

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11
	:	
FRONTIER COMMUNICATIONS	:	Case No. 20-22476 (MG)
CORPORATION, <i>et al.</i> ,	:	
	:	(Jointly Administered)
	:	
Reorganized Debtors.	:	
	:	

**STIPULATION AND ORDER REGARDING
DISCLOSURE OF CUSTOMER INFORMATION AND MODIFICATION OF
CONFIDENTIALITY ORDER**

RECITALS

WHEREAS, on December 13, 2023, Frontier Communications Corporation and its affiliates (“Frontier”), the Record Company Claimants, and the Movie Company Claimants (as each is defined in the Case Management Order #1 After Conference In Contested Matter of Copyright Claims Objections [ECF No. 2229] (the “Case Management Order”)) filed their Rule 26(f) Discovery Plan [ECF No. 2242] (the “Discovery Plan”) in connection with the contested matter arising out of Frontier’s objections to the proofs of claim filed by the Record Company Claimants and the Movie Company Claimants;

WHEREAS, also on December 13, 2023, the Court entered the Discovery Confidentiality Stipulation and Order [ECF No. 2243] (the “Confidentiality Order”), which provides for the protection of confidentiality of documents and information (“Documents”) designated as “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY;”

WHEREAS, the Confidentiality Order provides that “[a]ny Producing Party may redact any personal identifying information that can be utilized to reasonably infer the identity of an individual to whom the information applies or is otherwise protected by law, including but not

limited to individuals' (including, without limitation, customers', authors', subscribers', or merchants') personally identifiable information, except to the extent disclosure of such information is necessary to the claims and defenses of any Party;"

WHEREAS, Frontier asserts that certain Federal and State laws may limit the disclosure of the identities and personally identifiable information ("PII") of Frontier's past and present customers (the "Customers") without an order of the Court directing such disclosure;

WHEREAS, in accordance with the referenced provision of the Confidentiality Order, Frontier redacted the PII of the Customers from Documents it has produced in this case. However, because Customer PII has been redacted from the Documents, RCC and MCC contend they cannot associate Customers with notices of infringement;

WHEREAS, in connection with their pursuit of their claims, RCC and MCC claim they need access to the PII of the Customers to conduct certain analyses relating to the notices of infringement;

WHEREAS, Frontier has objected to the disclosure of the PII of its Customers, but understands from the discussion during the April 30, 2024, discovery conference in this case that the Court is likely to order such disclosures;

WHEREAS, at the request of the Movie Company Claimants and over Frontier's objections, Frontier previously disclosed the PII of certain of its customers pursuant to prior Orders of the Court;

WHEREAS, in light of the Court's comments during the discovery conference held on April 30, 2024, Frontier will disclose the PII of the Customers conditioned on and subject to the protections of this Stipulation and Order, which are intended to ensure: (i) compliance with

applicable Federal and State privacy laws; (ii) that the privacy interests of the Customers are protected; and (iii) that no Party harasses the Customers.

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED:

1. The recitals set forth above are incorporated herein by reference.
2. This Stipulation shall become effective upon the date (the “Effective Date”) that it is “So Ordered” by the Court.
3. Frontier shall, within 3 days of the Effective Date and consistent with the confidentiality designation below, re-produce without redacting PII the following previously-produced Documents: (i) all communications between Frontier and its account holders related to Digital Millennium Copyright Act (“DMCA”) notices; (ii) all internal Frontier Documents; and (iii) the MariaDB database. In the event that Frontier, in consultation with the Record Company Claimants and/or the Movie Company Claimants, determines that additional relevant, responsive, non-privileged documents should be produced in response to the Claimants’ requests, Frontier shall likewise produce such documents without redacting PII, consistent with the confidentiality designation below.
4. Notwithstanding any prior Order of the Court, given the exigencies of the schedule set forth in the Order Setting Schedule for Trial dated April 4, 2024 [ECF No. 2317] and the additional confidentiality protections set forth herein, Frontier is not required to provide notice to the Customers that it will disclose their PII pursuant to this Order.
5. The Confidentiality Order is modified to add a designation for “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY.” Documents with this designation shall be viewed only by outside counsel of record for the Record Company Claimants, outside counsel of record for the Movie Company Claimants, and by the Record Company Claimants’

and the Movie Company Claimants' outside consulting or testifying expert(s) retained in this case and who have been given specific notice of this Order and have signed an agreement to be bound by the Confidentiality Order in form substantially similar to the form attached to the Confidentiality Order. For the avoidance of doubt, any materials designated "HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY" shall not be shared with or provided to the Record Company Claimants or to the Movie Company Claimants, or to any of their employees, agents, or investigators, including, without limitation, MarkMonitor, OpSec, the Recording Industry Association of America, PML Process Management Ltd., Maverickeye UG, Irdeto USA, Inc., Crowell Law, 42 Ventures, and Irdeto B.V.

6. All materials produced pursuant to this Order shall be designated "HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY."

7. Consistent with the Confidentiality Order, the Documents produced pursuant to this Order shall be used only for purposes of this litigation and for no other purpose.

8. Within 30 days of the conclusion of these proceedings, the Record Company Claimants and the Movie Company Claimants shall permanently delete and destroy all materials designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY. Frontier shall also permanently delete and destroy all material produced by the Record Company Claimants and the Movie Company Claimants designated HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY.

9. No individual (nor individuals acting in concert or with common interest) who receives PII under this Order may contact more than 50 of the Customers without further Order of the Court upon good cause shown.

10. The Parties may not modify the requirements of this Stipulated Order without prior Court approval.

11. The limitations of this stipulation shall not apply to PII Frontier previously disclosed to the Movie Company Claimants pursuant to Court order.

RECORD COMPANY CLAIMANTS	REORGANIZED DEBTORS
<p>By: <u>/s/ Matthew J. Oppenheim</u> Matthew J. Oppenheim OPPENHEIM + ZEBRAK, LLP 4350 Wisconsin Avenue, NW, 5th Fl. Washington, DC 20016 Telephone: (202) 480-2999</p> <p>Alexander Kaplan Carly K. Rothman OPPENHEIM + ZEBRAK, LLP 461 Fifth Avenue, 19th Floor New York, NY 1010017 Telephone: (212) 951-1156</p> <p>Michael Luskin Stephan E. Hornung MORGAN, LEWIS & BOCKIUS LLP 101 Park Avenue New York, NY 10178 Telephone: (212) 309-6000</p> <p><i>Counsel to the Record Company Claimants</i></p>	<p>By: <u>/s/ Stanley A. Twardy, Jr.</u> Stanley A. Twardy, Jr. Elizabeth A. Alquist Jonathan B. Tropp Joshua W. Cohen DAY PITNEY LLP One Stamford Plaza 263 Tresser Blvd., 7th Floor Stamford, CT 06901 Telephone: (203) 977-7368</p> <p>Ildefonso Mas (admitted <i>pro hac vice</i>) AKERMAN LLP 71 South Wacker Drive, 47th Floor Chicago, IL 60606 Telephone: (312) 634-5700</p> <p><i>Counsel to the Reorganized Debtors</i></p>

MOVIE COMPANY CLAIMANTS By: <i>/s/ Kerry S. Culpepper</i> Kerry S. Culpepper (admitted <i>pro hac vice</i>) CULPEPPER IP, LLLC 75-170 Hualalai Rd., STE B204 Kailua-Kona, HI 96740 Telephone: (808) 464-4047 <i>Counsel to the Movie Company Claimants</i>	
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IT IS SO ORDERED.

Dated: May 9, 2024
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge