EXHIBIT A

To: Mehta, Sonal; WH Anthropic-Concord Internal
Subject: RE: Concord v. Anthropic - confidential Bartz materials
Date: Friday, November 21, 2025 1:37:39 PM
Attachments: image001.png

From: Nick Hailey <Nick@oandzlaw.com>
Sent: Friday, August 22, 2025 5:13 PM
To: Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; Burrell, Robin C. <Robin.Burrell@wilmerhale.com>
Cc: Ivana.Dukanovic@lw.com; Britt.Lovejoy@lw.com; Sara.Sampoli@lw.com; Joe.Wetzel@lw.com; Rachel.Horn@lw.com; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Tompros, Louis W. <Louis.Tompros@wilmerhale.com>; Gooch, Taylor <Taylor.Gooch@wilmerhale.com>; Que, Allison <Allison.Que@wilmerhale.com>; Jennifer Pariser <JPariser@oandzlaw.com>; Timothy Chung <tchung@oandzlaw.com>; Audrey Adu-Appiah <AAdu-Appiah@oandzlaw.com>; Michelle Gomez-Reichman <MGomez-Reichman@oandzlaw.com>
Subject: Re: Concord v. Anthropic - confidential Bartz materials

EXTERNAL SENDER

Ari,

The real issue here is Anthropic's complete failure to comply with its discovery obligations in this case. As we've explained in our joint dispute statement (as well as our pending motion to amend), Anthropic has long improperly concealed discovery regarding its downloading, uploading, and torrenting of books containing Publishers' lyrics from pirate sites. That discovery should have been produced long ago in response to our prior discovery requests in this case, and it is likewise relevant to our pending motion to amend. Instead, Anthropic hid the facts of its use of BitTorrent to download and upload books containing our lyrics until this information became public in Judge Alsup's recent class certification decision in the *Bartz v. Anthropic* case.

Although we requested over a month ago that you produce this overdue discovery, Anthropic has refused to agree and has likewise refused to provide its portion of the joint dispute statement so that we can promptly resolve this issue with the Magistrate Judge. Instead, you've dragged this issue out. In an effort to find another way to resolve this long overdue discovery, we proposed earlier this week that Anthropic simply produce in this case the discovery you produced in *Bartz* on these same issues, as detailed in our joint dispute statement, and as explained further on our call today. You have still not responded to that proposal.

Further, as I explained on our call, our law firm has appeared as Publishers' Coordination Counsel in the *Bartz* case. During the call, you asked a series of improper questions in an attempt to probe the details of the legal work my firm is doing in connection with our representation in the *Bartz* case, and you continue with that improper questioning below. As I explained to you, those questions are entirely inappropriate, and we will not and cannot disclose those details to you.

Your attempt to manufacture some imagined impropriety by putting words into our mouths is a transparent ploy to deflect from Anthropic's willful defiance of its own discovery obligations in this case.

To be clear, our firm has complied and will continue to comply with the protective orders entered in both this case and in *Bartz*. Any suggestion by you to the contrary is wrong. In fact, as your Latham co-counsel knows, the *Bartz* protective order was used as the basis for the protective order we drafted in this case, so we have long been familiar with both, even before our firm's appearance in *Bartz*.

We trust that this will put an end to this inappropriate inquiry. Unfortunately, still unresolved is Anthropic's continued refusal to produce the discovery it produced in *Bartz* but has inexplicably concealed in this case.

Nick

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From: Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>
Date: Friday, August 22, 2025 at 4:00 PM
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Subject: Concord v. Anthropic - confidential Bartz materials

> Nick, Tim,
>
> During the meet and confer that just concluded, you explained that you are seeking clone discovery of the materials produced by Anthropic in *Bartz*. I asked you whether you had already reviewed any non-public, confidential

materials that Anthropic produced in that case. You refused to answer, other than to say that your firm (but not yourselves) has appeared in that case. I also asked you whether you had reviewed the *Bartz* Protective Order – including whether you reviewed the Protective Order before reviewing any non-public, confidential materials from *Bartz*. You, again, refused to answer. I asked both questions more than once to make sure that I did not misunderstand your (non-)answers.

I take from your refusal to answer that (a) one or both of you have indeed reviewed non-public, confidential information produced by Anthropic in *Bartz*; and (b) that before doing so, one or both of you did not review the *Bartz* protective order. If (a) or (b) are incorrect, please let me know and how.

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