions, and exclusions of the subject Steadfast policy.

We are willing to pay fees and costs associated with this request, including reasonable charges for the copying, retrieval, and transmission of the requested documents.

We appreciate your assistance and look forward to receiving your response. Please contact us if you have any questions concerning this request.

Very truly yours,



Susan Koehler Sullivan
SEDGWICK LLP

cc: Patricia A. Daza-Luu
Bob Meyers

PAD/SKS