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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Orrick, Judge

SARAH ANDERSEN, et al, Plaintiffs,	)	
vs.	)	**NO. 3:23-cv-00201-WHO**
STABILITY AI LTD, et al, Defendants.	)	

San Francisco, California
Tuesday, November 4, 2025

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For the Plaintiffs:

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REPORTED REMOTELY BY: Andrea Bluedorn, RMR, CRR, CRC
Official United States Reporter

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Tuesday, November 4, 2025 **2:22 p.m.**

P R O C E E D I N G S

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COURTROOM DEPUTY: All right. So we will get underway then in case number 23-201, Andersen versus Stability AI Ltd.

Counsel, if you would please state your appearance for the record.

MR. CREUTZ: Good afternoon. For plaintiffs, Evan Creutz, from the Joseph Saveri Law Firm.

MR. YOUNG: Good afternoon, Your Honor. Christopher Young, Joseph Saveri Law Firm for the plaintiffs.

MR. MALHOTRA: Good afternoon, Your Honor. Paven Malhotra, Keker Van Nest & Peters on behalf of defendant Runway.

MR. GRATZ: Good afternoon, Your Honor. Joe Gratz from Morrison & Foerster on behalf of Stability.

MS. LEE: Good afternoon. Charity Lee from Cleary Gottlieb Steen & Hamilton on behalf of Midjourney.

MS. LOVEJOY: Good afternoon. Britt Lovejoy of Latham Watkins on behalf of defendant Deviant Art.

MS. DUNNING: And Angela Dunning from Cleary Gottlieb on behalf of Midjourney.

Good afternoon, Your Honor.

THE COURT: All right. Good, afternoon everybody. Long time no see. As opposed to those last settlement

conference -- the CMCs where I'm seeing people every month, I've almost forgotten what you all look like.

And it sounds like I owe a lot of thanks to Judge Cisneros, but that I don't -- there is not much for me to do at the moment. So tell me, is there anything -- Mr. Creutz, I'll start with you, is there anything you think we ought to be talking about today?

MR. CREUTZ: Thank you, Your Honor.

As you said, discovery is moving forward steadily in the case. We had our substantial completion of document production date on October 3rd. Plaintiffs produced over 24,000 documents on that date, substantially completing their production.

Defendants also made smaller productions and plaintiffs are in the process of reviewing those and conferring with defendants regarding possible gaps that we're identifying.

Aside from that, plaintiffs are planning to file a motion for leave to file an amended complaint. We alluded to this in the joint case management statement. I would just like to clarify something that we said in there.

There we said we would be filing a new claim with supporting allegations. What we actually planned to do is just to add new facts and supporting allegations for an existing claim against the defendant so we're not looking to expand the case. We don't believe this will extend discovery meaningfully

because we're taking discovery on the matters at issue and we don't expect it will have any impact on the case schedule.

Switching gears to our expert search, we've been actively seeking out a new machine learning expert since our original choice was disqualified. The process has been very, very difficult. The pool of people qualified to speak on this is very small and it's made smaller by the fact that within that pool, there are many direct connections to defendants or to defendant's competitors or they may have worked on Nightshade or Glaze, as Dr. Zhao did.

And, of course, always experts are subject to their availability and bandwidth. So we're frustrated and disappointed that we haven't identified anyone yet, but we're going to widen the scope of our search and we expect to find a machine running expert soon.

So aside from that issue, we think that everything is proceeding according to schedule. If that is -- does look like it's going to impact the schedule, we'll notify the Court promptly and explore whether a modest adjustment to the schedule is appropriate.

THE COURT: Okay. All right. And how about from the defense, any issues, Mr. Malhotra, I'll start with you. Anything we ought to talk about?

MR. MALHOTRA: No, Your Honor. I think the defendants have been working cooperatively with the plaintiffs. We've

been regularly updating magistrate Judge Cisneros and she's kept the case proceeding on case schedule.

We are hopeful and we expect to stay on the case schedule. We've asked the plaintiffs to clarify what this mystery amendment is. We don't know what it is.

But based on Mr. Creutz's statements, we're hopeful that we will be able to keep the case schedule. But to the extent he can add any color today, we'd appreciate it.

THE COURT: Any -- Mr. Creutz, do you want to say anything more about your -- about the amendment, or do you want to save that until it's actually done and you just circulate it?

MR. CREUTZ: I think we'd like to save the details until it's actually done. But what I can say is in the course of discovery, we've learned facts about how the different defendants generative AI systems work, and although there's huge degrees of similarities, there are some differences in how the infringement we've alleged may have taken place. So we're just conforming our complaint to the facts as we've learned them in discovery.

THE COURT: Okay. We'll see how that plays out.

Any other -- does any other defendant have an idea that they want to share with me and the rest of the group?

MR. GRATZ: Nothing for Stability, Your Honor.

MS. LEE: Nothing from Midjourney, Your Honor.

THE COURT: All right. Great. Your silence shouts consent. That's fabulous.

So we've got a schedule. I'll set a further case management conference for May 19th of next year. But if you would like to come -- if you think that there are things that are popping up in the case that -- that you want to talk about, I am happy to set a CMC at any time prior to that, just contact Ms. Davis and we can do that.

But, otherwise, I'm going to assume that the case is on track and I'll look forward to seeing you then.

MR. CREUTZ: Your Honor, if I could, from plaintiff's perspective, we do think it would be useful to have a case management conference, perhaps, subject to the Court's availability, in mid-January just because of the fact discovery deadline will be approaching at that point. So if there are issues that we need to iron out, we think it would be useful to be able to meet with you then.

THE COURT: That's fine by me. Do you want to meet on the 20th of January? Is that --

MR. CREUTZ: That sounds fine to us, Your Honor.

THE COURT: Okay. So let's do that, and if it turns out you don't need it, just say so. But, otherwise, the joint statement will be due a week ahead of that.

MR. CREUTZ: Will do. Thank you very much, Your Honor.

THE COURT: Okay. See you then.

MR. CREUTZ: Thanks, Your Honor.

MS. LEE: Thank you, Your Honor.

MR. GRATZ: Thank you, Your Honor.

(Proceedings adjourned at 2:30 p.m.)

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

DATE: Friday, November 5, 2025.

Andrea K Bluedorn

Andrea K. Bluedorn, RMR, CRR
Official United States Reporter