

# EXHIBIT G

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**From:** Baker, H. Gregory (x2871)  
**Sent:** Thursday, July 28, 2022 6:00 PM  
**To:** Shaila Rahman Diwan; Damien Marshall  
**Cc:** Lauren Devendorf; Alexander Noble; \_wg Charter  
**Subject:** RE: EarthLink LLC v. Charter Communications Operating, LLC, 654332/2020

Damien, Shaila,

We are surprised to receive your order to show cause given that we are in the midst of the meet and confer process, and given that the deadline to produce documents is not until next Friday, August 5<sup>th</sup>. We fail to see why EarthLink felt the need to seek emergency relief from the Court before any documents have been exchanged.

Moreover, and significantly, we were just in the process of drafting a letter informing you that Charter recently identified transcripts of a significant percentage of customer calls dating back to March 2020. Charter is collecting those transcripts, and segregating the Charter customers from the EarthLink customers, which is a laborious task, given that there were 40,000 plus EarthLink customers from March 2020 to October 2020. Our letter to you would have proposed a meeting next week to provide an update on the transcripts. As we have previously informed you, the volume of calls was such that any meaningful review of the calls would have been impossible. However, the existence of these transcripts means that the substance of these calls may be subject to a meaningful review by both parties.

In light of this, the only appropriate action for you is to withdraw the order to show cause. If EarthLink does not withdraw the order to show cause, we will seek costs associated with Charter's response. Please let us know this evening if intend to withdraw the order to show cause.

We are available to discuss at your earliest convenience.

**H. Gregory Baker**

Partner

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**From:** Shaila Rahman Diwan <sdiwan@kslaw.com>  
**Sent:** Thursday, July 28, 2022 4:27 PM  
**To:** Shane, Beth (x2659) <eshane@pbwt.com>; \_wg Charter <Charter@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; Shapiro, Saul B. (x2163) <sbshapiro@pbwt.com>  
**Cc:** SFCPart48@nycourts.gov; SFC-Part48@nycourts.gov; Damien Marshall <dmarshall@kslaw.com>; Lauren Devendorf <LDevendorf@KSLAW.com>; Alexander Noble <ANoble@KSLAW.com>  
**Subject:** EarthLink LLC v. Charter Communications Operating, LLC, 654332/2020

**Caution: External Email!**

Counsel, please be advised that we are filing an order to show cause this afternoon seeking spoliation sanctions against Charter in connection with its destruction of audio recordings in this matter.

The proposed order to show cause will request that the Court set a date and time for EarthLink to be heard on this application and for the parties to submit answering and reply papers in advance thereof. In accordance with the Court's Temporary Part Rules for Part 48 Nos. VI and XVI, we intend to circulate as-filed copies of EarthLink's papers via email, copying Part 48 at [SFCPart48@nycourts.gov](mailto:SFCPart48@nycourts.gov), once these papers are filed, as well as an emailed Microsoft Word version of the proposed Order to Show Cause to Part 48.

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**Shaila Rahman Diwan***Partner*

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