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

ANDREA BARTZ, ANDREA BARTZ, INC.,) Case No.: 3:24-cv-05417-WHA

CHARLES GRAEBER, KIRK WALLACE)

JOHNSON, and MJ + KJ, INC., individually)

and on behalf of others similarly situated,)

Plaintiffs,)

v.)

ANTHROPIC PBC,)

Defendants.)

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 Joseph Farris (Bar No. 263405)
 Pieter de Ganon (Bar No. 320385)
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**STIPULATION AND [PROPOSED]
 ORDER REGARDING EXPERT
 REPORTS**

1 The parties to the above-referenced action, through their respective counsel of record, hereby stipulate
 2 to the following regarding the scope of expert discovery relating to all testifying experts and non-testifying
 3 experts or expert consultants in this matter.

4 1. Except as provided otherwise in this Stipulation, expert discovery shall be governed by the
 5 Federal Rules of Civil Procedure and any other applicable rule.

6 2. To the extent that this Stipulation imposes limitations on discovery that would otherwise be
 7 available under the Federal Rules of Civil Procedure, the parties have agreed to those limitations to increase
 8 the efficiency of their dealings with testifying experts and to minimize discovery disputes regarding testifying
 9 experts. Neither the terms of this Stipulation nor the parties' agreement to them shall be considered an
 10 admission by any person that any of the information restricted from discovery by this Stipulation would
 11 otherwise be discoverable or admissible.

12 3. Pursuant to the Court's Supplemental Order to Order Setting Initial Case Management
 13 Conference in Civil Cases before Judge William Alsup, Dkt. 9, the parties acknowledge and agree that "FRCP
 14 26(a)(2)(B) requires disclosure of all opinions, bases, reasons and other information considered by an expert.
 15 Counsel shall preserve all drafts of expert reports (partial or complete) and notes and other evidence of
 16 communications with experts (or with any intermediaries between counsel and the experts) on the subject of
 17 this actual or potential testimony, and shall instruct their experts and any intermediaries to do likewise. These
 18 materials, however, need not be produced absent the showing required by FRCP 26(b)(3) and (4)." The parties
 19 likewise agree that no discovery is permitted from non-testifying experts except as provided by Fed. R. Civ.
 20 P. 26(b)(4)(D).

21 4. Except as provided in paragraphs 6 and 7, below, the following types of information shall not
 22 be the subject of any form of discovery, and the parties shall not be obligated to preserve such information in
 23 any form or include such information on any privilege log:

- 24 (a) the content of oral, written, or other communications among and between:
 - 25 i. counsel and the expert and/or the expert's staff and/or supporting firms;
 - 26 ii. counsel and any non-testifying expert consultant and/or the consultant's staff;
 - 27 iii. a party and the expert and/or the expert's staff and/or supporting firms;
 - 28 iv. a party and any non-testifying expert consultant and/or the consultant's staff;

- v. the expert and other experts and/or other non-testifying expert consultants;
- vi. the expert and their staff and/or supporting firms;
- vii. non-testifying expert consultants and their staffs;
- viii. the expert and the respective staffs and/or supporting firms of other experts or non-testifying expert consultants;
- ix. non-testifying expert consultants and the respective staffs and/or supporting firms of other experts or non-testifying expert consultants; and/or
- x. the respective staffs and/or supporting firms of experts or non-testifying expert consultants and the staffs and/or supporting firms of other experts or non-testifying expert consultants.

(b) notes, drafts, written communications, preliminary or intermediate calculations, computations, or other types of preliminary work created by, for, or at the direction of a testifying expert in connection with this matter (aside from the final written expert report(s) and notes generated while testifying), including copies of documents produced by any party bearing the notes, markings, or comments of any of the following persons or their staff or agents: the expert, other expert witnesses, non-testifying experts, consultants or outside or in-house attorneys for the party or parties.

5. Except as provided in paragraphs 6 and 7 below, no party or their experts are obligated to preserve or produce budgets, invoices, bills, receipts, or time records concerning the work performed by testifying or non-testifying expert witnesses or consultants, their staff, assistants, colleagues, associates, or other agents, or their companies or organizations, relating to the report, testimony, or services provided in this matter.

6. The limitations contained in paragraphs 4 and 5, above, shall not apply to any communications, documents, calculations, computations or other forms of information or work upon which a testifying expert relies as a basis for any of his or her opinions or reports. To the extent a testifying expert relies on an assumption provided by counsel, the assumption—but not the communication(s) between counsel and the testifying expert concerning that assumption—must be disclosed. For the avoidance of doubt, preliminary or intermediate calculations, computations, or other types of preliminary work need not be produced where the expert ultimately relied on a later, revised version of such calculations, computations, or other types of work.

1 7. Notwithstanding the limitations contained in paragraphs 4 and 5, above, a testifying expert
2 may be asked to respond to reasonable questions regarding the hourly rates of the expert and his or her staff,
3 the amount of time an expert or that expert's staff has spent on the expert's report and associated work, and
4 the amount of money billed for the report and associated work.

5 8. Except as indicated in the schedule in paragraph 13 below, within **three (3) calendar days** of
6 any party serving any expert report and/or expert declaration pursuant to Fed. R. Civ. P. 26(a)(2)(B) or
7 otherwise, the party or parties proffering the expert witness shall produce: the documents, data or other
8 information relied upon by the expert witness in forming the expert witness's opinions; any exhibits that will
9 be used to summarize or support the expert witness's opinions; and any final work product (including but not
10 limited to, analyses, spreadsheets, graphs, and charts) relied upon by the expert witness that is based on the
11 output from any computer programs that are produced. This production shall satisfy in full the requirements
12 of Fed. R. Civ. P. 26(a)(2)(B)(ii). All other disclosures required by Fed. R. Civ. P. 26(a)(2)(B) will be served
13 at the time of the report. "Documents, data or other information relied upon," as used in this paragraph, shall
14 include underlying schedules, spreadsheets, coding, or other information sufficient to reconstruct the work,
15 calculations, and/or analyses upon which the expert witness is relying for his or her opinions.

16 9. The information required by paragraph 8 above shall be produced electronically (via email,
17 disc, or FTP site) where feasible. Data, statistical analyses, or other information (including any calculation or
18 exhibit) upon which an expert relies for any of his or her opinion(s) in this matter shall be provided in machine
19 readable format, including any data that has been cleaned, reformatted, or modified in any way from the form
20 in which it may have been provided to the expert. All other documents, data, and other information relied
21 upon shall be provided in a format as agreed to by the parties, along with any software and instructions
22 required to read them, but no party need produce computer software that is reasonably and commercially
23 available (e.g., Microsoft Word, Excel). Documents that are publicly available need not be produced if they
24 are available online for free at an internet address identified in the expert's report/declaration. Documents that
25 have previously been produced during discovery need not be produced if they are identified by Bates number.

26 10. Notwithstanding the statement in Paragraph 15 of the Court's "Guidelines for Trial and Final
27 Pretrial Conference in Civil Jury Cases that before the Honorable William Alsup" that "[i]llustrative
28 animations, diagrams, charts and models may be used on direct examination only if they were part of the

1 expert's report," the parties agree that demonstrative exhibits may be used at trial if disclosed by category in
2 the parties' respective pretrial disclosures. Further, paragraph 8 above is not intended to limit the ability of
3 any party to prepare and use demonstrative exhibits, including demonstrative exhibits that may relate to an
4 expert's testimony, during the course of any argument, hearing, or trial. The admissibility of any such
5 demonstrative exhibits shall be subject to the Federal Rules of Evidence and the Federal Rules of Civil
6 Procedure unless otherwise provided by order of the Court. The parties agree to meet and confer **at least**
7 **twenty-one (21) calendar days** before trial regarding the timing and procedure for exchanging
8 demonstratives that may be used with experts during trial.

9 11. No subpoenas (for depositions or documents) need be served on any testifying expert from
10 whom a report or declaration is provided. Instead, the party proffering such expert will (a) be responsible for
11 producing all materials and information required by this Stipulation or the Federal Rules of Civil Procedure
12 (to the extent those Rules are not modified by this Stipulation), and (b) make the expert available for
13 deposition at a time mutually agreed to by the parties and consistent with the Court's scheduling orders. To
14 the extent the testifying expert is also a percipient witness, if otherwise permissible under the Federal Rules
15 of Civil Procedure and the Local Rules, the opposing party is not precluded from serving a subpoena for
16 depositions or documents on such witness seeking the witness's percipient testimony or documents.

17 12. Nothing in this Stipulation shall permit a party or a testifying expert to withhold a proposition,
18 fact, belief, or other data, information, or material (including any assumption) on which the expert relies in
19 support of her or his opinion(s) in this matter or that is otherwise discoverable by order of the Court.
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13. The parties agree to the following schedule for expert reports and Daubert motions related to Plaintiffs' "comprehensive, per work list" referenced in the Court's Order on Class Certification (Dkt. 244) at 17, currently due to be filed on **September 1, 2025**:

September 1, 2025	Plaintiffs will serve on Anthropic the opening expert report relating to this "per work list."
September 3, 2025	Plaintiffs will serve on Anthropic all Fed. R. Civ. P. 26(a)(2)(B)(ii) material as described fully in paragraph 8 above.
September 10, 2025	Plaintiffs will make available their "per work list" expert for deposition.
September 15, 2025	(1) Defendant will serve on Plaintiffs the expert report challenging Plaintiffs' "per work list" and any related expert reports, as well as all Fed. R. Civ. P. 26(a)(2)(B)(ii) material as described fully in paragraph 8 above; and (2) Defendant will file any <i>Daubert</i> motion to exclude the testimony of Plaintiffs' "per work list" expert (the "Per Work Daubert" motion).
September 19, 2025	Defendant will make its expert available for deposition.
September 22, 2025	Plaintiffs will file any opposition to Defendant's Per Work <i>Daubert</i> motion.
September 25, 2025 at 8:00 a.m. or at the Court's convenience	Hearing on Defendant's Per Work <i>Daubert</i> motion.

14. The parties also agree that any *Daubert* motions to exclude any other expert testimony (i.e., expert testimony not related to Plaintiffs' "comprehensive, per work list") will be due on **October 30, 2025**, with oppositions due **November 10, 2025**. Otherwise, this Stipulation does not set or alter the time for any disclosure required by Federal Rule of Civil Procedure 26(a)(2)(B) or the timing of any deposition of any testifying expert. The parties reserve all rights, including, for example, the right to seek additional follow-on discovery and/or adjustments to the case schedule, including due to Plaintiffs' pending letter motion dated August 15, 2025 (Dkt. 323).

15. The parties agree to comply with this Stipulation pending the Court's approval.

IT IS SO STIPULATED, through Counsel of Record.

Dated: August 22, 2025

Respectfully submitted,

By: /s/Daniel M. Hutchinson

By: /s/ Fitz Beckwith Collings

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2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
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7 DATED: _____

8 The Honorable William H. Alsup
9 United States District Court Judge
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