

## GILBERT RANDOLPH LLP ANNOUNCES A CLASS ACTION LAWSUIT AGAINST COMCAST OF THE DISTRICT, LLC FOR MISREPRESENTATION AND FALSE ADVERTISING

**Complaint alleges that cable company misled customers about “unfettered” Internet access**

**Ellen Katkin**

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**Washington, DC (February 19, 2008)**—Gilbert Randolph LLP announced today that it has filed a class action lawsuit against Comcast of the District, LLC in the Superior Court for the District of Columbia on behalf of its client, Dr. Sanford Sidner, and all citizens of the District of Columbia who have subscribed to Comcast’s high-speed Internet service during the past three years. The Complaint alleges that Comcast advertises and represents that it provides the “fastest Internet connection” and “unfettered access to all the content, services, and applications that the Internet has to offer.” These representations allegedly are false because Comcast intentionally blocks or otherwise impedes its customers’ access to peer-to-peer file-sharing applications.

According to the Complaint, Comcast surreptitiously impersonates the computers of users attempting to share files and sends forged “reset packets” that instruct the transmitting computers to stop sending data. Thus, users of peer-to-peer applications are denied full access to the Internet despite paying for a service that Comcast promises is “unfettered” and the “fastest” available.

“Comcast promises that it does not block access to any online applications, including peer-to-peer services, but then it turns around and does exactly that,” said Gilbert Randolph’s August J. Matteis, Jr., attorney for the plaintiff. “Comcast deliberately hinders customers from getting the full benefits of the service they purchased, and it does so in an underhanded and deceptive manner.”

Dr. Sidner, the named plaintiff, claims that his service frequently stops or slows to a crawl when he uses file-sharing applications. “I’ve been a Comcast customer for several years, and I feel betrayed. I’ll bet most paying customers out there have no idea that Comcast is secretly blocking and slowing down their high-speed Internet service. It cuts at the heart of the service we all purchased. It’s just outrageous behavior.”

Over the past several months, Comcast repeatedly has denied that it blocked or “throttled” peer-to-peer exchanges. It finally admitted the existence but not the extent of its activities in a recent filing with the Federal Communications Commission. Comcast came under fire last week after it attempted to defend its service-limiting practice by stating that peer-to-peer applications place “excessive burdens” on its network. BitTorrent, the company that created the dominant protocol for file-sharing, reacted angrily, noting that Comcast’s actions are anti-competitive.

“This lawsuit demonstrates that consumers are rightfully outraged over Comcast’s secretive bait-and-switch tactics,” said Markham C. Erickson, the Executive Director of the Open Internet Coalition. “The company’s behavior already has attracted the attention of the FCC and Congress. Now the courts are involved. If Comcast doesn’t change its behavior, the word ‘Comcastic’ is going to become a synonym for fraud.”

For more information about the lawsuit or to receive a copy of the Complaint, please contact Brian Weinthal at (202) 772-1930.

### **About Gilbert Randolph LLP**

Based in Washington, DC, Gilbert Randolph LLP is a law firm that represents a wide range of clients, including corporations, partnerships, non-profit organizations, and individuals in complex disputes, including high-stakes litigation, class actions and ADRs. Best known for representing policyholder interests in insurance coverage matters, Gilbert Randolph LLP also has an active public interest practice that specializes in complex multi-plaintiff actions involving cutting-edge issues.