

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TOUCHSTREAM TECHNOLOGIES, INC.,	§	
<i>Plaintiff,</i>	§	
v.	§	CASE NO. 2:23-cv-00059-JRG
CHARTER COMMUNICATIONS, INC., et	§	(Lead Case)
al.,	§	
<i>Defendants.</i>	§	

TOUCHSTREAM TECHNOLOGIES, INC.	§	
<i>Plaintiff,</i>	§	
v.	§	CASE NO. 2:23-cv-00062-JRG
COMCAST CABLE COMMUNICATIONS,	§	(Member Case)
LLC d/b/a XFINITY, et al.,	§	
<i>Defendants.</i>	§	

ORDER

The Court issues this Order *sua sponte*. On July 23, 2024, Plaintiff Touchstream Technologies, Inc. (“Plaintiff”) and Defendants Comcast Cable Communications, LLC, Comcast Corporation; Comcast Cable Communications Management, LLC; and Comcast of Houston, LLC (collectively, “Comcast”) submitted a Joint Notice Regarding Mediation, in which Plaintiff and Comcast stated that they “agree this case may benefit from mediation” but that they had not agreed on a mediator for the Court’s consideration. (Dkt. No. 79.) The following day, Plaintiff and Defendants Charter Communications, Inc., Charter Communications Operating, LLC, Spectrum Management Holding Company, LLC, Time Warner Cable Enterprises, LLC, Charter Communications, LLC and Spectrum Gulf Coast, LLC (collectively, “Charter” and with Comcast, “Defendants”) filed a substantively identical Joint Notice Regarding Mediation. (Dkt. No. 80.) Most recently, on August 8, 2024, Plaintiff and Defendants submitted a Joint Notice Regarding

Mediation. (Dkt. No. 96.) In this latest filing, the Parties still believe “that this case may benefit from mediation,” but they have failed to jointly select a mutually agreeable mediator. (*Id.* at 1.)

In light of the Parties’ desire to mediate but inability to agree upon a mediator, the Court hereby appoints the Hon. David Folsom, Folsom ADR PLLC, 6002-B Summerfield Drive, Texarkana, Texas 75503, telephone number (903) 277-7303 Email: david@folsomadr.com, as mediator in the above-captioned Lead and Member Cases. Accordingly, the parties are **ORDERED** to mediate before the Hon. David Folsom as soon as reasonably practicable but in no event later than twenty-one (21) days from the entry of this Order. Mediation shall be in a format (in-person, virtual, or a combination thereof) as the mediator shall direct. His directives in such regard shall be binding on the parties and counsel.

Mediation shall be governed by the Court-Annexed Mediation Plan, found at: <http://www.txed.uscourts.gov/?q=court-annexed-mediation-plan>. In particular and without limitation, the Mediation Plan requires the presence at the mediation conference of all parties, corporate representatives, and any other required claims professionals (e.g., insurance adjusters, etc.) with full authority to negotiate a settlement. Exceptions to this requirement may be made only by the presiding judge in writing. Further, this Court’s Standing Order Regarding Participation of Local Counsel in Mediation Efforts (dated April 30, 2018 and found at <http://www.txed.uscourts.gov/?q=judge/chief-district-judge-rodney-gilstrap>) shall be complied with wherever applicable. No one may leave or disengage from any mediation session without the prior express approval of the mediator. The mediator’s directives as to the corporate representatives and their level of authority shall also be controlling as to any mediation session undertaken pursuant to this Order.

So Ordered this

Aug 28, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE