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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,

Defendant.

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

Action Filed: August 19, 2024

**DECLARATION OF DOUGLAS A.
WINTHROP IN SUPPORT OF
DEFENDANT ANTHROPIC PBC'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Date: May 15, 2025

Time: 8:00 a.m.

Place: Courtroom 12, 19th Floor

Judge: Honorable William H. Alsup

1 I, Douglas A. Winthrop, declare:

2 1. I am a partner at the law firm of Arnold & Porter Kaye Scholer LLP and am one of
3 the attorneys representing Defendant Anthropic PBC (“Anthropic”) in this matter. I am an attorney
4 duly licensed to practice law in the State of California.

5 2. I make this declaration in support of Anthropic’s Opposition to Plaintiffs’ Motion for
6 Class Certification. The information set herein is true to the best of my knowledge, information, and
7 belief, and if called upon to testify, I could and would testify to the following:

8 3. Plaintiffs Andrea Bartz and Andrea Bartz, Inc. (collectively, “Bartz”) have not
9 produced option agreements for the books *The Herd* and *The Spare Room*.

10 4. Attached as Exhibit 1 is a true and correct copy of the Certificate of Registration TX
11 8-858-704 for *The Lost Night*, marked as BARTZ000004695.

12 5. Attached as Exhibit 2 is a true and correct copy of the Certificate of Registration TX
13 9-000-657 for *We Were Never Here*, marked as BARTZ000004699.

14 6. Attached as Exhibit 3 is a true and correct copy of the Certificate of Registration TX
15 9-301-448 for *The Spare Room*, marked as BARTZ000004697.

16 7. Attached as Exhibit 4 is a true and correct copy of the Certificate of Registration TX
17 8-912-519 for *The Herd*, marked as BARTZ000004693.

18 8. Attached as Exhibit 5 is a true and correct copy of a letter from Penguin Random
19 House to Andrea Bartz attaching a November 26, 2018 publishing agreement between Andrea Bartz
20 Inc. and The Crown Publishing Group, marked as BARTZ000004755-4782.

21 9. Attached as Exhibit 6 is a true and correct copy of a Publishing Agreement between
22 Andrea Bartz, Inc. and Random House, dated November 12, 2019, marked as BARTZ000003427-
23 3454.

24 10. Attached as Exhibit 7 is a true and correct copy of a letter from Penguin Random
25 House to Andrea Bartz attaching a October 23, 2017 publishing agreement between Andrea Bartz,
26 Inc. and The Crown Publishing Group, marked as BARTZ000005288-5307.

27 11. Attached as Exhibit 8 is a true and correct copy of excerpts from the March 7, 2025
28 transcript of the deposition of Andrea Marie Bartz.

1 12. Attached as Exhibit 9 is a true and correct copy of an Option/Purchase Agreement
2 between Netflix and Andrea Bartz Inc., dated April 16, 2021, marked as BARTZ000003547-74.

3 13. Attached as Exhibit 10 is a true and correct copy of an Amendment to the
4 Option/Acquisition Deal Memorandum between Cartel Entertainment, LLC and Andrea Bartz, Inc.,
5 dated November 3, 2019, marked as BARTZ000000023-28.

6 14. Attached as Exhibit 11 is a true and correct copy of an email from Andrea Bartz to
7 Caroline Weishuhn, dated September 28, 2020, marked as BARTZ000003412-15.

8 15. Attached as Exhibit 12 is a true and correct copy of an Amendment to Publishing
9 Agreements between Andrea Bartz Inc. and Random House, dated October 22, 2020, marked as
10 BARTZ000003382-85.

11 16. Attached as Exhibit 13 is a true and correct copy of an Assignment from Andrea Bartz
12 to Andrea Bartz Inc., dated April 15, 2021, marked as BARTZ000002334.

13 17. Attached as Exhibit 14 is a true and correct copy of an Assignment from Andrea Bartz
14 to Andrea Bartz Inc., dated February 28, 2025, marked as BARTZ000004686.

15 18. Attached as Exhibit 15 is a true and correct copy of the Certificate of Registration TX
16 8-680-299 for *The Breakthrough*, marked as BARTZ000004701.

17 19. Attached as Exhibit 16 is a true and correct copy of the Certificate of Registration TX
18 7-731-544 for *The Good Nurse*, marked as BARTZ000004702.

19 20. Attached as Exhibit 17 is a true and correct copy of a Publishing Agreement between
20 Grand Central Publishing and Charles Graeber, dated September 6, 2007, marked as
21 BARTZ000000207-24.

22 21. Attached as Exhibit 18 is a true and correct copy of a Publishing Agreement between
23 Grand Central Publishing and Charles Graeber dated December 14, 2015, marked as
24 BARTZ000000225-41.

25 22. Attached as Exhibit 19 is a true and correct copy of excerpts from the March 5, 2025
26 transcript of the deposition of Charles A. Graeber.

23. Attached as Exhibit 20 is a true and correct copy of a Memorandum of Agreement between Having and Selling LLC and La Nave di Teseo Editore Srl, dated June 24, 2021, marked as BARTZ000005659-5666.

24. Attached as Exhibit 21 is a true and correct copy of a Memorandum of Agreement between Having and Selling LLC and Nakladatelsvi Jota, s.r.o., dated March 3, 2023, marked as BARTZ000005676-5678.

25. Attached as Exhibit 22 is a true and correct copy of a letter from 22nd Street Entertainment, LLC to Charles Graeber, attaching Literary Material Option/Purchase Agreement, dated August 7, 2013, marked as BARTZ000004621-72.

26. Attached as Exhibit 23 is a true and correct copy of the Certificate of Registration TX 7-764-797 for *To Be a Friend Is Fatal*, marked as BARTZ000004706-707.

27. Attached as Exhibit 24 is a true and correct copy of the Certificate of Registration TX 9-212-326 for *The Fisherman and the Dragon*, marked as BARTZ000004704-705.

28. Attached as Exhibit 25 is a true and correct copy of the Certificate of Registration TX 8-590-664 for *The Feather Thief*, marked as BARTZ000004703.

29. Attached as Exhibit 26 is a true and correct copy of excerpts from the March 6, 2025 transcript of the deposition of Kirk W. Johnson.

30. Attached as Exhibit 27 is a true and correct copy of Simon & Schuster a Royalty Statement for Six Months Ending March 31, 2024 to Kirk W. Johnson, marked as BARTZ000000599-604.

31. Attached as Exhibit 28 is a true and correct copy of a Penguin Random House Royalty Summary Statement for Period February 1 to July 31, 2024 to MJ + KJ, Inc., marked as BARTZ000000961-64.

32. Attached as Exhibit 29 is a true and correct copy of a Penguin Random House Royalty Summary Statement for Period February 1 to July 31, 2024 to MJ + KJ, Inc., marked as BARTZ000001288-91.

33. Attached as Exhibit 30 is a true and correct copy of a Publishing Agreement between Simon & Schuster, Inc. and K. Johnson, dated June 15, 2012, marked as BARTZ000004875-4899.

1 34. Attached as Exhibit 31 is a true and correct copy of a Publishing Agreement between
2 MJ + KJ, Inc. and Viking, dated August 24, 2015, marked as BARTZ000005520-5533.

3 35. Attached as Exhibit 32 is a true and correct copy of a Publishing Agreement between
4 MJ + KJ, Inc. and Viking, dated July 8, 2019, marked as BARTZ000004841-4860.

5 36. Attached as Exhibit 33 is a true and correct copy of a Short-Form Rights Option
6 Agreement between Amazon Content Services LLC and MJ + KJ Inc., dated November 12, 2018,
7 marked as BARTZ000000088-93.

8 37. Attached as Exhibit 34 is a true and correct copy of an Assignment and Work for Hire
9 from K. Johnson to MJ + KJ Inc., dated January 28, 2025, marked as BARTZ000004690-91.

10 38. Attached as Exhibit 35 is a true and correct copy of a report summarizing Anthropic
11 ablation studies, marked as ANT_BARTZ_000273474-486.

12 39. Attached as Exhibit 36 is a true and correct copy of International Thriller Writers,
13 *Artificial Intelligence Survey Author Responses*, dated March 14, 2023, marked as
14 ANT_BARTZ_000435250-267.

15 40. Attached as Exhibit 37 is a true and correct copy of US Copyright Office, *Report on*
16 *Orphan Works*, dated January 2006, marked as ANT_BARTZ_000435397-529.

17 41. Attached as Exhibit 38 is a true and correct copy of Cornell University Library,
18 *Copyright Term and the Public Domain in the United States*, updated January 1, 2025.

19 42. Attached as Exhibit 39 is a true and correct copy of US Copyright Office, *Orphan*
20 *Works and Mass Digitization*, dated June 2015, marked as ANT_BARTZ_000435530-763.

21 43. Attached as Exhibit 40 is a true and correct copy of excerpts from the April 8, 2025
22 transcript of the deposition of Dr. Ben Y. Zhao.

23 44. Attached as Exhibit 41 is a true and correct copy of excerpts from the April 10, 2025
24 transcript of the deposition of Thomas Turvey.

25 45. Attached as Exhibit 42 is a true and correct copy of a Data Access and Delivery
26 Agreement with HarperCollins Publishers L.L.C., marked as HC004-ANT0001559-1703.

1 46. Attached as Exhibit 43 is a true and correct copy of Society of Authors Policy Team,
2 *SoA survey reveals a third of translators and quarter of illustrators losing work to AI*, dated April
3 11, 2024, marked as ANT_BARTZ_000435987-995.

4 47. Attached as Exhibit 44 is a true and correct copy of a Letter from Authors Alliance to
5 US Copyright Office regarding Policy Study on Artificial Intelligence, Docket No. 2023-06, dated
6 October 30, 2023, marked as ANT_BARTZ_000436088-107.

7 48. Attached as Exhibit 45 is a true and correct copy of a Letter from Project LEND to
8 US Copyright Office regarding Notice of Inquiry (NOI) and request for comments, Artificial
9 Intelligence and Copyright, Docket No. 2023-06, dated October 30, 2023, marked as
10 ANT_BARTZ_000435812-828.

11 49. Attached as Exhibit 46 is a true and correct copy of Oxford Univ. Press, *Researchers*
12 *and AI: Survey Findings*, marked as ANT_BARTZ_000435764-808.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 forgoing is true and correct.

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16 Dated: April 28, 2025

Respectfully submitted,

17 /s/ Douglas A. Winthrop
18 DOUGLAS A. WINTHROP
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CERTIFICATE OF SERVICE

I, Douglas A. Winthrop, am the ECF user whose identification and password are being used to file the foregoing **DECLARATION OF DOUGLAS A. WINTHROP IN SUPPORT OF DEFENDANT ANTHROPIC PBC'S OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION.**

Dated: April 28, 2025

/s/ Douglas A. Winthrop