

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 GRANTING UNOPPOSED
MOTION FOR LEAVE TO FILE
THIRD AMENDED CLASS ACTION
COMPLAINT AND GRANTING IN
PART MOTIONS TO SEAL**

Re: Dkt. Nos. 375, 376

Plaintiffs seek leave to file a Third Amended Class Action Complaint (“TAC”). *See* Dkt. No. 375. Defendants do not oppose or take no position. Dkt. Nos. 394, 398. The motion for leave to file the TAC is GRANTED. Plaintiffs shall file the proposed TAC, redacting the information allowed below regarding not-publicly disclosed datasets, within 10 days of the date of this Order.

Plaintiffs include in their motion for leave and proposed TAC materials designated as confidential by defendants and, therefore, move to seal parts of the TAC. Dkt. No. 376. Each defendant filed a declaration explaining what information it contends should remain under seal. Dkt. Nos. 383, 385, 387. Having reviewed the declarations, I GRANT the motion to seal in part based on compelling justifications shown.

Motion for Leave to Amend [Dkt. No. 375-2]

Stability AI’s and Midjourney’s requests to continue to seal the name and identifying information of datasets used to train products that they contend have not been publicly disclosed – or disclosed to their co-defendant in this action – is GRANTED at this juncture. If the identity of these datasets has been disclosed to their co-defendant in this action or as this case progresses, the weighing of compelling justification to seal this information may be revisited.

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1 DeviantArt’s request to seal two pieces of information – the purpose of a tool DeviantArt
2 publicly acknowledges it used with Stability AI’s product and the number of millions of images in
3 that tool – is DENIED. Compelling justifications have not been shown to seal that very general
4 information.

5 **Proposed TAC [Dkt. No. 376-2]**

6 Stability AI’s request to continue to seal the name and identifying information of datasets
7 used to train products that it contends has not been publicly disclosed – or disclosed to a co-
8 defendant in this action – is GRANTED at this juncture. If the identity of these datasets has been
9 disclosed to the co-defendant in this action or as this case progresses, the weighing of compelling
10 justification to seal this information may be revisited.

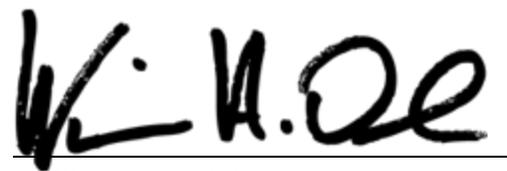
11 **Exhibits to Creutz Decl. [Dkt. No. 375-3]**

12 The motion to seal exhibit 3 to the Creutz Declaration is DENIED. The only information
13 at issue is the addition of the tool by DeviantArt. As noted above, compelling justifications have
14 not been shown to seal that information.

15 Exhibits 4, 5, 6, & 7 to the Creutz Declaration may remain under seal at this juncture as
16 they contain detailed technical information about training and deduplication of datasets/models.

17 **IT IS SO ORDERED.**

18 Dated: February 25, 2026



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21 William H. Orrick
22 United States District Judge
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