

EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

ANDREA BARTZ, ANDREA BARTZ,)
INC., CHARLES GRAEBER, KIRK)
WALLACE JOHNSON, MJ + KJ,)
INC., individually and on)
behalf of others similarly)
situated,)

Plaintiffs,)

vs.)

No. 3:24-cv-05417

ANTHROPIC PBC,)

Defendant.)

TRANSCRIPT DESIGNATED [REDACTED]"

VIDEO-RECORDED DEPOSITION OF
ANDREA MARIE BARTZ,
Taken in her individual capacity and as
a 30(b)(6) WITNESS FOR ANDREA BARTZ, INC.
Volume I - Pages 1 through 258

Friday, March 7, 2025
San Francisco, California

Reported By: JANE GROSSMAN, CSR No. 5225
Job No. SF 7222289

Page 1

I N D E X

VIDEO-RECORDED DEPOSITION OF ANDREA BARTZ, INDIVIDUALLY,
AND AS A 30(b)(6) WITNESS FOR ANDREA BARTZ, INC.

FRIDAY, MARCH 7, 2025

VOLUME I

	PAGE
MORNING SESSION	10
AFTERNOON SESSION	111
EXAMINATION OF ANDREA BARTZ AS AN INDIVIDUAL	
BY MR. FARRIS	13
(Pages 1 through 231)	
EXAMINATION OF ANDREA BARTZ AS A 30(b)(6)	
WITNESS FOR ANDREA BARTZ, INC.	
BY MR. FARRIS	232
(Pages 232 through 252)	

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E X H I B I T S

DEPOSITION EXHIBITS MARKED FOR IDENTIFICATION

[* Document designated "HIGHLY CONFIDENTIAL."]

[** Document designated "CONFIDENTIAL"]

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EXHIBIT NO.	DESCRIPTION	PAGE
Exhibit 47	Multipage excerpt from the LinkedIn page for Andrea Bartz (No Bates numbers)	68

/ / / / /

1 Anne Shaver, Lieff Cabraser, Heimann & 09:10:01
2 Bernstein, representing Plaintiff and the proposed 09:10:04
3 class. 09:10:06
4 THE VIDEOGRAPHER: Thank you. 09:10:08
5 Counsel on the Zoom have been noted for 09:10:08
6 the record. 09:10:11
7 Will the court reporter please introduce 09:10:11
8 herself and administer the oath to the witness? 09:10:12
9 And then counsel may proceed. 09:10:17
10 THE REPORTER: Pursuant to the 09:10:18
11 requirements of AB 3252, I am stating on the record 09:10:18
12 that my name is Jane Grossman, and I am a California 09:10:18
13 Licensed Stenographic Reporter. My CSR number is 09:10:18
14 5225. 09:10:18
15 I will now swear the witness in. 09:10:18
16 ---oOo--- 09:10:18
17 ANDREA MARIE BARTZ, 09:10:18
18 called as a witness herein, 09:10:18
19 having been first duly sworn by the Certified 09:10:18
20 Shorthand Reporter, was thereupon examined and 09:10:18
21 testified as hereinafter set forth. 09:10:18
22 ---oOo--- 09:10:18
23 THE REPORTER: Please begin. 09:10:18
24 ---oOo--- 09:10:18
25 / / / / / 09:10:18

1 [Note: The following is the deposition of 09:10:18
2 Andrea Marie Bartz as an individual.] 09:10:18
3 ---oOo--- 09:10:18
4 EXAMINATION BY MR. FARRIS 09:10:19
5 BY MR. FARRIS: 09:10:42
6 Q. Good morning, Ms. Bartz. 09:10:44
7 A. Good morning. 09:10:45
8 Q. Could you start by stating and spelling 09:10:46
9 your full name, including any middle name? 09:10:48
10 A. Yes. 09:10:50
11 My name is Andrea Marie Bartz. That's 09:10:51
12 A-n-d-r-e-a M-a-r-i-e B-a-r-t-z. 09:10:54
13 Q. Thank you. 09:10:59
14 Have you been deposed before, Ms. Bartz? 09:11:00
15 A. No. This is the first time. 09:11:02
16 Q. Okay. Do you understand that a few 09:11:04
17 moments ago you took an oath to tell the truth from 09:11:05
18 the court reporter? 09:11:08
19 A. Yes. 09:11:09
20 Q. And do you understand that's the same sort 09:11:09
21 of oath you would take if you were testifying in 09:11:11
22 front of a jury in a courtroom today? 09:11:14
23 A. Yes. 09:11:16
24 Q. Okay. I'm just going to go over a few 09:11:17
25 basic ground rules you probably already heard from 09:11:19

1 was originally copyrighted. 01:06:44

2 BY MR. FARRIS: 01:06:47

3 Q. Okay. Do you specifically remember how 01:06:47

4 The Lost Night was originally copyrighted? 01:06:49

5 A. Yes. 01:06:52

6 Q. And you specifically remember that was in 01:06:53

7 the name Andrea Bartz? 01:06:54

8 A. Yes. 01:06:57

9 (Deposition Exhibit 55 was marked for 01:06:58

10 identification.) 01:07:14

11 THE WITNESS: Thank you. 01:07:14

12 MR. FARRIS: Okay. Marking Exhibit 54 -- 01:07:16

13 MS. GEMAN: I think this is 55. 01:07:19

14 MR. FARRIS: Sorry. Is it? 01:07:22

15 THE WITNESS: Yes. 01:07:23

16 MS. GEMAN: No. 01:07:25

17 MR. FARRIS: Am I out of order? 01:07:26

18 I am out of order. My fault. I put 01:07:28

19 those backwards. 01:07:32

20 Exhibit 55. Exhibit 55 is a document 01:07:33

21 with the Bates-stamp BARTZ-3412 to BARTZ-3415. 01:07:41

22 Q. It's an e-mail chain from the 01:07:47

23 andreambartz@gmail.com address. And the top e-mail 01:07:51

24 in the chain is dated September 28th, 2020. 01:07:56

25 Do you see that? 01:08:00

1 A. Yes. 01:08:01

2 Q. Okay. I want to go back in the chain. 01:08:02

3 A. Sure. 01:08:09

4 MS. GEMAN: Just take the time you need 01:08:10

5 to -- 01:08:10

6 BY MR. FARRIS: 01:08:11

7 Q. Yeah, take as long as you need to -- to 01:08:11

8 review it. 01:08:13

9 A. Yeah. 01:08:14

10 Q. I'm going to -- I'm going to ask you about 01:08:14

11 a couple of the e-mails in the chain. So feel free 01:08:16

12 to take a minute. 01:08:20

13 A. Yeah, I'll take a minute to read them. 01:08:22

14 Thank you. 01:08:24

15 Okay. 01:09:23

16 Q. Okay. So this is an exchange from around 01:09:24

17 September 2020 -- well, from September 2020 about 01:09:29

18 your copyright registrations; correct? 01:09:34

19 A. Yes. 01:09:37

20 Q. Can you describe the nature of these 01:09:39

21 exchanges and what the -- what the communications 01:09:43

22 were about? 01:09:47

23 MS. GEMAN: Objection. 01:09:48

24 THE WITNESS: I was reviewing page proofs 01:09:49

25 for a version of The Herd, I guess the paperback 01:09:53

Page 149

1 one. And I said that the copyright page should be 01:09:59
2 for Andrea Bartz, not Andrea Bartz, Inc. 01:10:03

3 And my editor's assistant kind of pushed 01:10:07
4 back, indicating that she had been told it should be 01:10:13
5 for the corporation. 01:10:18

6 BY MR. FARRIS: 01:10:21

7 Q. Okay. And do you recall how this 01:10:22
8 resolved? 01:10:32

9 A. Yes. 01:10:34

10 Q. How did it resolve? 01:10:34

11 A. I was wrong. And the copyright already 01:10:36
12 correctly was Andrea Bartz, Inc. for The Herd. 01:10:42

13 Q. Okay. In the e-mail of September 17th, 01:10:48
14 2020 at 12:03 p.m. -- it's the first page of the 01:11:09
15 exhibit -- 01:11:12

16 A. Yes. 01:11:18

17 Q. -- you say in the second sentence (as 01:11:19
18 read): 01:11:21

19 "Hmm, it's news to me...it was changed -- 01:11:22
20 way back in 2017, Alexandra asked me" -- 01:11:25
21 "asked about copyright and my lawyer 01:11:29
22 suggested I get paid by Andrea Bartz Inc 01:11:31
23 but keep the copyright in my name, not the 01:11:33
24 S-Corp's." 01:11:35

25 Do you see that? 01:11:37

Page 150

1 A. Yes. 01:11:38

2 Q. Did you have a lawyer at that time? 01:11:39

3 A. I believe I spoke to the lawyer for my 01:11:40

4 accountant at my accountant's office. 01:11:43

5 Q. Uh-huh. 01:11:46

6 A. And so I sort of was saying "my lawyer" -- 01:11:46

7 Q. Okay. 01:11:50

8 A. -- without being specific. 01:11:51

9 Q. Okay. And there's a reference after that 01:11:52

10 to a 9/21/17 e-mail with Alexandra and 01:12:01

11 Christina Lin. 01:12:06

12 Is "Alexandra" Alexandra Machinist? 01:12:07

13 A. Yes. 01:12:12

14 Q. Who is Christina Lin? 01:12:12

15 A. Her then assistant. 01:12:14

16 Q. Okay. Do you recall if you still have 01:12:16

17 this e-mail, the 9/21/17 e-mail? 01:12:24

18 A. I don't have any reason to think I don't 01:12:31

19 have it anymore. 01:12:33

20 Q. Okay. There's a person on this thread 01:12:34

21 named Lindsey Sanderson. 01:12:47

22 Do you know who that is? 01:12:50

23 A. She was Alexandra's assistant at the 01:12:51

24 time. 01:12:56

25 Q. Okay. And, then, on the very top e-mail, 01:13:00

1 the fourth paragraph down, you say (as read): 01:13:05

2 "Re: The copyright, thanks again for 01:13:10

3 digging! I'm...not sure how this 01:13:12

4 happened, but I can confirm that 01:13:16

5 everything should be copyrighted under"-- 01:13:17

6 "copyrighted under Andrea Bartz" -- 01:13:20

7 (Clarification requested by the reporter.) 01:13:21

8 MR. FARRIS: I'll slow down. I'm sorry. 01:13:22

9 Q. "-- and this needs to be amended for 01:13:22

10 past books." 01:13:24

11 Do you see that? 01:13:26

12 A. Yes. 01:13:27

13 Q. Okay. So -- 01:13:28

14 MS. GEMAN: I'll just note you left out a 01:13:29

15 word, but it doesn't matter. 01:13:31

16 MR. FARRIS: Okay. Sorry. I need to read 01:13:32

17 slower for everybody's sake. 01:13:34

18 Q. Was there an amendment for past books that 01:13:38

19 came after this? 01:13:41

20 A. I don't believe any amendments came after 01:13:44

21 this, because I was incorrect in asking them to 01:13:46

22 change it at that time. 01:13:51

23 MR. FARRIS: Okay. I'm going to mark 01:14:16

24 Exhibit 56. 01:14:17

25 / / / / /

1 (Deposition Exhibit 56 was marked for 01:14:18
2 identification.) 09:35:29
3 MR. FARRIS: Exhibit 56 is marked 01:14:26
4 BARTZ-3382 to -3385. 01:14:28
5 It's a October 22nd, 2020 Random House 01:14:32
6 agreement. 01:14:42
7 Q. Do you see that? 01:14:43
8 A. Yes. 01:14:44
9 Q. And if you turn to the second page, there 01:14:47
10 is a signature for "ANDREA BARTZ INC." 01:14:52
11 Do you see that? 01:14:55
12 A. Yes. 01:14:56
13 Q. Do you have any reason to doubt that that 01:14:57
14 is your signature? 01:14:59
15 A. No. 01:15:00
16 Q. Okay. And if you go back to the first 01:15:05
17 page, there's a -- there's a reference to three 01:15:07
18 agreements, one dated October 23rd, 2017, one dated 01:15:12
19 November 26th, 2018, and one dated November 12th, 01:15:17
20 2019. 01:15:22
21 Do you see those references? 01:15:23
22 A. Yes. 01:15:25
23 Q. Are those your publishing agreements with 01:15:26
24 Random House? 01:15:28
25 A. Yes, I believe so. 01:15:29

Page 153

1 Q. Okay. Do you recall why you entered an 01:15:30
2 amendment at this time concerning your publishing 01:15:35
3 agreements? 01:15:38

4 A. I genuinely don't recall it being after 01:15:42
5 this e-mail exchange. 01:15:45

6 But I do recall that, after thinking 01:15:47
7 everything through and having my memory refreshed 01:15:51
8 and clarity, we concluded that the copyright owner 01:15:54
9 for all of my books I had already written and the 01:15:59
10 ones that were newly under contract, but hadn't come 01:16:02
11 out, should be Andrea Bartz, Inc. 01:16:06

12 Q. Okay. So was the purpose of this 01:16:09
13 agreement to -- to shift copyrights from 01:16:16
14 Andrea Bartz to Andrea Bartz, Inc.? 01:16:21

15 A. I believe so. 01:16:26

16 MR. FARRIS: Let's see. We've been 01:16:47
17 going -- have we been going for another hour at 01:16:48
18 least? 01:16:50

19 MS. GEMAN: Uh-huh. 01:16:51

20 MR. FARRIS: Should we take another break? 01:16:52

21 MS. GEMAN: Sure. 01:16:55

22 THE WITNESS: So can we -- before we do, 01:16:55
23 there was one thing I thought of during lunch, which 01:16:56
24 I thought I should add -- 01:16:59

25 / / / / /

1 (Discussion off the record.) 01:38:16

2 BY MR. FARRIS: 01:38:21

3 Q. Okay. Exhibit 59 is a one-page document 01:38:21

4 that is BARTZ-2334. It's called "ASSIGNMENT," and 01:38:25

5 it reads in full (as read): 01:38:33

6 "Effective as of April 15th, 2021, 01:38:37

7 ANDREA BARTZ, for good and sufficient 01:38:41

8 consideration, hereby assigns to 01:38:43

9 ANDREA BARTZ INC., all of her right, 01:38:45

10 title, and interest in and to the 01:38:48

11 literary work entitled WE WERE NEVER 01:38:50

12 HERE (the 'Work'), which was authored by 01:38:52

13 ANDREA BARTZ, including all rights she 01:38:55

14 may have in the nature of copyright in 01:38:57

15 the Work for the remaining term of 01:39:00

16 copyright," end quote. 01:39:03

17 Did I read that approximately correctly? 01:39:04

18 A. Yes. 01:39:07

19 Q. Okay. Are those your signatures on the 01:39:07

20 lines for "ANDREA BARTZ" and "ANDREA BARTZ INC."? 01:39:11

21 A. Yes. 01:39:13

22 Q. Okay. Do you have any understanding of 01:39:14

23 whether this document assigned copyrights from 01:39:19

24 yourself to -- to your corporation? 01:39:22

25 A. Somewhat, yes. 01:39:27

Page 159

1 Q. What do you understand about the 01:39:28
2 assignment here? 01:39:29
3 A. My understanding is that this assigns, as 01:39:33
4 it says, all the right, title, and interest for 01:39:37
5 We Were Never here to Andrea Bartz, Inc., the 01:39:40
6 book -- the book, We Were Never Here, the book that 01:39:44
7 was authored by myself, the individual, 01:39:47
8 Andrea Bartz. 01:39:49
9 Q. Do you believe yourself, the individual, 01:39:50
10 Andrea Bartz, retained any right to her copyright 01:39:53
11 upon this assignment? 01:39:59
12 MS. GEMAN: Objection. 01:40:01
13 THE WITNESS: I believe those rights were 01:40:01
14 transferred to Andrea Bartz, Inc., an organization 01:40:04
15 of which I am the sole owner, CEO, president, 01:40:06
16 et cetera. 01:40:11
17 BY MR. FARRIS: 01:40:11
18 Q. Okay. Understanding that you may have 01:40:12
19 rights through your corporate interests, do you 01:40:14
20 believe that the rights were completely assigned to 01:40:17
21 the corporate interests here? 01:40:19
22 MS. GEMAN: Objection. 01:40:21
23 THE WITNESS: I'm not a lawyer, so I'm not 01:40:24
24 positive. 01:40:26
25 / / / / /

1 BY MR. FARRIS: 01:40:27

2 Q. Well, are you aware of any -- any 01:40:28

3 reservation of rights reflected anywhere else? 01:40:31

4 MS. GEMAN: Objection. 01:40:34

5 THE WITNESS: Can you say that another 01:40:39

6 way, please? 01:40:40

7 BY MR. FARRIS: 01:40:41

8 Q. Are you aware of any other document in 01:40:41

9 which you reserved rights to your copyright after 01:40:43

10 this date? 01:40:47

11 MS. GEMAN: Objection. 01:40:49

12 THE WITNESS: In which I, the individual, 01:40:50

13 reserved rights -- 01:40:52

14 BY MR. FARRIS: 01:40:53

15 Q. To the copyright for We Were Never Here 01:40:54

16 after April 15th, 2021. 01:40:55

17 A. Again, I'm -- I'm not a lawyer, but my 01:41:01

18 understanding is this assigned all rights for 01:41:03

19 We Were Never Here to the S Corporation. 01:41:08

20 Q. Okay. Why did you execute this assignment 01:41:12

21 on April 15th, 2021? 01:41:16

22 A. My recollection is that we were ready to 01:41:20

23 sign an option with Netflix to option the work. 01:41:24

24 And Netflix, for their purposes, needed 01:41:30

25 in a way that my publisher was not as concerned -- 01:41:35

Page 161

1 needed all the rights to belong to the organization 01:41:39

2 that they were going to pay, which was Andrea Bartz, 01:41:41

3 Inc. 01:41:43

4 So to clear out any possibility of 01:41:44

5 confusion, I signed -- I signed an assignment. 01:41:47

6 Q. So -- so Netflix had -- do you know if 01:41:52

7 Netflix had requested this assignment? 01:41:55

8 A. I don't know. 01:41:58

9 Q. Did you communicate with Netflix directly 01:41:59

10 in that respect? 01:42:03

11 A. No. 01:42:04

12 Q. Who communicated with Netflix about that 01:42:04

13 assignment -- 01:42:06

14 A. My -- 01:42:08

15 Q. -- on your behalf? 01:42:09

16 A. My film agent. 01:42:10

17 Q. Who is your film agent? 01:42:12

18 A. Her name is Josie Freeman. 01:42:14

19 Q. Is she at the same agency as your literary 01:42:17

20 agent? 01:42:21

21 A. Yes. 01:42:21

22 Q. How many of your films -- how many of your 01:42:22

23 books have been optioned? 01:42:24

24 A. All of them. 01:42:25

25 Q. Has Ms. Friedman -- 01:42:26

Page 162

1 option agreement you signed? 01:43:26

2 A. For any of my novels? 01:43:28

3 Q. Yes. 01:43:30

4 A. No. 01:43:30

5 Q. What was the first film option? 01:43:31

6 A. It was for The Lost Night. 01:43:35

7 Q. Was The Lost Night -- was the counter- 01:43:37

8 party Netflix? 01:43:39

9 A. No. 01:43:41

10 Q. So in that case, the counter-party did not 01:43:47

11 ask you to execute a similar assignment? 01:43:52

12 A. Correct. 01:43:55

13 (Deposition Exhibit 60 was marked for 01:43:56

14 identification.) 01:43:56

15 THE WITNESS: Thank you. 01:44:07

16 MR. FARRIS: Exhibit 60? 01:44:11

17 THE REPORTER: Yes. 01:44:12

18 BY MR. FARRIS: 01:44:18

19 Q. Exhibit 60 is marked BARTZ-4686. 01:44:19

20 It's a one-page document. And it's 01:44:24

21 assignment -- it's an assignment that is generally 01:44:26

22 similar-looking to the last one we looked at, but 01:44:32

23 it's dated February 28th, 2025. 01:44:35

24 Do you see that, Ms. Bartz? 01:44:39

25 A. Yes. 01:44:40

1 Q. Do you understand that you are assigning 01:44:43
2 rights in The Lost Night, The Herd, and The Spare 01:44:45
3 Room via this assignment? 01:44:48
4 A. Yes. 01:44:50
5 Q. And are you similarly assigning all your 01:44:51
6 rights from Andrea Bartz to Andrea Bartz, Inc. in 01:44:53
7 those works? 01:44:55
8 MS. GEMAN: Objection. 01:44:56
9 THE WITNESS: That is my understanding, 01:45:00
10 but I'm not a lawyer. 01:45:01
11 BY MR. FARRIS: 01:45:02
12 Q. Okay. Are you aware of any rights that 01:45:03
13 you have retained personally in these three works 01:45:07
14 after this assignment? 01:45:11
15 MS. GEMAN: Objection. 01:45:13
16 A. I am not aware of other rights. 01:45:18
17 Q. And there's a signature line for 01:45:20
18 "ANDREA BARTZ" and "ANDREA BARTZ INC." 01:45:22
19 Any reason to doubt that those are your 01:45:24
20 signatures? 01:45:27
21 A. No. 01:45:27
22 Q. This was executed, like, effectively last 01:45:29
23 week or less than -- around a week ago; right? 01:45:33
24 A. Uh-huh. Yes. 01:45:37
25 Q. What was the reason for the timing of 01:45:40

Page 165

Page 166

1 A. But to walk you through it, I earned 02:23:44
2 out on the advance for We Were Never Here, meaning 02:23:46
3 my royalties against the advance exceeded \$125,000. 02:23:51
4 So then I began getting royalties for We Were Never 02:23:56
5 Here. 02:23:59
6 Q. Okay. And were those -- are those 02:23:59
7 royalties -- have they always been paid to 02:24:03
8 Andrea Bartz, Inc.? 02:24:06
9 A. Yes, I believe so. 02:24:07
10 Q. Okay. Were the advances for these books 02:24:08
11 paid to Andrea Bartz, Inc.? 02:24:12
12 A. Yes, I believe so. 02:24:14
13 Q. Were -- was the advance for The Herd paid 02:24:17
14 out to Andrea Bartz, Inc.? 02:24:21
15 A. Yes, I believe so. 02:24:23
16 Q. Has The Herd earned out? 02:24:24
17 A. No. 02:24:27
18 Q. Okay. I don't have to go through all the 02:24:31
19 questions again. 02:24:33
20 (Deposition Exhibit 64 was marked for 02:24:34
21 identification.) 02:24:34
22 THE WITNESS: Thank you. 02:25:14
23 MR. FARRIS: Marking Exhibit 64, it's 02:25:17
24 BARTZ-4687 to BARTZ-4689. 02:25:19
25 Q. Do you recognize what is depicted on 02:25:29

1 BY MR. FARRIS: 02:58:25

2 Q. Okay. And for any of your four books, has 02:58:26

3 there -- do you know if Penguin Random House has 02:58:29

4 ever issued a Royalty Report to Andrea Bartz, the 02:58:31

5 individual? 02:58:36

6 A. I don't believe they have, but I'm not 02:58:36

7 positive. 02:58:38

8 Q. Okay. 02:58:39

9 (Deposition Exhibit 67 was marked for 02:58:39

10 identification.) 02:59:04

11 THE WITNESS: Thank you. 02:59:06

12 MR. FARRIS: Exhibit 67, which I just 02:59:13

13 marked, is a one-page document, BARTZ-278. 02:59:16

14 Q. Do you recognize what this is, ma'am? 02:59:25

15 A. Yes. 02:59:28

16 Q. What is it? 02:59:28

17 A. This is a payment confirmation from ICM 02:59:29

18 for, I believe, the publication of The Lost Night 02:59:34

19 or -- excuse me -- payment on paperback publication 02:59:38

20 of The Lost Night. Is that right? Yeah. 02:59:43

21 Q. Do these -- so this reflects a transfer 02:59:46

22 of funds from your literary agent to your company, 02:59:51

23 Andrea Bing (phonetic) -- Andrea Bartz Inc.? 02:59:57

24 A. Yes. 03:00:01

25 Q. So is this a payment of royalties? 03:00:01

Page 213

Page 214

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; and that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: March 12, 2025



JANE GROSSMAN

CSR No. 5225