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

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

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

STIPULATION AND <del>[PROPOSED]</del> ORDER CONSOLIDATING CASES AS MODIFIED

Trial Date: None

Date Action Filed: July 7, 2023

Michael Chabon, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Case No. 3:23-cv-04663-VC

STIPULATION AND [PROPOSED] ORDER CONSOLIDATING CASES

Trial Date: None

Date Action Filed: September 12, 2023

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

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Sarah Silverman, Christopher Golden, Richard Kadrey, Michael Chabon, Ta-Nehisi Coates, Junot Diaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Ayelet Waldman, and Jacqueline Woodson and Defendant Meta Platforms, Inc. jointly request that the above-captioned actions (the "Actions") be consolidated for all pretrial and trial proceedings. The Parties, by and through their undersigned counsel, stipulate as follows:

WHEREAS, on July 7, 2023, Plaintiffs Richard Kadrey, Sarah Silverman, and Christopher Golden (collectively, "Plaintiffs") a filed a Complaint (ECF No. 1) against Defendant Meta Platforms, Inc. ("Meta" or "Defendant") in *Kadrey, et al. v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC (N.D. Cal. July 7, 2023) asserting various claims for relief (the "*Kadrey* Action");

WHEREAS, on September 12, 2023, Plaintiffs Michael Chabon, David Henry Hwang, Matthew Klam, Rachel Louise Snyder, and Ayelet Waldman a complaint against Meta in *Chabon, et al. v. Meta Platforms, Inc.*, Case No. 4:23-cv-04663-VC (N.D. Cal. Sept. 12, 2023) asserting the same claims for relief ("*Chabon* Action");

WHEREAS, on September 19, 2023, Plaintiffs filed an Administrative Motion to Consider Whether Cases Should Be Related seeking to relate the *Chabon* Action to the *Kadrey* Action (*Kadrey* Action, ECF No. 28);

WHEREAS, on September 22, 2023, this Court ordered the clerk to relate the later-filed *Chabon* Action to the *Kadrey* Action (*Kadrey* Action, ECF No. 31);

WHEREAS, on October 5, 2023, the Plaintiffs in the *Chabon* action filed a First Amended Complaint adding various named plaintiffs but otherwise making no changes to the claims for relief (*Chabon* Action, ECF No. 16);

WHEREAS, the *Kadrey* Action and the *Chabon* Action both allege putative class action claims regarding LLaMA and assert the same claims for relief against the Defendant;

WHEREAS, Defendant filed a motion to dismiss the operative complaints in the *Kadrey* case, which was heard on November 9, 2023 (ECF No. 37). The Parties stipulated that Defendant's motion shall apply to the operative complaints in *Kadrey* and *Chabon*, with all Plaintiffs submitting a single

opposition (ECF No.18). On November 20, 2023, the Court entered its Order Granting Motion to Dismiss (ECF No. 56);

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

WHEREAS, by stipulating to consolidation of the Actions, Defendant does not concede the truth of any of Plaintiffs' allegations or that certification of the putative classes is proper under Federal Rule of Civil Procedure 23 and specifically reserves its right to oppose class certification on all available grounds and waives no rights by agreeing to this consolidation;

WHEREAS, the Parties have conferred and agreed that, going forward, the *Kadrey* Action and the *Chabon* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a); **NOW THEREFORE**, the Parties, through their undersigned counsel, hereby stipulate and agree that, subject to the approval of the Court,

- 1. the *Kadrey* Action and the *Chabon* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a); and
- 2. to the extent Plaintiffs amend their Complaint, they will file a consolidated complaint.

Dated: December 5, 2023 By: <u>/s/ Joseph R. Saveri</u> Joseph R. Saveri

> Joseph R. Saveri (State Bar No. 130064) Cadio Zirpoli (State Bar No. 179108) Christopher K.L. Young (State Bar No. 318371)

Kathleen J. McMahon (State Bar No. 340007)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000 San Francisco, California 94108

Telephone: (415) 500-6800 Facsimile: (415) 395-9940

Email: jsaveri@saverilawfirm.com

czirpoli@saverilawfirm.com cyoung@saverilawfirm.com kmcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)

1920 Hillhurst Avenue, #406

Los Angeles, CA 90027

Telephone: (323) 968-2632 Facsimile: (415) 395-9940

Email: mb@buttericklaw.com

Counsel for Plaintiffs and the Proposed Class in the Kadrey Action

Dated: December 5, 2023 By: /s/ Daniel J. Muller Daniel J. Muller

Daniel J. Muller (State Bar No. 193396)

VENTURA HERSYE & MULLER, LLP

1506 Hamilton Avenue San Jose, California 95125

(408) 512-3022 Telephone:

Facsimile: (408) 512-3023

dmuller@venturahersey.com Email:

Bryan L. Clobes (admitted *pro hac vice*)

# **CAFFERTY CLOBES MERIWETHER** & SPRENGEL LLP

205 N. Monroe Street Media, PA 19063

Telephone: (215) 864-2800

Email: bclobes@caffertyclobes.com

Alexander J. Sweatman (pro hac vice anticipated)

# **CAFFERTY CLOBES MERIWETHER** & SPRENGEL LLP

135 South LaSalle Street, Suite 3210

Chicago, IL 60603

Telephone: (312) 782-4880

asweatman@caffertyclobes.com Email:

Counsel for Plaintiffs and the

Proposed Class in the Chabon Action

Dated: December 5, 20233

By: <u>/s/Bobby Ghajar</u>

Bobby Ghajar

#### **COOLEY LLP**

BOBBY GHAJAR (198719) (bghajar@cooley.com) COLETTE GHAZARIAN (322235) (cghazarian@cooley.com) 1333 2nd Street, Suite 400 Santa Monica, California 90401 Telephone: (310) 883-6400 Facsimile: (310) 883-6500

MARK WEINSTEIN (193043) (mweinstein@cooley.com) JUDD LAUTER (290945) (jlauter@cooley.com) 3175 Hanover Street Palo Alto, CA 94304-1130 Telephone: (650) 843-5000 Facsimile: (650) 849-7400

### LEX LUMINA PLLC

MARK A. LEMLEY (155830) (mlemley@lex-lumina.com) 745 Fifth Avenue, Suite 500 New York, NY 10151 Telephone: (646) 898-2055 Facsimile: (646) 906-8657

Attorneys for Defendant META PLATFORMS, INC.

### | PROPOSED | ORDER

### PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

- 1. The *Kadrey* Action and the *Chabon* Action are consolidated for all purposes under Federal Rule of Civil Procedure 42(a); the lead case will be Kadrey et al v. Meta Platforms, Inc. No. 23-cv-03417; the clerk's office is directed to close Chabon et al v. Meta Platforms Inc. No. 23-cv-04663; and
- 2. To the extent Plaintiffs amend their Complaint, they must file a consolidated complaint.

Dated:	December 7	_, 2023
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Hon. Vince Chhabria United States District Judge