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*Counsel for Defendant Meta Platforms, Inc.*

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

RICHARD KADREY, *et al.*,  
Individual and Representative Plaintiffs,  
v.  
META PLATFORMS, INC., a Delaware  
corporation;  
Defendant.

Case No. 3:23-cv-03417-VC-TSH

**DECLARATION OF TERESA MICHAUD IN  
SUPPORT OF META'S OPPOSITION TO  
PLAINTIFFS' LETTER BRIEF REGARDING  
PRIVILEGE**

I, Teresa Michaud, hereby declare:

1. I am a Partner at Cooley LLP and am a member in good standing of the state bars of California, New York, and Texas. I am outside counsel for Meta Platforms, Inc. (“Meta”) in this litigation.

2. The contents of this declaration are based on my personal knowledge and review of Plaintiffs’ privilege logs. If called upon as a witness in this action, I could and would competently testify regarding the facts stated in this Declaration.

3. I submit this Declaration in support of Meta’s opposition to Plaintiffs’ challenge of Meta’s privilege assertions with respect to the content of Plaintiffs’ privilege logs in Dkt. 309 and 319.

### **Plaintiffs’ Privilege Logs**

4. On August 21, 2024, the Plaintiffs represented by Joseph Saveri Law Firm served a privilege log. Ex. 1 (the “JSLF Privilege Log”).

5. The JSLF Privilege Log has sixteen entries. *Id.* Every entry has the exact same document description: “E-mail communication with client regarding pending legal proceeding and legal issues related therein.” *Id.* An excerpt from the JSLF Privilege Log is copied below:

Email To	Email From	Email CC	Author	Document Description	Custodian	Privilege Designation
Matthew Butterick <mb@buttericklaw.com>*	Nina Richner <nina@morhaimliterary.com>	Howard Morhaim <hmorhaim@gmail.com>	Nina Richner	E-mail communication with client regarding pending legal proceeding and legal issues related therein.	Christopher Golden	Privileged - Withhold
Pete Donaldson <peterj_d@yahoo.com>	Adam W. Rosen <adamr@arosenlaw.com>*	Christopher Golden <crdg@comcast.net>; Cadio Zirpoli <czirpoli@saverilawfirm.com>*; Howard Morhaim <hmorhaim@gmail.com>; Matthew Butterick <mb@buttericklaw.com>*	Adam W. Rosen	E-mail communication with client regarding pending legal proceeding and legal issues related therein.	Christopher Golden	Privileged - Withhold
Adam W. Rosen <adamr@arosenlaw.com>*	Christopher Golden <crdg@comcast.net>	Howard Morhaim <hmorhaim@gmail.com>; Matthew Butterick <mb@buttericklaw.com>*; Cadio Zirpoli <czirpoli@saverilawfirm.com>*	Christopher Golden	E-mail communication with client regarding pending legal proceeding and legal issues related therein.	Christopher Golden	Privileged - Withhold

*Id.* (excerpted).

6. On September 20, 2024, the Plaintiffs represented by Cafferty Clobes Meriwether & Sprengel LLP served their privilege log. Ex. 2 (the “CCMS Privilege Log”).

7. The CCMS Privilege Log has one hundred and seventy-six entries. *Id.* All but three of the entries have the exact same document description, which includes a typographical error: “Email communication regarding pending legal proceeding and issues related therin.” *Id.* An excerpt from the CCMS Privilege Log is copied below:

Privilege Type (Withheld or Redacted for Attorney-Client Privilege)	Document Type	To	From	Cc	Author	Content	Document Description	Date Sent
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"		"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	3/2/2024
Withheld for A/C Privilege	Text message	Alexander Swanson <ASwanson@affinityclohes.com>, "Bryan L. Cluse" <BCluse@affinityclohes.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>	David Henry Hwang		David Henry Hwang	David Henry Hwang	Text message reflecting legal advice regarding pending legal proceedings and legal issues related therein.	3/2/2024
Withheld for A/C Privilege	Email	Alexander Swanson <ASwanson@affinityclohes.com>, "Bryan L. Cluse" <BCluse@affinityclohes.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>	David Hwang <dhwang@gmail.com>		<dhwang@gmail.com>	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	3/2/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"	"dhwang@gmail.com" <dhwang@gmail.com>, "Bryan L. Cluse" <BCluse@affinityclohes.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	8/30/2024
Withheld for A/C Privilege	Email	David Hwang <dhwang@gmail.com>	"Foley, Carolyn" <CarolynFoley@jonesdempster.com>	"ASwanson@affinityclohes.com", "Laragla, Aaron" <alaragla@jonesdempster.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	8/29/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"		"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	5/13/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"		"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	4/8/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"	"Bryan L. Cluse" <BCluse@affinityclohes.com>, "DREW AUST" <dhwang@gmail.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	3/2/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"	"Bryan L. Cluse" <BCluse@affinityclohes.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	4/2/2024
Withheld for A/C Privilege	Email	Alexander Swanson <ASwanson@affinityclohes.com>, "Bryan L. Cluse" <BCluse@affinityclohes.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>	David Hwang <dhwang@gmail.com>		<dhwang@gmail.com>	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	3/13/2024
Withheld for A/C Privilege	Email	"Bryan L. Cluse" <BCluse@affinityclohes.com>	David Hwang <dhwang@gmail.com>	Alexander Swanson <ASwanson@affinityclohes.com>, "DREW AUST" <dhwang@gmail.com>, "Eddy McDonald" <EMcDonald@affinityclohes.com>, "Whitney" <whitney@affinityclohes.com>	<dhwang@gmail.com>	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	9/10/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"	"Bryan L. Cluse" <BCluse@affinityclohes.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	8/21/2024
Withheld for A/C Privilege	Email	Alexander Swanson <ASwanson@affinityclohes.com>	David Hwang <dhwang@gmail.com>	"Bryan L. Cluse" <BCluse@affinityclohes.com>, "DREW AUST" <dhwang@gmail.com>	<dhwang@gmail.com>	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	8/20/2024
Withheld for A/C Privilege	Email	"David Hwang" <dhwang@gmail.com>	"Alexander Swanson"	"Bryan L. Cluse" <BCluse@affinityclohes.com>, "DREW AUST" <dhwang@gmail.com>	"Alexander Swanson"	David Henry Hwang	Email communication regarding pending legal proceedings and legal issues related therein.	2/6/2024

*Id.* (excerpted).

8. On September 30, 2024, Lysa TerKeurst served a privilege log. (the "TerKeurst Privilege Log").

9. The TerKeurst Privilege Log has seventeen entries. *Id.* An excerpt from the TerKeurst Privilege Log is copied below:

Extension	Redacted/Withheld	Privilege Type	Privilege Description
eml	Withheld	Privilege: A/C Privilege	Email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
pdf	Withheld	Privilege: A/C Privilege	Attachment to email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
bin	Withheld	Privilege: A/C Privilege	Attachment to email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
eml	Withheld	Privilege: A/C Privilege	Email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
pdf	Withheld	Privilege: A/C Privilege	Attachment to email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
bin	Withheld	Privilege: A/C Privilege	Attachment to email from Mark Miller to Lysa and Art TerKeurst regarding assignment of royalties
eml	Withheld	Privilege: A/C Privilege	Confidential email between parties sharing a common interest regarding intellectual property protection
chat	Redacted	Privilege: A/C Privilege	Confidential text message between an attorney and Lysa TerKeurst regarding protection of copyright
chat	Redacted	Privilege: A/C Privilege	Confidential text message between attorney Seth Haines, Lysa TerKeurst and Meredith Brock regarding potential litigation
eml	Withheld	Privilege: A/C Privilege	Email from Seth Haines to Lysa TerKeurst regarding published articles related to reports of copyright infringement
pdf	Withheld	Privilege: A/C Privilege	Attachment to email from Seth Haines to Lysa TerKeurst regarding published articles related to reports of copyright infringement
pdf	Withheld	Privilege: A/C Privilege	Attachment to email from Seth Haines to Lysa TerKeurst regarding published articles related to reports of copyright infringement
eml	Withheld	Privilege: A/C Privilege	Email from Lysa TerKeurst to Seth Haines regarding published articles related to reports of copyright infringement
eml	Withheld	Privilege: A/C Privilege	Email from Seth Haines to Lysa TerKeurst regarding published articles related to reports of copyright infringement
eml	Withheld	Privilege: A/C Privilege	Email from Seth Haines to Lysa TerKeurst regarding draft documents for litigation
docx	Withheld	Privilege: AWP Privilege	Attachment to email from Seth Haines to Lysa TerKeurst regarding draft documents for litigation
chat	Withheld	Privilege: A/C Privilege	Confidential text messages between Lysa TerKeurst and Seth Haines regarding published articles related to reports of copyright infringement

*Id.* (excerpted).

10. On October 7, 2024, Sarah Silverman served a privilege log. (the "Silverman Privilege Log").

11. The Silverman Privilege log has three entries. *Id.* Two of the three entries have the following description: "Twitter direct message from Matthew Butterick to Sarah Silverman regarding ChatGPT litigation." *Id.* The remaining entry has the following description: "Email

between Sarah Silverman and Matthew Butterick regarding legal discussion concerning unauthorized use of copyrighted materials.” *Id.* An excerpt from the Silverman Privilege Log is copied below:

Filename	Author	Extension	Privilege Type	Privilege Description
ss-mb twitter dm 12.png	Matthew Butterick*	png	Attorney Client Privilege	Twitter direct message from Matthew Butterick to Sarah Silverman regarding ChatGPT litigation.
ss-mb twitter dm 22.png	Sarah Silverman	png	Attorney Client Privilege	Twitter direct message from Sarah Silverman to Matthew Butterick regarding ChatGPT litigation.
AI case for book authors	Matthew Butterick*	msg	Attorney Client Privilege	Email between Sarah Silverman and Matthew Butterick regarding legal discussion concerning unauthorized use of copyrighted materials.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in San Francisco, California on this 10<sup>th</sup> day of December, 2024.

Teresa Michaud