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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Thomas S. Hixson, Magistrate Judge

RICHARD KADREY, et al. Plaintiffs, vs. META PLATFORMS, INC., Defendant.	)	NO. 3:23-cv-03417-VC
ENTREPRENEUR MEDIA, LLC, Plaintiff, vs. META PLATFORMS, INC., Defendant.	)	NO. 3:25-cv-09579-VC
CHICKEN SOUP FOR THE SOUL, LLC, Plaintiffs, vs. META PLATFORMS, INC., Defendant.	)	NO. 3:26-cv-02333-VC

CAMBRONNE INC., et al.)
)
Plaintiffs,)
)
vs.) NO. 3:26-cv-03725-VC
)
META PLATFORMS, INC.,)
)
Defendant.)
)
_____)

COGNELLA, et al.)
)
Plaintiff,)
)
vs.) NO. 3:26-cv-04053-VC
)
META PLATFORMS, INC.,)
)
Defendant.)
)
_____)

MICHAEL SULLIVAN, et al.)
)
Plaintiffs,)
)
vs.) NO. 3:26-cv-06793-VC
)
META PLATFORMS, INC.,)
et al.,)
)
Defendants.)
)
_____)

San Francisco, California
Wednesday, August 5, 2026

TRANSCRIPT OF REMOTE ZOOM VIDEOCONFERENCE PROCEEDINGS

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(Call to Order of the Court.)

THE COURT: Hi. Good afternoon. I ask my Courtroom Deputy to please call the matters.

THE DEPUTY: Now calling civil matters: 23-3417-VC, Kadrey, et al. vs. Meta Platforms Inc.; 25-9579-VC, Entrepreneur Media, LLC vs. Meta Platforms, Inc; 26-2333-VC, Chicken Soup for the Soul, LLC vs. Meta Platforms, Inc.; 26-3725-VC, Cambronne, Inc., et al. vs. Platforms, Inc.; 26-40533-VC Cognella, Inc. vs. Meta Platforms, Inc.; and 26-6793-VC Sullivan, et al. vs. Meta Platforms Inc., et al.

Counsel, we'll start with Plaintiffs in 23-3417. Please state your appearance for the record.

MR. PRITT: Thank you. And good afternoon, Your Honor. Maxwell Pritt and Annabel Weinbach of Boies Schiller Flexner, for the Kadrey Plaintiffs.

THE COURT: Good afternoon.

THE DEPUTY: And Plaintiffs for 25-9579.

MR. LINDERMAN: Good afternoon. This is Lee Linderman, from Hueston Hennigan, along with Harlye Carlton, from NDLF, on behalf of Entrepreneur Media.

THE COURT: Good afternoon. I think for the

next three, the "Three Cs," it's the same Plaintiffs' counsel. So why don't you state your appearances?

THE DEPUTY: Mr. Roche, we can't hear you.

MR. ROCHE: Apologies.

Kyle Roach, from Friedman Norman Friedland for the Three Cs Plaintiffs. And with me is Lauren Martin, from Tristan Mary.

THE COURT: Good afternoon.

THE DEPUTY: And counsel for Sullivan versus Meta.

THE COURT: Good afternoon. It's David Slarskey. I'm joined by Phil Gasparetti in my office with me.

THE COURT: Good afternoon.

THE DEPUTY: And counsel for defendants, please state your appearance.

MR. MORTON: Phillip Morton and Mark Weinstein, from Cooley, on behalf of Defendant Meta Platforms. Also present is Jessica Phillips, from Dunn Issacson Rhee, on behalf of Meta.

THE COURT: Good Afternoon.

MS. PHILLIPS: Good afternoon.

THE COURT: Well, thank you, everyone, for your status reports. I'd like to go through them.

In the Entrepreneur Media and the Three Cs

cases, the status reports are quite lengthy, so I don't know that we'll get through everything here today.

But why don't we start first with the Kadrey status report? And the first issue is a forthcoming letter brief about privilege claims, and it looks like the parties have agreed to submit that by August 19th.

Is that correct, first Plaintiffs?

MS. WEINBACH: I believe that's -- that's correct, Your Honor.

THE COURT: And Meta, do you agree with that?

MR. MORTON: Yes, Your Honor.

THE COURT: Okay. I saw that there was some disagreement about how long Meta would have to respond to Plaintiffs' side of things. I usually prefer to have the parties work out the exchanges of letter briefs among themselves.

Can I do that here, or do you need me to set dates when you actually have to exchange things?

MR. MORTON: I think we've worked that out, Your Honor.

THE COURT: Plaintiffs, do you agree?

MS. WEINBACH: Yes.

THE COURT: Okay. And then Plaintiffs ask for an enlargement of the page limit to 10 pages. Meta voiced no objection. And 10 pages is fine with me. So,

I enlarged the limit to 10 pages.

With respect to the AI data catalog, Plaintiffs wanted me to order Meta to disclose everyone who had access to that, but I am inclined to agree with Meta that that's fact discovery, and fact discovery is closed at that point -- at this point. So, I'm not inclined to order it.

Plaintiffs, is there more that you wanted to say about that? I know that it relates to the privilege claim and more generally to your argument that the more people who have access to something, your belief that therefore it's less likely to be privileged. But I feel like you've briefed that before me before.

MS. WEINBACH: Your Honor, we have briefed a similar document related to the AI data catalog, but we then did not know who had access to the document, and we still do not know who had access to the challenged privilege log entries.

We, you know -- it's Meta's burden to substantiate its privilege here, and we think that having that -- having those facts as to who had access to the AI data catalog would potentially limit the number of issues before the Court and certainly streamline our arguments.

You know, there's -- we have documents

produced in mid-July of this year that suggest 16,000 Meta employees had access to the ML Hub, which is the larger hub that housed, or at one time housed, the AIDC. And we have no idea whether it's you know, a small handful or as many or more than 16,000 people that had access to the AIDC. And we think that's highly relevant to the strength of Meta's privilege claim, and we cited case law in our status report to that point.

THE COURT: You're correct that it's Meta's burden to show that something is privileged. If you think they failed to do that, I'm sure you'll put those arguments in the letter brief that's to be filed on the 19th.

MS. WEINBACH: Okay. Thank you, Your Honor.

THE COURT: And Meta, is there anything more to talk about with respect to AIDC?

MR. MORTON: No, nothing else. If I understand Your Honor's ruling correctly, that we're not being ordered to produce that information.

THE COURT: That's correct. Fact discovery is closed. And I'm not ordering you to produce that information.

With respect to the hyperlink requests, Meta, it sounds like you're working to gather that stuff?

MR. MORTON: Yes, yes. There's -- we're

providing that to the Plaintiffs here. No -- there's no dispute on that.

THE COURT: And when do you -- do you have a deadline by which you'll complete that?

MR. MORTON: We're expecting to have that produced tomorrow.

THE COURT: And Plaintiffs, does that work for you?

MR. PRITT: Yes. The only caveat is whether or not that includes the records relating to an employee named Victor Kerkez, who is relevant to upcoming depositions.

THE COURT: You mean -- are you referring to the August 7th deposition?

MR. PRITT: August 7th, and then also next Monday and Tuesday.

THE COURT: I see. Well, Meta, can you shed light on that?

MR. MORTON: So with respect to the Victor Kerkez information, so these are searches of Victor Kerkez, a former Meta employee who is alleged to have been involved in torrenting activity.

We conducted searches of his computers voluntarily. This was not required by any pending discovery request from Kadrey or any order from the

court in Kadrey. We are going to produce that on the 7th. We have that information in our queue to go out on the 7th.

THE COURT: Plaintiffs, is there more to say about that?

MR. PRITT: No, Your Honor.

And thank you, Phil.

THE COURT: All right. Plaintiffs and Kadrey, is there more that we should discuss at the hearing today?

MR. PRITT: Not from the Plaintiffs, Your Honor. Unless you wanted to hear argument on the pending joint letter brief.

THE COURT: I don't. I saw that it's been filed, and I'm not prepared to rule on it today, but I will address it.

Let me turn to Meta. Anything more that you would like to discuss in the Kadrey action?

MR. MORTON: Nothing else, Your Honor. Thank you.

THE COURT: All right, then let's turn to the other matters. Specifically, Entrepreneur Media and the Three Cs. Here, there looks like quite a bit to discuss, and as I said, maybe so much that we can't get through it all today.

The first issue that the Plaintiffs raise are the deposition dates for Karthik Sankararaman and Hang Fang.

And let me turn to Plaintiffs. Does this still remain an issue in dispute?

MR. LINDERMAN: Yes, Your Honor. We're still waiting on dates. The two witnesses you just mentioned, we haven't received any dates for them other than what we read in Meta's papers, which suggested that they would be available September 3rd and 4th. And we're concerned about that timing, given that fact discovery closes on September 4th.

THE COURT: All right. And Meta, are there any other dates when they can be available?

MR. MORTON: So, with respect to Mr. Sankararaman, no. He is currently on parental leave and out of the country. He does not return until the beginning of September, so we have to offer him on that date.

With respect to Mr. Fang, I have some additional dates that I can propose to Mr. Linderman. Maybe we can meet, confer about that, and see if we can work that out.

THE COURT: All right, then I direct the parties to meet and confer with respect to Mr. Fang.

And with respect to Mr. Sankararaman, Plaintiffs, if he's out on parental leave and doesn't come back till early September, I don't know that it would be reasonable to require the deposition to take place before September 4th. What do you think?

MR. LINDERMAN: I understand that Your Honor, and I agree that it wouldn't be reasonable to have him sit before that.

I would just ask if we would be able to get his custodial file, potentially before August 31, so that we have a sense of what we will be examining him on, just given that some issues have come up with these custodial files not being produced in advance of the depositions.

And I'm concerned that if we come on September 4th, we don't have proper, you know, custodial files to examine him on that we'll have to then come back to you and seek leave to renew that deposition. But I think generally, I certainly agree that we shouldn't be trying to impede on his parental leave.

THE COURT: And Meta, you have every incentive to properly collect and produce the custodial files in advance of the deposition to avoid having the witness be deposed again. Understood?

MR. MORTON: Yes. We understand that, Your

Honor. And we're doing everything we can to produce these documents before the depositions.

There's just a lot of information, a lot of custodians that we're dealing with. People like Mr. Sankararaman just identified to us, and so that we had to start collecting their data when he was identified, and it takes us a substantial amount of time to do that.

And we're doing everything we can, Your Honor, to get those productions done within four days of the depositions.

THE COURT: All right. Thank you.

Given the length of the two sides' status reports, instead of going through all of the items that were discussed, and I noticed that for a lot of them, the parties seem to be meeting and conferring. I'd like to ask each side for the three most important issues you want to discuss at the hearing today.

So first, let me turn to Plaintiffs and Entrepreneur Media and the Three Cs. Pick the three things that you would like to discuss and address at this hearing today.

MR. LINDERMAN: Sure, Your Honor.

The first, I think that we'd like to discuss are the 30(b)(6) objections that Meta has imposed and seeking a ruling that the limitations on those

objections are not appropriate.

I think the second would be dates certain for custodial file productions of witnesses who have already been deposed. For example, Mr. Civin was deposed on July 17th or potentially 19th, and we haven't received any custodial documents from him, and Meta doesn't address him in its statement.

And so those would be, those would be -- those are the top two that I would mention, and I'll leave it to Three Cs if they have another that they want to put in there.

MR. ROCHE: I think that covers -- I think the main one is the 30 -- scope -- the issues related to the scope of the 30(b)(6) topics.

I think we still have time before that. So at the risk of sort of potentially needing to come back to Your Honor on this, I think we probably, on that issue, can still have time to work it out amongst the parties.

THE COURT: Sorry. Which is the issue you think could be worked out?

MR. ROCHE: The 30(b)(6) issue.

THE COURT: The one that Mr. Linderman raised?

MR. ROCHE: Yeah, I mean -- I think given -- yes, Your Honor.

THE COURT: All right. Well, but Mr.

Linderman, it sounded like you wanted to raise it.

MR. LINDERMAN: Yeah. I mean, to be clear, the, the two general objections that were imposed on most of the topics being that Meta would agree to prepare witnesses only generally about the topics, and also that Meta's saying certain information might not be within its ability to prepare witnesses on because some people have left the company. And I don't think that that's an appropriate limitation on 30(b)(6) testimony.

So I really didn't want to discuss the granular, you know, details of the topic designees, which we understand are coming due on August 6th, but rather just those general objections and getting a ruling on the fact that it's -- that they're inappropriate to impose across the, the entire topic list.

THE COURT: Thank you.

Meta, let me turn to you. Can you explain, in practical terms, what these two objections mean?

MR. MORTON: Sure, Your Honor.

So, first of all, I just want to note that we feel that this is a premature issue because we have not had any meet and confer about this, but I'm happy to address that now.

The issue of the -- about former employees, we

are just making clear that there -- some of the activities, some of the issues that are implicated in these 30(b)(6) topics may involve things that former employees might know that we don't have access to.

There are a number of people that worked on these products and were involved in the data acquisition that are not at Meta anymore. We don't have access to them, so we can't prepare a witness with things that are in their head.

Meta understands its obligations to prepare its witnesses reasonably with the information available to the company, and it will do so with respect to the 30(b)(6) topics.

THE COURT: Well, that is my understanding of the 30(b)(6) obligation is that Meta is obligated to prepare its witnesses with the information reasonably available to the company. And that -- and so that's what Meta needs to do.

I do understand that not everything is in documents. Some kinds of knowledge or some understandings are in people's heads. And if somebody has left the company and they're not there anymore, then what they knew and what only they knew may not be available to the company anymore.

However, Meta, you do understand that just

because someone left doesn't mean you don't have to look at their documents, right?

MR. MORTON: Oh, we totally understand that Your Honor. And we have done that, and we produced those documents, and we are preparing our witnesses with those.

THE COURT: All right, let me turn to Plaintiffs.

On this first issue, as to former employees, I think what Meta has said sounds like a reasonable application of Rule 30(b)(6). They're acknowledging their obligation to educate a witness with respect to documents.

However, they're merely making the observation that people know things, and Meta's has some former employees, and so it doesn't necessarily have available to it now everything that might have been known or available to it in the past.

Do you think that this is satisfactory?

MR. LINDERMAN: Yes. I think -- I appreciate that clarification.

THE COURT: All right. Let's turn to the second one about "generally".

Meta, can you explain a little bit more about what that means?

MR. MORTON: Yes, Your Honor. And I think this would benefit from the parties having a meet and confer about the topics, and I'm happy to do that with Mr. Linderman and Mr. Roche.

But the reason that we said generally in response to some of the topics is, these are very broad topics. It's almost impossible for a human to have all of that information available to them for a deposition. We're just trying to make clear, you know, we're going to do what we can to reasonably prepare the witness for the -- for the topics.

THE COURT: Well, then here's what I think. I think you shouldn't use the word generally. Now, maybe that's fine in your initial responses and objections, but at some point, you need to get down to brass tacks and identify who is going to be your deponent on which topic.

And I think you should use clear words to say what each person is going to be designated to testify about. And I think adding the word generally is vague. That leaves it unclear. And I can see how Plaintiffs would not be sure what that means.

Having said that, I do think it is Meta's obligation to reasonably prepare a witness. And it may be that certain topics, just by their nature, no person

could memorize every single fact about that.

If a -- in general, the broader a topic is, the less detail you can expect a witness to know about every single facet of that topic. And the narrower the topic is, the more detail is reasonable to expect from a witness. So, Meta, when it comes to time to describe who is going to testify about what, please avoid vague words like generally.

However, I expect both sides to be aware and sensitive to the limits of the capacity of the human mind that there's only so much detail with respect to a broad topic that it can be reasonable to expect someone to memorize. And so, I think that guidance should help both sides.

Meta, is that clear?

MR. MORTON: That's clear, Your Honor. Thank you.

THE COURT: And Plaintiffs, is that clear?

MR. LINDERMAN: Yes, Your Honor. Thank you.

THE COURT: And then with respect to the custodial documents for witnesses who have already been deposed, I'm sure it's in your statement somewhere.

But Plaintiffs, can you direct me to where you identified who those custodians are?

MR. LINDERMAN: Sure, yes.

We have the outstanding custodians. They are listed on page -- I can read you the names, which I have listed and --

THE COURT: Oh, is it page 7?

MR. LINDERMAN: Yes, I believe so. Apologies, there's a lot of moving parts here.

Yes. And so you see, it's Mr. Civin, Mr. Subramanian, Ms. Foss. And then we have a third-party who we have just served with a subpoena, Mr. Alfonso Rice (phonetic). And I understand that we have yet to explicitly schedule his deposition, but he was identified as a custodian in May.

And so, you know, our concern with some of these representations by Meta of, hey, these documents will be -- come in the second half of August is, that doesn't give us an opportunity to review what's produced and determine whether we need to seek additional deposition testimony.

And so really, our purpose here is just to get some dates certain on some of these custodial productions.

THE COURT: And so is the -- and the purpose of that is to see if you want to depose these people for a second time or not? Not a deposition by you for a second time, but a second deposition?

MR. LINDERMAN: Yeah. Correct. We deposed several of these witnesses without any custodial documents at all. And so to the extent there are, you know, custodial documents that come up that we really would like their testimony on, I think we would want to maybe do a limited reopening of those depositions. But we just can't know that without the documents.

THE COURT: Meta, when can you produce those custodial documents?

MR. MORTON: So these particular -- well, let me break down each of the custodians, because they're -- they all have different facts related to them.

So Mr. Civin, he was deposed before the court had the -- before Judge Chhabria ordered that documents be produced four days before a deposition. So it was not possible for us to comply with that ruling. And it was not something that any of the parties understood was required in this case when his deposition --

THE COURT: Hold on one second. I do not understand Plaintiffs to be accusing you of violating a rule. They're just asking, when can you get them things.

MR. MORTON: Okay. In terms of when can we get them things, like we said, it's going to be the second half of August. These are people that we have to

move to the back of the line because we have all of these people at the front of the line that are being deposed in the next few weeks that we need to get their documents out first.

So we are focused on the people that have depositions scheduled, and we were working in tandem on all of this, but we need to focus on the people who are up front and are having depositions in the next few weeks before we can turn to people who have already been deposed.

I want to note, though, with Mr. Alfonso Reese (phonetic). So we have offered his deposition for August 25th, and so his documents would not be due under the Court's -- Judge Chhabria's ruling until four days before that. So it's not appropriate to have to accelerate that when, you know, our obligations don't run until the 21st.

THE COURT: So you think that Mr. Reese will be deposed a second time?

MR. MORTON: No, Mr. Reese has not been deposed.

THE COURT: Oh.

MR. MORTON: He is a third-party that was just served with a subpoena.

THE COURT: Okay. So he's in a slightly

different position than the –

MR. MORTON: Yes.

THE COURT: -- other individuals?

MR. MORTON: Yes.

THE COURT: Okay. And Plaintiffs, have you accepted the August 25th date for his deposition?

MR. LINDERMAN: That should work for us, Your Honor.

I just want to just note a concern that we have for this four-day rule that Judge Chhabria has imposed. It seems like, you know, Meta has taken that to be the, okay, let's produce everything four days in advance as opposed to when it becomes available.

We have a deposition coming up on Friday for which we received over 230,000 documents just this past Monday. And so to the extent that we are able to get these on a rolling basis, that would help our preparation.

And I understand that that's a slightly separate issue than what we're describing of the depositions that have been taken, but I just wanted to flag that for Your Honor as well, because it makes it challenging to prepare when we have -- when everything is produced four days in advance as opposed to when it becomes available or on a rolling basis.

And for Mr. Reese particularly, he was identified as a custodian on May 20th, and we haven't received any of his documents yet. And so while we can accept August 25th for his deposition, you know, we would ask that we get some documents from him before then so that we can adequately prepare.

THE COURT: Meta, let me know if I've misunderstood your position. I don't understand you to be saying that the four-day rule was meant as a ceiling.

What I understand you to be saying is you're very busy with all of these productions, and although you would like to produce them sooner, it's not possible. Is that right?

MR. MORTON: That's correct, Your Honor. We are doing everything we can to produce these as promptly as possible, but we're dealing with over 40 custodians. We have over 19 terabytes of data, so far, that we are working through.

So there is a lot of information, a lot of resources being devoted to this. We've scaled up the resources substantially since the court ordered that we need to produce these documents four days before the deposition. And we're doing everything we can, Your Honor, but I understand that's not a ceiling. And if to the extent we can produce things on a rolling basis, we

will.

I also want to note that a number of the custodians that we're talking about here are people who were custodians in *Kadrey*, and so they already have a substantial number of documents from those people from the *Kadrey* case.

THE COURT: I see. With respect to Civin, Subramanian, and Foss, however, I think that leaving the Plaintiffs hanging until mid-August is difficult because unlike with Mr. Reese, they don't know if they want to do another deposition of these people, so they have to make a go, no-go decision. And also, the second half of August is kind of vague.

Can you be more precise about when or if you can't at this hearing, can you meet and confer and give Plaintiffs a meaningful deadline?

MR. MORTON: I would be happy to meet and confer with the Plaintiffs, Your Honor, about this. And we will do that. I think that's a great solution.

THE COURT: And I think that Meta should come up with a deadline by which you can do it. That gives them an appropriate amount of time to review the documents and decide whether or not they will take these depositions.

So I direct the parties to meet and confer to

attempt to reach an agreement on that. If you can't reach an agreement and you would like me to resolve it, then please file a joint discovery letter brief. But hopefully the parties can take this guidance and use it to arrive at a mutually agreeable deadline.

MR. MORTON: Thank you, Your Honor.

THE COURT: All right.

MR. ROCHE: Your Honor?

THE COURT: Yes.

MR. ROCHE: If I may, I had time to review -- to figure out a third request that I do think is quite important.

Meta still hasn't responded to discovery requests, as I understand, for either Entrepreneur Media or for our three cases relating to the works they took, when they took them, and the works that they've used to train.

There was a number of back and forth. On July 31st, they promised to supplement to the initial set of lists that they've responded, but they -- Meta still has not materially responded to Interrogatories 1 through 6 that seek to identify information around when they took the copyrighted works, the dates saying when they were used and when they were trained, and when they really -- what works that are being inserted that they removed CMI

information from.

So we ask the Court to set a date certain by which they need to respond to those -- the interrogatories seeking that information.

THE COURT: Let me turn -- and so you're talking about ROGs 1 to 6. And then which other ones, the identification of works and the training data?

MR. ROCHE: Those are all -- the ROGs 1 through 6, all go to -- excuse me -- ROGs 1 through 7 all go to this -- these issues, the identification of which works they took when, and which models they used to train them on.

THE COURT: And then --

MR. ROCHE: And this is page--

THE COURT: I understand. You're saying -- oh sorry.

MR. ROCHE: This is page 12 and 13. And I under -- excuse me. I guess it starts on page 11 for Entrepreneur's position which is -- I believe, from what I understand from Lee, to be having the same issues as us on the catalog of Entrepreneur works taken. But then our position on this is set forth on page 12 to 13.

THE COURT: Okay. And then Meta, with respect to ROGs 1 through 7 for the Three Cs. I understood your statement to be saying you're going to supplement your

responses by August 11th. Is that correct?

MR. MORTON: That is for Chicken Soup and for Cambronne. Cognella is a different situation.

So Chicken Soup and Cambronne are a smaller number of works. I think it's no more than one or 200. Cambronne is over 3,000 works that we are having to work through.

Part of the issue with these interrogatories, Your Honor, is that Meta does not have -- they're -- not identified information that makes this an easy task for us to search within Meta's own files.

And so we have had to undertake an effort to search the text of the training data using the Plaintiff's works in order to find the -- figure out whether the works exist in the training data.

That has been an enormous effort that has cost Meta hundreds of thousands of dollars. It has taken so far over 40,000 hours of computing time to process this and figure out where these works are in the training data.

Meta is doing everything it can with Cognella. That's going to take -- my estimate's right now is that's going to take a couple more weeks, but we're doing everything we can to get that done as fast as we can.

But with respect to Chicken Soup and Cambronne, we can provide supplemental responses next week.

THE COURT: And then can you say a little bit more about how you're doing this?

You mentioned compute power, so you're not just having people read through things, but if you can explain a little bit more about how you're doing that searching.

MR. MORTON: Yeah. Sure, Your Honor.

So, the Plaintiffs in the cases have produced text-searchable copies of their works to us. We are taking that text and running a searching algorithm over all of the training data that we have produced in this case and trying to identify where those works may exist in the training data.

That -- it's a very compute-intensive process. We're talking about data sets that are on the scale of terabytes. It's not like when you're in a Word document and you can quickly find a word. We have to do matching of text sequences and try to find them in relative locations to one another. And then we have to go and take a look at that and analyze whether, okay, does that look like it possibly could be one of their works or not?

We've done that for EM. We provided supplemental responses yesterday for all the works that we've been able to search so far. There's a few more that they've given us more recently that we are putting in our pipeline. But it is a massive, massive effort, and Meta is committed to doing this and has committed an enormous amount of resources to make it happen.

THE COURT: All right. Well, I do think that the Cognella Plaintiffs are entitled to know when you're going to be able to do this.

You might not have that information today, and that's fine, but Meta should work on that and come up with an estimate and then tell the Cognella Plaintiffs. And then if they're okay with that, then that's fine.

And if they're not, then the parties can file a joint discovery letter brief, but they're entitled to know when you're going to give them whatever you're able to find.

When do you think you can give them a date by which you'll supplement?

MR. MORTON: I think we could -- I'll talk to my team. I'll try to get them a date by Monday.

THE COURT: All right. Then, for the Cognella Plaintiffs, when Meta gives you that date, if you're unhappy with them about that date, please meet and

confer and then file a joint discovery letter brief if you don't get a resolution. But I do think that the Plaintiffs are entitled to a date, at least by which Meta will tell them when they can supplement.

MR. LINDERMAN: Your Honor, if I may, on this point.

We've received -- as Mr. Morton said, we've received supplemental responses on the digital -- digitized books and magazines that we've produced. We have not.

We have not -- we don't have a repository of Entrepreneur Magazines in digital format, and there's no practical or easy way to digitize all the issues of the magazines.

And so we had asked in our interrogatory for Meta to respond based on the metadata that it might have preserved through its training data or other ways using the text search as a fallback. However, that seems to be the only method that Meta has undertaken to search for Entrepreneur's magazines in the training data.

And so this is an outstanding issue that we're still trying to resolve. And it is not practical for my client to digitize hundreds of issues of these magazines beyond what we've already provided, now that we do have confirmation that the magazines we did digitize are in

the training data.

So that's an issue that -- we haven't received any response from Meta on what metadata it might have preserved from its training data sets. And so there's still some uncertainty and murkiness around which of Entrepreneur Media's works are in these training data sets, in part, because it seems like there's not an easy way for Meta to find that information without the text-based searching.

So I wanted to flag that that issue is still outstanding also in our case. And it's not just -- just the fact that they supplemented last night was only as to what we've been able to digitize and produce.

THE COURT: Okay. Thank you. Understood.

But let me ask you, do you also have a copy of Meta's training data?

MR. LINDERMAN: Yeah, so we do not have all of the -- we have copies of what they produced to us in the case, the many, many terabytes of data sets. And, originally, Meta's response to our interrogatory was to say, go look at this multi-terabyte hard drive. You know, good luck finding it yourself.

And it has been our position that we believe it should be incumbent on Meta to identify what's in its own training data, as opposed to a great cost and

expense of hiring an expert to dig through multi-terabyte hard drives.

And so we do have what they've produced to us in the case. It's unclear whether that encompasses all the training data or what they had at the time of acquisition. But that's where we've been at.

And, as Mr. Morton knows, we've been conferring about this for months at this point, and we've been going back and forth and making incremental progress. I just wanted to point out that we have not yet gotten a full response to our Interrogatory 19.

THE COURT: Understood.

But I was leading up to my next question, which is the real one, which is, are you able to look at the training data that Meta has produced, for example, and see that there is or there is not metadata that would identify EM's materials?

MR. LINDERMAN: So we received the supplemental production last night, the spreadsheets that identified the works that we produced, and I have sent that along to our technical expert to see what she is able to determine based on the hard drives that Meta has produced. Because like me, personally, no, I don't, I don't have the technical wherewithal to search through the multi-terabyte--

THE COURT: I was really meaning your expert.

MR. LINDERMAN: Yes. Yes.

And so I -- that's an open question to see what she's able to reverse-engineer based on these results. And I don't yet have a firm answer to that. But, you know, our position has been that Meta should be the one identifying these works.

THE COURT: And Meta, are you also exploring whether there's something beyond text-based searching you can do? For example, there's metadata that might flag that it was EM's materials.

MR. MORTON: We have looked for that, Your Honor. There's very limited information within Meta from which we can identify this type of material.

I think what would be good, especially on these magazines, is for the parties to continue to meet and confer about that and see if we can figure out a solution here.

The magazines have been a particularly difficult thing to search for because -- you know what a magazine looks like, Your Honor. It's got graphics in it, it's -- the -- and when they OCR the text on these things, it's not very good, and it's very hard for us to do the searches.

But I would like to just continue to meet and

confer and see if we can work this out. And if we can't, we can address that at a later date.

THE COURT: Okay. Well, I appreciate the descriptions from both sides. I think that meeting and conferring is the way to go on that.

Let me turn now to Meta. In the EM and 3C's cases, what are three items that you would like to raise at the hearing today?

MS. PHILLIPS: Yes, thank you, Your Honor. Jessica Phillips for Meta.

If I may start with Entrepreneur. I think -- my hope is that these are three relatively easy things.

The first one is that we are expecting ESI disclosures for three of the custodians for whom we have received productions. We received two of those for two individuals, and we appreciate those. We have raised issues that we see and hope to meet and confer in very short order with Entrepreneur Media.

But we are still missing ESI disclosures for three individuals who are each deposed last week, and we believe those are due under the ESI order, and we think we would like to get those as soon as we possibly can so that we can include them in our meet and confer effort.

So I'm hoping to get the ESI disclosures for those individuals, you know, as soon as tomorrow, if

possible.

THE COURT: And then, apologies, but can you please remind me what the ESI disclosures are?

MS. PHILLIPS: Yes. Happy to do so.

The disclosures -- there are a number of disclosures. This is on page 6, Section 4A of the ESI order. And in short, it's basically disclosures around the search terms that were utilized in order to find and locate the custodial files.

THE COURT: Okay. Thank you.

And what are the names of the witnesses?

MS. PHILLIPS: Yes, it's Mr. Frazier, Mr. Shea, and Mr. Strain.

THE COURT: All right, let me turn to Entrepreneur Media. What do you say?

MR. LINDERMAN: Your Honor, I'll turn this over to Ms. Carlton from NDLF.

MS. CARLTON: Good afternoon, Your Honor.

As for those three, we do expect supplemental productions for all three of those, which is why we have not sent the search terms. So for the two that we have sent for those mailboxes, those are complete. We've sent the search terms. But for example, Mr. Frazier -- our eDiscovery platform, DISCO, after we had already done what we believe to be a full production for Mr.

Frazier, informed us that they did not collect. So this was at the collection phase.

Many documents, hundreds of thousands of documents, for some reason, they were just omitted. We did not give DISCO any sort of date restrictions in what they were to collect. Nothing. We just said, collect the entire mailbox. They have since fixed that and provided it to us. So as far as Mr. Frazier goes, it's essentially going to be, we're doing the whole process again for Mr. Frazier.

As for Mr. Shea and Mr. Strain, we do expect small supplemental productions for both of those while we finish one subsection of those documents. And promptly upon those being produced, we will produce the search terms as we have done for Mr. Muselli and Ms. Thomas.

THE COURT: Is it necessary for you to complete the custodial document production before you just make the ESI disclosures? Like, does it affect what the ESI disclosures are?

MS. CARLTON: It could, Your Honor, because we may add or change some of the search terms that we're using, but I wouldn't expect it to change substantially for Mr. Shea or Mr. Strain. The idea is just that it's cleaner if we wait till it's all done and then we say,

here you go, it's done.

Mr. Frazier, I would expect to -- I wouldn't be comfortable turning that over now because we're essentially going to be redoing the whole thing with a much larger data set than what we did the first time.

THE COURT: Meta, were you previously aware before this hearing of this issue that Frazier is going to essentially be redone?

MS. PHILLIPS: I have several responses.

To answer your question right now, Judge, we were aware because the only documents that we received were emails from 2025 and 2026 for Mr. Frazier, even though he has been at the company for nearly 20 years.

Another issue I'd like to discuss is when are we going to get those productions? Just as Entrepreneur Media is interested in understanding when they will get productions for individuals who are already deposed, so they can determine whether to redepose those. We have the same issues with regard to Mr. Frazier, Mr. Shea and Mr. Strain. And obviously, I understand now from what counsel is saying that we can expect a very substantial additional production for Mr. Frazier.

The other thing I would just note is that the ESI order actually requires this disclosure after each production, not after a substantial completion or a

completion of a production, which is why we have been asking for these disclosures.

And as I said, I'd prefer to have it sooner rather than later so that we can meet and confer about this, because we have serious concerns, as we put in our statements, about the fulsomeness of these productions, even the ones that they purport to be completed with.

THE COURT: Let me turn to Plaintiffs. You need to give Meta a date by which you will complete these productions and make these ESI disclosures. You don't need to do that today at this hearing, but they're entitled to a date.

What -- when can you provide Meta a date by which you will complete these productions and produce the ESI data?

MS. CARLTON: By Friday, Your Honor.

THE COURT: This Friday?

MS. CARLTON: Yes, Your Honor.

THE COURT: Okay. Then I direct Plaintiffs to provide Meta by this Friday, August 7th, the date by which they will complete these custodial document productions and make the ESI disclosures.

And then Meta, once you get that date, if it's fine with you, then that's good. And if it's not, please meet and confer with the Plaintiffs. And if the

parties can't reach an agreement, please file a joint discovery letter brief.

MS. PHILLIPS: So, Your Honor, may I ask one clarifying question, which is with regard to the disclosures, is your order that they will provide a date on which they will give us the disclosures on Friday, or they will give us the disclosures on Friday?

THE COURT: Oh, no, it's -- they will give you a date by which they will make the disclosures.

MS. PHILLIPS: Okay. Thank you. I think the second -- if I may turn to the second request, Your Honor?

THE COURT: Yes.

MS. PHILLIPS: We have identified, through the course of the depositions from last week, a series of 15 either documents or categories of documents that are -- the individuals last week testified exist and are clearly responsive to requests for production that we have made.

We have asked for those documents. I understand from Ms. Carlton that they are searching for those. I would request that we get a production of those materials by next Friday, August 14th.

And the reason for that date is because we have depositions on the 17th, 18th, 19th, and 20th that

we would -- that we would like to use these documents in those depositions. So if we can get all of those documents produced to us by August 14th, we would appreciate that.

THE COURT: Well, I will turn to Plaintiffs' counsel. Can you do that?

MS. CARLTON: I see no issues with that, Your Honor.

THE COURT: Okay --

MS. CARLTON: No -- no, that's not to say there may be some that we may go back and forth on, whether there's a privilege claim, you know, things like that.

But for the ones that we're -- we can just find and produce, no issues with August 14th. And we will certainly work with Meta's counsel on any issues regarding the list of documents they've requested.

THE COURT: Okay. Then I order Plaintiffs to substantially complete their production of those 15 categories of documents by August 14th.

MS. PHILLIPS: And sorry, the last request for Entrepreneur Media, Your Honor, is we have sent them over some deficiency letters with regard to requests for admission, interrogatories, and requests for production.

We would just ask if they could let us know by

Friday which of the at-issue requests in each of those sets they are standing by so that we can then prepare a letter brief for Your Honor. And if they do agree to supplement, we would ask for revised responses and objections also by August 14th.

THE COURT: Let me turn back to Item No 2. Just -- I want to make sure I'm clear about my -- what my order was.

Are the 15 categories Entrepreneur Media and the Three Cs or just EM?

MS. PHILLIPS: That was just Entrepreneur Media.

THE COURT: Okay. Then for the record, I modify my order because I said plaintiffs, plural. It's for Plaintiff Entrepreneur Media.

Now let's turn to the third item. When can EM -- can you tell Meta by Friday what you're standing on and not standing on?

MS. CARLTON: Yes, Your Honor.

THE COURT: Okay. Then I direct EM to tell Meta by this Friday, August 7th, which of those items it's standing on and which ones it's not.

MS. PHILLIPS: That's great. Thank you, Your Honor.

I actually only have one thing to raise with

regard to the Three Cs. Our first depositions in one of those cases, Chicken Soup for the Soul, is next Tuesday, and then the next is on Wednesday. Of course, there's Judge Chhabria's order that those custodial files for those deponents should be produced for calendar days in advance of those depositions. Obviously, we too would like earlier rolling productions if at all possible, but certainly by that the court order deadline of four days.

But I will also note that the three C cases, and this is true for all three of them, not just Chicken Soup for the Soul, but there are a huge swath of materials that we are missing for them: any kind of financial data whatsoever, any sales data for any of the asserted works, any author agreements, licensing agreements, marketing plans, details, P&Ls, competitive analyses. We have none of that. And of course, that information would be very -- obviously relevant and very useful to use in the depositions that are beginning next Tuesday.

So my request is just to get if we can get a sense from the three C counsel, particularly with regard to Chicken Soup for the Soul, when we can expect production of those kinds of documents and whether that will happen in advance of next Tuesday's deposition.

THE COURT: Well, let me ask the three C

Plaintiffs:

First, with respect to the custodial production, do you anticipate having any difficulties meeting the four-day deadline?

MR. ROCHE: Not on any of the witnesses, except for the two next week where we've collected -- I mean, we've had 18 depositions on these, so I think for the 16 that are happening next week, we'll hit it. What I've been told as of today is that August 9th or 10th, we'll be able to produce the custodial files for next two depositions next week.

That said, you know, we're pushing to get those on a rolling basis and there's just a number of privilege items that we need to work with. But those productions are coming quickly. And then for the remainder, I can represent that we -- because we're collecting this and reviewing this collectively, it's, just these two depositions next week that we're going to be a little tight on.

THE COURT: Let me turn to Meta.

Can you remind me, what did Judge Chhabria say happens if someone doesn't meet the four-day deadline?

MS. PHILLIPS: He was very clear that the deposition does not get moved. But that, of course, gives the person taking the deposition grounds to hold

the deposition open and redepose them. So I think that's --that was his order.

THE COURT: Got it. Well, you've heard from the Three Cs Plaintiffs that they might have difficulty meeting those deadlines for the two next week. So then you'll proceed with your deposition, and you have your remedies available to you.

MS. PHILLIPS: Understood.

THE COURT: And then let me turn to the Three Cs Plaintiffs. Meta went big there at the end and started talking about all kinds of other categories of documents. That sounds like more than we can address that the hearing today. But I do think the parties should meet and confer about that.

When can you have meaningful information to meet and confer with Meta about those items?

MR. ROCHE: I think we can meet and confer on Monday because I think that will be the point in time when we'll have a lot of these documents out.

I think that after Monday, a lot of these issues should largely be resolved. But we'll plan on coordinating with Meta on Monday on the status.

THE COURT: And Meta, are you available to meet and confer on Monday?

MS. PHILLIPS: We will make ourselves

available, absolutely.

THE COURT: Okay. Then I direct Meta and the Three Cs Plaintiffs to meet and confer no later than Monday concerning those document categories.

Let's turn to *Sullivan*. I did not require the parties in *Sullivan* to file a discovery status report because that case was more recently related.

But let me turn to Plaintiff's counsel in that action. Are there any items that you feel are important to discuss at today's hearing?

MR. SLARSKEY: Just to let the Court know, at the last conference with Judge Chhabria, he asked us to expedite a confidentiality order. We've provided a draft based upon the previously entered confidentiality order to Meta. Meta has taken it under advisement, given us some feedback on it. We're, I think, very close to getting that to the Court so it can get entered. And then we are working on meeting and conferring on a case management plan.

THE COURT: Okay. Thank you.

Meta, anything you want to add with respect to the *Sullivan* action?

MS. PHILLIPS: Well, we've received the proposed protective order. I believe it was -- the proposed one was from the *Kadrey* case.

I think what we're going to get back to Plaintiffs' counsel and *Sullivan* on is that the operative protective order that we would propose for Sullivan is the one from the *Entrepreneur Media* case, which was then utilized, I think, almost word for word, other than the parties, of course, in three C. So we'll be getting back to them later today.

THE COURT: All right, thank you.

Then when is your next CMC before Judge Chhabria?

MS. PHILLIPS: It is on August 14th, Your Honor.

THE COURT: I'm looking at my calendar to see when we should have another discovery hearing. Two weeks from today at 1 o'clock would work for me.

And so my tentative thought is that there wasn't great success in having joint statements be filed. So I'm thinking that, instead, I'll direct the parties to meet and confer, so you at least brief the same topics. But then each side can file their own discovery status report. And that would be due the day before the 19th. So it'd be due at noon, August 18th.

Let me just -- I'll turn generally to Plaintiffs' counsel. Does that -- does August 19th at 1 p.m. and then the deadline of the day before, does that

work for you, scheduling wise?

MR. SLARSKEY: That's fine.

MR. LINDERMAN: Yes, Your Honor.

MR. PRITT: For the Kadrey Plaintiffs, are you amenable to receiving a joint status update?

THE COURT: Oh, if any of you are able to put together a joint status report, yes, I would prefer that. But if that's not going to happen, individual ones are permissible. But yes, if the Kadrey parties are able to do one, I would appreciate that.

And Meta, does that scheduling work for you?

MR. MORTON: Yes. Yes, Your Honor. And we'll discuss with the parties about doing joint filings, because I think that probably benefits you.

THE COURT: Yeah. It is easier for me to line things up when there's a joint filing. But it didn't happen in the EM and Three Cs actions.

And so if during your meeting, conferring, or exchanging statements, it looks like it's not going to happen, that's fine. Each of you just file your own statement like you did the last time.

I do want you to at least strive or attempt for a joint filing. And then if it doesn't happen, that's fine anyway.

And so with that, I think we can bring the

hearing to a close. And have a good afternoon, counsel.

MR. LINDERMAN: Thank you, Your Honor.

(Proceedings adjourned at 1:55 p.m.)

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CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a true and correct transcript, to the best of my ability, of the above pages of the official electronic sound recording provided to me by the U.S. District Court, Northern District of California, of the proceedings taken on the date and time previously stated in the above matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not financially nor otherwise interested in the outcome of the action.

DATE: Monday, August 8, 2026

Cynthia Pommier-Smith

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