

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC. ET AL.,

Plaintiffs,

v.

X CORP., D/B/A TWITTER,

Defendant.

Case No. 3:23-cv-00606
District Judge Aleta A. Trauger

RESPONSE TO REQUEST FOR A STATUS CONFERENCE

Plaintiffs agree to Defendant's request for a stay while the Court considers the parties' respective positions on appropriate next steps for this litigation. Plaintiffs have relayed this to Defendant, and the parties will confer to set a proposed briefing schedule to present jointly to the Court. Accordingly, Plaintiffs believe that there is not a current need for a status conference.

Defendant asserted that the Supreme Court's decision in *Cox Communications, Inc. v. Sony Music Entertainment*, a case against an Internet access provider (ISP), constitutes a "substantial intervening change in law" and warrants a stay of the proceeding so that Defendant can file a motion for judgment on the pleadings or, in the alternative, for reconsideration of the Court's motion to dismiss ruling. (Doc. 177). Defendant also proposed a status conference rather than forging ahead immediately into expert discovery and summary judgment. (Id.)

Plaintiffs disagree with Defendant's assertion that the *Cox* decision means that this case should be dismissed. Plaintiffs' allegations and the factual record support this case moving forward. Along with opposing Defendant's forthcoming motion, Plaintiffs may file a motion to

amend pursuant to Rule 15(a)(2) and/or for reconsideration of this Court's motion to dismiss ruling under Rule 54(b).

Due to the timing of the Supreme Court's ruling, its contents, and the procedural posture of this case, Plaintiffs agree with Defendant's current request to stay all deadlines in the current schedule, including those pertaining to expert discovery and Defendant's motion to compel. In the circumstances presented, a temporary stay while the Court considers the above-described briefing is the most efficient and orderly course forward.

Respectfully submitted,

s/ Steven A. Riley

Steven A. Riley (No. 6258)
John R. Jacobson (No. 14365)
Tim Harvey, (No. 21509)
RILEY & JACOBSON, PLC
1906 West End Avenue Nashville, TN 37203
(615) 320-3700
sriley@rjfirm.com
jjacobson@rjfirm.com
tharvey@rjfirm.com

Scott A. Zebrak (*pro hac vice*)
Matthew J. Oppenheim (*pro hac vice*)
Keith Howell (*pro hac vice*)
Meredith Stewart (*pro hac vice*)
Kathleen Wills (*pro hac vice*)
OPPENHEIM + ZEBRAK, LLP
4530 Wisconsin Ave., NW, 5th Floor
Washington, DC 20016
Telephone: (202) 480-2999
scott@oandzlaw.com
matt@oandzlaw.com
khowell@oandzlaw.com
mstewart@oandzlaw.com
kwills@oandzlaw.com

Alexander Kaplan (*pro hac vice*)
Carly Rothman (*pro hac vice*)
Andrew Guerra (*pro hac vice*)
OPPENHEIM + ZEBRAK, LLP
461 5th Avenue, 19th Floor
New York, NY 10017
Telephone: (212) 951-1156
alex@oandzlaw.com
carly@oandzlaw.com
andrew@oandzlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2026, I authorized the electronic filing of a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to the parties' counsel of record.

/s/ Steven A. Riley
Steven A. Riley