

Time Warner Wins Dismissal in Putative Nationwide Class Action Complaint

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Cahill secured a victory for client Time Warner Inc. and Time Warner Cable Inc., as Time Warner's motion to dismiss was granted in a decision/order dated July 23, 2009. *Fink v. Time Warner Inc. et al* (U.S. District Court, SDNY).

The lawsuit was filed in U.S. District Court by Jessica Fink, a subscriber to Time Warner Cable's high-speed Internet service, who alleged that Time Warner Cable's network management practices damaged Ms. Fink and the putative class by impermissibly slowing down Internet traffic (primarily "peer-to-peer" traffic) over Time Warner Cable's networks. The Complaint asserted six separate causes of action, including alleged violation of Section 1030 of the Computer Fraud and Abuse Act (18 U.S.C. § 1030). In granting Time Warner's motion to dismiss, the Court ruled that Ms. Fink had failed to state a claim under the CFAA and that federal jurisdiction was therefore lacking.

Attorneys

- Joel Kurtzberg
- Jonathan D. Thier

CAHILL GORDON & REINDEL LLP