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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

**DEFENDANT ANTHROPIC PBC'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIALS SHOULD BE
SEALED**

Date: May 15, 2025
Time: 8:00 a.m.
Place: Courtroom 12, 19th Floor

Judge: Honorable William H. Alsup

1 Pursuant to Civil Local Rules 7-11 and 79-5(f), Defendant Anthropic PBC (“Anthropic”)
2 moves to maintain under seal Exhibits 5-7, 9-14, 17-22, 26-34, 40, and 42, which were designated
3 under the Protective Order as protected material by another party or non-party (the “Designating
4 Party”). Anthropic also moves to maintain under seal limited portions of Anthropic’s Opposition to
5 Plaintiffs’ Motion For Class Certification and supporting Declaration of Mohit Iyyer, which cite to
6 material designated under the Protective Order as protected material by the “Designating Party.”

7 Civil Local Rule 79-5(f) requires that a filing party “identify each document or portions
8 thereof for which sealing is sought.” Civil L.R. 79-5(f)(1). “Within 7 days of the motion’s filing,
9 the Designating Party must file a statement and/or declaration as described in subsection (c)(1).”
10 Civil L.R. 79-5(f)(3). Pursuant to these rules, Anthropic identifies portions of the documents listed
11 below, and filed concurrently herewith, that may contain information Plaintiffs designated
12 Confidential or Highly Confidential Attorneys’ Eyes Only under the terms of the Stipulated
13 Protective Order. Anthropic takes no position as to the confidentiality of the information that
14 Plaintiffs requested be filed under seal pursuant to the Protective Order. Rather, Anthropic
15 respectfully requests that this information be sealed provisionally.

ECF	Document	Portions to Seal	Designating Party	Reason
147-2	Ex. 5, Letter from Penguin Random House to Andrea Bartz attaching November 26, 2018 publishing agreement between Andrea Bartz Inc. and The Crown Publishing Group, marked as BARTZ000004755-4782	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-3	Ex. 6, Publishing Agreement between Andrea Bartz Inc and Random House, dated November 12, 2019, marked as BARTZ000003427-3454	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-4	Ex. 7, Letter from Penguin Random House to Andrea Bartz attaching October 23, 2017 publishing agreement between Andrea Bartz Inc. and The Crown Publishing Group, marked as BARTZ000005288-5307	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-5	Ex. 9, Option/Purchase Agreement between Netflix and Andrea Bartz Inc., dated April 16, 2021, marked as BARTZ000003547-74	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)

ECF	Document	Portions to Seal	Designating Party	Reason
147-6	Ex. 10, Amendment to the Option/Acquisition Deal Memorandum between Cartel Entertainment, LLC and Andrea Bartz, Inc., dated November 3, 2019, marked as BARTZ000000023-28	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-7	Ex. 11, Email from Andrea Bartz to Caroline Weishuhn, dated September 28, 2020, marked as BARTZ0000003412-15	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-8	Ex. 12, Amendment to Publishing Agreements between Andrea Bartz Inc. and Random House, dated October 22, 2020, marked as BARTZ0000003382-85	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-9	Ex. 13, Assignment from Andrea Bartz to Andrea Bartz Inc., dated April 15, 2021, marked as BARTZ0000002334	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-10	Ex. 14, Assignment from Andrea Bartz to Andrea Bartz Inc., dated February 28, 2025, marked as BARTZ0000004686	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)

ECF	Document	Portions to Seal	Designating Party	Reason
147-11	Ex. 17, Publishing Agreement between Grand Central Publishing and Charles Graeber, dated September 6, 2007, marked as BARTZ000000207-24	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-12	Ex. 18, Publishing Agreement between Grand Central Publishing and Charles Graeber dated December 14, 2015, marked as BARTZ000000225-41	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-13	Ex. 19, Excerpts from the March 5, 2025 transcript of the deposition of Charles A. Graeber	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-14	Ex. 20, Memorandum of Agreement between Having and Selling LLC and La Nave di Teseo Editore Srl, dated June 24, 2021, marked as BARTZ000005659-5666	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-15	Ex. 21, Memorandum of Agreement between Having and Selling LLC and Nakladatelsvi Jota, s.r.o., dated March 3, 2023, marked as BARTZ000005676-5678	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)

ECF	Document	Portions to Seal	Designating Party	Reason
147-16	Ex. 22, Letter from 22nd Street Entertainment, LLC to Charles Graeber, attaching Literary Material Option/Purchase Agreement, dated August 7, 2013, marked as BARTZ000004621-72	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-17	Ex. 26, Excerpts from the March 6, 2025 transcript of the deposition of Kirk W. Johnson	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-18	Ex. 27, Simon & Schuster Royalty Statement for Six Months Ending March 31, 2024 to Kirk W. Johnson, marked as BARTZ000000599-604	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-19	Ex. 28, Penguin Random House Royalty Summary Statement for Period February 1 to July 31, 2024 to MJ + KJ, Inc., marked as BARTZ0000000961-64	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-20	Ex. 29, Penguin Random House Royalty Summary Statement for Period February 1 to July 31, 2024 to MJ + KJ, Inc., marked as BARTZ0000001288-91	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)

ECF	Document	Portions to Seal	Designating Party	Reason
147-21	Ex. 30, Publishing Agreement between Simon & Schuster, Inc. and K. Johnson, dated June 15, 2012, marked as BARTZ000004875-4899	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-22	Ex. 31, Publishing Agreement between MJ + KJ, Inc. and Viking, dated August 24, 2015, marked as BARTZ000005520-5533	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-23	Ex. 32, Publishing Agreement between MJ + KJ, Inc. and Viking, dated July 8, 2019, marked as BARTZ000004841-4860	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-24	Ex. 33, Short-Form Rights Option Agreement between Amazon Content Services LLC and MJ + KJ Inc., dated November 12, 2018, marked as BARTZ000000088-93	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-25	Ex. 34, Assignment and Work for Hire from K. Johnson to MJ + KJ Inc., dated January 28, 2025, marked as BARTZ000004690-91	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)

ECF	Document	Portions to Seal	Designating Party	Reason
147-26	Ex. 40, Excerpts from the April 8, 2025 transcript of the deposition of Dr. Ben Y. Zhao	Entire Document	Plaintiffs	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-27	Ex. 42, Data Access and Delivery Agreement with HarperCollins Publishers L.L.C., marked as HC004-ANT0001559-1703	Entire Document	Harper Collins	Refers to material designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63)
147-29	Declaration of Mohit Iyyer in Support of Anthropic’s Opposition to Plaintiffs’ Notice of Motion and Motion for Class Certification	Blue highlighted ¹ portions at ¶¶ 67-70, 73-74, 79.	Plaintiffs	Cites and quotes Exhibit 40, as described above. Also refers to material previously designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63), including Dr. Zhao’s source code at BARTZ_ZHAO_CERT_00000506-507, 509.
147-30	Anthropic’s Opposition to Plaintiffs’ Motion for Class Certification	Blue highlighted ² portions at 3:25-4:2, 4:5-7, 4:9-11, 4:15-17, 4:19-20, 5:2-22, 6:3-20, 7:4-7, 13:25-14:4, 14:6-16, 14:20-26, 15:2-8, 18:6-9, 19:4-7, 19:17-	Plaintiffs and Harper Collins	Cites and quotes Exhibits 5-7, 9-14, 17-22, 26-34, 40, and 42, as described above. Also refers to material previously designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Revised Stipulated Protective Order (ECF No. 63), including the Expert Declaration of Dr.

		19, 19 n. 7, 21:23-22:1.		Ben Y. Zhao (ECF No. 121-4).
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For the foregoing reasons, Anthropic respectfully requests that this Court grant this administrative motion.

Dated: April 28, 2025

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Douglas A. Winthrop
DOUGLAS A. WINTHROP

Attorneys for Defendant
ANTHROPIC PBC

¹ This document also includes proposed redactions in yellow highlight because it is the subject of a concurrently filed Motion to Seal regarding Anthropic's nonpublic, highly confidential information.

² This document also includes proposed redactions in yellow highlight as it is the subject of a concurrently filed Motion to Seal regarding Anthropic's nonpublic, highly confidential information.

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years and not a party to the within-entitled action; my business address is 3000 El Camino Real, Five Palo Alto Square, Suite 500, Palo Alto, California 94306. On April 28, 2025, the foregoing **DEFENDANT ANTHROPIC PBC's ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS SHOULD BE SEALED & [PROPOSED ORDER]** were electronically served on the following:

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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed April 28, 2025 at Palo Alto, California.

/s/ Sherri Mills
SHERRI MILLS