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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.

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

Action Filed: August 19, 2024

**ANTHROPIC PBC'S RESPONSE TO
PLAINTIFFS' MOTION TO APPROVE
CLASS NOTICE**

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17 ANTHROPIC PBC

1 Anthropic PBC (“Anthropic”) respectfully submits this response to Plaintiffs’ Motion to
2 Approve Class Notice.

3 Anthropic engaged in good-faith meet-and-confer discussions with Plaintiffs regarding the
4 proposed form of notice and has reached agreement with Plaintiffs on the form of notice attached
5 as Exhibits B-D to Plaintiffs’ Motion. Anthropic has agreed to this proposed form of notice while
6 fully reserving its rights and position before this Court and on appeal that no class should have
7 been certified, that no notice (including the proposed form of notice) should be issued at present,
8 and that the notice and claims process ordered by the Court is insufficient and unwarranted under
9 Rule 23.

10 With respect to Plaintiffs’ proposed notice plan set forth in Plaintiffs’ Motion, Anthropic
11 also conferred in good faith with Plaintiffs’ counsel. It is Anthropic’s position that given the
12 fundamental flaws in the underlying class certification order, any issuance of notice to potential
13 class members at this time would be premature, potentially misleading, and irreparably harmful to
14 Anthropic. As the Court is aware, Anthropic has petitioned the Ninth Circuit for immediate
15 appellate review of the class certification order under Federal Rule of Civil Procedure 23(f), and
16 Anthropic also has sought a stay of these proceedings from the Ninth Circuit pending its
17 resolution of that petition. Both of those motions are pending before the Ninth Circuit.
18 Anthropic thus objects to the Court’s approval of any notice plan until, at a minimum, the appeals
19 court has resolved Anthropic’s pending motions.

20 In addition to its objection to any issuance of class notice at this juncture, Anthropic
21 cannot agree in substance to the notice plan presented by Plaintiffs. To begin, the notice plan
22 requires potential class members to identify other potential class members, and Anthropic objects
23 to such a process, which, as it has explained in its appellate filings, only underscores that the class
24 is not ascertainable and that class certification is unwarranted. Anthropic also is not in a position
25 to know whether the notice proposed by Plaintiffs is—as they contend—reasonable or the best
26 notice practicable under the circumstances. Many of the contentions in Plaintiffs’ Motion—
27 including those based on its communications with potential class members and those pertaining to
28 the likely reach of the notice—are based on representations and assumptions that Anthropic has

1 not been able to investigate or test. Plaintiffs have also not provided Anthropic the data they rely
2 on to contact potential class members, which hinders Anthropic's ability to investigate or
3 challenge the sufficiency of Plaintiffs' notice plan. Anthropic has requested that Plaintiff provide
4 this information on a rolling basis. Moreover, including in light of the fact that two of the three
5 initial plaintiffs ultimately were not class members, Anthropic has no basis to believe that the
6 proposed notice plan is not both significantly overinclusive and underinclusive. Including for
7 these reasons, Anthropic cannot agree to the proposed notice plan or Plaintiffs' representations
8 that it is the best notice practicable under the circumstances or otherwise consistent with Rule 23
9 and due process.

10
11 Dated: August 18, 2025

MORRISON & FOERSTER LLP

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13 By: /s/ Daralyn J. Durie
14 Daralyn J. Durie

15 *Attorneys for Defendant*
16 ANTHROPIC PBC
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