

**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 and PATRIOT
MEDIA CONSULTING, LLC,

Defendants.

§
§
§
§
§
§
§
§
§
§

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

**PLAINTIFFS’ REPORT ON ADR PURSUANT TO THE SCHEDULING ORDER AND
LOCAL RULE CV-88(b)**

Pursuant to paragraphs 3 and 4 of the Court’s Scheduling Order [Dkt. 66] and Local Rule CV-88(b), Plaintiffs hereby submit this report concerning the status of settlement negotiations and the potential for alternate dispute resolution.

In compliance with paragraph 3 of the Scheduling Order, on May 25, 2018 (within 60 days of the Court’s Order adopting the Magistrate Judge’s Report and Recommendation on Defendants’ Motions to Dismiss [Dkt. 78]), Plaintiffs submitted a written offer of settlement to Defendants.

Defendant Grande Network Communications LLC was required to submit its response to Plaintiffs’ offer no later than June 25, 2018. Scheduling Order ¶ 3 (“each opposing party shall

respond, in writing, within 30 days of receipt of such offer”). However, Grande failed to comply with the Court’s Order, as it has not responded, in writing or otherwise.¹

Counsel for Plaintiffs have raised this lack of a response on multiple occasions with Grande’s counsel. On Friday, July 13, 2018 (more than two weeks after Grande’s response was due), Grande’s counsel indicated that he had a response prepared, but had not been authorized by his client to provide it, and could not tell us if and when he would be submitting it. On Thursday, July 19, 2018, Grande’s counsel indicated that his client had not yet approved a response, but that he expected to be submitting the response on Monday, July 23, 2018. That date has come and gone, but Grande still has not submitted its response. As of today, Grande’s response is 30 days late.

Pursuant to Local Rule CV-88(b), Plaintiffs identify the following individuals with responsibility for settlement discussions: Alasdair McMullan, Senior Vice President, Legal Affairs, Universal Music Group (for the Universal Plaintiffs); Wade Leak, Senior Vice President, Deputy General Counsel and Chief Compliance, Ethics and Privacy Officer, Sony Music Entertainment (for the Sony Plaintiffs); and Brad Cohen, Vice President and Senior Litigation Counsel, Warner Music Group (for the Warner Plaintiffs). Plaintiffs remain ready and willing to participate in a meaningful attempt to resolve the case without further litigation, including through a mediation, which Plaintiffs previously proposed to Grande and Patriot Media Consulting, LLC (“Patriot”). Otherwise, if Grande and Patriot have no interest in discussing settlement, Plaintiffs will continue vigorous prosecution of this case to recover damages for

¹ Plaintiffs are submitting this report on the date it would have been due had Grande submitted its response on the required date. Scheduling Order ¶ 4.

Grande's and Patriot's extensive and harmful infringement of Plaintiffs' copyrighted sound recordings.

July 25, 2018

Respectfully submitted,

By: /s/ Robert B. Gilmore

Pat A. Cipollone, P.C. (admitted *pro hac vice*)

Jonathan E. Missner (admitted *pro hac vice*)

Robert B. Gilmore (admitted *pro hac vice*)

Philip J. O'Beirne (admitted *pro hac vice*)

Stein Mitchell Cipollone Beato & Missner LLP

901 15th Street, N.W., Suite 700

Washington, DC 20005

Telephone: (202) 737-7777

Facsimile: (202) 296-8312

pcipollone@steinmitchell.com

jmissner@steinmitchell.com

rgilmore@steinmitchell.com

pobeirne@steinmitchell.com

Daniel C. Bitting (State Bar No. 02362480)

Paige A. Amstutz (State Bar No. 00796136)

Scott Douglass & McConnico LLP

303 Colorado Street, Suite 2400

Austin, TX 78701

Telephone: (512) 495-6300

Facsimile: (512) 495-6399

dbitting@scottdoug.com

pamstutz@scottdoug.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on July 25, 2018 all counsel of record who are deemed to have consented to electronic service are being served with through the Court's ECF system.

/s/ Daniel C. Bitting _____

Daniel C. Bitting