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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREA BARTZ, CHARLES GRAEBER,
and KIRK WALLACE JOHNSON,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

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

Action Filed: August 19, 2024

**[PROPOSED] ORDER GRANTING
DEFENDANT ANTHROPIC PBC'S MOTION
FOR AN ORDER PERMITTING
INTERLOCUTORY APPEAL PURSUANT TO
28 U.S.C. § 1292(B) OR, IN THE
ALTERNATIVE, MOTION FOR LEAVE TO
FILE MOTION FOR RECONSIDERATION**

Hearing Date: August 28, 2025

Hearing Time: 8:00 am

Judge: Honorable William H. Alsup

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1 Pending before the Court is Defendant Anthropic PBC's ("Anthropic") Motion for an Order
2 Permitting an Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) or, in the alternative, Motion
3 for Leave to File Motion for Reconsideration (the "Motion") regarding the Court's June 23, 2025
4 order denying in part Anthropic's motion for summary judgment (ECF No. 231, the "Order").
5 Having considered all papers filed in support of and in opposition to the Motion, any oral arguments
6 of counsel, and all other pleadings and papers on file herein, the Court finds as follows:

7
8 1. [Anthropic's Motion for an order permitting an interlocutory appeal pursuant to 28
9 U.S.C. § 1292(b) is **GRANTED**. A district court may certify an order for interlocutory appeal
10 pursuant to U.S.C. § 1292(b) if it (1) involves "a controlling question of law"; (2) on which there
11 is "substantial ground[s] for difference of opinion"; and (3) "an immediate appeal from the order
12 may materially advance the ultimate termination of the litigation" 28 U.S.C. § 1292(b); *see*
13 *In re Cement Antitrust Litig.*, 673 F.2d 1020, 1026 (9th Cir. 1981). The Court finds that all three
14 requirements are met here. The Court hereby amends its Order to certify the order for interlocutory
15 review by the U.S. Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1292(b) and
16 Federal Rule of Appellate Procedure 5(a)(3). Anthropic must seek leave from the Ninth Circuit for
17 an order permitting an interlocutory appeal pursuant to 28 U.S.C. § 1292(b) within 10 days of this
18 Order.]

19 *In the alternative:*

20 2. [Anthropic's motion for leave to file a motion for reconsideration of this Court's Order
21 is **GRANTED**. The Court will issue a briefing schedule on Anthropic's motion for
22 reconsideration.]

23
24 **IT IS SO ORDERED.**

25
26 Dated:

27 _____
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE