

Exhibit "2"



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January 2, 2024

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VIA EMAIL

Kerry Culpepper
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Re: *In re Frontier Communications, et al.*, No. 20-BR-22476 (Bankr. S.D.N.Y.)

Dear Kerry:

We represent Reddit, Inc. (“Reddit”) and write regarding the subpoena issued to Reddit in the above-referenced matter for IP addresses associated with six anonymous Reddit users. Reddit objects to the subpoena for the reasons below. Please contact me to meet and confer if you disagree with any of Reddit’s objections.

First, the subpoena does not satisfy the First Amendment standard for disclosure of identifying information regarding an anonymous speaker. *In re Reddit, Inc.*, No. 3:23-mc-80037-LB, 2023 WL 3163455, at *3 (N.D. Cal. Apr. 28, 2023) (“disclosure of anonymous users’ identities is appropriate only in the exceptional case where the compelling need for the discovery sought outweighs the First Amendment rights of the anonymous speaker.”) (cleaned up). Under that standard, a court – not Reddit or the parties in this case – must assess “whether (1) the subpoena seeking the information was issued in good faith and not for any improper purpose, (2) the information sought relates to a core claim or defense, (3) the identifying information is directly and materially relevant to that claim or defense, and (4) information sufficient to establish or to disprove that claim or defense is unavailable from any other source.” *Id.* (cleaned up). It is unclear how the subpoena’s requests satisfy the second or third prongs of this test given that none of the posts depicted in Exhibit A to the subpoena appear to relate to movies that we understand are the subject of your clients’ copyright infringement claims. It is also unclear how the subpoena’s requests satisfy the fourth prong of this test in light of the Bankruptcy Court’s order allowing your clients to obtain discovery from Frontier Communications Corporation regarding “specific, identified instances of infringement.” Dkt. No. 2233, at 10; *In re Reddit, Inc.*, No. 3:23-mc-80173-LB, 2023 WL 4849434, at *4 (N.D. Cal. July 29, 2023) (“it is not obvious why subpoenaing even a subset of those addresses [obtained from the defendant ISP] would not yield information at least equivalent to, if not better than, information from the six Reddit subscribers.”); *In re Reddit, Inc.*, 2023 WL 3163455, at *4 (“The high likelihood that this

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information is available from [the defendant ISP] defeats the plaintiffs' subpoena (which was issued at the start of discovery in the underlying case).”).

Second, the federal rules require that all parties be served with a copy of a subpoena that commands the production of documents or electronically stored information. *See* Fed R. Civ. P. 45(a)(4). Consistent with Rule 45 and the First Amendment, it is Reddit's policy to notify users of any demands for their account records. If the objections above are resolved, Reddit will not produce any records until the users have received adequate notice and an opportunity to object to the subpoena. *See In re DMCA § 512(h) Subpoena to Twitter, Inc.*, No. 20-mc-80214-VC, 2022 WL 2205476, at *3 (N.D. Cal. June 21, 2022) (requiring notice to the user).

Please contact me if you have any questions or would like to discuss this matter. In the meantime, Reddit does not waive and expressly reserves all available rights and objections.

Sincerely,

A handwritten signature in blue ink, appearing to be "John Roche", with a stylized, cursive script.

John Roche