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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.

Lead Case No. 3:23-cv-03223-AMO
~~**[PROPOSED] PRETRIAL ORDER NO. 1**~~
**[Filed Concurrently With Stipulation and
[Proposed] Order to Consolidate Related Cases]**

This document relates to:
Case No. 3:23-cv-03223-AMO
Case No. 4:23-cv-03416-AMO
Case No. 4:23-cv-04625-AMO

1 To facilitate the efficient management of the actions filed against OpenAI, Inc.; OpenAI, L.P.;
 2 OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund I, L.P.; OpenAI Startup Fund GP I,
 3 L.L.C.; and OpenAI Startup Fund Management, LLC (“OpenAI”) regarding OpenAI LLMs used for
 4 ChatGPT (the “OpenAI ChatGPT Actions”) involving claims of Direct Copyright Infringement (17
 5 U.S.C. § 106), Vicarious Copyright Infringement (17 U.S.C. § 106), the Digital Millennium Copyright
 6 Act – Removal of Copyright Management Information (17 U.S.C. § 1202 (b)) (“the DMCA”), Unfair
 7 Competition (Cal. Bus. & Prof. Code §§ 17200, *et seq.*), Negligence, and Unjust Enrichment, the
 8 Court hereby **ORDERS** as follows:

9 1. The provisions of this Order shall govern the practice and procedures in the OpenAI
 10 ChatGPT Actions that were or will be related to *Tremblay, et al. v. OpenAI, Inc., et al.*, Case No.
 11 3:23-cv-03223-AMO (N.D. Cal. June 28, 2023) (“*Tremblay Action*”) pursuant to N.D. Cal. Civil
 12 Local Rule 3-12.¹ Pursuant to Federal Rule of Civil Procedure 42(a), the Court now consolidates the
 13 OpenAI ChatGPT Actions into Case No. 23-cv-03223. The OpenAI ChatGPT Actions currently
 14 pending in the Northern District ~~have been~~ **will be deemed** consolidated for all purposes under Federal
 15 Rule of Civil Procedure 42(a) pursuant to stipulation by the parties, *see* ECF No. 60, **and upon the**
 16 **filing of a consolidated complaint within 30 days of the Court’s ruling on the pending motions to**
 17 **dismiss in 23-cv-3223 and 23-cv-3416.** Consolidation does not have the effect of making any entity a
 18 party to any action in which he, she, or it has not been named, served, or added in accordance with the
 19 Federal Rules of Civil Procedure. All subsequent filings filed in this Court related to the OpenAI
 20 ChatGPT Actions shall be captioned “*In re OpenAI ChatGPT Litigation*” under Case No. 23-cv-
 21 03223.

22 2. In any cases that are subsequently filed in, removed to, or transferred to this Court
 23 involving the same or substantially similar issues of law and fact, Plaintiffs and/or the party
 24 responsible for the filing, removal, and/or transfer shall file a notice of related case under Civil Local
 25

26
 27 ¹ *Silverman, et al v. OpenAI, Inc., et al.*, Case No. 4:23-cv-03416-KAW (N.D. Cal. July 7, 2023)
 28 (“*Silverman Action*”) and *Chabon, et al. v. OpenAI, Inc, et al.*, Case No. 4:23-cv-04625-AMO (N.D.
 Cal. Sept. 8, 2023) (“*Chabon Action*”) have previously been related to the *Tremblay Action* by the
 Court. (ECF Nos. 26, - 53.)

1 Rules 3-12 and 7-11 and a stipulation or administrative motion to consolidate actions within fourteen
2 (14) days after the filing, removal, or transfer of the case (whichever is later).

3 3. Every pleading or motion filed in the master docket shall bear the following caption:

4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN FRANCISCO DIVISION**

7 IN RE OPENAI CHATGPT LITIGATION

Master File No. 23-cv-03223-AMO

8 This Document Relates To: [“All Actions” or the
9 docket numbers of each individual case to which
10 the document relates.]

11 4. If a document pertains to only one or some of the member cases, the document must list
12 the actions or the docket number of each individual action to which the document applies immediately
13 under the master caption as set forth above. Documents that pertain to one or only some of the
14 individual pending actions shall *also* be filed in the individual case(s) to which the documents pertain.

15 5. Each attorney of record is obligated to become a Northern District of California ECF
16 User and be assigned a user ID and password for access to the system. If she or he has not already
17 done so, counsel shall register forthwith as an ECF User and be issued an ECF User ID and password.
18 Forms and instructions can be found on the Court’s website at www.cand.uscourts.gov/cm-ecf. The
19 docket in Case No. 3:23-cv-03223-AMO will constitute the master docket. All filings shall be filed in
20 the master docket.

21 6. A copy of this Order shall be filed by the ~~Clerk~~ **parties** in any subsequent OpenAI
22 ChatGPT Action related to *In Re: OpenAI ChatGPT Litigation*.

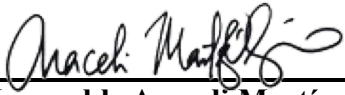
23 7. Counsel are directed to familiarize themselves with the Northern District of California’s
24 Local Rules, the Standing Order for All Judges of the Northern District of California, the Court’s
25 standing orders, and the Guidelines for Professional Conduct for the Northern District of California.
26 **Noncompliance will be grounds for sanction.**

27 8. Counsel who appeared in a related case prior to consolidation need not enter an
28 additional appearance before this Court. Attorneys admitted to practice and in good standing in any

1 United States District Court may, at Case No. 3:23-cv-03223-AMO, seek to be admitted *pro hac vice*
2 in this litigation pursuant to N.D. Cal. Civil Local Rule 11-3. ~~The requirement that *pro hac vice*~~
3 ~~counsel retain local counsel, see N.D. Cal. Civil Local Rules 11-3(a)(3) and 11-3(e), is waived and~~
4 ~~does not apply to this action.~~

5
6 **IT IS SO ORDERED.**

7
8 **Dated:** November 9, 2023



9 **Honorable Araceli Martínez-Olguín**
10 **United States District Judge**