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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Paul Tremblay,
Individual and Representative Plaintiff,
v.
OpenAI, Inc., et al.,
Defendants.

Case No. 3:23-cv-03223-AMO
STIPULATION AND ~~PROPOSED~~ ORDER
CONSOLIDATING CASES
Judge: Araceli Martinez-Olguin
Complaint Filed: June 28, 2023
Trial Date: n/a

Sarah Silverman, et al.,
Individual and Representative Plaintiffs,
v.
OpenAI, Inc., et al.,
Defendants.

Case No. 4:23-cv-03416-AMO
RELATED CASE
Judge: Araceli Martinez-Olguin
Complaint Filed: July 7, 2023
Trial Date: n/a

Michael Chabon, et al.,
Individual and Representative Plaintiffs,
v.
OpenAI, Inc., et al.,
Defendants.

Case No. 4:23-cv-04625-AMO
RELATED CASE
Judge: Araceli Martinez-Olguin
Complaint Filed: Sept. 8, 2023
Trial Date: n/a

1 Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Paul
 2 Tremblay, Sarah Silverman, Christopher Golden, Richard Kadrey, Michael Chabon, Ta-Nehisi Coates,
 3 Junot Diaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise
 4 Snyder, Ayelet Waldman, and Jacqueline Woodson and Defendants OpenAI, Inc.; OpenAI, L.P.;
 5 OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund
 6 I, L.P.; and OpenAI Startup Fund Management, LLC jointly request that the above-captioned actions
 7 (the “Actions”) be related and consolidated for all pretrial and trial proceedings. The parties, by and
 8 through their undersigned counsel, stipulate as follows:

9 WHEREAS, on June 28, 2023, Plaintiff Paul Tremblay¹ filed a Complaint (ECF No. 1) against
 10 Defendants OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup
 11 Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC² in
 12 *Tremblay, et al. v. OpenAI, Inc., et al.*, No. 3:23-cv-03223-AMO (N.D. Cal. June 28, 2023) (the
 13 “*Tremblay Action*”);

14 WHEREAS, on July 7, 2023, Plaintiffs Sarah Silverman, Christopher Golden, and Richard
 15 Kadrey³ filed a Complaint (ECF No. 1) against Defendants in *Silverman, et al v. OpenAI, Inc, et al.*,
 16 No. 4:23-cv-03416-AMO (N.D. Cal. July 7, 2023) (the “*Silverman Action*”);

17 WHEREAS, on July 19, 2023, Plaintiffs filed an Administrative Motion to Consider Whether
 18 Cases Should Be Related regarding the *Tremblay Action* and *Silverman Action* (*Tremblay Action*, ECF
 19 No. 16);

20 WHEREAS, on July 28, 2023, this Court granted the motion and ordered the Clerk to relate the
 21 later-filed *Silverman Action* to the *Tremblay Action* (*Tremblay Action*, ECF No. 26);

22 WHEREAS, on September 8, 2023, Plaintiffs Michael Chabon, David Henry Hwang, Matthew
 23

24 _____
 25 ¹ On August 11, 2023, a former Plaintiff in this action—Mona Awad—voluntarily dismissed her
 individual claims and exited the case. ECF No. 29.

26 ² OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI OpCo, LLC; OpenAI Startup Fund GP I,
 27 L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are collectively
 referred as “OpenAI” or “Defendants.”

28 ³ Plaintiffs Paul Tremblay, Sarah Silverman, Christopher Golden, and Richard Kadrey are collectively
 referred to as “Plaintiffs.”

1 Klam, Rachel Louise Snyder, and Ayelet Waldman filed a Complaint against Defendants in *Chabon, et*
2 *al. v. OpenAI, Inc, et al.*, Case No. 4:23-cv-04625-PHK (N.D. Cal. Sept. 8, 2023) (“*Chabon Action*”);

3 WHEREAS, on September 20, 2023, Plaintiffs filed an Administrative Motion to Consider
4 Whether Cases Should Be Related seeking to relate the *Chabon Action* to the *Tremblay Action* (ECF
5 No. 46);

6 WHEREAS, on October 5, 2023, an amended complaint was filed in the *Chabon Action* (ECF
7 No. 11);

8 WHEREAS, on October 10, 2023, this Court granted the motion and ordered the Clerk to
9 relate the *Chabon Action* to the *Tremblay Action* (*Tremblay Action*, ECF No. 53; *Chabon Action*, ECF
10 No. 17);

11 WHEREAS, the *Tremblay Action*, the *Silverman Action*, and the *Chabon Action* (collectively,
12 the “Related Actions”) all bring putative class action claims regarding ChatGPT and allege the same
13 causes of action against the same Defendants;

14 WHEREAS, the parties agree that consolidation of the Actions will advance the just and
15 efficient progress of this litigation, reduce case duplication, conserve Court time and resources, avoid
16 the need to contact parties and witnesses for multiple proceedings, and minimize the expenditure of
17 time and money for all parties involved. *See* Fed. R. Civ. P. 42(a);

18 WHEREAS, by stipulating to consolidation of the Related Actions, Defendants do not concede
19 the truth of any of Plaintiffs’ allegations or that certification of the putative classes is proper under
20 Federal Rule of Civil Procedure 23 and specifically reserves its right to oppose class certification on
21 all available grounds;

22 WHEREAS, the parties have met and conferred and agreed to the terms of the [Proposed]
23 Pretrial Order No. 1 filed herewith;

24 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate and
25 agree that, subject to the approval of the Court:

- 26 1. The *Tremblay Action*, the *Silverman Action*, and the *Chabon Action* shall be
27 consolidated for all purposes under Federal Rule of Civil Procedure 42(a);

1 2. Following the ruling on Defendants’ Motions to Dismiss (*Tremblay* Action, ECF
2 No. 33; *Silverman* Action, ECF No. 32), Plaintiffs will file a consolidated complaint, **by March**
3 **13, 2024. See ECF 104.**

4 3. The *Chabon* Action shall be stayed pending consolidation. Defendants need not
5 respond to the *Chabon* Complaint until Plaintiffs have filed a consolidated complaint.

6 4. The Court shall enter the [~~Proposed~~] Pretrial Order No. 1 filed herewith.

7 **IT IS SO STIPULATED.**

8
9 Dated: October 26, 2023

By: /s/ Joseph R. Saveri
 Joseph R. Saveri

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22 *Chabon Action*

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13 *I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI*
14 *Startup Fund Management, LLC*

15 **IT IS SO ORDERED.**

16 Dated: February 16, 2024

17 
18 Araceli Martínez-Olguín
19 Honorable Araceli Martínez-Olguín
20 United States Judge
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