# **EXHIBIT A**

**From:** Justine Young

**Sent:** Wednesday, October 6, 2021 3:03 PM

**To:** Alex Kaplan; Katy Akopjan; Sperling, Jonathan; mkamin@cov.com; Sahni, Neema T; Grigsby, Stacey;

Linderot, Anders; Ehlers, J. Hardy; 'Janette Ferguson'; Matt Oppenheim; Scott Zebrak; Jeff Gould

Cc: David Eiseman; Andrew Schapiro; Linda Brewer; Jessica Rose; Dylan Scher; Craig D. Joyce; Jack Tanner

**Subject:** RE: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

## Alex:

Thank you for making your position clear. We believe it is very apparent that we are at an impasse and that both sides would benefit from expeditious Court resolution, so we will proceed accordingly. While we appreciate your effort to come up with a creative compromise, the suggestion you have made only benefits Plaintiffs and is not viable for many reasons. For one, your proposal regarding an extension for Plaintiffs' opposition to the motion to dismiss would delay its resolution, which exacerbates the problem regarding the schedule. If Plaintiffs get an additional week to prepare their opposition but Charter does not also get an additional week for its reply, then Charter is at a disadvantage. If Charter is given an additional week for its reply as well, that would move Charter's reply deadline to November 5, which is the same day that Bright House's expert reports are due (and the same week the mediation briefs are due). We certainly can't prevent you from seeking such an extension if you feel like you need one in order to oppose Charter's motion to dismiss, but we don't see how such a request would be consistent with the position you are taking on the overall case schedule. Additionally, your suggested dates for the Scheduling Conference do not address the many other concerns we have raised.

Again, thank you for more clearly articulating your position, but the parties are now so far apart that we can't see a path forward without Court input.

Thanks, Justine

From: Alex Kaplan <alex@oandzlaw.com>
Sent: Wednesday, October 6, 2021 2:22 PM

**To:** Katy Akopjan <katyakopjan@quinnemanuel.com>; Sperling, Jonathan <jsperling@cov.com>; mkamin@cov.com; Sahni, Neema T <nsahni@cov.com>; Grigsby, Stacey <sgrigsby@cov.com>; Linderot, Anders <alinderot@cov.com>; Ehlers, J. Hardy <jehlers@cov.com>; 'Janette Ferguson' <jferguson@lewisbess.com>; Matt Oppenheim

<Matt@oandzlaw.com>; Scott Zebrak <Scott@oandzlaw.com>; Jeff Gould <Jeff@oandzlaw.com>

**Cc:** David Eiseman <davideiseman@quinnemanuel.com>; Andrew Schapiro <andrewschapiro@quinnemanuel.com>; Linda Brewer quinnemanuel.com>; Jessica Rose <jessicarose@quinnemanuel.com>; Justine Young <justineyoung@quinnemanuel.com>; Dylan Scher <dylanscher@quinnemanuel.com>; Craig D. Joyce

<CJoyce@fwlaw.com>; Jack Tanner <Jtanner@fwlaw.com>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

#### [EXTERNAL EMAIL from alex@oandzlaw.com]

# Katy,

We appreciate Charter expressing its position. As you anticipated, Plaintiffs disagree. A pending motion to dismiss, especially one that has been previously rejected by the same court, is not grounds to stay the case and the start of discovery, which is what Charter is seeking by refusing to engage in the Rule 26(f) conference

according to the schedule. The obligations the parties have in the *Charter I* and *Bright House* cases also provide no basis on which to stay a separate case, which was filed separately because of the positions Charter took with respect to the claims remaining as part of the *Charter I* case. Any speculation that Plaintiffs are seeking discovery in one of the cases for use in another is unfounded and we reject the accusation. Because the parties will be engaging in the mediation shortly after the current date set for the *Charter II* initial scheduling conference, Plaintiffs are willing to ask the Court to move the initial scheduling conference to the week following the mediation, specifically between November 16-19, 2021. Plaintiffs oppose any request to the Court for a date later than that, including January 2022.

In light of Plaintiffs' proposed scheduling change, but not as a condition of Charter accepting it, we ask for Charter's agreement to move the due date for Plaintiffs' opposition to Charter's Motion to Dismiss from October 8 to October 15, 2021.

If you believe it is still useful to hold Charter's proposed meet and confer call, we are available at 4:30 Eastern today, despite that Charter is unwilling to fulfill its obligation to hold the Rule 26(f) conference according to the current schedule the Court has issued.

Regards, Alex

From: Katy Akopjan <katyakopjan@quinnemanuel.com>

Date: Wednesday, October 6, 2021 at 1:08 PM

To: Alex Kaplan <alex@oandzlaw.com</a>, Sperling, Jonathan <a href="mailto:sperling@cov.com">sperling@cov.com</a>, <a href="mailto:mkamin@cov.com">mkamin@cov.com</a>, Sahni, Neema T <a href="mailto:nsahni@cov.com">nsahni@cov.com</a>, Grigsby, Stacey <a href="mailto:sperigsby@cov.com">sperigsby@cov.com</a>, Linderot, Anders <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>, Ehlers, J. Hardy <a href="mailto:jehlers@cov.com">jehlers@cov.com</a>, 'Janette Ferguson' <a href="mailto:jehlers@cov.com">jehlers@cov.com</a>, Scott Zebrak <a href="mailto:scott@oandzlaw.com">Scott@oandzlaw.com</a>, Jeff Gould <a href="mailto:Jeff@oandzlaw.com">Jeff@oandzlaw.com</a>>

**Cc:** David Eiseman <a href="mailto:davideiseman@quinnemanuel.com">davideiseman@quinnemanuel.com</a>, Andrew Schapiro

<andrewschapiro@quinnemanuel.com>, Linda Brewer <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Jessica Rose <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Jessica Rose <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Dylan Scher <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinne

Alex,

We feel we have been very transparent with you regarding our position. But, just so that we aren't misunderstanding each other, our position is that it is premature to do the Rule 26(f) conference at this time. We have a motion to dismiss that is pending and not yet fully briefed. We strongly believe in the merits of that motion. Further, given the various deadlines and case obligations in *Charter I* and *Bright House*, some of which uniquely impact Charter/Bright House's counsel in the near term (such as the November 5 deadline for expert reports in the *Bright House* case), we intend to request relief from the Court with respect to the November 2 Scheduling Conference in *Charter I*. We intend to ask the Court to move the Conference to a date in January 2022. This will give Judge More time to rule on the motion to dismiss and will give the parties adequate time to confer as to how discovery should proceed in *Charter II*. As you are aware, we have had concerns for the past several months that Plaintiffs may be using the *Charter I* and *Bright House* cases as a means to conduct discovery prematurely with respect to *Charter II*. We have the same concerns about *Charter II* discovery beginning while expert discovery is still open in *Charter I* and *Bright House* and before the parties have submitted summary judgment briefing. Accordingly, as part of our requested relief, we intend to ask that the Court stay the Rule 26(f) conference obligations and initial disclosure obligations until we have a new date for the Scheduling Conference. We think it makes sense to move the Scheduling Conference date by 60 days or so.

We of course understand that your side holds the opposite view with respect to all of the above. While we disagree with your position, we respect that you need to take that position as Plaintiffs. But we hope you can respect the position we are taking as the Defendant.

With that explanation, we do not agree that it makes sense to hold a Rule 26(f) conference today, followed by a meet and confer that is solely intended to discuss why the Rule 26(f) conference should not take place today. And, even if we didn't hold that strong conviction, it would not make sense to hold a Rule 26(f) conference in a vacuum.

We were hoping to get on the phone with you so that we could discuss what dates would work for you in January 2022 so we could propose specific dates to the Court in the event the Court grants our requested relief (of course, we do that coupled with the explanation that your side isn't consenting to move the Scheduling Conference).

Are you willing to do that short call, in the absence of having a Rule 26(f) conference? Please let us know.

If you are not, we do not believe it makes sense to continue going in circles by email. We believe we have made reasonable efforts to confer with you and will proceed as we deem appropriate under the circumstances.

Thank you, Katy

From: Alex Kaplan <alex@oandzlaw.com>

Sent: Wednesday, October 6, 2021 12:19 PM

**To:** Katy Akopjan < <a href="mailto:katyakopjan@quinnemanuel.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Sperli

<<u>Matt@oandzlaw.com</u>>; Scott Zebrak <<u>Scott@oandzlaw.com</u>>; Jeff Gould <<u>Jeff@oandzlaw.com</u>>

**Cc:** David Eiseman <a href="mailto:com">davideiseman@quinnemanuel.com">davideiseman@quinnemanuel.com</a>; Andrew Schapiro <a href="mailto:andrewschapiro@quinnemanuel.com">dquinnemanuel.com</a>; Jessica Rose <a href="mailto:jessicarose@quinnemanuel.com">jessicarose@quinnemanuel.com</a>; Justine Young <a href="mailto:justineyoung@quinnemanuel.com">justineyoung@quinnemanuel.com</a>; Dylan Scher <a href="mailto:dylanscher@quinnemanuel.com">dylanscher@quinnemanuel.com</a>; Craig D. Joyce

<<u>CJoyce@fwlaw.com</u>>; Jack Tanner <<u>Jtanner@fwlaw.com</u>>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

#### [EXTERNAL EMAIL from alex@oandzlaw.com]

Katy,

We are available at 4:00 or 4:30 Eastern today. We expect to hold the Rule 26(f) conference and the meet and confer on this call, in that order.

Regards, Alex

From: Katy Akopjan < katyakopjan@quinnemanuel.com >

Date: Wednesday, October 6, 2021 at 11:05 AM

**To:** Alex Kaplan <alex@oandzlaw.com</a>, Sperling, Jonathan <a href="mailto:sperling@cov.com">sperling@cov.com</a>, <a href="mailto:mkamin@cov.com">mkamin@cov.com</a>, Sahni, Neema T <a href="mailto:sperling@cov.com">sperling@cov.com</a>, Stacey <a href="mailto:sperling@cov.com">sperling@cov.com</a>, Stacey <a href="mailto:sperling@cov.com">sperling@cov.com</a>, Linderot, Anders <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>, Ehlers, J. Hardy <a href="mailto:jehlers@cov.com">jehlers@cov.com</a>, 'Janette Ferguson'

<<u>iferguson@lewisbess.com</u>>, Matt Oppenheim <<u>Matt@oandzlaw.com</u>>, Scott Zebrak <<u>Scott@oandzlaw.com</u>>,

Jeff Gould < <a href="mailto:Jeff@oandzlaw.com">Jeff@oandzlaw.com</a>>

**Cc:** David Eiseman < <u>davideiseman@quinnemanuel.com</u>>, Andrew Schapiro

<andrewschapiro@quinnemanuel.com>, Linda Brewer < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Jessica Rose < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Jessica Rose < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Dylan Scher < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Craig D. Lindabrewer < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Dylan Scher < <a href="ma

Alex,

We are disappointed that Plaintiffs refused to participate in a short call yesterday. Please provide some available times as soon as possible today.

Best, Katy

From: Alex Kaplan <alex@oandzlaw.com>
Sent: Tuesday, October 5, 2021 5:20 PM

**To:** Katy Akopjan < <a href="mailto:katyakopjan@quinnemanuel.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">jsperling@cov.com</a>; <a href="mailto:mkatyakopjan@quinnemanuel.com">mkamin@cov.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">jsperling@cov.com</a>; <a href="mailto:sperling@cov.com">jmkamin@cov.com</a>; Sahni, Neema T < <a href="mailto:nkatyakopjan@quinnemanuel.com">nkatyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">jsperling@cov.com</a>; Linderot, Anders < <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>; Stacey < <a href="mailto:sperling@cov.com">sperling@cov.com</a>; Linderot, Anders < <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>; Sperling, Stacey < <a href="mailto:sperling@cov.com">sperling@cov.com</a>; Linderot, Anders < <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>; Sperling, Sperling,

Ehlers, J. Hardy < <u>jehlers@cov.com</u>>; 'Janette Ferguson' < <u>jferguson@lewisbess.com</u>>; Matt Oppenheim < Matt@oandzlaw.com>; Scott Zebrak < Scott@oandzlaw.com>; Jeff Gould < Jeff@oandzlaw.com>

**Cc:** David Eiseman < <a href="mailto:davideiseman@quinnemanuel.com">davideiseman@quinnemanuel.com</a>; Andrew Schapiro < <a href="mailto:andrewschapiro@quinnemanuel.com">andrewschapiro@quinnemanuel.com</a>; Justine Young

<<u>justineyoung@quinnemanuel.com</u>>; Dylan Scher <<u>dylanscher@quinnemanuel.com</u>>; Craig D. Joyce

<<u>CJoyce@fwlaw.com</u>>; Jack Tanner <<u>Jtanner@fwlaw.com</u>>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

## [EXTERNAL EMAIL from alex@oandzlaw.com]

Katy,

The chronology is clear, including knowing since the Court's order issued on August 10 that today was the last day by which to hold the Rule 26(f) conference. As indicated, we are willing to hold the requested meet and confer call with you tomorrow afternoon at a time convenient for both parties.

Alex

From: Katy Akopjan < katyakopjan@quinnemanuel.com >

Date: Tuesday, October 5, 2021 at 2:42 PM

**To:** Alex Kaplan <alex@oandzlaw.com</a>, Sperling, Jonathan <a href="mailto:sperling@cov.com">sperling@cov.com</a>, <a href="mailto:mkamin@cov.com">mkamin@cov.com</a>, Sahni, Neema T <a href="mailto:sperling@cov.com">nkamin@cov.com</a>, Sahni, Neema T <a href="mailto:sperling@cov.com">nkamin@cov.com</a>, Sahni, Neema T <a href="mailto:sperling@cov.com">nkamin@cov.com</a>, Linderot, Anders <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>, Linderot, Sahni, Neema T <a href="mailto:sperling@cov.com">nkamin@cov.com</a>, Linderot, Anders <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>, Ehlers, J. Hardy <a href="mailto:jehlers@cov.com">jehlers@cov.com</a>, 'Janette Ferguson'

<<u>iferguson@lewisbess.com</u>>, Matt Oppenheim <<u>Matt@oandzlaw.com</u>>, Scott Zebrak <<u>Scott@oandzlaw.com</u>>, Jeff Gould <Jeff@oandzlaw.com>

Cc: David Eiseman <a href="mailto:davideiseman@guinnemanuel.com">davideiseman@guinnemanuel.com</a>, Andrew Schapiro

<andrewschapiro@quinnemanuel.com>, Linda Brewer lindabrewer@quinnemanuel.com>, Jessica Rose</a>

<jessicarose@quinnemanuel.com>, Justine Young <justineyoung@quinnemanuel.com>, Dylan Scher

<dylanscher@quinnemanuel.com>, Craig D. Joyce <CJoyce@fwlaw.com>, Jack Tanner@fwlaw.com>

Subject: RE: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

Alex:

Your email has the chronology backward. We informed you last week, on September 29, that we would like to request a new date for the Scheduling Conference and listed our reasons why we think the continuance is warranted. You waited several days and then responded with a demand that we hold a Rule 26(f) conference instead. It's become quite apparent from this email traffic that we are at an impasse. As such, we are following the Local Rules and the Judges' practice standards by asking you to cooperate in getting on the phone with us to discuss our request and to confirm the impasse. This is not a big ask.

Again, please let us be cooperative on this fairly routine procedural issue and let us know your availability for a call today. We would appreciate it.

Best, Katy

From: Alex Kaplan <alex@oandzlaw.com>
Sent: Tuesday, October 5, 2021 2:09 PM

**To:** Katy Akopjan < <a href="mailto:katyakopjan@quinnemanuel.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Stacey < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Linderot, Anders < <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>; Linderot, Anders < <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>; Sperling, Sperlin

Ehlers, J. Hardy < <a href="mailto:jers@cov.com">jers@cov.com</a>>; 'Janette Ferguson' < <a href="mailto:jers@cov.com">jers@cov.com</a>>; Matt Oppenheim

<<u>Matt@oandzlaw.com</u>>; Scott Zebrak <<u>Scott@oandzlaw.com</u>>; Jeff Gould <<u>Jeff@oandzlaw.com</u>>

**Cc:** David Eiseman <a href="mailto:davideiseman@quinnemanuel.com">davideiseman@quinnemanuel.com</a>; Andrew Schapiro <a href="mailto:andrewschapiro@quinnemanuel.com">dquinnemanuel.com</a>; Jessica Rose <a href="mailto:gessicarose@quinnemanuel.com">guinnemanuel.com</a>; Justine Young <a href="mailto:quinnemanuel.com">justineyoung@quinnemanuel.com</a>; Dylan Scher <a href="mailto:dylanscher@quinnemanuel.com">dylanscher@quinnemanuel.com</a>; Craig D. Joyce <<Cloyce@fwlaw.com>; Jack Tanner <a href="mailto:dylanscher@quinnemanuel.com">Jtanner@fwlaw.com</a>>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

### [EXTERNAL EMAIL from alex@oandzlaw.com]

Katy,

We were prepared to hold the Rule 26 conference today. Instead, at the end of the day yesterday, Charter asked to preempt that conference with a meet and confer on a request to adjourn the scheduling conference and Rule 26 conference. If Charter is looking to meaningfully meet and confer, we are wiling to, and will be prepared to do that tomorrow. This should not be a check-the-box exercise, as your email implies.

Alex

From: Katy Akopjan <a href="mailto:katyakopjan@quinnemanuel.com">katyakopjan@quinnemanuel.com</a>

Date: Tuesday, October 5, 2021 at 1:49 PM

To: Alex Kaplan <alex@oandzlaw.com</a>, Sperling, Jonathan <a href="mailto:sperling@cov.com">sperling@cov.com</a>, <a href="mailto:mkamin@cov.com">mkamin@cov.com</a>, Sahni, Neema T <a href="mailto:nsahni@cov.com">nsahni@cov.com</a>, Grigsby, Stacey <a href="mailto:sgrigsby@cov.com">sgrigsby@cov.com</a>, Linderot, Anders <a href="mailto:alinderot@cov.com">alinderot@cov.com</a>, Ehlers, J. Hardy <a href="mailto:jehlers@cov.com">jehlers@cov.com</a>, 'Janette Ferguson' <a href="mailto:sgrigsby@cov.com">jehlers@cov.com</a>, Scott Zebrak <a href="mailto:scott@oandzlaw.com">Scott@oandzlaw.com</a>, Jeff Gould <a href="mailto:sgrigsby@cov.com">Jeff@oandzlaw.com</a>,

**Cc:** David Eiseman < <u>davideiseman@quinnemanuel.com</u>>, Andrew Schapiro

<andrewschapiro@quinnemanuel.com>, Linda Brewer < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Jessica Rose < <a href="mailto:lessicarose@quinnemanuel.com">lessicarose@quinnemanuel.com</a>, Justine Young < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>, Dylan Scher <a href="mailto:lindabrewer@quinnemanue

Subject: RE: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

Alex,

We are not refusing to ever do a Rule 26(f) conference in the event the case remains pending after our motion to dismiss is resolved, we are taking the position that it is premature at this time and are also asking that the Scheduling Conference be moved by a reasonable amount of time. As of right now, it coincides with the date the parties' mediation briefs are due and the week Bright House's expert reports are due. Given your proposal for a conference today for some time between 11:00 AM and 3:00 PM, we understand that someone from your team must be available for a conferral call. We can't imagine how you would be prepared to go forward with a Rule 26(f) conference if you are no longer available even for a short call. If that is true, it is additional support for our request for continuance.

Can you please provide some available times for someone on your team to have a 5 minute call with us this afternoon? We would like to submit our request to the Court expeditiously so that the parties can get clarity on the schedule. While we understand you disagree with that, we have an obligation to talk to you on the phone and certainly hope that you will be cooperative in the meet and confer process.

Best, Katy

From: Alex Kaplan <alex@oandzlaw.com>

Sent: Tuesday, October 5, 2021 1:20 PM

**To:** Katy Akopjan < <a href="mailto:katyakopjan@quinnemanuel.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@quinnemanuel.com</a>; Sperling, Jonathan < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Stacey < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Stacey < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Stacey < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Sperling, Stacey < <a href="mailto:sperling@cov.com">katyakopjan@cov.com</a>; Sperling, Sper

Ehlers, J. Hardy <<u>jehlers@cov.com</u>>; 'Janette Ferguson' <<u>jferguson@lewisbess.com</u>>; Matt Oppenheim

 $<\!\!\underline{Matt@oandzlaw.com}\!\!>; Scott\ Zebrak<\!\!\underline{Scott@oandzlaw.com}\!\!>; Jeff\ Gould<\!\!\underline{Jeff@oandzlaw.com}\!\!>$ 

**Cc:** David Eiseman < <a href="mailto:davideiseman@quinnemanuel.com">davideiseman@quinnemanuel.com</a>; Andrew Schapiro < <a href="mailto:andrewschapiro@quinnemanuel.com">andrewschapiro@quinnemanuel.com</a>; Linda Brewer < <a href="mailto:lindabrewer@quinnemanuel.com">lindabrewer@quinnemanuel.com</a>; Jessica Rose < <a href="mailto:jessicarose@quinnemanuel.com">jessicarose@quinnemanuel.com</a>; Justine Young <a href="mailto:justineyoung@quinnemanuel.com">justineyoung@quinnemanuel.com</a>; Dylan Scher < <a href="mailto:dylanscher@quinnemanuel.com">dylanscher@quinnemanuel.com</a>; Craig D. Joyce

<<u>CJoyce@fwlaw.com</u>>; Jack Tanner <<u>Jtanner@fwlaw.com</u>>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

# [EXTERNAL EMAIL from alex@oandzlaw.com]

Katy,

We take your email as refusing to engage in the Rule 26(f) conference today. We understand Charter to be saying it intends to make a motion to adjourn the scheduling conference. We disagree that the grounds you have stated warrant the adjournment. As far as the meet and confer call you request, let us know what times work for you tomorrow afternoon before 6:00 Eastern and we will try to find a time that works for all.

Regards, Alex

From: Katy Akopjan < katyakopjan@quinnemanuel.com >

Date: Monday, October 4, 2021 at 6:17 PM

**To:** Alex Kaplan <alex@oandzlaw.com>, Sperling, Jonathan <a href="mailto:sperling@cov.com">, mkamin@cov.com</a>, mkamin@cov.com>, mkamin@cov.com</a>, Sahni, Neema T <a href="mailto:sperling@cov.com">, Stacey <a href="mailto:sgrigsby@cov.com">, Linderot, Anders <a href="mailto:alinderot@cov.com">, Ehlers, J. Hardy <a href="mailto:jehlers@cov.com">, 'Janette Ferguson'</a> <a href="mailto:jeflers@cov.com">, Scott Zebrak <Scott@oandzlaw.com</a>, <a href="mailto:jeflers@cov.com">, Jeflers@cov.com</a>, <a href="mailto:jeflers@cov.com">, Scott Zebrak <Scott@oandzlaw.com</a>, <a href="mailto:jeflers@cov.com">, Jeflers@cov.com</a>, <a href="mailto:jef

Jeff Gould <Jeff@oandzlaw.com>

Cc: David Eiseman <davideiseman@quinnemanuel.com>, Andrew Schapiro

<andrewschapiro@quinnemanuel.com>, Linda Brewer < lindabrewer@quinnemanuel.com>, Jessica Rose < iessicarose@quinnemanuel.com>, Justine Young < iustineyoung@quinnemanuel.com>, Dylan Scher < dylanscher@quinnemanuel.com>, Craig D. Joyce < CJoyce@fwlaw.com>, Jack Tanner < Jtanner@fwlaw.com> Subject: RE: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D</br>

Alex,

Due to the pendency of the motion to dismiss and for the same reasons that form the basis for our request a continuance of the Scheduling Conference, we believe it is premature to hold a Rule 26(f) conference tomorrow. However, we are available for a short meet and confer on Charter's anticipated motion to reschedule the scheduling conference and request your cooperation in being available for that. Please provide some available times for a short call tomorrow.

Best, Katy

From: Alex Kaplan <alex@oandzlaw.com>
Sent: Friday, October 1, 2021 3:43 PM

**To:** Katy Akopjan <<u>katyakopjan@quinnemanuel.com</u>>; Sperling, Jonathan <<u>jsperling@cov.com</u>>; <u>mkamin@cov.com</u>; Sahni, Neema T <<u>nsahni@cov.com</u>>; Grigsby, Stacey <<u>sgrigsby@cov.com</u>>; Linderot, Anders <<u>alinderot@cov.com</u>>; Ehlers, J. Hardy <<u>jehlers@cov.com</u>>; 'Janette Ferguson' <<u>jferguson@lewisbess.com</u>>; Matt Oppenheim <<u>Matt@oandzlaw.com</u>>; Scott Zebrak <<u>Scott@oandzlaw.com</u>>; Jeff Gould <<u>Jeff@oandzlaw.com</u>>

**Cc:** Charter-Copyright-QE <<u>charter-copyright-qe@quinnemanuel.com</u>>; 'Craig D. Joyce' <<u>CJoyce@fwlaw.com</u>>; Jack Tanner@fwlaw.com>

Subject: Re: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

# [EXTERNAL EMAIL from alex@oandzlaw.com]

Katy,

As we indicated previously, Plaintiffs would like to keep the current date for the scheduling conference. To that end, and per Dkt. 24, Plaintiffs are available to hold the Rule 26(f) conference next Tuesday between 11 and 3:00 Eastern. Please confirm Charter's availability.

Regards, Alex

From: Katy Akopjan < katyakopjan@quinnemanuel.com >

Date: Wednesday, September 29, 2021 at 9:35 AM

To: Sperling, Jonathan < isperling@cov.com >, mkamin@cov.com < mkamin@cov.com >, Sahni, Neema T < nsahni@cov.com >, Grigsby, Stacey < sgrigsby@cov.com >, Linderot, Anders < alinderot@cov.com >, Ehlers, J. Hardy < iehlers@cov.com >, 'Janette Ferguson' < iferguson@lewisbess.com >, Matt Oppenheim < matt@oandzlaw.com >, Scott Zebrak < scott@oandzlaw.com >, Jeff Gould < seff@oandzlaw.com >, Alex Kaplan < alex@oandzlaw.com >

**Cc:** Charter-Copyright-QE < <a href="mailto:com">charter-copyright-qe@quinnemanuel.com">charter-copyright-qe@quinnemanuel.com</a>>, 'Craig D. Joyce' < <a href="mailto:CJoyce@fwlaw.com">CJoyce@fwlaw.com</a>>, Jack Tanner@fwlaw.com>

Subject: UMG Recordings, Inc et al. v. Charter, Case 1:21-cv-02020-RM-KLM D

Counsel,

As you know, the scheduling conference in the above-referenced case is scheduled for November 2, 2021 (Dkt. 24).

In light of the pending motion to dismiss, mediation and deadlines in the related *Charter* and *Bright House* matters (including expert depositions, expert reports, and dispositive and *Daubert* motions), we believe it would be beneficial for both sides and the Court to request to reschedule the scheduling conference to a later date in January 2022. Please let us know if you agree.

Best, Katy

Katy Akopjan
Associate
Quinn Emanuel Urquhart & Sullivan, LLP

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