

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SARAH ANDERSEN, et al.,  
Plaintiffs,  
v.  
STABILITY AI LTD., et al.,  
Defendants.

Case No. [23-cv-00201-WHO](#)

**ORDER DENYING RELIEF FROM  
PRETRIAL ORDER OF MAGISTRATE  
JUDGE**

Re: Dkt. No. 325

Plaintiffs seek relief from Magistrate Judge Lisa J. Cisneros’s July 14, 2025 Order prohibiting plaintiffs from sharing defendants’ highly confidential-designated materials with their chosen expert, Dr. Ben Yanbin Zhao. Dkt. No. 325. Plaintiffs’ motion for relief is DENIED.

Judge Cisneros’s Order is very thorough and addresses each of the cases identified by the parties. None address the exact issue here, where one party’s expert is not an “actual competitor” in the marketplace with the other side, but the expert’s academic research and the tools the expert has created present “serious competitive concerns” to defendants’ products and could disrupt how defendants’ products operate. Judge Cisneros applied the principles and concerns recognized in those cases. She weighed the potential harm to defendants if Zhao were provided access to their highly confidential information against plaintiffs’ asserted need to have Zhao review that information in his capacity as a testifying expert. The potential harm to defendants is readily apparent and supported by the record before Judge Cisneros, even if not based on “declarations” or other evidence proffered by defendants.<sup>1</sup>

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<sup>1</sup> Plaintiffs’ request for leave to file a reply, Dkt. No. 333 is GRANTED.

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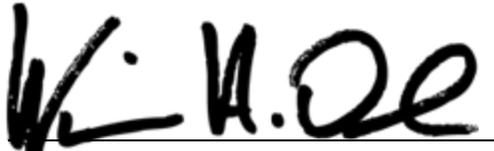
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I agree with Judge Cisneros’s findings that Zhao’s work puts him in an “adversarial posture” to defendants and their generative AI products, creating a risk of inadvertent use of defendants’ highly confidential information and competitive harm to defendants. *See Voice Domain Techs., LLC v. Apple, Inc.*, No. CIV.A. 13-40138-TSH, 2014 WL 5106413, at \*4 (D. Mass. Oct. 8, 2014). Plaintiffs point to nothing in the Order was “clearly erroneous” or “contrary” to law. That Judge Cisneros’ opinion “expands” the concept of an actual competitor to an academic who released tools that aim to disrupt defendants’ products does not mean that it misapplies binding law.

Judge Cisneros’s ruling does not mean Dr. Zhao cannot testify or otherwise assist plaintiffs in an expert capacity. He cannot be shown information that defendants have properly designated a highly confidential under the Protective Order in this case, however. If there is good cause to extend the case schedule to accommodate a need by plaintiffs to seek other expert support for their case that they expected Dr. Zhao to provide, plaintiffs shall meet and confer with defendants and submit a proposed revised case schedule if and as necessary.

**IT IS SO ORDERED.**

Dated: August 29, 2025



William H. Orrick  
United States District Judge