Justin A. Nelson*
Alejandra C. Salinas*
SUSMAN GODFREY L.L.P
1000 Louisiana Street, Suite 5100
Houston, TX 77002-5096
Telephone: (713) 651-9366
jnelson@susmangodfrey.com
asalinas@susmangodfrey.com

Rohit D. Nath (SBN 316062)
SUSMAN GODFREY L.L.P
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-2906
Telephone: (310) 789-3100
RNath@susmangodfrey.com

Jordan W. Connors*
SUSMAN GODFREY L.L.P
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
jconnors@susmangodfrey.com

J. Craig Smyser*
SUSMAN GODFREY L.L.P
One Manhattan West, 51st Floor,
New York, NY 10019
Telephone: (212) 336-8330
csmyser@susmangodfrey.com

Rachel Geman*
Wesley Dozier*
Anna Freymann*
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, New York 10013-1413
Telephone: (212) 355-9500
rgeman@lchb.com

Reilly T. Stoler (SBN 310761)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
rstoler@lchb.com

Scott J. Sholder*
CeCe M. Cole*
COWAN DEBAETS ABRAHAMS & SHEPPARD LLP
60 Broad Street, 30th Floor
New York, New York 10010
Telephone: (212) 974-7474
ssholder@cdas.com
ccole@cdas.com

Attorneys for Plaintiffs and the Proposed Class in Bartz et al. v. Anthropic PBC, Case 3:24-cv-05417 (N.D.Cal.)

**(Pro Hac Vice forthcoming)*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CONCORD MUSIC GROUP, INC. ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 5:24-cv-03811-EKL

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO CIVIL LOCAL RULES 3-12 AND 7-11

Related Case: *Bartz et al. v. Anthropic PBC*, 24-cv-05417-WHA (N.D. Cal.)

Pursuant to Civil Local Rules 3-12(b) and 7-11, counsel for Plaintiffs in *Bartz et al. v. Anthropic PBC*, 24-cv-05417-WHA (N.D. Cal.) ("*Bartz*") submit this Administrative Motion to Consider Whether Cases Should Be Related (the "Motion"), on the grounds that the *Bartz* suit may be related to the instant case, *Concord Music Group, Inc. et al. v. Anthropic PBC*, 5:24-cv-03811-EKL (N.D. Cal.) ("*Concord*"). This Motion is accompanied by the Declaration of Rohit D. Nath and Exhibit 1 thereto (copy of the complaint filed in *Bartz*).

Civil Local Rule 3-12(b) requires a party to "file . . . an Administrative Motion to Consider Whether Cases Should be Related" whenever "a party . . . believes that" another action "may be []related." Under Local Rule 3-12(b), an action is related to another when: "(1) The allegations concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

Because the *Bartz* action "may be related" to the *Concord* action, Plaintiffs submit this Notice in order to comply with the above Local Rule. As to the first prong, both cases involve copyright infringement claims against defendant Anthropic PBC ("Anthropic"), predicated on Anthropic's development of its large language model product, Claude. *Compare Bartz* Complaint at ⁋⁋ 1, 21 *et seq*., and *Concord* Complaint at ⁋⁋ 50 *et seq*.; *see, e.g., Our Children's Earth Found. v. Nat'l Marine Fisheries Serv.*, No. 14-cv-1130, 2015 WL 4452136, at *12 (N.D. Cal. July 20, 2015) (relating cases involving "substantially the same matter" despite "slightly differing parties" and "a differing underlying FOIA request"); *JaM Cellars, Inc. v. Wine Grp. LLC,* No. 19-CV-01878-HSG, 2020 WL 2322992, at *1 (N.D. Cal. May 11, 2020) (consolidating trademark infringement cases involving different trademarks "although the underlying products, marks, and some portion of evidence differ").

On the second prong, discovery regarding Anthropic's alleged infringement may involve overlapping material, including discovery into the technical features of the models. *See, e.g., Pepper v. Apple Inc.*, No. 11-CV-06714-YGR, 2019 WL 4783951, at *1 (N.D. Cal. Aug. 22, 2019) (relating cases where "significant economies exist[ed] in terms of case management").

For these reasons—and with deference to the considered judgments of the assigned judges

in these matters—the *Bartz* Plaintiffs submit that the *Concord* and *Bartz* actions may be related, and request that the Court consider relating *Bartz et al. v. Anthropic PBC*, 24-cv-05417-WHA (N.D. Cal.), with *Concord Music Group, Inc. et al. v. Anthropic PBC*, 3:24-cv-03811-EKL (N.D. Cal.). Pursuant to Local Civil Rules 3-12(b) and 5-1(d)(7), a courtesy copy of the Motion will be lodged with the assigned Judge in the *Concord* and *Bartz* Actions.

Pursuant to Civil Local Rule 7-11(b), the *Bartz* Plaintiffs promptly reached out to counsel for parties in the *Concord* Action shortly after the complaint was filed to meet and confer. *See* Decl. of R. Nath ¶ 4. The *Concord* Plaintiffs oppose the relation of the *Bartz* and *Concord* Actions, and Defendant Anthropic PBC has not taken a position at this time. *Id.* at ¶ 5.

Dated: August 27, 2024

Respectfully submitted,

By: */s/ Rohit D. Nath*

Rohit D. Nath (SBN 316062)
SUSMAN GODFREY L.L.P
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-2906
Telephone: (310) 789-3100
RNath@susmangodfrey.com

Justin A. Nelson*
Alejandra C. Salinas*
SUSMAN GODFREY L.L.P
1000 Louisiana Street, Suite 5100
Houston, TX 77002-5096
Telephone: (713) 651-9366
jnelson@susmangodfrey.com
asalinas@susmangodfrey.com

Jordan W. Connors*
SUSMAN GODFREY L.L.P
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
jconnors@susmangodfrey.com

J. Craig Smyser*
SUSMAN GODFREY L.L.P
One Manhattan West, 51st Floor,
New York, NY 10019
Telephone: (212) 336-8330
csmyser@susmangodfrey.com

Rachel Geman*
Wesley Dozier*
Anna Freymann*
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, New York 10013-1413
Telephone: (212) 355-9500
rgeman@lchb.com

Reilly T. Stoler (SBN 310761)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
rstoler@lchb.com

Scott J. Sholder*
CeCe M. Cole*
COWAN DEBAETS ABRAHAMS & SHEPPARD LLP
60 Broad Street, 30th Floor
New York, New York 10010
Telephone: (212) 974-7474
ssholder@cdas.com
ccole@cdas.com

Attorneys for Plaintiffs and the Proposed Class
**(Pro Hac Vice forthcoming)*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was duly served upon all Counsel of record in:

- *Bartz et al. v. Anthropic PBC*, 24-cv-05417-WHA (N.D. Cal.)
- *Concord Music Group, Inc. et al. v. Anthropic PBC*, 5:24-cv-03811-EKL (N.D. Cal.)

via electronic service, in accordance with the Federal Rules of Civil Procedure, on August 27, 2024.

/s/ Rohit D. Nath
Counsel for Plaintiff