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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,
Plaintiffs,
v.
META PLATFORMS, INC.,
Defendant.

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

JOINT CASE MANAGEMENT STATEMENT

Judge: Hon. Vince Chhabria

ENTREPRENEUR MEDIA, LLC,
Plaintiff,
v.
META PLATFORMS, INC.,
Defendant.

Case No. 3:25-cv-09579-VC

JOINT CASE MANAGEMENT STATEMENT

Judge: Hon. Vince Chhabria

COGNELLA, INC.,
Plaintiff,
v.
META PLATFORMS, INC.,
Defendant.

Case No. 3:26-cv-04053-VC

JOINT CASE MANAGEMENT STATEMENT

Judge: Hon. Vince Chhabria

CAMBRONNE, INC. et al.,
Plaintiff,
v.
META PLATFORMS, INC.,
Defendant.

Case No. 3:26-cv-03725-VC

JOINT CASE MANAGEMENT STATEMENT

Judge: Hon. Vince Chhabria

1 CHICKEN SOUP FOR THE SOUL, LLC,

2 Plaintiff,

3 v.

4 META PLATFORMS, INC.,

5 Defendant.

Case No. 3:26-cv-02333-VC

JOINT CASE MANAGEMENT STATEMENT

Judge: Hon. Vince Chhabria

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7 Pursuant to N.D. Cal. Civil Local Rule 16-9(a), Plaintiffs Richard Kadrey, Sarah Silverman,
8 Christopher Golden, Jacqueline Woodson, Andrew Sean Greer, Rachel Louise Snyder, David
9 Henry Hwang, Ta-Nehisi Coates, Laura Lippman, Matthew Klam, Junot Díaz, Lysa Terkeurst and
10 Christopher Farnsworth, Eleven Eleven O' Clock Corporation, BCP Literary, Inc., and Daring
11 Greatly Corporation (collectively, "Kadrey"), Entrepreneur Media, LLC ("Entrepreneur"), Chicken
12 Soup for the Soul, LLC ("Chicken Soup"), Cambronne, Inc., Matthew Sacks, Jane Adams, Philip
13 Shishkin, and Lisa Barretta (collectively, "Cambronne"), Cognella, Inc. ("Cognella") and
14 Defendant Meta Platforms, Inc. ("Meta") (together, the "Parties"), by and through their respective
15 undersigned counsel, hereby submit this Joint Case Management Statement in advance of the Case
16 Management Conference scheduled in this Court for September 25, 2026.

17 There are no ripe issues among the Parties that need to be addressed with the Court during
18 the upcoming Case Management Conference. Meta, Entrepreneur, Chicken Soup, Cambronne, and
19 Cognella have some discovery matters pending in letter briefing with Judge Hixson. Meta and
20 Kadrey will soon be submitting letter briefing to Judge Hixson on a privilege issue. Meta took the
21 deposition of Cognella's Ryan Bailey today, and is evaluating whether it will need to file any
22 discovery-related motions relating to Cognella's document production on Friday pursuant to the
23 Court's order. *See Cognella*, Dkt. 116.

24 Otherwise, the Parties are proceeding with expert discovery and will notify the Court
25 promptly if any assistance is needed.

1 Entrepreneur's Position:

2 Entrepreneur is seeking no relief from the Court at this Case Management Conference.
 3 On September 11, 2026, Entrepreneur filed two joint discovery letter briefs with Judge Hixson
 4 concerning Meta's responses to certain interrogatories. *Entrepreneur*, Dkt. Nos. 154, 155.
 5 Both remain pending. The report below briefly summarizes those disputes and their current status.
 6 It also addresses Entrepreneur, Chicken Soup, Cambronne, Cognella, and Meta's agreed-upon
 7 schedule for privilege-log disputes and the Parties' ongoing conferral regarding additional LibGen
 8 torrenting in 2023. These updates are provided merely as background for the Court.

9 ***Interrogatory Nos. 12, 19, and 20.*** Entrepreneur's joint letter brief concerning these
 10 interrogatories remains pending. *Entrepreneur*, Dkt. No. 155. On September 18, 2026, Meta
 11 served supplemental responses to Nos. 12 and 20. Entrepreneur is reviewing these supplemental
 12 responses and has raised follow-up questions with Meta regarding No. 12. As to No. 19,
 13 Entrepreneur and Meta have reached agreement in principle on a process for identifying
 14 Entrepreneur works in Meta's training data, including (i) a search of Meta's preserved SpiderMate
 15 crawls of Entrepreneur's websites against Entrepreneur's magazine issues, and (ii) a two-step
 16 process identifying which Entrepreneur works Meta downloaded and which of those Meta contends
 17 are and are not present in its training data. Meta estimates each will take "several weeks" but has
 18 not committed to completion dates. Meta also stated that it expected to provide, by September 18,
 19 a table linking each identified work to its dataset source and Llama model. *Entrepreneur*, Dkt. No.
 20 155 at 4. It has not yet done so. Because opening expert reports are due October 2, 2026
 21 (*Entrepreneur*, Dkt. No. 160), Entrepreneur has asked Judge Hixson to set dates certain for Meta
 22 to complete these items.

23 ***Interrogatory Nos. 22–24.*** Entrepreneur's joint letter brief concerning Meta's responses to
 24 these interrogatories, which seek the identity of persons who made, authorized, or approved
 25 decisions to obtain shadow-library datasets, to use BitTorrent, and to acquire and scan physical
 26 books for Project Vellum, remains pending. *Entrepreneur*, Dkt. No. 154. On September 18, 2026,
 27 Meta supplemented its response to No. 24 and served verifications. Entrepreneur is reviewing that
 28 supplement.

1 **Privilege Logs.** Entrepreneur, Chicken Soup, Cambronne, Cognella, and Meta stipulated
 2 to extend to November 13, 2026 the deadline to present disputes concerning privilege logs, which
 3 the Court granted on September 16. *Entrepreneur*, Dkt. No. 159. Entrepreneur is reviewing Meta's
 4 logs and will raise any disputes with Judge Hixson on that schedule.

5 **Additional LibGen Torrenting in 2023.** Entrepreneur and plaintiffs in the related cases
 6 continue to confer with Meta about LibGen torrenting by former Meta employee Guillaume Lample
 7 in March and April 2023, reflected in data first produced by third party Strike 3 Holdings, LLC on
 8 September 4, 2026, and about the availability of data and records associated with that activity.
 9 The Parties will raise any remaining issues with the Court as needed.

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 11 Meta's Response to Entrepreneur's Position:

12 **Interrogatory Responses:** Meta will confer with Entrepreneur regarding any ongoing
 13 questions they have about Meta's interrogatory responses. Meta is also diligently working on the
 14 agreed-upon supplemental works searching analysis and will provide the results as soon as they are
 15 available.

16 **Privilege Logs.** Meta will meet and confer with Entrepreneur if they raise any questions
 17 about Meta's privilege logs. Likewise, Meta is reviewing Entrepreneur's privilege logs and will
 18 raise any questions with Entrepreneur in accordance with the Parties' stipulation.

19 **Lample LibGen Torrenting in 2023.** Meta is in receipt of the Plaintiffs' email sent today
 20 regarding these questions and will confer with Plaintiffs about them. Meta notes that the subpoena
 21 to Strike 3 Holdings was served on September 4, 2026, the last day of discovery and is based on
 22 information that Meta produced during the original Kadrey fact discovery period on November 9,
 23 2024 and that was flipped to Entrepreneur in January 2026.

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 25 Chicken Soup, Cognella, and Cambronne's Positions:

26 **Motion For Relief from Nondispositive Pretrial Order.** On September 17, 2026, Plaintiffs
 27 moved under 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and Civil Local
 28 Rule 72-2 for relief from the portion of Judge Hixson's Discovery Order entered September 10,

1 2026, denying Plaintiffs’ motion to compel non-parties OpenAI OpCo LLC and Anthropic PBC to
2 comply with Plaintiffs’ subpoenas. *See Chicken Soup*, ECF Nos. 126, 131, 145.

3 On September 23, 2026, Plaintiffs filed a notice of supplemental authority and evidence
4 attaching the Plaintiffs’ summary judgment brief in *In re OpenAI, Inc. Copyright Infringement*
5 *Litigation*. ECF No. 147. That public record reflects that OpenAI’s Head of ChatGPT wrote that its
6 products “are largely substitutive, period,” and “will get more and more substitutive as they get
7 better” and that OpenAI’s VP of Research explained, “We train our networks to memorize the
8 training data—that’s their objective.” *Id.*, Ex. A at 1, 12. This is precisely the category of evidence
9 Plaintiffs’ requests seek.

10 Under Civil Local Rule 72-2(d), the motion will be deemed denied if no order denying it or
11 setting a briefing schedule issues within 14 days of filing—here, October 1, 2026. The Court may
12 not grant the motion without first giving the opposing party an opportunity to respond. *Id.* Plaintiffs
13 therefore respectfully request that the Court address the motion at the September 25 conference and
14 set an expedited briefing schedule so that it may be resolved on the merits. Prompt resolution is
15 warranted as rebuttal expert reports are due October 30. ECF No. 144.

16 ***Service of Former Employee Stephen Roller.*** On September 18, 2026, Judge Hixson
17 granted Plaintiffs’ administrative motion to authorize alternative service of subpoenas on former
18 Meta employee Stephen Roller, deeming the subpoenas served upon delivery by overnight mail to
19 Mr. Roller’s residence and by email to his counsel. *Chicken Soup*, ECF No. 146 ¶¶ 1, 4. Pursuant
20 to that Order, Plaintiffs served the Order and the subpoenas on Mr. Roller and his counsel on
21 September 19, 2026, one day after the Order was issued.

22 ***Discovery Issues Before Judge Hixson.*** Meta, Chicken Soup, Cambronne, and Cognella
23 have several discovery matters pending in letter briefing with Judge Hixson. Those matters are not
24 ripe for further discussion at Friday’s conference.

1 Meta's Response to Chicken Soup, Cognella, and Cambronne's Positions:

2 ***Motion For Relief from Nondispositive Pretrial Order.*** Judge Hixson issued a thoroughly
3 reasoned order analyzing why this non-party discovery is not relevant to Plaintiffs' claims against
4 Meta. Plaintiffs have identified no factual or legal errors justifying overturning that decision.

5 ***Service of Former Employee Stephen Roller.*** Meta requests that Plaintiffs keep Meta
6 apprised of any scheduling of deposition of Mr. Roller, any objections that Mr. Roller may assert
7 and/or any motion that Mr. Roller may file regarding the subpoena.

8 ***Discovery Issues Before Judge Hixson.*** Meta agrees that the motions pending before Judge
9 Hixson do not require discussion at the Case Management Conference.

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11 Kadrey's Position:

12 For the Court's awareness, Kadrey identifies below and briefly summarizes two issues on
13 which the parties continue to confer.

14 ***Additional Lample LibGen Torrenting in 2023.*** As indicated above, Kadrey and plaintiffs
15 in the related cases continue to confer with Meta about an additional episode of LibGen torrenting
16 by former Meta employee Guillaume Lample in March and April 2023, which was recently
17 confirmed based on data produced by Stike 3 pursuant to a Rule 45 subpoena. Meta has said it has
18 not been able to locate any data or other records associated with that activity. Plaintiffs raised this
19 issue with Meta on September 6, two days after the production of the Strike 3 data. Meta did not
20 respond. Plaintiffs followed up with Meta today. The Parties will raise any remaining issues with
21 the Court as needed.

22 ***Command History Files and ML Hub.*** On September 11, Judge Hixson ordered (Dkt. 831)
23 Meta to produce command history files (pursuant to this Court's baseball arbitration order, Dkt.
24 470) and to either run search terms over the ML Hub, or alternatively make the ML Hub available
25 for inspection (pursuant to this Court's order granting Kadrey's October Administrative Motion,
26 Dkts. 635 (Motion) and 647 (Order)). Kadrey awaits Meta's production of both categories of
27 discovery and will raise any issues promptly with the Court as needed. In light of imminent expert
28 report deadlines, Kadrey welcomes the Court's guidance as to the timing of Meta's productions.

1 Meta's Response to Kadrey's Position:

2 ***Lample Libgen Torrenting in 2023.*** Meta addressed this matter above in the Entrepreneur
3 section. Meta disagrees with Kadrey's statement, as Meta has produced the records it has been
4 able to locate related to Mr. Lample's activities. Meta is addressing Kadrey's request and will
5 confer about these issues as requested.

6 ***Command History Files and MLHub.*** Meta is undertaking searches for the ordered
7 command line history files and will keep Kadrey apprised of its progress. Regarding MLHub, Meta
8 is working on the logistics for an inspection and will confer with Kadrey about those logistics as
9 instructed by Judge Hixson. Dkt. 831 at 3 n.1.

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Dated: September 23, 2026

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 the Parties in the above-captioned matters concur in the filing of this document.

/s/ Phillip E. Morton

Phillip E. Morton