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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONCORD MUSIC GROUP, INC., ET AL., Plaintiffs, v. ANTHROPIC PBC, Defendant.	Case Number: 5:24-cv-03811-EKL-SVK **DECLARATION OF NICHOLAS HAILEY IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER TO EXTEND CASE DEADLINES** Hon. Eumi K. Lee Magistrate Judge Susan van Keulen

I, Nicholas Hailey, declare:

1. I am a partner at Oppenheim + Zebrak, LLP and counsel of record for Plaintiffs Concord Music Group, Inc.; Capitol CMG, Inc.; Universal Music Corp.; Songs of Universal, Inc.; Universal Music – MGB NA LLC; Polygram Publishing, Inc.; Universal Music – Z Tunes LLC; and ABKCO Music, Inc. (collectively, "Publishers") in the above-captioned action. I am licensed to practice law in the District of Columbia and admitted *pro hac vice* to practice before this Court

in connection with the above-captioned action. Except as noted otherwise, I have personal knowledge of the facts herein and, if called to testify, could and would testify competently hereto.

2. I submit this declaration in support of Publishers' and Defendant's (collectively, the "Parties") Joint Stipulation and [Proposed] Order Extending Case Deadlines.

The reasons for the requested enlargement of time.

3. Under the current case schedule, the close of fact discovery, including all written discovery and deposition of all fact witnesses, is set for April 14, 2025, and the other current case deadlines for expert discovery, briefing on any dispositive motions and *Daubert* motions, a joint pre-trial statement, and a pre-trial conference are set thereafter. *See* ECF No. 262. Trial is currently scheduled for March 2, 2026. *Id.*

4. The Parties are currently engaged in fact discovery in accordance with the case schedule deadlines. Plaintiffs have propounded four sets of requests for production, two sets of interrogatories, and one set of requests for admission. Defendant has propounded two sets of requests for production, one set of interrogatories, and one set of requests for admission. The Parties stipulated to a protective order, which Magistrate Judge van Keulen granted as modified on January 27, 2025. *See* ECF No. 292. The Parties have also agreed on a protocol for producing documents and electronically stored information, which Magistrate Judge van Keulen granted as modified on February 12, 2025. *See* ECF No. 298. The Parties have each begun to make rolling productions of documents in response to discovery requests.

5. However, document discovery remains ongoing, and significant documents remain to be produced in response to outstanding requests. The Parties continue to negotiate with respect to the scope of discovery and to raise disputes before Magistrate Judge van Keulen when at an impasse. No fact depositions have yet been noticed or scheduled.

6. The Parties agree and stipulate that there is good cause to extend the current case deadlines by approximately five months, because the significant demands of the case, the number and nature of the claims and defenses at issue, and the novel nature of certain issues raised will require additional time for the Parties to complete fact discovery.

All previous time modifications in the case, whether by stipulation or Court order.

7. The Parties have not previously requested any modifications to the current fact discovery deadline or other deadlines in the case schedule entered by this Court, ECF No. 262.

8. The following time modifications have occurred in this case to date:

a. On July 3, 2024, this case was reassigned to the Honorable Jacqueline Scott Corley, and the Court rescheduled the initial case management conference to July 25, 2024. *See* Order Reassigning Case, ECF No. 132; Clerk's Notice, ECF No. 133.

b. On July 15, 2024, the Court granted the Parties' stipulation to continue the initial case management conference from July 25, 2024 to August 15, 2024. *See* ECF No. 159.

c. On August 2, 2024, the Court granted the Parties' stipulation to continue a hearing on Plaintiffs' Renewed Preliminary Injunction Motion and Defendant's Motion to Dismiss, previously set for October 3, 2024, to October 10, 2024. ECF No. Order on Stipulation, ECF No. 189.

d. On August 21, 2024, this case was reassigned to the Honorable Eumi K. Lee and all then-scheduled hearing dates were vacated. ECF No. 206.

e. On December 13, 2024, the Court reset the hearing on Defendant's Motion to Dismiss, previously scheduled for November 25, 2024, to December 19, 2024. ECF No. 279.

f. On February 3, 2025, the Court continued the case management conference from February 26, 2025 to March 12, 2025. ECF No. 294.

g. On March 5, 20205, the Court continued the case management conference from March 12, 2025 to April 23, 2025. ECF No. 300.

The effect the requested time modification would have on the schedule for the case.

9. The Parties have stipulated to and request an extension by approximately five months of the fact discovery deadline and a commensurate extension of subsequent case deadlines. The Parties have also agreed, for discovery on which the Parties agree as of March 5, 2025 to

substantially complete document production by April 23, 2025. The Parties have agreed on a July 14, 2025 deadline for substantial completion of the remaining document productions. Accordingly, granting the Parties' extension would result in the following schedule:

Event	Deadline
Initial ADR Deadline	June 30, 2025
Substantial Completion of Document Production for Discovery for Which Each Party Has Agreed as of Mar. 5, 2025	Apr. 23, 2025
Substantial Completion of Remaining Document Productions	July 14, 2025
Close of Fact Discovery (including all written discovery and deposition of all fact witnesses)	Sept. 11, 2025
Identify and Disclose Expert Witnesses and Exchange Expert Reports	Oct. 13, 2025
Opposition Expert Reports	Nov. 6, 2025
Reply Expert Reports	Dec. 5, 2025
Depose All Expert Witnesses	Jan. 26, 2026
Close of Briefing on Dispositive and/or *Daubert* Motions	Mar. 30, 2026
Hearing on Dispositive and/or *Daubert* Motions	Apr. 23, 2026
Joint Pre-Trial Statement	July 2, 2026
Pre-Trial Conference	July 15, 2026
Trial Date	At the Court's convenience

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Washington, D.C., this 10th day of March, 2025.

/s/ *Nicholas C. Hailey*
Nicholas Hailey