

[Counsel Listed on Signature Page]

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

JOINT DISCOVERY STATUS REPORT

Pursuant to the Court’s Order, ECF No. 778, the parties respectfully submit this joint discovery status report.

A. Pending Joint Letter Briefs

Joint Letter Brief Re: Command History Files and ML Hub: On July 31, 2026, the parties submitted a joint letter brief regarding Plaintiffs’ motion to compel Meta to comply with the Court’s orders to (1) produce the command history for the servers and virtual machines that Meta used to torrent copyrighted works, and (2) to search Meta’s ML Hub or make it available for inspection.

B. Ongoing Discovery Issues to Address at the Hearing

Plaintiffs’ Statement

Forthcoming Letter Brief Re: Privilege Claims: Over roughly the past several months, the parties have met and conferred regarding a number of Meta’s privilege and work product claims in privilege logs served in connection with Meta’s productions after the close of fact discovery. While the parties have narrowed the scope of their disputes significantly, they remain at an impasse over roughly 60 log entries. The parties have agreed to a briefing schedule with their joint letter brief to be filed no later than Wednesday, August 19, and ask that the Court permit an enlargement of the page limit to 10 pages.

In connection with this briefing, Plaintiffs ask that the Court order Meta to disclose no later than COB this Friday, August 7, how many employees (including interns) and/or independent contractors could access the AI Data Catalog (“AIDC”) pages Meta claims contains privileged communications since those communications (or “updates”) were made in the AIDC, as the number of employees with access to them is relevant to Meta’s privilege claims.¹ Plaintiffs have repeatedly asked Meta to provide this information since it first claimed privilege over updates in the AIDC in August 2025.

¹ See, e.g., *FTC v. Amazon.com, Inc.*, 2026 WL 1965082 (W.D. Wash. July 7, 2026) (“Defendant’s claim of privilege is also undermined by the widespread dissemination of these materials throughout the organization[.]”) Recently produced documents reveal that the ML Hub—which houses (or at one point housed) the AIDC—is accessible to around 16,000 employees.

1 *Hyperlink Requests and Additional Torrenting*: Meta is currently collecting (1) certain
 2 hyperlinks Plaintiffs requested and (2) file lists, code, and other responsive files and documents
 3 related to torrenting from the work computer (and any backups) of former Meta employee Viktor
 4 Kerkez. *See, e.g.,* Meta_Kadrey_00088043 at -099 (indicating that as of January 22, 2024, Kerkez
 5 was “[r]ewriting download and processing code for Anna’s archive” and sought to “[d]ownload as
 6 much as it can be”). Plaintiffs have asked Meta for several months to confirm whether Kerkez also
 7 engaged in torrenting of copyrighted works, but Meta has repeatedly demurred and referred to the
 8 records it has stated it intends to produce, while also not committing to a production deadline.
 9 Plaintiffs thus request that the Court order Meta to produce these records no later than EOD this
 10 Thursday, August 6 in advance of torrenting-related depositions occurring this Friday, August 7
 11 and next week.

12 ***Defendant’s Statement***

13 ***Privilege Log Issues***: The Kadrey Plaintiffs have filed at least 8 challenges against
 14 hundreds of Meta’s privilege assertions; each of those motions have been denied (in whole or in
 15 part) with the Court finding, *inter alia*, “no indication that Meta is abusing the privilege” (Dkt 351).
 16 While Meta believes this is yet another example of the Kadrey Plaintiffs abusing the discovery
 17 letter brief process with meritless privilege challenges, Meta will submit those issues to the Court
 18 as Kadrey is requesting. Regarding the briefing schedule, Meta will agree to exchange its response
 19 to the Kadrey Plaintiffs’ letter brief one week after receiving the Kadrey Plaintiffs’ opening portion.
 20 It is unreasonable for the Kadrey Plaintiffs to expect a response in three days when the Kadrey
 21 Plaintiffs can take as much time as they desire preparing the opening brief, particularly considering
 22 the privilege logs at issue were served long ago (on February 12, 2025, March 12, 2025, April 6,
 23 2025, and February 27, 2026). Meta needs sufficient time to investigate and prepare responses to
 24 the Kadrey Plaintiffs’ positions, which often shift between the meet and confer and the letter brief
 25 that Plaintiffs eventually serve. Moreover, the additional few days will not prejudice the Kadrey
 26 Plaintiffs, considering the age of the privilege logs at issue and the fact that the Kadrey Plaintiffs
 27 waited months to raise any challenges. Meta does not believe a page extension is necessary, but in
 28 the interest of eliminating issues in dispute, Meta does not oppose Plaintiffs’ request for a reciprocal

1 extension of the page limit in the event the Court believes the extra pages will be helpful to its
2 consideration of the issues.

3 ***AIDC Information:*** Discovery is closed in the Kadrey matter unless Judge Chhabria
4 authorizes additional discovery via an administrative motion. Kadrey identifies no discovery
5 request or court-ordered obligation allowed by the Court to which information about the persons
6 who have access to AIDC is responsive. Kadrey's request should be denied, particularly as the
7 Court has already upheld privilege on AIDC pages challenged by Plaintiffs based on Meta's
8 representation that "[a]ccess to the AIDC tool is controlled and limited to personnel at Meta that
9 have a need to access information about dataset approvals." (ECF Nos. 624 at 4; 627 (upholding
10 Meta's claims of privilege as to legal advice from attorneys in AIDC document).)

11 ***Hyperlinks:*** Meta has voluntarily produced hundreds of requested hyperlinks in this matter
12 despite no obligation to do so under the ESI order. Meta is aware of two pending hyperlink requests
13 that it is collecting and will produce as soon as it reasonably can.

14 ***Victor Kerkez Information:*** Mr. Kerkez is a former employee based in the United
15 Kingdom. Meta voluntarily searched Mr. Kerkez's work computer backups to provide relevant
16 information, if any, to the Kadrey Plaintiffs. Because this was a voluntary search, there is nothing
17 for the Court to enforce. Meta will endeavor to produce the filelist information Meta agreed to
18 produce by August 7, 2026, and ahead of the 30(b)(6) deposition it has scheduled for August 26-
19 28 that relates to torrenting issues. (This week's and next week's depositions referred to by
20 Plaintiffs as "torrenting-related" are not Rule 30(b)(6) depositions. The two upcoming depositions
21 referred to above are 30(b)(1) depositions of other Meta employees.)

22 **C. Ongoing Issues on Which the Parties Continue to Meet and Confer**

23 **Plaintiffs' Statement**

24 **Torrenting Log Data:** The parties have been meeting and conferring over the past several
25 months on certain files that appear to be related to Meta's torrenting activity in late May or early
26 June 2024. Plaintiffs have requested that Meta confirm whether it has produced everything in its
27 possession, custody, or control under a certain directory, which the parties refer to as the "10756"
28 directory based on the associated job number for a completed torrent download of LibGen

1 Nonfiction in late May 2024 by Xiaolin Wang. Plaintiffs have requested all files from this directory
2 because the directory appears to contain only data related to Wang’s torrenting.

3 File List Stipulation: The parties have been negotiating an agreement concerning the
4 treatment of file and directory listings in connection with torrented works in place of production
5 for those works. This stipulation is designed to allow the parties to identify the works (including
6 copies of works) that Meta torrented without requiring Meta to produce the voluminous native data.

7 AIDC Exports: Meta has produced PDFs of pages from its “AI Data Catalog,” some of
8 which contain or link to what Meta has represented are samples of associated files and/or metadata.
9 Plaintiffs requested that Meta produce these exports, and Meta has represented that it has produced
10 all except a small subset that it is processing and will produce in short order.

11 Deletion of Torrented Files: In July 2023, after the complaint was filed in this case, Meta
12 employee Nikolay Bashlykov tagged a (now) former Meta employee, Lukas Blecher, about
13 “clean[ing]” or deleting “other folders” in a task to delete 9 TB of files or data that Meta
14 (specifically, former employee Guillame Lample and/or his team at Meta) torrented from Library
15 Genesis. *See* Dkt. 752-6, Ex. E, (Meta_Kadrey_00239990). Meta disclosed the deletion of these 9
16 TB in late January 2026. Since that time, Plaintiffs have sought from Meta additional information
17 concerning the contents of the deleted files. Meta has represented it has not located any additional
18 information. Plaintiffs also asked Meta to investigate whether Mr. Blecher identified “other folders”
19 for “clean[ing]” or deletion that may have contained files related to Meta’s torrenting of
20 copyrighted works, but Meta has not yet responded other than stating that there were no further
21 communications in the task they produced (Ex. E, Meta_Kadrey_00239990).

22 Rule 502(d) Stipulation: To resolve disputes over certain documents that Meta has withheld
23 as privileged, the parties stipulated to a Rule 502(d) agreement and moved to amend the Protective
24 Order to include a Rule 502(d) provision, which the Court recently entered. Dkt. 777. Meta has
25 advised Plaintiffs that it intends to produce the documents by close of business this Thursday,
26 August 6.

27 **Defendant’s Statement**

28 While Meta disagrees with Plaintiffs’ characterization of the above issues (including data

deletion that had no connection with the pendency of this litigation), the parties are continuing to meet and confer about these issues and if a dispute arises that is appropriate for resolution by the Court, the parties will raise it.

Dated: August 4, 2026

Respectfully submitted,

By: /s/ Phillip Morton

By: /s/ Maxwell V. Pritt

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ECF ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that counsel for Meta concurs in the filing of this document.

/s/ Maxwell V. Pritt