



Manager & Counsel, Privacy
Charter Communications, Inc
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October 15, 2012

VIA CERTIFIED MAIL

The Honorable John Facciola
United States Magistrate Judge
United States District Court for the District of Columbia
333 Constitution Avenue N.W., Room 2321
Washington D.C. 2000

**Re: Openmind Solutions, Inc. v. Does 1-565, No. 1:11-cv-01883-JMF
Charter Case No. 11-4750**

*without prejudice to
Charter may file
Court for
as appropriate
relief on,
on behalf of
its subscribers.
John M
Facciola
11/26/12*

Dear Judge Facciola:

Charter Communications, Inc. ("Charter") is an internet service provider ("ISP") that received a third-party subpoena in the above-referenced matter. On September 18, 2012, you issued an order addressing motions to quash filed by the John Doe defendants, which appears as Document 19 on the docket (the "Order"). In the Order, you required that certain moving defendants must complete and return the form by October 22, 2012 in order to have their motions filed under seal or considered. The Order also requires the Plaintiff to "transmit forthwith" a copy of the Order to Charter and then Charter was to "transmit forthwith" a copy of the Order to our subscribers who had raised objections.

Plaintiff's counsel did not transmit a copy of the Order to Charter until the afternoon of October 12, 2012. Charter is in the process of notifying its customers today; however, we are concerned that our customers will have far less time to act than you anticipated because over three weeks passed between when the Order was entered and when Plaintiff's counsel sent a copy to Charter.

On behalf of Charter's customers, I respectfully request that you please consider this delay, due in no part to these customers, and allow them additional time to respond to your Order. I fear they will be unfairly prejudiced in this matter because Plaintiff's counsel did notify Charter of the Order until only ten calendar days before the October 22, 2012 deadline.

Please note that only two customers informed Charter that they had filed a motion with the Court in this matter. The IP addresses and Charter identification numbers of those customers are provided below.

1. 24.176.218.136, Charter ID no. 1
2. 24.205.235.76, Charter ID no. 4

I appreciate your time and consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me at (314) 288-3514.

Sincerely,

Kelly Starkweather
Manager and Counsel, Privacy

cc: Paul Duffy, Prenda Law
161 N. Clark St., Suite 3200
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