

Exhibit 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

EARTHLINK, LLC,

Plaintiff,

Index No. 654332/2020

v.

CHARTER COMMUNICATIONS OPERATING, LLC,

Defendant.

**DEFENDANT'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant Charter Communications Operating, LLC ("Charter"), pursuant to Article 31 of the Civil Practice Law and Rules of the State of New York ("CPLR") and Rule 11-a of the Rules of the Commercial Division of the Supreme Court (22 NYCRR 202.70(g)), by and through its undersigned counsel, hereby responds and objects to Plaintiff EarthLink, LLC's ("EarthLink") First Set of Interrogatories ("Interrogatories").

GENERAL OBJECTIONS

1. Charter objects to each of the Interrogatories to the extent that they purport to impose obligations beyond those required by the CPLR and any other applicable rules and orders.

2. Charter objects to these Interrogatories to the extent that they seek the identification of documents not in Charter's possession, custody, or control.

3. Charter objects to the Interrogatories to the extent that they seek identification of documents and information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege that makes such information non-discoverable. Charter claims these privileges and protections to the full extent implicated by each Interrogatory, and will exclude privileged and protected information from their productions in

response to the Interrogatories. The fact that Charter does not specifically object to any individually numbered Interrogatories on the ground that it seeks privileged information or documents shall not be deemed a waiver of the protection afforded by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, immunity, or exemption from discovery. Any documents or information identified in response to the Interrogatories shall be disclosed without waiving any of these privileges.

4. Charter objects to the Interrogatories to the extent that they seek identification of documents or information in the possession, custody, or control of Plaintiff, or to the extent that the documents are obtainable from sources other than Charter in a manner that is more convenient, less burdensome, or less expensive.

5. Charter objects to the Interrogatories to the extent that they are overbroad, unduly burdensome, and not proportional to the needs of the case. To the extent that Charter agrees to identify documents, Charter will conduct a reasonable search of the locations reasonably likely to contain the requested documents and communications.

6. Charter objects to any Interrogatory that is unreasonably cumulative or duplicative of other discovery requests.

7. Charter objects to any Interrogatories that is vague, ambiguous, or confusing and therefore not susceptible of a clear and definitive response. To the extent an Interrogatory is vague or ambiguous, Charter will respond to the best of its ability.

8. Charter objects to any Interrogatory that calls for a legal conclusion, or that purports to require Charter to form, read, set forth, or perform a legal analysis.

9. Charter objects to the Interrogatories to the extent that they are premature.

10. Charter objects to any Interrogatory to the extent that it seeks to require identification and/or organization of documents in any specific order or grouping. To the extent that Charter identifies documents in response to these Interrogatories, responsive non-privileged documents will be identified as they are kept in the usual course of business.

11. Neither these Interrogatories nor Charter's responses to them shall be construed as admissions by Charter that any fact or circumstance alleged in any Interrogatory occurred or existed. Moreover, the responses provided are not intended to be, and shall not be construed to be, an agreement or concurrence by Charter that Plaintiff's characterization of any facts or circumstances is correct.

12. Charter reserves the right to amend or modify these responses at any time should it discover information that makes the present response incomplete or inaccurate. By reserving the right, Charter does not intend to assume a duty to modify or amend these responses, other than as required by the CPLR.

13. In providing these responses and asserting these objections, Charter does not intend to waive any objections as to relevancy, materiality or admissibility of evidence in this matter or any other matter or proceeding.

14. Charter responds to the Interrogatories as it interprets and understands each Interrogatory as set forth. If EarthLink subsequently asserts an interpretation of any Interrogatory that differs from Charter's understanding of that Interrogatory, Charter reserves the right to supplement its objections and/or responses.

15. The General Objections asserted herein shall be deemed to be applicable to and continuing with respect to each of Charter's responses to the within the Interrogatories. The General Objections asserted herein are incorporated into each and every response set forth herein.

Such objections are not waived, nor in any way limited, by any response to any specific Interrogatory.

16. Charter does not waive, and expressly preserves, all objections submitted in connection with its responses and objections to EarthLink's first and second requests for production of documents.

SPECIFIC RESPONSES AND OBJECTIONS

Subject to and without waiting any of the foregoing objections, Charter responds as follows to EarthLink's Interrogatories:

INTERROGATORY NO. 1: Provide a computation of each category of damages alleged by Charter in its Answer and Counterclaims.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as premature because the computation of damages is a question that is the subject of fact discovery, which has only recently commenced, and ultimately of expert discovery.

Subject to the foregoing General and Specific Objections, Charter responds as follows: Charter will produce a computation of damages in connection with its expert disclosures, consistent with the production schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 2: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information), detailing which IP Addresses Charter alleges were conveyed based on Section 1.5 of the Agreement and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative and duplicative of other discovery requests, including, but not limited to, Request Nos. 18 and 21 of

Plaintiff's First Set of Document Requests to Defendant ("First RFPs"), and Request Nos. 1, 2, 5, 12 and 22 of Plaintiff's Second Set of Document Requests to Defendant ("Second RFPs"). Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents. Charter further objects to this Interrogatory to the extent it seeks, with respect to "each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian," insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter will produce documents responsive to First RFPs No. 18 and Second RFPs Nos. 1, 5, 12, and 22, which are duplicative of this Interrogatory, consistent with the production schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 3: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information), detailing which IP Addresses Charter "continued to use" as "service subscribers rolled off of them" and the identity of the Persons using them and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative and duplicative of other discovery requests, including, but not limited to, First RFPs No. 21 and Second RFPs Nos. 2 and 5. Charter further objects to this Interrogatory to the extent it seeks, with respect to "each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian," insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive

documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter will produce documents responsive to Second RPFs No. 5, which is duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 4: Identify the Persons most knowledgeable about TWC's involvement in the negotiation, drafting, and approval of the Agreement for the period January 1, 2005 to present.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory to the extent it is not limited to a reasonable, relevant time frame, insofar as it seeks information for the period from January 1, 2005 to present. Charter further objects to the Interrogatory on the grounds that the phrase "Persons most knowledgeable" is a vague, ambiguous and subjective phrase that is subject to multiple interpretations.

Subject to and without waiving the foregoing General and Specific Objections, Charter identifies the following individuals who, to the best of its knowledge, are responsive to Interrogatory No. 4:

- Rick Davies (deceased)
- Michael Adams
- Beau Coughlin
- David Christman
- Raj Kumar
- Howard Pheffer
- Jeff King
- Mike Lajoe

The names provided above are based on a reasonable inquiry conducted by Charter based on the best information currently available. Given the passage of time, however, it is possible that other individuals may be or may have been the Persons most knowledgeable about TWC's involvement

in the negotiation, drafting, and approval of the Agreement, and consequently, may not be included in this list.

INTERROGATORY NO. 5: Identify the Persons most knowledgeable about Charter's diligence concerning the Agreement, including the IP Addresses at the time of its merger with TWC from May 1, 2014 to present.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to the Interrogatory on the grounds that the phrase "Persons most knowledgeable" is a vague, ambiguous and subjective phrase that is subject to multiple interpretations. Charter further objects to this Interrogatory on the grounds that the phrase "Charter's diligence concerning the Agreement" is vague, ambiguous and subject to multiple interpretations.

Subject to and without waiving the foregoing General and Specific Objections, Charter repeats and reincorporates its response to Interrogatory No. 4 and further identifies the following individuals whom, to the best of its knowledge, are responsive to Interrogatory No. 5:

- Peter Stern
- Robert Rusak

The names provided above are based on a reasonable inquiry conducted by Charter based on the best information currently available. Given the passage of time, however, it is possible that other individuals may be or may have been the Persons most knowledgeable about Charter's diligence concerning the Agreement, and consequently, may not be included in this list.

INTERROGATORY NO. 6: Identify each and every person who was responsible for the drafting and negotiation of the Agreement, (including the following terms "EarthLink High-Speed Service," "IP services," "EarthLink Software," and "EarthLink Deliverables"); and state as to each person their full name, current address, current employer, and the subject matter about which the person has knowledge.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory to the extent it is not limited to a reasonable, relevant time frame, insofar as the Agreement was entered into in June 2006. Charter further objects to this Interrogatory to the extent it seeks information concerning individuals' "current address, current employer, and the subject matter about which the person has knowledge," as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter repeats and reincorporates its response to Interrogatory No. 4 as responsive to Interrogatory No. 6.

INTERROGATORY NO. 7: Identify each and every owner, director, manager, employee, agent and/or representative of TWC, Charter/Spectrum who participated in negotiations or communications concerning the Agreement, stating as to each person their full name, current address, and current employer, and the nature of the person's participation.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case, insofar as it seeks the identity of "each and every owner, director, manager, employee, agent and/or representative of TWC, Charter/Spectrum who participated in negotiations or communications concerning the Agreement." Charter further objects to this Interrogatory because it is not limited to a reasonable, relevant time frame, insofar as the Agreement was negotiated and entered into in June 2006. Charter further objects to this Interrogatory to the extent it seeks information concerning individuals' "current address, and current employer, and the and the nature of the person's participation," as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter repeats and reincorporates its response to Interrogatory No. 4 as responsive to Interrogatory No. 7.

INTERROGATORY NO. 8: Identify each and every owner, director, manager, employee, agent and/or representative of TWC, Charter/Spectrum who you believe has knowledge or information concerning Your policies and procedures concerning ARIN registration, stating as to each person their full name, current address, and current employer.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory on the grounds that the phrase “policies and procedures concerning ARIN” is vague, ambiguous and undefined. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, and current employer,” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter identifies the following individuals who, to the best of its knowledge, are responsive to Interrogatory No. 8:

- Charlotte Field
- Dustin Phillips
- Daniel Schatte
- Eilisa Reid
- John Hendrickson
- Matt Stanek
- Scott Webber

The names provided above are based on a reasonable inquiry conducted by Charter based on the best information currently available. Charter had over 93,000 employees as of the end of fiscal year 2021. Accordingly, it is possible that other individuals have knowledge or information concerning Charter’s policies and procedures concerning ARIN registration who have not been included on the list above.

INTERROGATORY NO. 9: Identify each and every person who has knowledge of any fact or circumstance relating to the allegations made in the Answer and Counterclaims, including any affirmative defenses, stating as to each person their full name, current address, current employer, and the subject matter about which the person has knowledge.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to the Interrogatory as unduly burdensome, overbroad and not proportional to the needs of the case to the extent it seeks the identity of “each and every person who has knowledge of any fact or circumstance relating to the allegations made in the Answer and Counterclaims, including any affirmative defenses,” regardless of whether such individuals are current or former employees of Charter, or are even employed by Charter. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, current employer, and the subject matter about which the person has knowledge,” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter repeats and reincorporates its responses to Interrogatory Nos. 4, 5 and 8, and also identifies the following individuals in response to Interrogatory No. 9:

- Nomi Bergman
- Leo Cloutier
- Stephen Colafrancesco
- William Erickson
- Edward Fallon
- William Futera
- David Gray
- Mark Guberman
- Jonathan Hargis
- Cody Harrison
- Emmanuel Jones
- John Keib
- Greta Kim
- Chia Liu
- Michael Locke
- Sharon Peters
- Wendy Rasmussen

- Daniel Schatte
- Patricia Eliason
- John Hendrickson
- Joseph Leonard
- Eilisa Reid
- Matthew Paul Stanek
- Laurence Christopher
- Kimberly Steuterman
- Charlotte Field
- Dustin Phillips
- Daniel Schatte
- Scott Webber

The names provided above are based on a reasonable inquiry conducted by Charter based on the best information currently available. Charter had over 93,000 employees as of the end of fiscal year 2021. Accordingly, it is possible that there are other individuals with knowledge or information relevant to the subjects of the counterclaims and affirmative defenses who have not been included on this list. Should Charter learn the identities of additional individuals, it will update its response.

INTERROGATORY NO. 10: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information) considered and/or used to support your Answer and Counterclaim, including any affirmative defenses, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is unreasonably cumulative and duplicative of other discovery requests, including, but not limited to, Second RPFs Nos. 5, 21, 22 and 23. Charter further objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case because it calls for Charter to identify all documents “considered and/or used.” Charter further objects to this Interrogatory to the extent it seeks, with respect to “each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in

light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter will produce documents responsive to Second RFPs Nos. 5, 21, 22, and 23, which are duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 11: Identify each and every owner, director, manager, employee, agent and/or representative of Charter/Spectrum who you believe has knowledge or information concerning Your transfer or purchase of rights, title and interest in use of IP Addresses with any other Person, stating as to each person their full name, current address, and current employer, for the time period January 1, 2016 to present.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs of the case, insofar as it seeks the identity of “each and every owner, director, manager, employee, agent and/or representative of Charter/Spectrum who [we] believe has knowledge or information concerning [our] transfer or purchase of rights, title and interest in use of IP Addresses with any other Person,” regardless of whether such IP Addresses bear any relevance to the issues in this matter. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, and current employer,” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules. Charter further objects to the time period of the request as unduly burdensome, insofar as it seeks information dating back to January 1, 2016.

Subject to and without waiving the foregoing General and Specific Objections, Charter repeats and reincorporates its responses to Interrogatory Nos. 4, 5 and 8.

INTERROGATORY NO. 12: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information, instant messages, and/or audio recordings), concerning Charter/Spectrum agreements and policies related to the transfer or purchase of rights, title and interest in use of IP Addresses, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case, insofar as it seeks the identity of “any and all Documents, records, tangible things, or other materials (including electronically-stored information, instant messages, and/or audio recordings), concerning Charter/Spectrum agreements and policies related to the transfer or purchase of rights, title and interest in use of IP Addresses,” regardless of whether such IP Addresses bear any relevance to this issues in this matter. Charter further objects to the Interrogatory on the grounds that the phrase “agreements and policies related to the transfer or purchase of rights, title and interest in use of IP Addresses” is vague, ambiguous and undefined. Charter further objects to this Interrogatory because it is unreasonably cumulative or duplicative of other discovery requests, including, but not limited to, First RFPs Nos. 13, 18, 19, 21 and 22, and Second RFPs Nos. 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21 and 23. Charter further objects to this Interrogatory to the extent it seeks, with respect to “each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter will produce documents responsive to First RFPs Nos. 13, 18, 19 and

22, and Second RFPs Nos. 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21 and 23, which are duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 13: Identify each and every owner, director, manager, employee, agent and/or representative of Charter/Spectrum who has made statements to a Service Subscriber concerning changing services during the period of January 1, 2019 to January 1, 2021, stating as to each person their full name, current address, and current employer.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory on the grounds that the phrase “changing services” is vague, ambiguous and undefined. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, current employer” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter is unable to respond to this Interrogatory on the grounds that a response is neither practical nor feasible. Charter employs or works with third-party contractors to staff its call centers. Depending on the nature of their issues, EarthLink Service Subscribers may have been routed to Charter’s Inbound Sales and Retention (“IBS&R”) group, or to its Customer Service representatives. IBS&R had 6,883 employees as of year-end 2019, and 7,892 employees as of year-end 2020. In addition, there were 18,674 customer service agents as of year-end 2019 and 20,044 customer service agents as of year-end 2020. During the period of January 1, 2019 to January 1, 2021, those call centers fielded an average of around 20 million calls per month. Accordingly, Charter cannot respond to this Interrogatory.

INTERROGATORY NO. 14: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information, instant messages, and/or audio recordings), where any owner, director, manager, employee, agent and/or representative of Charter/Spectrum made statements to a Service Subscriber concerning changing services, during the period of January 1, 2019 to January 1, 2021, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative or duplicative of other discovery requests, including, but not limited to First RFPs Nos. 2, 4, 5, 6, 8, 9, 10 and 11 and Second RFPs No. 4. Charter further objects to this Interrogatory to the extent it seeks, with respect to “each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific objections, Charter responds as follows: Charter will produce documents responsive to First RFPs Nos. 2, 4, 5, 6, 9, 10 and 11, and Second RFPs No. 4, which are duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 15: Identify each and every owner, director, manager, employee, agent and/or representative of Charter/Spectrum involved in creating or approving Documents or Communications marketing to the EarthLink Service Subscribers, including, without limitation Spectrum’s 2020 email to the Services Subscribers from Kathleen Griffin, VP, Marketing Communications, stating as to each person their full name, current address, and current employer.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as overbroad, unduly burdensome, and not proportional to the needs

of the case. Charter further objects to this Interrogatory on the grounds that the term “marketing” is vague, ambiguous and undefined. Charter further objects to this Interrogatory because it is not limited to a reasonable, relevant time frame. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, and current employer,” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter identifies the following individuals in response to Interrogatory No. 15:

- Kathleen Griffin
- Stephen Colafrancesco
- Patricia Aliason
- William Erickson
- David Gray
- Mark Guberman
- Emmanuel Jones
- Joseph Leonard
- Michael Locke
- Wendy Rasmussen

The names provided above are based on a reasonable inquiry conducted by Charter based on the best information currently available. Charter had over 93,000 employees as of the end of fiscal year 2021. Accordingly, it is possible that other individuals have knowledge or information related to Interrogatory No. 15 who have not been included on the list above.

INTERROGATORY NO. 16: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information, instant messages, and/or audio recordings), where any owner, director, manager, employee, agent and/or representative of Charter/Spectrum marketed Charter/Spectrum services to the EarthLink Service Subscribers, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to

the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative or duplicative of other discovery requests, including, but not limited to, First RFPs Nos. 1, 2, 5 and 12 and Second RFPs No. 4. Charter further objects to this Interrogatory on the grounds that the term “marketed” is vague, ambiguous and undefined. Charter further objects to this Interrogatory to the extent it seeks, with respect to “each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific objections, Charter responds as follows: Charter will produce documents responsive to First RFPs Nos. 1, 2, 5 and 12 and Second RFPs No. 4, which are duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 17: Identify each and every owner, director, manager, employee, agent and/or representative of Charter/Spectrum engaged in any means of Communication with EarthLink Service Subscribers in New York (including email, hard copy mail, telephone or chat) and stating as to each person their full name, current address, and current employer.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory on the grounds that the phrase “changing services” is vague, ambiguous and undefined. Charter further objects to the Interrogatory to the extent it seeks information concerning individuals’ “current address, current employer,” as such subjects are beyond the scope of proper interrogatories set forth in Rule 11-a of the Commercial Division Rules.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter incorporates its response to Interrogatory No. 13. Charter further responds that given the volume of representatives who may have communicated with EarthLink Service Subscribers, which exceeds 20,000 individuals, it is unable to identify which “owner, director, manager, employee, agent and/or representative of Charter/Spectrum” communicated with EarthLink Service Subscribers in New York.

INTERROGATORY NO. 18: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information, instant messages, and/or audio recordings), where any owner, director, manager, employee, agent and/or representative of Charter/Spectrum made representations concerning Charter/Spectrum services to the EarthLink Service Subscribers in New York, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative or duplicative of other discovery requests, including, but not limited to First RFPs Nos. 2, 4, 5, 6, 8, 9, 10 and 11 and Second RFPs No. 4. Charter further objects to this Interrogatory to the extent it seeks, with respect to “each Document, record, tangible thing, or other materials identified, . . . a general description, the location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific objections, Charter responds as follows: Charter will produce documents responsive to First RFPs Nos. 2, 4, 5, 6, 9,

10 and 11 and Second RFPs No. 4, which are duplicative of this Interrogatory, consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 19: If any insurance agreements related to the EarthLink IP Addresses or TWC's representations to Charter concerning the Agreement, state the name(s) of the insurer(s) that provide such coverage, the coverage limits, and the amounts paid or payable thereunder.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter further objects to the interrogatory on the grounds that the phrase "TWC's representations to Charter concerning the Agreement" is vague, ambiguous and undefined.

Subject to and without waiving the foregoing General and Specific Objections, Charter responds as follows: Charter is not aware of any insurance agreements related to the IP Addresses supplied to Charter under the Agreement. Charter continues to investigate this issue. In the event that it identifies applicable insurance coverage, it will update its response accordingly. Charter is unable respond to the Interrogatory to the extent it seeks insurance information concerning "TWC's representations to Charter concerning the Agreement," as Charter is unclear on what is meant by the phrase.

INTERROGATORY NO. 20: Identify any and all Documents, records, tangible things, or other materials (including electronically-stored information) considered and/or used to prepare or support your answers to these Interrogatories, and as to each Document, record, tangible thing, or other materials identified, provide a general description, the location, and the name, office address, and title of the custodian.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory because it is unreasonably cumulative or duplicative of other discovery requests. Charter further objects to this Interrogatory on the grounds that the phrase "considered and/or used to prepare or support" is vague, ambiguous and undefined. Charter further objects to this Interrogatory to the extent it seeks, with respect to "each Document, record, tangible thing, or other materials identified, . . . a general description, the

location, and the name, office address, and title of the custodian,” insofar as the request is unduly burdensome in light of the potentially substantial volume of responsive documents. Charter further objects to this Interrogatory as premature because discovery in this matter remains in its very early stages and neither party has produced documents.

Subject to and without waiving the foregoing General and Specific objections, Charter responds as follows: Charter will produce documents responsive to the First RFPs and Second RFPs consistent with the schedule set forth in the Preliminary Conference Order.

INTERROGATORY NO. 21: Identify all witnesses that Charter may call at trial or may rely on for any summary judgment motion.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter objects to this Interrogatory as premature on the grounds that the parties have only just commenced discovery.

Subject to and without waiving the foregoing General and Specific objections, Charter responds as follows: Charter will identify its trial witnesses at an appropriate time according to the Preliminary Conference Order, the CPLR, the Commercial Division Rules, and any further orders issued by the Court.

INTERROGATORY NO. 22: Identify each Person who supplied information for or participated in the preparation of your answers to these Interrogatories.

RESPONSE: Charter incorporates by reference the General Objections set forth above. Charter further objects to this Interrogatory because it is overbroad, unduly burdensome, and not proportional to the needs of the case. Charter further objects to this Interrogatory on the grounds that the terms “information,” “supplied,” “participated in” and “preparation” are vague, ambiguous and undefined.

Subject to and without waiving the foregoing General and Specific Objections, Charter identifies the following individuals as responsive to Interrogatory No. 22:

- Kimberly Steuterman
- Laurence Christopher
- Cody Harrison

Dated: June 24, 2022
New York, New York

PATTERSON BELKNAP WEBB & TYLER
LLP

/s/ Saul B. Shapiro

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Communications Operating, LLC*

VERIFICATION

STATE OF CONNECTICUT)

CITY OF STAMFORD)

SS:

I, Cody Harrison, declare under penalty of perjury that I am the Vice President and Associate General Counsel for Charter Communications Operating, LLC, and I certify that the above responses to Plaintiff's First Set of Interrogatories to Defendant are true and correct to the best of my knowledge.

Dated: June 24, 2022
Stamford, CT

By:


Title: Vice President and Associate General Counsel
Charter Communications Operating, LLC

Sworn to and subscribed before me
this 24th day of June, 2022.



Notary Public

Anna-Laura Wilhelm
NOTARY PUBLIC
State of Connecticut
My Commission Expires 08/31/2023



CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2022, I caused the foregoing to be served via email on the following counsel of record:

KING & SPALDING LLP

Damien J. Marshall, Shaila R. Diwan
1185 Avenue of the Americas
New York, New York 10036

/s/ Saul B. Shapiro

Saul B. Shapiro