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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

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

Plaintiffs,

v.

ANTHROPIC PBC,

Defendants.

Case No.: 3:24-cv-05417-WHA

**DECLARATION OF COLLIN
 FREDRICKS IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 ANTHROPIC'S MOTION FOR
 SUMMARY JUDGMENT**

REDACTED

1 I, Collin Fredricks, declare:

2 1. I am an associate in the Houston, Texas office of the law firm Susman Godfrey
3 L.L.P., counsel of record for Plaintiffs in the above-captioned case. I am a member of the State
4 Bar of Texas and am admitted to practice before this Court *pro hac vice*. I make this declaration
5 based on my own personal knowledge. If called upon to testify, I could and would testify
6 competently to the truth of the matters stated herein.

7 2. Discovery in the case is ongoing, and Anthropic has continued to make substantial
8 document productions and claw back documents as privileged as late as the filing date of this
9 brief. Likewise, Anthropic has withheld or redacted nearly 1,500 documents as privileged, many
10 of which are facially overbroad or baseless. Furthermore, Anthropic only completed its review
11 and re-designations in response to Plaintiffs' privilege challenges on the filing date of this brief:
12 April 24, 2025. Plaintiffs intend to review Anthropic's re-designations and challenge Anthropic's
13 overbroad privilege assertions.

14 3. In the course of its productions, Anthropic produced a spreadsheet showing the
15 training data mix for each of its models, including models not publicly released, at
16 ANT_BARTZ_000209256. Duplicates of that spreadsheet was produced under the following
17 Bates stamps at ANT_BARTZ_000337664 and ANT_BARTZ_000209402. I reviewed that
18 spreadsheet several times. On April 1, however, Anthropic clawed back those documents because
19 they "were produced inadvertently with incorrect confidentiality designations." Anthropic took
20 the position that these spreadsheets "should have been designated as HIGHLY CONFIDENTIAL
21 SOURCE CODE and/or HIGHLY CONFIDENTIAL - TRAINING DATA." Plaintiffs challenged
22 these designations as the spreadsheets were not code or themselves training data, but complied
23 with the clawback requests. However, Anthropic has since refused to allow Plaintiffs to view that
24 spreadsheet in any form outside of the secure inspection environment, set up near Anthropic's
25 offices in San Francisco. On three separate meet-and-confers, Plaintiffs requested a redacted
26 version which could be cited in this opposition, but Anthropic did not provide one. Therefore,
27 Plaintiffs are forced to rely on this Declaration to represent the contents of that spreadsheet.
28

4. Based on my review of the clawed-back spreadsheet, the training data mix of Anthropic's "Finch" model included datasets associated with Books3, Pilimi, and Library Genesis.

5. Attached as **Exhibit 1** is a true and correct copy of a document titled [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000003439-3440.

6. Attached as **Exhibit 2** is a true and correct copy of a document that begins [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000004915-4920.

7. Attached as **Exhibit 3** is a true and correct copy of a document titled [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000003433-3436.

8. Attached as **Exhibit 4** is a true and correct copy of a document titled [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000168435-8443.

9. Attached as **Exhibit 5** is a true and correct copy of an Oct. 25, 2020 tweet by Shawn Presser, accessed by Plaintiffs on March 27, 2025 at this URL:
<https://x.com/theshawwn/status/1320282149329784833?lang=en>.

10. Attached as **Exhibit 6** is a true and accurate copy of Anthropic PBC's Objections and Responses to Plaintiffs' Fourth Set of Interrogatories.

11. Attached as **Exhibit 7** is a true and correct copy of a post on the website for the Office of the United States Trade Representative entitled *2024 Review of Notorious Markets for Counterfeiting and Piracy*, accessed by Plaintiffs on March 27, 2025 at this URL:
[https://ustr.gov/sites/default/files/2024%20Review%20of%20Notorious%20Markets%20of%20Counterfeiting%20and%20Piracy%20\(final\).pdf](https://ustr.gov/sites/default/files/2024%20Review%20of%20Notorious%20Markets%20of%20Counterfeiting%20and%20Piracy%20(final).pdf).

12. Attached as **Exhibit 8** is a true and correct copy of a screenshot of Benjamin Mann's browser, produced by Anthropic PBC as ANT_BARTZ_000389776.

13. Attached as **Exhibit 9** is a true and correct copy of a higher-resolution image of the Library Genesis logo, accessed by Plaintiffs on April 24, 2025 at this URL:
https://en.wikipedia.org/wiki/Library_Genesis#/media/File:Libgen_logo.svg.

1 14. Attached as **Exhibit 10** is a true and correct copy of the homepage for the Pirate
2 Library Mirror website, pilimi.org, as of July 3, 2022. The archived webpage was accessed by
3 Plaintiffs via the Wayback Machine at this URL:

4 <https://web.archive.org/web/20220703222308/http://pilimi.org/>.

5 15. Attached as **Exhibit 11** is a true and correct copy of a Nov. 16, 2022 press release
6 by the United States Attorney's Office for the Eastern District of New York entitled *Two Russian*
7 *Nationals Charged with Running Massive E-Book Piracy Site*, accessed by Plaintiffs on March
8 27, 2025 at this URL: [https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-](https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-running-massive-e-book-piracy-website)
9 [running-massive-e-book-piracy-website](https://www.justice.gov/usao-edny/pr/two-russian-nationals-charged-running-massive-e-book-piracy-website).

10 16. Attached as **Exhibit 12** is a true and correct copy of a document titled,
11 [REDACTED] produced by Anthropic PBC as
12 ANT_BARTZ_000391318-20.

13 17. Attached as **Exhibit 13** is a true and correct copy of a document titled,
14 [REDACTED] produced by Anthropic PBC as
15 ANT_BARTZ_000534120-22.

16 18. Attached as **Exhibit 14** is a true and correct copy of a document titled,
17 [REDACTED] produced by Anthropic PBC as
18 ANT_BARTZ_000389778-81.

19 19. Attached as **Exhibit 15** is a true and correct copy of a document titled, [REDACTED]
20 [REDACTED]
21 produced by Anthropic PBC as ANT_BARTZ_000003386-3414.

22 20. Attached as **Exhibit 16** is a true and correct copy of a document titled,
23 [REDACTED] produced by Anthropic PBC as
24 ANT_BARTZ_000533972-3980.

25 21. Attached as **Exhibit 17** are true and correct copies of excerpts of the Deposition of
26 Jared Kaplan, taken on April 11, 2025.

27 22. Attached as **Exhibit 18** is a true and correct copy of an Inc article titled,
28 "Anthropic Just Reached a New Revenue Milestone," written by Ben Sherry, published on March

12, 2025, and accessible at this URL: <https://www.inc.com/ben-sherry/anthropic-just-reached-a-new-revenue-milestone/91160252>.

23. Attached as **Exhibit 19** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000394794.

24. Attached as **Exhibit 20** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000391435-1443.

25. Attached as **Exhibit 21** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000005492.

26. Attached as **Exhibit 22** are true and correct copies of excerpts of the Deposition of Tom Turvey, taken on April 10, 2025.

27. Attached as **Exhibit 23** are true and correct copies of excerpts of the Deposition of Andrea Bartz and Andrea Bartz, Inc., taken on March 7, 2025

28. Attached as **Exhibit 24** are true and correct copies of excerpts of the Deposition of Charles Graeber, taken on March 5, 2025.

29. Attached as **Exhibit 25** are true and correct copies of excerpts of the Deposition of Kirk Wallace Johnson and MJ+KJ, Inc., taken on March 6, 2025.

30. Attached as **Exhibit 26** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000146048.

31. Attached as **Exhibit 27** is a true and correct copy of a January 8, 2023 email from Dario Amodei to Jared Kaplan, produced by Anthropic PBC as ANT_BARTZ_000002604.

32. Attached as **Exhibit 28** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000006294-6296.

33. Attached as **Exhibit 29** is a true and correct copy of a document titled, [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000032229-2234.

1 34. Attached as **Exhibit 30** is a true and correct copy of Anthropic PBC's Objections
2 and Responses to Plaintiffs' Second Set of Interrogatories.

3 35. Attached as **Exhibit 31** is a true and correct copy of an August 30, 2024 email
4 from Gyula Lakatos to Cecilia Latapie, produced by Anthropic PBC as
5 ANT_BARTZ_000035587-5591.

6 36. Attached as **Exhibit 32** is a true and correct copy of an August 7, 2024 email from
7 Miliett Alcantar Tavira to Cecilia Latape, produced by Anthropic PBC as
8 ANT_BARTZ_000139989.

9 37. Attached as **Exhibit 33** is a true and correct copy of a document titled,
10 [REDACTED] produced by Anthropic PBC as
11 ANT_BARTZ_000184285-4333.

12 38. Attached as **Exhibit 34** is a true and correct copy of an excerpt of the transcript of
13 the Technology Tutorial Hearing held on January 30, 2025.

14 39. Attached as **Exhibit 35** is a true and correct copy of a document titled,
15 [REDACTED] produced by Anthropic PBC as ANT_BARTZ_000029063-
16 9171.

17 40. Attached as **Exhibit 36** is a true and correct copy of an email thread titled, [REDACTED]
18 [REDACTED] produced by Anthropic PBC as
19 ANT_BARTZ_000006228-6229.

20 41. Attached as **Exhibit 37** is a true and correct copy of Anthropic PBC's Objections
21 and Responses to Plaintiffs' Third Set of Interrogatories.

22 42. Attached as **Exhibit 38** is a true and correct copy of a document titled, [REDACTED]
23 [REDACTED] produced by Anthropic PBC as
24 ANT_BARTZ_000004895.

25 43. Attached as **Exhibit 39** is a true and correct copy of the New York Times article,
26 *Silicon Valley Confronts a Grim New A.I. Metric*, written by Kevin Roose, published on Dec. 6,
27 2023, accessible at this URL: [https://www.nytimes.com/2023/12/06/business/dealbook/silicon-](https://www.nytimes.com/2023/12/06/business/dealbook/silicon-valley-artificial-intelligence.html)
28 [valley-artificial-intelligence.html](https://www.nytimes.com/2023/12/06/business/dealbook/silicon-valley-artificial-intelligence.html).

1 44. Attached as **Exhibit 40** is a true and correct copy of The Verge article, *Google*
2 *Helps DOJ Make First Big Mistake in Apple Ebook Trial*, written by Greg Sandoval, published on
3 June 6, 2013, accessible at this URL: [https://www.theverge.com/2013/6/6/4404026/google-helps-](https://www.theverge.com/2013/6/6/4404026/google-helps-doj-make-first-big-mistake-in-apple-ebook-trial)
4 [doj-make-first-big-mistake-in-apple-ebook-trial](https://www.theverge.com/2013/6/6/4404026/google-helps-doj-make-first-big-mistake-in-apple-ebook-trial).

5 45. Attached as **Exhibit 41** is a true and correct copy of the donation page for the Z-
6 Library website, <https://zlibrary-global.se/howtodonate.php>, as of October 1, 2023. The archived
7 webpage was accessed by Plaintiffs via the Wayback Machine at this URL:
8 <https://web.archive.org/web/20231001023025/https://zlibrary-global.se/howtodonate.php>.

9 46. Attached as **Exhibit 42** is a true and correct copy of a donation page of Anna's
10 Archive website, accessible at this URL: <https://annas-archive.org/donate>.

11 47. Attached as **Exhibit 43** is a true and correct copy of a document titled, [REDACTED]
12 [REDACTED] produced by Anthropic PBC as
13 ANT_BARTZ_000415587-9, as well as the attached photographs titled, "IMG_1459.jpg,"
14 "IMG_1455.jpg," and "IMG_1451.jpg," produced by Anthropic PBC as
15 ANT_BARTZ_000415597-9.

16 48. Attached as **Exhibit 44** is a true and correct copy of the paper, *The Pile: An*
17 *800GB Dataset of Diverse Text for Language Modeling*, by EleutherAI, accessible at this URL:
18 <https://arxiv.org/pdf/2101.00027>.

19 49. Attached as **Exhibit 45** is a true and correct copy of a post on Anthropic's website
20 titled, *Anthropic Raises Series E at \$61.5B Post-Money Valuation*, published on Mar. 3, 2025,
21 accessible at this URL: [https://www.anthropic.com/news/anthropic-raises-series-e-at-usd61-5b-](https://www.anthropic.com/news/anthropic-raises-series-e-at-usd61-5b-post-money-valuation)
22 [post-money-valuation](https://www.anthropic.com/news/anthropic-raises-series-e-at-usd61-5b-post-money-valuation).

23 50. Attached as **Exhibit 46** is a true and correct copy of a handout provided by
24 Anthropic PBC at the Deposition of Pranay Sangani.

25 51. Attached as **Exhibit 47** is a true and correct copy of a WIRED article titled, "The
26 Battle Over Books3 Could Change AI Forever," written by Kate Knibbs, published on Sep. 4,
27 2023, accessible at this URL: <https://www.wired.com/story/battle-over-books3/>.

28

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 24th day of April, 2025 in Houston, TX.

3
4 /s/ Collin Fredricks
Collin Fredricks

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing and all documents attached hereto were served April 24, 2025 upon counsel of record via service by ECF.

/s/ Collin Fredricks
Collin Fredricks