

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

vs.

GRANDE COMMUNICATIONS  
NETWORKS LLC,

Defendant.

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Civil Action No. 1:17-cv-00365-DAE

**EXHIBIT 1**

**PLAINTIFFS’ PROPOSED *VOIR DIRE* QUESTIONS**

Pursuant to Local Civil Rule 16(f)-1 and this Court’s Order Resetting Jury Trial and Related Deadlines (Dkt. 386), Plaintiffs respectfully submit the following Proposed *Voir Dire* Questions.<sup>1</sup> Plaintiffs reserve the right to add to, edit, or withdraw, questions in light of any changes in trial format due to the continued presence of the coronavirus in the Western District of Texas at the time of trial.

1. Please describe the highest level of education you were able to complete and any certifications you received, including if you attended a technical or trade school. If you attended college or other higher education, please identify your major.
2. What is your current employment status?
  - a. If employed, is it part-time or full-time?
  - b. Do you work in person or virtually?
3. What is your current job or, if you are disabled, unemployed, furloughed, a homemaker, or a stay-at-home-parent, what was your most recent job?
  - a. How many jobs have you had in the past 10 years?
  - b. What was the main reason you changed jobs or work status?

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<sup>1</sup> Plaintiffs submit that certain general background questions could be posed to prospective jurors in advance through a written questionnaire to save the Court’s and parties’ time.

4. Do you have any background, training, or experience in the law?
5. If you or anyone in your immediate family is a lawyer, please explain who, where, and what type of law is involved.
6. What does your spouse or significant other do for work, if applicable?
7. Do you have any children?
  - a. If so, please describe how many, their ages, and what they currently do. If they are furloughed or unemployed, please describe their last job, if applicable.
  - b. Do you have any concerns about supervision or childcare if you were selected to serve as a juror? If so, explain.
8. Have you ever served as a juror before now?
  - a. If so, please explain how many times, whether you were a juror on a civil or criminal jury or a grand jury, and whether you were ever the foreperson.
  - b. If so, how did your involvement as a juror affect your perception about the legal system?
9. Would serving as a juror for a trial that may last about two weeks be a personal or financial hardship to you? If so, please explain.
10. Do you have any underlying health conditions that would make you uncomfortable or anxious serving as a juror? [Privately:] If so, please explain.
11. If you are selected to serve as a juror, would you object to following any COVID-19 rules set by the judge, such as wearing a face mask at all times indoors?
12. Would you hold it against someone if they wore a face mask during trial? If so, please explain.
13. Would you hold it against someone if they did not wear a face mask during trial? If so, please explain.
14. Have you or any of your friends/family/co-workers with whom you have been in close physical proximity tested positive for COVID-19 recently? If so, please explain.
15. Do you have long COVID?
16. Have you ever been accused of breaking an important agreement or contract? If so, please explain.
17. Have you ever been sued? If so, please explain the nature of the case and the outcome.
18. Do you support capping or limiting the amount of money damages awards in lawsuits? If so, please explain.
19. Is there any reason you could not award a significant amount of money in damages if the Plaintiffs prove their case by law? If so, please explain.
20. Do you believe that there are too many frivolous lawsuits nowadays? [Privately:] If so, can you explain why or give any examples?

21. Do you believe it is not appropriate to bring a lawsuit to recover money if the law prohibits certain behavior and that behavior causes a significant loss of money? If so, please explain.
22. Have you or anyone close to you ever worked directly or indirectly for any cable company or provider of internet service? If so, please explain which, in what capacity, And when.
23. Specifically, have you or anyone close to you ever worked for Grande Communications Networks LLC, Patriot Media Consulting LLC, Abry Partners, TPG Capital, Wave Broadband, RCN Telecom, Atlantic Broadband, Radiate LLC, Astound Broadband, Stonepeak Infrastructure Partners, or any related company? If so, who, in what capacity and when?
24. Who is your provider of internet, television, and phone services, if any?
  - a. Have you increased any services, data limits, or internet speed since the coronavirus pandemic began? If so, who pays for those changes? Please explain.
  - b. Can you think of any concerns you may have as a user of internet services if Grande lost in a lawsuit? [In private:] If so, please explain.
25. Do you get or have you ever gotten any internet, television, or phone services from Grande? If so, please describe when.
  - a. Have you increased any services, data limits, or internet speeds since the pandemic began? If so, please explain.
26. Is your opinion of ISPs (“Internet Service Providers”) in general, or of Grande in particular, so favorable that it might interfere with your ability to be impartial and render a verdict against Grande in a lawsuit if the facts justified that verdict? If so, please explain.
27. Could your reliance on the internet make it difficult to find against a local internet provider, even if the evidence supports a finding against it? [Privately:] If so, please explain.
28. Would you have any concerns that a verdict against an internet provider could have a bad effect on you personally or professionally in any way? [Privately:] If so, please explain.
29. Grande is a local company that employs Austin residents, although its owner is not local. Might these facts make you favor Grande, or hesitate to find against Grande in this case, even a little bit? If so, please explain.
30. The plaintiffs bringing this lawsuit are headquartered out of town. Would that tilt the scale against them in this case, even a little bit? If so, please explain.
31. Do you have any negative opinions about record labels or the music industry in general for any reason? [Privately:] If so, please explain.
32. Have you or anyone close to you ever worked directly or indirectly for a technology or software company? If so, please explain.
33. Do you have any investments of any kind that could be negatively affected by the outcome of this case? If so, please explain.

34. How do you like to spend your free time, if you have any?
35. Would you say you are regularly involved with your church or any other house of worship? If so, in what capacity?
36. Do you have any religious or moral beliefs that might make you feel uncomfortable standing in judgment of others? If so, please explain.
37. Do you believe that all music on the internet should be available for free? If so, please explain.
38. Have you ever downloaded music from the internet? If so, when and where did you get it from and how much did you pay, if anything?
39. Have you ever used any music streaming services?
  - a. If so, have you paid for any music streaming services?
  - b. Which free services have you used, if any?
40. Have you ever heard or read about lawsuits from approximately 2003 to 2008 in which the music industry sued people for illegally downloading and distributing music online?
  - a. If yes, were you or anyone you know sued or threatened to be sued?
  - b. Would that make you feel negatively about the music industry, even a little bit, in this case?
41. Are you at all concerned or unsure that the outcome of this lawsuit could negatively impact you in any way? [Privately:] Please explain.
42. Without providing any details, do you have any concern whatsoever that you or anyone close to you might ever be accused of illegally downloading or distributing music or videos from the internet? [Privately:] If so, please explain.
43. Do you know what a peer-to-peer network is? If yes, have you ever used one? [Privately:] Which one? For what?
44. Do you know what BitTorrent is? If yes, have you ever used it to share music or videos online?
45. Have you ever downloaded any material, including but not limited to any .torrent files, from any BitTorrent website, such as The Pirate Bay? [Privately:] If so, please explain.
46. Have you ever watched any videos or listened to any music that you obtained through any streamripping service? [Privately:] If so, please explain.
47. Are you or have you ever been a member, contributor or supporter of the Electronic Frontier Foundation, often referred to as the “EFF”?
48. Have you ever read or visited Ars Technica or TorrentFreak? If so, for what type of material?
49. Have you ever heard of a company called “Rightscorp,” formerly known as “Digital Rights Corporation”?
  - a. If yes, do you have any negative opinions about Digital Rights Corporation or Rightscorp? Explain.

50. Do you have any experience with companies that detect online file sharing through BitTorrent or other peer-to-peer networks? If so, explain.
51. Have you ever used or set up a VPN (“virtual private network”) for any reason other than to access a work network? If so, please explain.
52. As far as you know, have you or anyone in your family or your workplace ever received a notice of copyright infringement or in any other way been accused of infringing a copyright? [Privately:] please explain.
53. Have you ever had your internet service suspended or terminated for any reason other than for not paying your bill? [Privately:] Why?
54. Do you think it is at all unfair to hold a cable company or provider of internet service legally responsible (“liable”) for infringement by its customers when the company has been told about the infringement on its network, but fails to stop it? [Privately:] If so, please explain.
55. If your personal feelings are different than the law, is there any reason you would have even a little doubt that you could ignore your feelings and follow the law 100%?
56. Is there anything I haven’t asked that might interfere with your ability to render a completely impartial verdict based solely on the evidence and on [my/The Judge’s] instructions to you about the law? [Privately:] If so, please explain.

Dated: September 13, 2022

Respectfully submitted,

By:           /s/ Andrew H. Bart          

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