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17 [Additional counsel listed on signature page]

18  
 19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 21 SAN FRANCISCO DIVISION

22 IN RE OPENAI CHATGPT LITIGATION

23 This document relates to:

24 Case No. 3:23-cv-03223-AMO  
 25 Case No. 3:23-cv-03416-AMO  
 26 Case No. 3:23-cv-04625-AMO

Master File Case No. 3:23-CV-03223-AMO

**JOINT STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND CASE DEADLINES  
 PURSUANT TO LOCAL RULE 6-2**

Judge: Hon. Araceli Martínez-Olguín

Date Filed: June 28, 2023

**JOINT STIPULATION TO EXTEND CASE DEADLINES**

Pursuant to Local Civil Rules 6-2 and 7-12, and Federal Rule of Civil Procedure Rule 16(b)(4), the parties in the above-captioned action hereby stipulate and agree as follows:

WHEREAS, at the initial case management conference on October 5, 2023, the Court entered a case management schedule through the deadlines for replies to motions for class certification and any *Daubert* motions (Dkt. 75 at 13:15–14:8, 16:20–22);

WHEREAS, on August 16, 2024, the parties jointly submitted a stipulation seeking to extend the case deadlines by 90 days (ECF No. 172), which the Court granted on August 19, 2024 (ECF No. 173);

WHEREAS, under the current schedule, the close of fact discovery is set for January 27, 2025, and the other current case deadlines for expert discovery and for briefing class certification and *Daubert* motions are set for thereafter (ECF No. 173);

WHEREAS, no trial date has been entered (*see* ECF No. 173);

WHEREAS, actions raising substantially similar claims are proceeding concurrently in the United States District Court for the Southern District of New York (“S.D.N.Y. Actions”)<sup>1</sup>;

WHEREAS, Judge Illman ordered the parties to “streamlin[e] discovery coordination and deposition procedures” across the instant action (“N.D. Cal. Action”) and the S.D.N.Y. Actions (ECF No. 144);

WHEREAS, Judge Illman expressed “concerns about duplicative depositions on the same topics constituting an avoidable burden and a waste of resources.” (ECF No. 144);

WHEREAS, the parties have been diligently and regularly meeting and conferring, including with the parties to the S.D.N.Y. Actions, in an effort to comply with Judge Illman’s order

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<sup>1</sup> The class cases pending in the Southern District of New York include *Authors Guild, et al., v. OpenAI, Inc., et al.*, No. 23-CV-8292 (S.D.N.Y.); *Alter, et al., v. OpenAI, Inc., et al.*, No. 23-CV-10211 (S.D.N.Y.); and *Basbanes, et al., v. Microsoft Corp., et al.*, No. 24-CV-84 (S.D.N.Y.). In addition, individual newspaper plaintiffs have filed cases bringing similar claims in the Southern District of New York. *E.g., N.Y. Times Co. v. Microsoft Corp., et al.*, No. 23-CV-11195 (S.D.N.Y.); *Daily News, LP v. Microsoft Corp., et al.*, No. 24-cv-3285 (S.D.N.Y.); *The Center for Investigative Reporting v. OpenAI, Inc., et al.*, No. 24-cv-04872 (S.D.N.Y.) (the “Newspaper Actions”).

1 to coordinate discovery including depositions in order to avoid duplicative discovery, while  
2 concurrently advancing this litigation;

3 WHEREAS, document discovery is ongoing and the parties are meeting and conferring on  
4 several document discovery-related items, and they expect to continue to do so in a continuing  
5 effort to narrow current disputes between them;

6 WHEREAS, the parties remain mindful of Magistrate Judge Illman’s Order to cooperate on  
7 discovery with the S.D.N.Y. Actions in order to minimize duplication and maximize judicial  
8 economy;

9 WHEREAS, the parties have yet to notice depositions because they have been conferring  
10 with counsel in the S.D.N.Y. Actions in order to secure a formal deposition protocol coordinating  
11 depositions across the actions;

12 WHEREAS, given the present fact discovery deadline of January 27, 2025, and in light of  
13 recent developments in the S.D.N.Y. Actions, deposition coordination with the S.D.N.Y. Actions  
14 will not be possible absent a reasonable extension of case deadlines;

15 WHEREAS, on October 30, 2024, the court in the S.D.N.Y. Actions held an Omnibus In-  
16 Person Status Conference during which the court recognized the S.D.N.Y. Actions are still in their  
17 “early stages” (Ex. A, Tr., 6:23) and “in the midst of document production” (*id.* at 8:24-25);

18 WHEREAS, the court in the S.D.N.Y. Actions also stated that the “proposals and  
19 percolating disputes about limitations, depositions or coordinated deposition protocol, . . . are  
20 premature right now.” *Id.* at 8:21-23;

21 WHEREAS, the parties to the N.D. Cal. Action agree that an extension of the case schedule  
22 is necessary in part to continue efforts to coordinate discovery with the S.D.N.Y. Actions in order  
23 minimize duplication and burdens, and maximize judicial efficiency<sup>2</sup>; and

24 WHEREAS, along with this Stipulation and Proposed Order, counsel for Plaintiffs will file  
25 a declaration in compliance with Local Civil Rule 6-2.

26 \_\_\_\_\_  
27 <sup>2</sup> To the extent the case schedule in the S.D.N.Y. Actions is extended beyond the new deadlines  
28 proposed herein, the parties to the N.D. Cal. Action may request a further extension of the case  
schedule here.

1 NOW THEREFORE, the parties agree and stipulate and respectfully request that the  
 2 current case deadlines be extended as follows:

Case Event	Previous Deadline	New Deadline
<i>Fact Discovery</i>		
Substantial completion of document productions	September 12, 2024	January 27, 2025
Close of fact discovery	January 27, 2025	July 25, 2025
<i>Expert Reports</i>		
Expert reports on issues on which a party has the burden of proof	April 14, 2025	October 14, 2025
Opposing / rebuttal expert reports	May 12, 2025	November 12, 2025
Close of expert discovery	June 11, 2025	December 18, 2025
<i>Daubert Motions</i>		
<i>Daubert</i> motions	July 9, 2025	January 16, 2026
Oppositions to <i>Daubert</i> motions	August 21, 2025	February 27, 2026
Replies in support of <i>Daubert</i> motions	September 22, 2025	March 27, 2026
<i>Class Certification Motions</i>		
Motion for class certification	July 9, 2025	January 16, 2026
Opposition to class certification motion	August 21, 2025	February 27, 2026
Reply in support of class certification motion	September 22, 2025	March 27, 2026

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25 To the extent it would be helpful to the Court, the parties are available to attend a case  
26 management conference set for as soon as the Court may be available to discuss any questions the  
27 Court may have regarding the parties' proposal.  
28

1 Dated: November 8, 2024

By:           /s/ Joseph R. Saveri          

Joseph R. Saveri

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*Counsel for Individual and Representative Plaintiffs  
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1 Dated: November 8, 2024

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*Attorneys for Defendants*

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5–1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the other signatories to this stipulation.

Dated: November 8, 2024

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

**[PROPOSED] ORDER EXTENDING CASE DEADLINES**

PURSUANT TO STIPULATION AND FINDING GOOD CAUSE, IT IS SO ORDERED.

Dated:

By: \_\_\_\_\_

THE HONORABLE ARACELI MARTÍNEZ-OLGUÍN  
UNITED STATES DISTRICT JUDGE

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